

16.4: REGIONAL CITIES ALLIANCE – UWA CONTRACT VERSION 2

ALTERNATE MOTION BY COUNCILLOR D BOSTOCK

**DATE & TIME REQUEST FOR ALTERNATE MOTION RECEIVED: 12:06PM ON
WEDNESDAY 6 JULY 2011**

**ITEM 16.4: ALTERNATE MOTION BY COUNCILLOR D BOSTOCK
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT COUNCIL DEFERS consideration of the item to SEEK written advice from the Department of Local Government as to whether this item can be considered without a rescission motion first being brought before Council.

Reason:

Council has received legal advice to the effect that when a motion has been lost after full consideration at a Council meeting, that does not represent a decision so it can be brought back for further consideration without the need for a rescission motion. I find the reasoning behind this advice to be flawed because, when a motion is rejected a positive decision has been made. In this case Council decided to spend the money on causes which were more in keeping with the best interests of the City.

To argue that to reject a motion is to fail to make a decision cannot be true because, if no decision was made then the usual officer statement under the heading "Alternation options" that Council can agree to the motion without modifications, agree to the motion with modifications or not agree to it becomes meaningless.

To make a decision simply means to make up one's mind or come to a conclusion (Oxford English Dictionary) and it is illogical to suggest that one cannot decide against a certain action in the same way that one can decide to do it. If that were so then if a person said they did not commit a particular crime it could be argued that they may have done so if the circumstances had been different, which, although true, would not be a valid reason for conviction.

Officer Report (CEO F James)

An Officer's Report was provided by the CEO in the previous version, no further comment is given.