



POLICY			
TITLE:	Elected Members Notices of Motion	CODE:	EM.04
PURPOSE or OBJECTIVE:	To provide a consistent approach to having Notices of Motion published in Agenda Briefing papers.		
REFERENCE DOCUMENTS :	<i>Local Government Act 1995.</i> City of Canning Standing Orders Local Law. Department of Local Government and Communities, A Guide to Meetings, Clause 8.3. Department of Local Government and Communities, Operational Guideline No 7 – Clarity in Council Motions.		

POLICY STATEMENT
To ensure the Elected Members are provided with an appropriate period for consideration of Notices of Motion, in compliance with Clause 4.13 of City of Canning Standing Orders Local Law 2015.

1. Scope

Elected Members require NOMs be included in Agenda Briefing Notice 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 NOMs at the Agenda Briefing meeting, prior to formal debate on the NOM at the Ordinary Council Meeting.

In accordance with Clause 4.13 of City of Canning Standing Orders Local Law 2015 ('Standing Orders') (Attachment 2), this Policy provides Elected Members with guidance on presenting Notices of Motion ('NOMs') for inclusion in Agenda Briefing Notice Papers, to be presented to Council for consideration at the subsequent Ordinary Council Meeting.

Clause 4.13 of City of Canning Standing Orders Local Law 2015 provides that NOMs must be given at least seven (7) days, before the meeting at which the NOM is moved.

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 Standing Orders.

2. Definitions

Term	Definition
<i>Elected Member</i>	Means a person who holds the office of Councillor on the City of Canning Council, as defined under Section 1.4 of the <i>Local Government Act 1995</i> .
<i>Originating Member</i>	An Elected Member who seeks to raise at a meeting such business as he or she considers appropriate.
<i>Chief Executive Officer</i>	The person employed as the Chief Executive Officer of the City of Canning as defined under Section 1.4 and Section 5.41 of the <i>Local Government Act 1995</i> .
<i>Officer Comment</i>	Comment provided by a City of Canning employee who is



	professionally qualified and/or has expertise in the subject area.
<i>Notice of Motion</i>	An Elected Member’s written notice, under applicable procedural rules, requesting determination or information on an issue or matter.

3. 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*”.

Originating Members are encouraged to seek the advice of the City’s Chief Executive Officer and/or Directors in the formation of a NOM.

In the first instance consideration should be given, in discussion with the Chief Executive Officer, to determine if it 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.

NOMs are to be submitted in writing and should as a minimum, include:

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

Attachment 1 is a proforma template which may be used for this purpose.

4. Notice of Motion Submission

The Chief Executive Officer will give consideration to the form of the NOM, in accordance with Clause 4.13 of the Standing Orders (Attachment Two).

Clause 4.13 of City of Canning Standing Orders requires that NOMs must be given at least seven (7) days before the meeting at which the NOM is to be moved. However, a timescale has been established which provides for the NOM to be included in the Agenda Briefing papers and also allows for an Officer’s Comment to be prepared and included.

Accordingly for the purpose of this Policy NOMs may be submitted to Chief Executive Officer’s up to sixteen (16) calendar days, prior to the Agenda Briefing being held.

Elected Members shall complete a written NOM for the Chief Executive Officer’s consideration (refer Attachment One). A NOM which may breach legislation will, with the concurrence of the Mayor, be excluded.

5. Officer Comment



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

6. Publication of Agenda Briefing Papers

Council Agenda Briefing papers are published eleven (11 calendar days prior) to the Agenda Briefing meeting.

Only approved NOMs will be published in the Agenda Briefing papers.

Elected Members wishing to have a NOM listed in an Agenda Briefing paper will be required to provide their written notification, including reasons (Refer Attachment One), to the Chief Executive Officer, by 5:00pm, sixteen (16) calendar days prior to the Agenda Briefing being held.

The City will then obtain an Officer's Comment for inclusion in the published Agenda Briefing papers.

GOVERNANCE REFERENCES

Statutory Compliance	<i>Local Government Act 1995</i> <i>City of Canning Standing Orders Local Law 2015</i>
Process Links	<i>Policy CM105 – Members Briefing Framework</i>

POLICY ADMINISTRATION

Program	Officer Title	Authority to	
Canning Community and Commercial	Director Canning Community and Commercial	Council	
Version	Decision Reference	Synopsis	Delegation No
1	June 2017	Draft Policy developed for consideration.	
2	CC-020-17 19.09.2017	Final Policy adopted by Council (D18/12213)	N/A



ATTACHMENT ONE

Notice of Motion

City of Canning Standing Orders Local Law 2015 - Clause 4.13

Note: Elected Members wishing to have a Notice of Motion (NOM) listed on an Agenda Briefing paper will be required to provide their written notification, including reasons, to the Chief Executive Officer by 5:00pm, sixteen (16) calendar days prior to the Agenda Briefing meeting.

Originating Member	
Signature of Originating Member	
Date	
Agenda Briefing Date	

To be Completed by Originating Member

1. Notice of Motion

2. Introduction

3. Background

4. Reasons



ATTACHMENT TWO

City of Canning Standing Orders Local Law 2015 - Clause 4.

Clause 4.13 of the City of Canning Standing Orders Local Law 2015, states:

“4.13 Motions of which previous notice has been given

1 In this clause –

“Originating Member” means a Member who seeks to raise at a meeting such business as he or she considers appropriate.

2 Unless the Act, Regulations, or this Local Law otherwise provide, an originating Member must raise the business in the form of a motion, of which notice has been given in writing to the Chief Executive Officer and which has been included on the agenda.

3 A Notice of Motion (NOM) under subclause (2) must be given at least 7 days before the meeting at which the motion is moved.

4 A NOM is to be accompanied by supporting reasons and relate to the good governance of the local government.

5 The Chief Executive Officer –

a) may, with the concurrence of the Presiding Member, exclude from the agenda any NOM deemed to be, or likely to involve, a breach of this Local Law or any other written law;

b) must inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;

c) may, after consultation with the originating Member where this is practicable, make such amendments to the form but not the substance as will bring the NOM into due form; and

d) may provide to the Council relevant and material facts and circumstances pertaining to the NOM on such matters as policy, budget and law.

6 A motion of which notice has been given is to lapse unless –

a) i) the originating Member, or some other Member authorised by the originating Member in writing, moves the motion when called on; and

ii) the motion is seconded; or

b) the Council on a motion agrees to defer consideration of the motion to a later date.

7 If a NOM is given and lapses under subclause (6), notice of a motion in the same terms or to the same effect must not be given again for at least 3 months from the date of such lapse.”