

1.4: LOCAL LAW (MEETING PROCEDURES)

Proponent : City of Albany
Attachments : Draft Local Law Meeting Procedures 2011
Responsible Officer : Chief Executive Officer, Faileen James

IN BRIEF

- Give public notice of the Councils intent to make a new City of Albany Local Law (Meeting Procedures).

ITEM 1.4: ALTERNATE MOTION BY COUNCILLOR BOSTOCK

MOVED: COUNCILLOR D BOSTOCK
SECONDED: COUNCILLOR SUTTON

THAT Agenda Item 1.4 be laid on the table pending a workshop to further discuss the detail of the local law.

LOST 2-10

Record of Vote

For the Motion: Councillors Bostock and Stocks

RECOMMENDATION

ITEM 1.4: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR BOWLES

THAT Council in accordance with section 3.12 of the *Local Government Act 1995*, agrees to GIVE PUBLIC NOTICE of its intention to MAKE the City of Albany Local Law Meeting Procedures 2011.

CARRIED 11-1
ABSOLUTE MAJORITY

Record of Vote

Against the Motion: Councillor D Bostock

BACKGROUND

1. The Standing Orders Local Law 2009 was gazetted on 24 June 2009.
2. Council previously considered the proposed new Local Law (Meeting Procedures) at the Ordinary Meeting of Council held on 11 October 2011.
3. Given identified deficiencies in the current Standing Orders, Council conduct a review of these Standing Orders and has proposed a new Local Law (Meeting Procedures).
4. Council has conducted an extensive review of the current standing orders over the past 12 months and has proposed a new Standing Orders Local Law (Meeting Procedures).

DISCUSSION

5. Feedback from the majority of Council members indicates the desire to have this matter considered by the Council who has “lived with” the inadequacies of the current Standing Orders.
6. A series of workshops have been conducted to allow elected member participation into the Local Law Meeting Procedures and policies with the final workshop being conducted on 27 September 2011.
7. The Local Law Meeting Procedure was based on a variety of model Meeting Procedures recommended by the Department of Local Government including City of Mandurah, City of South Perth and City of Greater Geraldton.
8. While many Councillors gave feedback in the workshops and individually, the “majority view” of Councillors was incorporated into the final version. For example, while one Councillor was keen for the opportunity (at item (e) of clause 3.2(1) of the Meeting Procedures) to make statements of opinion (whether true or not), the majority of councillors believed that such statements should be restricted to a report of Councillor activity to advise constituents of business individual Councillors have undertaken in the prior month. Accordingly, item (e) of clause 3.2(1) of the Meeting Procedures reflects that majority review for a “Report”.

GOVERNMENT CONSULTATION

9. The Joint Standing Committee on Delegated Legislation was contacted on 19 September 2011 in order to verify actions required to make a new local law and ensure compliance.

PUBLIC CONSULTATION / ENGAGEMENT

10. Statewide and local public notice of the proposed new local law will invite submission from the public.
11. Copies of the proposed local law will be made available on the internet and hardcopy at the City of Albany public library.

STATUTORY IMPLICATIONS

12. Section 3.12 (3)(a)(iii) of the *Local Government Act 1995* requires local governments to advertise their proposed local laws and provide the public with a statutory period of ‘not less than six weeks after the notice is given’ in which to lodge submissions.
13. The presiding member is to give notice to the Council meeting of the purpose and effect of the proposed local law.

Purpose and Effect

14. Purpose. The purpose of this local law is to provide a set of procedures to assist in the good conduct of meetings of the Council and committees.
15. Effect. This local law is intended to result in:
 - better decision-making by the Council;
 - orderly and efficient conduct of meetings dealing with business of the Council;
 - greater community participation and understanding of the business of the Council; and
 - more open and accountable local government.

STRATEGIC IMPLICATIONS

16. The introduction of a new Local Law (Meeting Procedures) directly links to the City's Vision and Values (2011-2021), being: Results: Strive for business excellence and continuous improvement.

Key Focus Areas

- **Community Priorities:** Policy and procedures
- **Proposed Strategies:** Regularly review all policies in consultation with community and key stakeholders.

POLICY IMPLICATIONS

17. This new local law will replace the Standing Orders Local Law 2009 (as amended) 15 September 2009.

RISK IDENTIFICATION & MITIGATION

18. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Proposed local law contains clauses that will be disallowed by the Joint Standing Committee on Delegated Legislation.</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>The local law has been modelled on what the Department of Local Government considers to be "Best Practice" meeting procedures.</i>
<i>Council fails to make the new local law</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>Local Law will be further reviewed and resubmitted to a future Council meeting.</i>

FINANCIAL IMPLICATIONS

19. The cost of government gazettal, state-wide and local public notices will be undertaken by the Office of the CEO using staff resources within existing budget lines.

LEGAL IMPLICATIONS

20. Section 3.12 of the Act prescribes the procedures for making local laws.
21. In accordance with section 3.13 of the Act if during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

ALTERNATE OPTIONS

22. Council can chose to adopt the new local law or continue to use the current standing orders.
23. If Council chooses to continue to use the current standing orders, the City will require finalise the outstanding undertaking resolved by Council on 15 September 2009 to the Parliament of Western Australia, Joint Standing Committee on Delegated Legislation, being:

*“THAT Council give a written undertaking that the City of Albany will affect the following amendments within the **next two years** and not rely or use the following clauses and sub clauses in the interim, being:*

a. Delete clause 4.8 and clause 4.12;

b. Amend sub clause 4.15(3) by deleting the words "and must be accepted by the meeting without argument or comment" after the word "final";

c. Amend sub clause 4.16(3) by deleting the words "that meeting" after the words "part in" and insert the words "the debate of the item"; and

d. Delete sub clause 5.11(3).”

Consulted References	Local Government Operational Guidelines – Number 16, September 2006 Circular No. 04-201. Minister’s Directions – Local Laws Explanatory Memoranda (EM) Directions 2010
File Number (Name of Ward)	CM.STD.2 (All Wards)
Previous Reference	OCM 15/09/2009 - Item 19.1