



3. RECOMMENDATION

That Council:

- 3.1 Makes Meeting Procedure Local Law No. 2/2019 in the form attached to this report (Attachment 1) in accordance with sections 111 and 119 of the Local Government Act 1989.
- 3.2 Delegates authority to the Chief Executive Officer to make amendments to the Meeting Procedure Local Law No. 2/2019 to correct any minor drafting errors that do not materially alter the intent.
- 3.3 Affixes the common seal to Meeting Procedure Local Law No.2/2019.
- 3.4 Authorises the Chief Executive Officer to give public notice of the making of Meeting Procedure Local Law No. 2/2019 on Council's website, in the Port Phillip Leader and in the Victoria Government Gazette in accordance with sections 83A(2)(a) and 119(3) of the Local Government Act 1989.
- 3.5 Authorises the Chief Executive Officer to send a copy of the Meeting Procedure Local Law No. 2/2019 to the Minister for Local Government in accordance with section 119(4) of the Act.

4. KEY POINTS/ISSUES

- 4.1 An extensive review process has been conducted to incorporate changes in legislation, the inclusion of minor enhancements and new clauses to improve the clarity and transparency of meeting procedures for Councillors, the community and staff.
- 4.2 In March 2019 a survey was conducted of Councillors and the Executive Leadership Team regarding the objectives of a new Meeting Procedure Local Law and to receive feedback on what is working well or not working as well as it could in the current Meeting Procedure Local Law.
- 4.3 A Councillor briefing was held on 10 April 2019. The purpose of this briefing was to provide Councillors with an overview of the survey feedback received to date; provide Councillors with an overview of those parts of the Local Law that is required by legislation; those parts of the Local Law where no material change or only minor enhancements were proposed; and to provide Councillors with various options to those parts of the Local Law where material amendments to process are being considered.
- 4.4 A community consultation session was conducted on 8 May 2019 where officers received feedback from three community members who regularly attend Council meetings.
- 4.5 After taking into account the feedback received from Councillors, the Executive Leadership Team and regular community attendees of Council meetings together with benchmarking of other Councils, officers prepared a draft Meeting Procedure Local Law 2/2019.
- 4.6 The proposed Meeting Procedure Local Law was presented to the Ordinary meeting of Council held on 19 June 2019. At that meeting Council resolved to give public notice of its intention to make the Local Law and to invite public submissions in accordance with section 223 of the Act. Public notice was given on Council's website with copies of the proposed Local Law and Community Impact Statement available at all three Town



Halls, in the Port Phillip Leader on 2 July 2019 and in the Victoria Government Gazette on 4 July 2019. At the closing date for submissions of Friday 2 August 2019 no public submissions were received.

- 4.7 The proposed Meeting Procedure Local Law is structured into six parts (A-F). Some of the key elements proposed in Part D – Meeting Procedures are:
- 4.7.1 Clause 23 Petitions and Joint Letters are now defined as requiring at least five signatures and reference has been included to electronic petitions. The process for Council receiving and considering petitions and joint letters has been more clearly explained.
 - 4.7.2 Clause 26 Public Question Time rules have been further clarified. It confirms the right for members of the public to ask questions of Council during Public Question Time. It specifies criteria for disallowing a question including if the question is repetitive and the question has already been answered.
 - 4.7.3 Clause 27 Councillor Question Time confirms a Councillor's right to ask questions of officers without notice during Councillor Question Time. It specifies criteria for the Chair to disallow a Councillor question including if it is deemed repetitive and a response has already been provided.
 - 4.7.4 Clause 28 Public comment and questions on agenda items confirms the right for a member of the public to ask questions or make a comment on specific agenda items prior to Council going into formal debate. It specifies that a member of the public can speak for three minutes or at a longer time at the Chair's discretion however the Chair can reduce speaking time limits to two minutes if there are five or more speakers. It includes criteria for the Chair to disallow a public question or comment if it is deemed repetitive in nature.
 - 4.7.5 Clause 29 confirms a Councillors right to speak to the meeting and to ask questions and allows a Councillor to seek clarification to aid debate and their final decision making prior to and during formal debate.
 - 4.7.6 Clause 33 Voting removes the requirement that all Councillors and Special committee members present at the time the vote is taken must vote. This is consistent with advice received due to the repeal of the section of the Act that previously stated that all Councillors and members of Special Committees present must vote. The repeal of this section removed the express obligation on Councillors and members of Special Committees to vote, hence permitting Councillors and Special Committee members to abstain from voting. This repeal clearly indicated an intention of Parliament that voting should not be compulsory and Council cannot, by way of a Local Law, alter that position.
 - 4.7.7 Clause 34 Casting vote details that a Chair when exercising a casting vote in accordance with the Act is not prevented from changing their original vote. Advice has confirmed that in the event that a Chair has abstained from voting, this does not prevent the Chair from exercising a casting (second) vote. Advice received also states that the Act is to be read that the Chair must exercise a casting (second) vote to resolve a deadlock. Abstaining from voting, is by definition, not exercising a casting vote.
 - 4.7.8 Clause 43 Rescission or alteration Notice of Motion would now require at least two Councillor signatures. It also includes the option for the Mayor or at least



three Councillors to call a Special Council meeting within seven days or earlier to consider the rescission or alteration motion.

- 4.7.9 Clause 55 contains nine Procedural Motions (Appendix A). These motions are in line with standard Procedural Motions across the sector.
- 4.7.10 Clauses 56, 57 and 58 details what is a Point of Order and the process for the Chair to consider a Point of Order and make a ruling.
- 4.7.11 Clause 65 Conditions of entry states that the public attending meetings may be required to sign an attendance register. It states that on occasions, Council may conduct bag searches of some or all people attending Council meetings for security and safety reasons and to ensure that all who attend Council meetings are able to attend and to participate in a safe environment. It specifies the public behaviour required and outlines items that are prohibited from being taken into the Chamber unless permitted by the Chair.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Since the Council meeting of 19 June 2019, the following consultation has taken place:
 - 5.1.1 In accordance with section 223 of the Act, public notice was given in the Port Phillip Leader and in the Victoria Government Gazette. Any interested person was given the opportunity to make a written submission and request to be heard by Council in support of that submission.
 - 5.1.2 Copies of the proposed Meeting Procedure Local law and the Community Impact Statement were made available on Council's website and at the three town halls.
 - 5.1.3 No written submissions have been received from the public

6. LEGAL AND RISK IMPLICATIONS

- 6.1 Clause 91(1) of the Act requires Council to have a Local Law governing the conduct of Council meetings and Special Committee meetings and for the use of its Common Seal.
- 6.2 Council's current Meeting Procedure Local Law was adopted by Council in 2009. Under clause 122 (1) of the Act all local laws have a sunset period of 10 years. As a result, Council must review and adopt a new Meeting Procedure Local Law by 24 December 2019.

7. FINANCIAL IMPACT

- 7.1 Funding for the proposed Meeting Procedure Local Law has been provided for in existing budgets. The direct financial impact of Council adopting a Meeting Procedure Local Law is the cost of giving public notice in the Victoria Government Gazette and the Port Phillip Leader and the cost of legal advice received in reviewing the Local Law. The total cost of developing the proposed Meeting Procedure Local Law will be in the order of \$6,000 (legal review and advertisement costs) as well as staff time.

8. ENVIRONMENTAL IMPACT

- 8.1 There is no direct environmental impact by Council adopting a Meeting Procedure Local Law.



9. COMMUNITY IMPACT

- 9.1 The key objectives of the Meeting Procedure Local Law relating to the community are to:
- 9.1.1 Ensure proceedings and decision making by Council is transparent and understandable to all people who wish to participate in and observe meetings of Council.
 - 9.1.2 Ensure participation in proceedings is accessible and balanced with Council's primary decision-making role.
 - 9.1.3 Ensure proceedings and decision making is conducted in accordance to the principles of procedural fairness and good governance.
 - 9.1.4 Ensure proceedings and decision making is made in a safe and respectful environment and provides an equal opportunity for all to participate, with respect being accorded to the expression of differing views.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 The public transparency of decisions made by Council is a key ingredient in achieving a financially sustainable, high performing, well governed organisation that puts the community first.

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

- 11.1.1 If Council resolves to make Meeting Procedure Local Law No.2/2019, the Local Law comes into effect on the day following the date of the Council resolution and the previous Meeting Procedure Local Law No. 2/2009 is revoked.

11.2 COMMUNICATION

- 11.2.1 The Council is required by the Act to give public notice of the decision to make Meeting Procedure Local Law No.2/2019 on Council's website and in the Port Phillip Leader and the Victoria Government Gazette and also send a copy of the Local Law to the Minister.

12. OFFICER DIRECT OR INDIRECT INTEREST

- 12.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

TRIM FILE NO: 18/01/102

ATTACHMENTS 1. Meeting Procedure Local Law No. 2/2019