

## Notices of Motion

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<b>Policy Owner:</b>	Office of the CEO
<b>Distribution:</b>	All Elected Members and Staff
<b>Person Responsible:</b>	All Elected Members
<b>Date of Approval:</b>	15 August 2020
<b>Amended:</b>	19 July 2023

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### Objective

To ensure the Elected Members are provided with an appropriate period for consideration of Notices of Motion; and to also provide a consistent approach to publishing the “Notices of Motion” in the Council ‘Draft’ Agenda Briefing papers, for Council’s consideration at the Council Agenda Forum.

To ensure the published Ordinary Council Meeting papers provide sufficient detail for the community to understand the rationale for the proposed motion.

### Scope

Elected Members require Notices of Motion be included in Agenda Forum Briefing Papers, for consideration at the subsequent Ordinary Council Meeting. This is to provide Elected Members with an opportunity to consider and ask questions regarding proposed Notices of Motion, at the Agenda Forum meeting, prior to formal debate on the Notices of Motion at the Ordinary Council Meeting.

Clause 5.3 of Shire of Chittering’s *Standing Orders Local Law 2023* provides that Notices of Motion must be given at least seven (7) days, before the Council meeting at which the Notices of Motion is to be moved. However; in order to be included in the ‘Draft’ Agenda for discussion at the preceding Agenda Forum an additional 7 (seven) days’ notice is required.

While every encouragement is made for Elected Members to conform to this Policy, it is acknowledged that it is the right of the Elected Member to refrain from adhering to these procedures, owing to its sub-ordinance of the process stipulated in the Shire of Chittering’s *Standing Orders Local Law 2023*.

To assist Elected Members with adherence to Outcome 5 ‘Strong Leadership’ (*Strategic Community Plan 2022 - 2032*), allowing the Motions to be included in the Agenda ensures good governance that supports efficient and effective service delivery.

### 1. Drafting a Notice of Motion

Originating Members should refer to the Department of Local Government and Communities “A Guide to Meetings – Clause 8.3”, and “Operational Guideline No 7 – Clarity on Council Motions”.

<https://www.dlgsc.wa.gov.au/departments/publications/publication/A-guide-to-council-and-committee-meetings>

Furthermore, originating Members are encouraged to seek the advice of the Shire's Chief Executive Officer and/or Executive Managers in the formation of a Notice of Motion.

In the first instance consideration should be given, in discussion with the Chief Executive Officer, to determine if the matter can be dealt with through the normal course of business. This requires the Chief Executive Officer to agree to progress the Elected Member's request for action through the normal course of business. This may be the most efficient process for dealing with the issue or matter.

Notices of Motion are to be submitted in writing and should as a minimum, include:

- Notice of Motion wording.
- Introduction.
- Background.
- Reason.

The Shire of Chittering's "Notice of Motion" form ([Attachment 1](#)) is a pro-forma template which may be used for this purpose.

## **2. Notice of Motion Submission**

The Chief Executive Officer will give consideration to the form of the Notice of Motion, in accordance with Clause 5.3 of Shire of Chittering's *Standing Orders Local Law 2023*.

Clause 5.3 of Shire of Shire of Chittering's *Standing Orders Local Law 2023* requires that Notices of Motion must be given at least seven (7) days before the meeting at which the Notices of Motion is to be moved. However, a timescale has been established which provides for the Notices of Motion to be included in the Agenda Forum Briefing papers and also allows for an Officer's comment to be prepared and included.

Accordingly, for the purpose of this policy Notices of Motion should be submitted to Chief Executive Officer seven (7) calendar days, prior to the Agenda Forum Meeting being held.

A Notices of Motion which may breach legislation will, with the concurrence of the President, be excluded.

## **3. Officer Comment**

When the Chief Executive Officer has granted consideration to the form of the Notices of Motion, Officers with relevant subject matter expertise, will prepare a response for inclusion in the Agenda Forum Briefing papers.

The Officer's comment may include material facts and circumstance, matters of policy, budget and law. As a guide the Officer's comment may include:

- a) Relevance to Strategic Community Plan / Corporate Business Plan.
- b) Policy implications.

- c) Statutory requirements.
- d) Consultation requirements.
- e) Financial impact including budgetary impacts.
- f) Resource requirements.
- g) Alternative options.

#### **4. Publication of 'Draft' Agenda Briefing Papers**

Council 'Draft' Agenda Forum Briefing papers are issued to Councillors and Shire Executive Managers five (5) calendar days prior to the Agenda Forum meeting.

A list of items included in the Agenda Forum Briefing papers will be published on the Shire website.

Only approved Notices of Motion will be published in the 'Draft' Agenda Forum Briefing papers.

#### **References:**

- Department of Local Government and Communities *"A Guide to Meetings – Clause 8.3"*
- *Operational Guideline No 7 – Clarity on Council Motions*