MELBOURNE CITY COUNCIL

CONDUCT OF MEETINGS
LOCAL LAW 2010

(INCORPORATING THE CONDUCT OF MEETINGS (MISCELLANEOUS AMENDMENTS) LOCAL LAW 2012)
## Melbourne City Council
### Conduct of Meeting Local Law 2010

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MELBOURNE CITY COUNCIL

CONDUCT OF MEETINGS LOCAL LAW 2010
(INCORPORATING THE CONDUCT OF MEETINGS (MISCELLANEOUS
AMENDMENTS) LOCAL LAW 2012

SECTION A

PART 1

PRELIMINARY

Title

1.1 This Local Law is called the “Conduct of Meetings Local Law 2010”.

What are the objectives of this Local Law?

1.2 The objectives of this Local Law are to:

(a) govern the conduct of meetings of the Council and its Special Committees;

(b) regulate the use of the Common Seal and prohibit its unauthorized use; and

(c) repeal Local Law No.1 of 2001 (Conduct of Meetings Local Law 2001).

What authorises this Local Law?

1.3 This Local Law is made under section 91 and Part 5, in particular section 111, of the Local Government Act 1989 (“the Act”).

When does this Local Law commence?

1.4 This Local Law commences at the beginning of the day on which it is made in accordance with Section 121(1) of the Act.

When does this Local Law cease to operate?

1.5 This Local Law ceases to operate on the 10th anniversary of its commencement.

Definitions

1.6 The words below are intended to have the following meaning throughout this Local Law:

“Act” means the Local Government Act 1989 (as amended from time to time).

“Agenda” means the notice of a meeting setting out the business to be transacted at the meeting.

“Chairperson” means the Chairperson of a meeting and includes an acting, a temporary and a substitute Chairperson.

“Chief Executive Officer” means the person appointed by the Council to be its Chief Executive Officer or any person acting in that position.
“City of Melbourne” means the municipal district of the Council.

“Common Seal” means the Common Seal of Melbourne City Council.

“Council” means the Melbourne City Council.

“Councillor” means a person who is an elected member of the Council.

“Council meeting” includes an Ordinary meeting and a Special meeting of Council.

“Deputy Lord Mayor” means the Deputy Lord Mayor of the City of Melbourne and includes any elected member of the Council acting as Deputy Lord Mayor.

“Lord Mayor” means the Lord Mayor of the City of Melbourne and includes any elected member of the Council acting as Lord Mayor.

“Ordinary meeting” means a meeting at which general business of the Council or Special Committee may be transacted.

“Special meeting” means a meeting at which the business specified in the notice calling the meeting may be transacted. Special meetings are held outside the adopted schedule of ordinary meetings.

“Special Committee” means a Committee constituted solely of Councillors established by the Council under section 86 of the Act.

“minutes” means the collective record of proceedings of a meeting of the Council or one of its Special Committees and must:

(a) contain details of the proceedings and resolutions made;

(b) be clearly expressed;

(c) be self explanatory; and

(d) in relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process.

“municipal district” means the district under the local government of the Melbourne City Council.

“offence” means an act or default contrary to this Local Law.

“penalty units” has the meaning ascribed to it in section 110 of the Sentencing Act 1991.

“public notice” means a notice published in a newspaper generally circulating in the municipal district of the Council.

“written” includes duplicated, lithographed, photocopied, photographed, printed and typed.

1.7 Where a word or phase has a particular meaning, other grammatical forms of that word or phrase have a corresponding meaning.
PART 2

COUNCIL MEETINGS

Types of meetings

2.1 The Council may hold-

(a) Ordinary meetings at which general business of the Council may be transacted; and

(b) Special meetings at which the business specified in the notice calling the meeting may be transacted.

Date, time and place of meetings

2.2 The dates, times and places of meetings are within the discretion of Council.

2.3 Council should, by resolution at its first Ordinary meeting, determine the day and time upon which any Ordinary meetings will be held and may by further resolution alter any such dates, times or places.

2.4 A Council meeting may only be rescheduled or cancelled by a resolution of Council.

Special meetings

2.5 The Council may by resolution call a Special meeting of the Council. The resolution must specify the date and time of the Special meeting and the business to be transacted.

2.6 The Lord Mayor or at least three Councillors may call a Special meeting of Council. The notice must specify the date and time of the Special meeting and the business to be transacted.

2.7 The Chief Executive Officer must call the Special meeting as specified in the notice or resolution.

2.8 Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice or resolution is to be transacted.

Public notice of meetings

2.9 Unless urgent or extraordinary circumstances apply, Council must at least 7 days before the holding of-

(a) an ordinary Council meeting; or

(b) a special Council meeting-

give public notice of the meeting.
2.10 If urgent or extraordinary circumstances prevent a Council from complying with paragraph 2.9 above, the Council must-

(a) give such public notice as is practicable; and

(b) specify the urgent or extraordinary circumstances which prevented the Council from complying with paragraph 2.9 above in the minutes of the meeting.

Order of business

2.11 The following order of business on the Agenda should be followed at an Ordinary meeting unless Council resolves otherwise:

(a) Apologies;

(b) Disclosure of conflicts of interest;

(c) Confirmation of minutes of the previous meeting/s;

(d) Matters arising from the minutes of the previous meeting/s;

(e) Reports of committee/s;

(f) Reports from management;

(g) General business;

(h) Urgent business; and

(i) Confidential business.

Meetings to be open to the public

2.12 Any meeting of Council must be open to members of the public, unless the Council resolves that the meeting be closed to members of the public because the meeting will be discussing any of the following:

(a) personnel matters;

(b) the personal hardship of any resident or ratepayer;

(c) industrial matters;

(d) contractual matters;

(e) proposed developments;

(f) legal advice;

(g) matters affecting the security of Council property;

(h) any other matter which the Council considers would prejudice the Council or any person;

(i) a resolution to close the meeting to members of the public.

2.13 If Council resolves to close a meeting to members of the public the reason must be recorded in the minutes of the meeting.
Chairperson of Council meetings

2.14 In accordance with Part 4 of the City of Melbourne Act 2001, the Lord Mayor must chair all meetings of the Council at which he or she is present.

2.15 If the Lord Mayor is absent from a meeting of the Council, the Deputy Lord Mayor must chair the meeting if he or she is present.

2.16 If both the Lord Mayor and Deputy Lord Mayor are absent from a meeting of the Council, the Councillors who are present at the meeting must appoint one of their number to chair the meeting.

Quorum

2.17 A quorum at a meeting of the Council must be at least a majority of the members of the Council.

PART 3
SPECIAL COMMITTEE MEETINGS

Types of meetings

3.1 A Special Committee formed under section 86 of the Act, may hold-

(a) Ordinary meetings at which general business of the Special Committee may be transacted; and

(b) Special meetings at which the business specified in the notice calling the meeting may be transacted.

Date, time and place of meetings

3.2 The dates, times and places of meetings are within the discretion of the Special Committee.

3.3 Council should, by resolution at its first Ordinary meeting after a general election, determine the day and time upon which any ordinary Special Committee meetings will be held. The relevant Special Committee will then ratify the meeting dates and times at its first meeting.

3.4 A Special Committee meeting may only be rescheduled or cancelled by a resolution of the Council or Special Committee.

Special meetings

3.5 The Council may by a resolution call a Special meeting of the Special Committee. The resolution must specify the date and time of the Special meeting and the business to be transacted.

3.6 The Lord Mayor or at least three Councillors may call a Special meeting of a Special Committee. The notice must specify the date and time of the Special meeting and the business to be transacted.
3.7 The Chief Executive Officer must call the Special meeting as specified in the notice or resolution.

3.8 Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice or resolution is to be transacted.

**Public notice of meetings**

3.9 Unless urgent or extraordinary circumstances apply, Council must at least 7 days before the holding of a meeting of a Special Committee comprised solely of Councillors, give public notice of the meeting.

3.10 If urgent or extraordinary circumstances prevent a Council from complying with paragraph 3.9 above, the Council must-

- (a) give such public notice as is practicable; and
- (b) specify the urgent or extraordinary circumstances which prevented the Council from complying with paragraph 3.9 above in the minutes of the meeting.

**Order of business**

3.11 The following order of business on the Agenda should be followed at an Ordinary meeting unless the Special Committee resolves otherwise:

- (a) Apologies;
- (b) Disclosure of conflicts of interest;
- (c) Confirmation of minutes of the previous meeting/s;
- (d) Matters arising from the minutes of the previous meeting/s;
- (e) Reports from management;
- (f) General business;
- (g) Urgent business;
- (h) Public questions; and
- (i) Confidential business.

**Meetings to be open to the public**

3.12 Any meeting of a Special Committee must be open to members of the public, unless the Special Committee resolves that the meeting be closed to members of the public because the meeting will be discussing any of the following:

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;
- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;
(f) legal advice;
(g) matters affecting the security of Council property;
(h) any other matter which the Council or Special Committee considers would prejudice the Council or any person;
(i) a resolution to close the meeting to members of the public.

3.13 If a Special Committee resolves to close a meeting to members of the public the reason must be recorded in the minutes of the meeting.

Chairperson of Special Committee meetings

3.14 Special Committees are established under section 86 of the Act by an instrument of delegation from the Council. The Council may appoint Chairpersons to Special Committees.

Quorum

3.15 A quorum at a meeting of a Special Committee must be at least a majority of the members of the Special Committee.

PART 4
OFFENCES

4.1 It is an offence:

(a) for a Councillor to not withdraw an expression which is considered by the Chairperson to be defamatory, indecent, abusive, offensive, disorderly or objectionable, and to not satisfactorily apologise when called upon twice by the Chairperson to do so. The penalty is 20 penalty units;

(b) for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave the meeting when requested by the Chairperson to do so. The penalty is 20 penalty units;

(c) for any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting and the maintenance of order. The penalty is 20 penalty units; and

(d) for a Councillor to refuse to leave the room on suspension. The penalty is 20 penalty units.

PART 5
SUSPENSION OF LOCAL LAW

5.1 Any provisions of this Local Law applicable to a Council meeting, or a Special Committee meeting may be suspended upon the affirmative vote of the majority of members present.
PART 6

COMMON SEAL

6.1 The Common Seal of Council may only be used with the authority of Council.

6.2 The Chief Executive Officer must keep the Common Seal in safe custody.

6.3 Every document to which the Common Seal is affixed must be signed by the Lord Mayor and the Chief Executive Officer.

6.4 No person may use the Common Seal or any device resembling the Common Seal without the authority of Council.

6.5 It is an offence for any person to use the Common Seal of Council or any device resembling the Common Seal without the authority of Council. The penalty is 20 penalty units.

PART 7

CONDUCT OF MEETINGS LOCAL LAW 2001

7.1 Local Law 1 of 2001 (Conduct of Meetings Local Law) is hereby repealed from the beginning of the day on which the Conduct of Meetings Local Law 2010 is made in accordance with Section 121(1) of the Act.
PART 8

COUNCILLOR CODE OF CONDUCT

8.1 Council’s Meeting Procedures Code and Councillor Code of Conduct are to be applied in the conduct of meetings held in accordance with Council’s Conduct of Meetings Local Law.

8.2 A copy of the Council’s Meeting Procedure Code must be made available for inspection at the same locations as the Principal Local Law.

This document is issued by the Melbourne City Council.

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Dr Kathy Alexander
Chief Executive Officer
and the Melbourne City Council’s duly appointed delegate.