Governance Policy - 1.2 Meeting Policy and Procedure

Policy	Governance Policy – 1.2 Meeting Policy and Procedure
Purpose	To provide a process for effective meetings for the Shire of Peppermint Grove
Status	Governance - Operational

Policy

In general, meetings of the Shire of Peppermint Grove will be conducted in accordance with the principles of effective meeting management. The fundamental principles of meetings are as follows:

Principles

1. **A Fair Hearing**

   Every elected member has the right to expect to have a fair hearing at any meeting of Council;

2. **Code of Conduct**

   All elected members and staff present at the meeting have the right and obligation to abide by the Council's Code of Conduct;

3. **Majority decision**

   All members of Council and staff will accept the decision of the majority of members of council except that there is nothing to prevent an elected member from seeking to move a Rescission Motion at a subsequent meeting of Council.

4. **Statutory Compliance**

   Where the local Government Act 1995 provides for requirements relevant to meeting procedure those will be upheld in the course of the meeting.

The Shire of Peppermint Grove conducts the following meetings on a monthly basis, as determined to be the most useful mix of forums to facilitate strategic discussion and effect good decision-making:

1. Concept Forums
2. Agenda Briefing Forums
3. Ordinary Meetings of Council

Procedure – Concept Forums

Concept Forums involve Elected Members, staff and, where appropriate, external advisors, experts or proponents. They are to provide the opportunity to exchange information and ideas about issues or ideas that may affect the Shire of Peppermint Grove.

Concept forums will generally involve projects or matters that are in the early planning stages and are some time away from being presented to the Council for consideration of a formal decision.

During concept forums:

- The Chief Executive Officer or relevant officers will present on agenda items;
- The Chief Executive Officer seeks input from the Elected Members as input into research and further drafting of concepts for any future report;
- Elected Members are fully informed on matters to enable decisions to be made in the best interests of the Shire;
- Elected Members represent the views of the community.

The input through open and free-flowing exchange of ideas and the willingness to contribute to concept forums will provide invaluable direction to the Chief Executive Officer for research and the preparation of any report on the matter if required.

Concept Forums will be closed to the public and agendas will be Confidential. Concept Forums will generally be held on a monthly basis on the same evening, and immediately following, an Agenda Briefing Forum. Additional Concept Forums may be held at the discretion of the Chief Executive Officer in consultation with the President.

Where considered appropriate to ensure Elected Members are fully informed on a matter, guests including experts, consultants or proponents for an item listed on the agenda may be invited to attend and provide a presentation. They will only be present for so much of that forum that applies to their presentation.

The Chief Executive Officer, in consultation with the President, will prepare the agenda for the Concept Forum. The Chief Executive Officer will ensure timely written notice and a confidential agenda for each forum will be provided to all Elected Members, including briefing papers where necessary.

The President is to be the Presiding Member. If the President is unable or unwilling to assume the role of Presiding Member, then the Deputy President may preside. If the Deputy President is unable or unwilling, those Elected Members present may select one from amongst themselves to preside.

As Council's Meeting Procedures will not apply in Concept Forums, it will be responsibility of the Presiding Member to ensure the good conduct of the meeting.

The Presiding Member shall:

1. Advise Elected Members that no decisions will be made during the forum.
2. Encourage all Elected Members present to participate in the sharing and gathering of information.
3. Ensure that all Elected Members have a fair and equal opportunity to participate.
4. Ensure the time available is liberal enough to allow for all matters of relevance to be identified.

Elected Members, employees and invited experts, consultants or proponents shall disclose their interests on any matter listed in accordance with the meeting procedures of an Ordinary Meeting of Council.

Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future forum by:

- A request to the Chief Executive Officer; or
- A request made during the forum.

A record shall be kept during the forum, however, as no decisions are made, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A confidential copy of the record is to be forwarded to all Elected Members.

Procedure - Agenda Briefing Forums

These are forums for Elected Members to become more informed on matters prior to formal consideration at the Ordinary Meeting of Council. The forums encourage open dialogue between Elected Members, Officers and members of the public, and allow Elected Members to gain maximum knowledge and understanding of issues prior to presentation at the Ordinary Meetings of Council.

Agenda Forums involve Elected Members, staff, residents and/or their representatives, and external advisors (where appropriate) and will be open to the public.

Agenda forums provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next Ordinary Meeting of Council for formal consideration and decision.

Agenda Briefing Forums are not decision-making forums and items on the agenda are not to be debated at the Forum.

Agenda Briefing Forums occur two weeks prior to a Council meeting and consider the agenda prepared for the next Ordinary Meeting of Council.

The Agenda should be read in conjunction with the agenda for the next Ordinary Meeting of Council which will be issued at the same time. Both agendas will be publicly available in the Library and on the Shire's website.

The Agenda Briefing Forum will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the Local Government Act 1995 and as detailed in the meeting procedure for the Ordinary Meeting of Council.

The Chief Executive Officer will ensure timely written notice and an agenda for each forum will be provided to all Elected Members. The agenda will be available to the public at the Library and on the Shire's website.

The President is to be the Presiding Member. If the President is unable or unwilling to assume the role of Presiding Member, then the Deputy President may preside. If the Deputy President is unable or unwilling, those Elected Members present may select one from amongst themselves to preside.

The Meeting Procedures for the Ordinary Meetings of Council will generally apply including procedures around deputations and questions from the public which will be adhered to.

There is to be no debate or decision-making amongst Elected Members on any matters raised, however elected members may seek further information or request additional information be supplied prior to the Ordinary Meeting of Council.

Relevant employees of the Shire will make a presentation on agenda items and be available to respond to questions on matters listed on the agenda.

All Elected Members will be given a fair and equal opportunity to participate.

The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.

Elected Members and employees shall disclose their interests on any matter listed in accordance with the meeting procedure for Ordinary Meetings of Council.

A record shall be kept during the forum, however, as no decisions are made, the record need only be a general record of the items covered but shall record requests for further information and any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members and shall be posted on the Shire's website.

Additional requested information will be provided to elected members prior to the Ordinary Meeting of Council as soon as available unless there is a requirement to clarify information in the officer's report or add additional information to the report. This will be clearly shown in the version presented to the council meeting under the heading of 'Further Information. at the end of 'Officers Comment.'

Members of the public may make a deputation by making a written request to the Chief Executive Officer on the working day immediately prior. Deputations must relate to matters listed on the agenda. Deputations are restricted to no more than 5 minutes.

Ordinary Meetings of Council

1. Convening Meetings

Council can decide to hold a meeting by resolution.

In the case of special meetings, the President, or at least one third of Councillors, can do so by giving the CEO written notice setting out the date and purpose of the meeting. The CEO will convene a meeting by giving the notice required by the Local Government Act 1995.

Ordinary Meetings will be set each year for the following twelve months.

2. Presiding at Meetings

The President will preside at all Shire of Peppermint Grove Ordinary Meetings of Council at which he/she is present and able to preside at. If the Presiding Member is not present or is unable to preside, the Deputy Shire President will automatically take the chair. If he/she is also not present or unable to preside, the elected members present will choose a chair from amongst themselves.

No member who has disclosed an interest in a matter is able to preside while that matter is dealt with.

3. Confidentiality

In general, all Council meetings are open to the public. A report on any matter that the Chief Executive Officer considers should be dealt with at a closed meeting will contain an explanation of why confidentiality is recommended. If Council resolves to deal with the matter in this way, the report will be deferred until immediately before the end of the meeting when the public will be asked to leave.

4. Processing Business

The order of business will be as stated on the agenda paper unless Council resolves otherwise. Public question time will precede the making of any decisions by Council. Only business shown on the agenda will be discussed. At Special Meetings only business specified in the notice of the purpose of the meeting will be discussed.

The order of business used will be as follows:

1. Declaration of Official Opening
2. Recording of Attendance, Apologies and Leaves of Absence
3. Delegations and Petitions

4. Public Question Time
5. Declarations of Interest
6. Announcements and Declarations by Members
7. Confirmation of Minutes
8. Officer/Committee Reports
9. New Business of An Urgent Nature
10. Motions on Notice
11. Confidential Items of Business
12. Closure

5. Apologies and Leave of Absence (S2.25 Local Government Act 1995)

Leave of absence may be granted to a member by resolution of Council. A member wishing to apply for leave should give notice of this to the CEO prior to the meeting. Leave cannot be granted for more than 6 consecutive ordinary meetings.

A member who is absent from more than 3 consecutive ordinary meetings without obtaining leave is disqualified as a member.

6. Public Question Time

Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the council and should not be a statement or personal opinion.

During the Council meeting 15 minutes is allocated to public question time, after public question time, no member of the public may interrupt the meeting's proceedings or enter into conversation.

Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.

All questions should be directed to the President and only questions relating to matters affecting Council may be answered at an ordinary meeting, and at a special meeting only questions that relate to the purpose of the meeting may be answered. Questions may be taken on notice and responded to after the meeting at the discretion of the President.

The person presiding will control public question time and ensure each person wishing to ask a question is given a fair and equal opportunity to do so. A person wishing to ask a question should state his or her name and address before asking the question. If the question relates to an item on the agenda, the item number should also be stated. In general, people seeking to ask questions will be given two minutes within which to address their question to the Council. The Presiding Member may shorten or lengthen this time at their discretion.

7. Confirmation of Minutes

Minutes of all Council meetings are to be submitted to the next Ordinary Council meeting for confirmation. No discussion regarding the minutes will take place other than as to their accuracy. The President must sign and date the minutes to certify confirmation.

8. Disclosure of Interest

A member who has a financial, impartiality or proximity interest in a matter that is to be discussed at a meeting of Council or a Committee must disclose the nature of that interest if the member will be in attendance at the meeting.

Disclosure must be made in a written notice to the CEO before the meeting; or at the earliest possible time after the member has become aware of that interest.

9. Announcements by the President Without Discussion

The person presiding may make any announcements on any matters that he/she considers of interest to Council. No discussion will take place or resolution regarding the matters raised.

10. Delegations and Petitions

In the event a guest speaker (or speakers) is in attendance as a delegation to address council on a specific issue, the guests will speak immediately after the President has made announcements without discussion. Following presentations, the President may facilitate questions and answers from elected members. Presentations will be limited to 5 minutes unless extended by the Presiding Member.

In the event of any petitions being presented, the Presiding Member will present the petition immediately following any delegation. Where a petition is presented, the Presiding Member shall read aloud the petition and advise council of the number of petitioners. The Presiding Member may move a motion as follows:

- That the petition be received; or
- That the petition be referred to the Chief Executive Officer for a report to be presented at the next ordinary meeting.

There will be no debate on petitions at the meeting to which they are presented.

11. Officer's Reports

The Chief Executive Officer may make any announcements on any matters relevant to the council as a matter of update for information. No discussion will take place or resolution regarding the matters raised.

The order of reports for consideration will be:

1. Urban Planning

2. Infrastructure
3. Community Development
4. Management/Governance/Policy
5. Corporate

12. Motions on Notice

A member may raise any matter which relates to the good government of the Shire, providing he or she gives notice of the motion to the CEO for distribution to other members.

Such notice should be given at least 7 clear days prior to the day of the meeting to enable distribution to other members and availability to the public prior to the meeting. (7 clear days is 7 business days – therefore Motions on Notice would need to reach the CEO by the Thursday two weeks before the meeting (i.e. – 9 days prior to the meeting).

Motions on Notice will be treated procedurally by being referred to the Chief Executive Officer, without debate, for a report to be presented to the next Ordinary Meeting of Council.

13. Closure

If the business of an ordinary or special meeting of Council is not completed by 9pm the person presiding may seek the leave of Council to proceed to the transaction of unopposed business, and to then adjourn the meeting. If a simple majority of members agree to this, unopposed business will be transacted and the remaining business will be adjourned to a specified time or to a time to be advised.

Debate

All motions under consideration require a mover and a seconder unless the Local Government Act 1995 requires otherwise. (e.g. for a motion to revoke a decision which was made by absolute majority see Administration regulation 10)

14. Recommended Motions

The recommendations in reports will be drafted as motions recommended for adoption.

15. Moving Recommendations

The person presiding will invite members to move the recommendations in the reports, in the order they appear in the agenda.

Members may move recommendations individually; or may move any number of recommendations in numerical sequence up to any recommendation which has been identified as subject to an interest disclosure, or on which Members have indicated they would like to debate or where a member has indicated that they have a disclosure of interest.

16. Recommendations Identified for Interest Disclosure

Before the recommendation of a report that has been identified as subject to an interest disclosure is moved:

- the person presiding will bring the contents of any written notice of an interest regarding that report to the attention of the meeting;
- any member who has an interest in the report which is not yet disclosed will disclose the nature of the interest;
- any member who has disclosed an interest which is a direct or indirect financial interest or a proximity interest, will leave the room while the matter is dealt with unless the interest is of the kind which falls under S5.63 of the Local Government Act 1995;
- Should the member wish to seek council approval to remain in the room but not take part in the discussion or the vote on the matter, they must leave the room while the council determines whether they will be allowed to remain in the room during discussion. In these circumstances, the nature and extent of the interest must also be disclosed. (S 5.68 & 5.69 Local Government Act 1995).

17. Clarification of Reports

Members may request that Officers explain or clarify reports prior to, or during, any discussion of a recommended motion.

18. No Opposition

The person presiding will ask the meeting if any member opposes the motion. If it is not opposed the motion will be declared carried without debate or taking a vote.

19. Opposition to the Motion

If there is opposition to a motion the person presiding will (in the following order):

- invite the mover of the motion to speak to the motion;
- invite any member opposing the motion to speak to it;
- allow other members who wish to speak for or against the motion to speak.

20. Members to Only Speak Once

Members may speak more than once on a motion. The person moving the motion he/she has the right at the end of debate to reply to any matters raised during the debate. Seeking points of clarification or seeking additional information relevant to the report is not considered to be speaking more than once.

21. Person Presiding to Control Debate

The person presiding will ensure that points of view on a motion are given a fair and reasonable opportunity to be expressed and debated. However, he/she is not obliged to permit every member to speak on a motion nor to permit members to speak for excessive periods of time.

The general rule will be:

- each member permitted to speak will have approximately three minutes to present his/her case;
- the person presiding will determine when he or she believes that a motion has been given a fair and reasonable opportunity to be debated;
- all decisions of the person presiding will be final except if a motion of dissent with a ruling is moved by a member, such a motion will be put to the meeting without a seconder and without debate;
- the decision of the majority of members present will be final; and
- the person presiding will follow the meeting's ruling.

22. Amending a Motion

Amendments to a motion on the table:

- may be moved at the conclusion of any speech on the motion;
- cannot negate the meaning of the substantive motion;
- must be of a minor nature such as omitting, substituting or adding words;
- must be seconded;
- must be accurately recorded by the Minute Secretary to the satisfaction of the mover;
- Only one amendment may be considered at a time, but as often as an amendment is lost, another amendment may be moved before the substantive motion is put to the vote.

23. Seconding the Amendment

An amendment must be seconded. Once seconded, the amendment becomes the motion under consideration.

24. Amendment not Seconded

If an amendment is proposed and not seconded the debate returns to the substantive motion.

25. Amendment Passed

If an amendment is passed:

- the amended motion is the motion before the meeting; and
- the person presiding will follow the same process used when dealing with a motion.

26. Reasons for Decision

If an amended motion is adopted instead of an officer recommendation and the change from the recommendation is significant, the person presiding will:

- summarise the meeting's reasons for coming to that decision; and
- request the meeting to confirm the reasons for the decision for the purposes of recording in the minutes.

27. All Members Must Vote

All members present must vote in all decisions of Council unless they cannot participate because of an interest disclosure.

28. Determining the Vote

The person presiding can ask members to indicate their position on a motion as often as he/she believes is necessary to determine what the vote is. The outcome of the vote will be determined by a simple majority unless the decision requires an absolute majority.

29. Other Options

A recommended motion may be:

- adopted;
- referred back to the Administration for further report;
- amended;
- not adopted; and
- replaced by an alternative motion.

30. Referring Back

Before a motion to refer a recommendation back to the Administration is debated the person presiding will request that an officer provide advice on the implications of delaying the matter. The motion to refer an item back to the Administration must identify the action to be taken by the officer.

If an elected member moves a motion to refer back an item, the motion will be dealt with immediately, without debate.

31. Not Adopted

If a motion is not adopted it is negated. If an officer recommendation is negated the person presiding will:

- summarise the meeting's reasons for coming to that decision;
- request that the meeting confirms those reasons for recording in the minutes.

32. Proposing an Alternative Motion

If a recommendation is not adopted an alternative motion may be moved with the simple majority consent of Council. The minutes must show the reasons for the alternative motion being considered and adopted. If the alternative motion is not adopted, discussion will cease on the matter.

Urgent business

33. Person Presiding Consents

If a matter of urgent business is raised:

- the person presiding will determine whether he/she considers the matter sufficiently urgent to be dealt with at the meeting;
- if he/she considers it is, he/she will permit a motion to be moved; and
- will deal with the motion in the same way as an officer recommendation.

34. Meeting consents

If the person presiding determines a matter is not sufficiently urgent to be dealt with as urgent business:

- a member may move a motion of dissent with the ruling;
- the motion will be put to the meeting without a seconder and without debate;
- the decision of the majority of members present will be final;
- the person presiding will follow the meeting's ruling and permit a motion to be moved;
- the motion will be dealt with in the same way as an officer recommendation except that, prior to a final vote on the matter. The person presiding shall invite the Chief Executive Officer to provide advice on the impact of the proposed motion.

Rules of debate

35. Official Title to be Used

During meetings, speakers should address others by using their accepted title. For example: Mayor, Deputy Mayor, Councillor, or in the case of staff by their position title.

36. Order of Speakers

When two or more members indicate they wish to speak at the same time, the President will decide who may speak first.

37. Members not to Interrupt

A member must not interrupt or speak out of turn during a meeting, other than to raise a point of order, make a personal explanation or move a procedural motion.

38. President may Participate in Discussion

The President may discuss any motion before the meeting, providing that he/she addresses the meeting before the right of reply is exercised. The President must exercise a deliberate vote and if the votes are tied may exercise a casting vote.

39. President to be Heard without Interruption

If the President wishes to speak during a debate, all other members should be silent so that the President may be heard without interruption.

40. Members not to Reflect Adversely on Resolution of Council

A member shall not reflect adversely upon the resolution of the Council except on a motion that the resolution be rescinded.

41. Members not to Reflect Adversely on other Members or Officers

A member shall not reflect adversely upon the character or actions of another member or an officer of the Shire of Peppermint Grove nor impute any motive to a member or an officer unless the Council resolves that the motion then before the Council cannot otherwise be adequately considered.

42. Members to Apologise if Adversely Reflect

Any member who, in the opinion of the President, uses offensive language or expressions during a Council meeting may be requested by the President to withdraw the statement and formally apologise.

If the member refuses or fails to comply, the President may refuse to hear any further comments from the member on the business currently being discussed.

43. Relevance to Debate

Members must ensure that any comments or remarks made are relevant to the business or motion under discussion.

Order

44. Point Of Order

A member may bring to the President's attention, any breach of these Meeting Procedures by stating the grounds for the breach and the name of the offending member.

A member expressing a difference of opinion with, or contradicting, a speaker shall not be recognised as raising a point of order.

The President shall decide all questions of order or practice. The decision is final and must be accepted by the meeting without discussion or argument unless a different ruling is resolved by majority.

A motion, amendment or other business deemed out of order shall not be further discussed and need not be subject of a resolution.

Where anything said or done by a member is deemed out of order, the President may require the member to make an explanation, retraction or apology.

45. Preservation of Order

The President's role is to preserve order and he/she may call any member to order whenever he/she believes it necessary.

If a member persists in any conduct which the President decides is out of order, or the member refuses to explain, retract or apologise as requested by the President the President may direct the member not to take part in the proceedings of the meeting other than to record the members vote. The member must comply with this direction.

46. Serious Disorder

The President may adjourn a Council meeting for fifteen minutes if he/she believes business cannot be effectively continued. Once reassembled, the Council will decide, without debate, whether to continue with business.

If, having once adjourned the meeting, the President again believes that the business of the Council cannot effectively be continued, the meeting may be closed or adjourned by the President.

47. Interpretation

Where a situation arises where no provision or insufficient provision is made in this Policy, the President shall determine the procedure to be observed, based on the principles of fairness and equity. He/she may use the procedure of the Western Australian Parliament as a guide.

48. Council and Committee Meetings held electronically

Under Regulation 12 of the Local Government (Administration) Amendment Regulations 2022, the Shire can conduct up to half of its annual Council and Committee Meetings electronically.

Should the Shire elect to change an in-person meeting to an electronic meeting they must provide appropriate public notice of this fact under Regulation 12, of the Administrative Regulations.

A record of the number of electronic meetings conducted by the Shire must be kept. This will assist in managing compliance with the quota threshold.

A decision by the local government to authorize attendance by electronic means can be made with a simple majority.

Criteria for Elected Members Remote Attendance at Council Meetings

Council Meetings require a quorum of Elected Members (EM) to attend in order for the meeting to proceed. EM attendance at Council Meetings by electronic means is limited to 50% of meetings per annum. This cap does not apply to EM with a disability.

To facilitate a dial in attendance at Council Meeting, the EM must:

1. Receive approval from the Shire President that they will be attending electronically.
2. The Shire President will consider whether the location from which the person intends to attend the meeting and the equipment used, will enable effective engagement with Council deliberations. A determination will also be made on whether the business of Council can be conducted in a confidential manner.
3. The Elected Member would need to provide details on the location from which they are participating in the meeting, that is, hotel name, city and room number. This information is to be provided to the Shire in advance of the meeting.
4. The other Elected Members would need to be advised of the arrangement and the minutes note the electronic attendance.

Options for Electronic Meetings

Communications that allow instantaneous contact with each person in attendance at the meeting, are permitted. The Zoom/Teams address for telephoning the Shire of Peppermint Grove Council Chambers:

- Chambers conference phone, 011 61 892 868 602 or the EM can be called on their mobiles. Alternately via Zoom or Teams.

Amended Authority Level	
Related Delegation	
Related Local Law/Legislation	
Adopted/Amended	19 July 2010, Amended 23 May 2023
Reviewed	22 September 2026