

PROPOSED CONDUCT OF MEETINGS LOCAL LAW 2010

Committee Future Melbourne (Finance and Governance)

Presenter Cr Shanahan

Purpose

1. The purpose of this report is to advise the Council of the sun-setting of the *Conduct of Meetings Local Law 2001* in March 2011 and to recommend commencement of the statutory public notice and submission procedure required by the Act to replace it.

Recommendation

2. That Council:
 - 2.1. note the Council's Conduct of Meetings Local Law 2001 will sunset in March 2011;
 - 2.2. pursuant to Part 5 of the Local Government Act 1989 ('the Act'), propose to make the Conduct of Meetings Local Law 2010, in accordance with the proposed Conduct of Meetings Local Law ('proposed Local Law') (refer Attachment 2 of the Committee report);
 - 2.3. note the proposed Local Law is substantially the same as the current Local Law save:
 - 2.3.1. to make necessary changes arising from changes in legislation and consultation with Councillors;
 - 2.3.2. to ensure its impact on human rights is consistent with the Charter of Human Rights and Responsibilities; and
 - 2.3.3. to correct minor formatting issues and remove redundant provisions; and
 - 2.4. appoint the Council's Submissions (Section 223) Committee to:
 - 2.4.1. consider any written submissions received in relation to the proposed Local Law;
 - 2.4.2. hear any persons wishing to be heard in support of them;
 - 2.4.3. report back with recommendations to Council through the Future Melbourne Committee; and
 - 2.5. note that any person who has made a written submission and has requested to be heard in support of the written submission is entitled to appear in person, or by a person acting on his or her behalf, before a meeting of the Council's Submissions (Section 223) Committee; and
 - 2.6. note that adoption of the proposed Local Law is subject to Council being satisfied it complies with the Victorian Charter of Human Rights.

Council Report Attachment:

1. Future Melbourne Committee, Agenda Item 5.12, 13 July 2010

**FUTURE MELBOURNE (FINANCE AND
GOVERNANCE PORTFOLIO) COMMITTEE
REPORT**

Agenda Item 5.12

PROPOSED CONDUCT OF MEETINGS LOCAL LAW 2010

13 July 2010

Presenter: Keith Williamson, Manager Governance Services

Purpose and background

1. The *Local Government Act 1989* (“the Act”) requires that Council make local laws regarding the conduct of meetings of Council and its Special Committees.
2. The purpose of this report is to advise the Future Melbourne Committee of the sun-setting of the *Conduct of Meetings Local Law 2001* in March 2011 and to recommend commencement of the statutory public notice and submission procedure required by the Act to replace it.

Key issues

3. The Act enables councils to make Local Laws. Section 122(1) of the Act provides that Local Laws sunset ten years from the date of commencement.
4. The proposed Local Law the Administration is presenting to the Council (refer Attachment 2) is substantially the same as the current Local Law save:
 - 4.1. to make necessary changes arising from changes in legislation and consultation with Councillors (refer Attachment 3 for key changes);
 - 4.2. to ensure its impact on human rights is consistent with the Charter of Human Rights and Responsibilities; and
 - 4.3. to correct minor formatting issues and remove redundant provisions.

Recommendation from management

5. That the Future Melbourne Committee recommend Council:
 - 5.1. note the *Council’s Conduct of Meetings Local Law 2001* will sunset in March 2011;
 - 5.2. pursuant to Part 5 of the *Local Government Act 1989* (“the Act”), propose to make the *Conduct of Meetings Local Law 2010*, in accordance with the proposed Conduct of Meetings Local Law at Attachment 2 (“proposed Local Law”); and
 - 5.3. note the proposed Local Law is substantially the same as the current Local Law save:
 - 5.3.1. to make necessary changes arising from changes in legislation and consultation with Councillors;
 - 5.3.2. to ensure its impact on human rights is consistent with the Charter of Human Rights and Responsibilities; and
 - 5.3.3. to correct minor formatting issues and remove redundant provisions; and
 - 5.4. appoint the Council’s Submissions (Section 223) Committee to:
 - 5.4.1. consider any written submissions received in relation to the proposed Local Law;

- 5.4.2. hear any persons wishing to be heard in support of them; and
 - 5.4.3. report back with recommendations to Council through the Future Melbourne Committee; and
 - 5.5. note that any person who has made a written submission and has requested to be heard in support of the written submission is entitled to appear in person, or by a person acting on his or her behalf, before a meeting of the Council's Submissions (Section 223) Committee; and
 - 5.6. note that adoption of the proposed Local Law is subject to Council being satisfied it complies with the Victorian Charter of Human Rights.
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Attachments:

- 1. Supporting Attachment
- 2. Proposed Conduct of Meetings Local Law 2010
- 3. Summary of key inclusions/changes to the current Conduct of Meetings Local Law

SUPPORTING ATTACHMENT

PROPOSED CONDUCT OF MEETINGS LOCAL LAW 2010

Legal

Council's powers to make local laws are set out in Part 5 of the *Local Government Act 1989* ("the Act"). The procedure for making a local law is set out in Section 119 of the Act.

Section 122 of the Act provides a Local Law is automatically revoked on the day which is 10 years after any part of the Local Law commence operation.

Prior to making a local law a Council must publish a notice in a newspaper circulating in the Council district and in the Government Gazette stating:

- the purpose and general purport of the proposed local law;
- that a copy of the proposed local law can be obtained from the Council; and
- that any person affected by the proposed local law may make a submission pursuant to Section 223 of the Act.

The Council may appoint a committee to hear and consider all written submissions received within 28 days after the publication of the notice. Any person who makes a written submission has a right to be heard.

The Council is bound to comply with the Victorian Charter of Human Rights and this particularly impacts on any decision to impose a restriction under a local law.

Finance

There are no immediate financial implications arising from the recommendation of this report.

Conflict of interest

No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Environmental sustainability

There is no significant impact on environmental sustainability.

MELBOURNE CITY COUNCIL
CONDUCT OF MEETINGS LAW 2010

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MELBOURNE CITY COUNCIL
CONDUCT OF MEETINGS LOCAL LAW 2010

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 general business of the Council or Special Committee may be transacted.

“*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 phrase 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 a 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 Office 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 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 or Special Committee 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 Office 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 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. The terms of reference for a Special Committee identifies the Chairperson of the committee, the deputy and the procedure to be followed in instances where both the Chairperson and deputy are absent from a meeting.

Quorum

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

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.

MEETING PROCEDURES CODE

SECTION B

PART 1

INTRODUCTION

- 1.1 All meetings of Council and its Special Committees are to be conducted in accordance with Council's Conduct of Meetings Local Law and this Meeting Procedures Code.
- 1.2 This Code may be altered from time to time by resolution of Council.

PART 2

PURPOSE

- 2.1 The purpose of this Code is to provide comprehensive guidelines for the conduct of meetings of Council and Special Committees, which can be amended from time to time to best suit Council's circumstances; to provide for the orderly, efficient and equitable conduct of meetings; and to provide for peace, order and good government of the municipal district of the City of Melbourne.
- 2.2 Definitions of words used in the Conduct of Meetings Local Law ("the Local Law") shall apply to this Code.

PART 3

COUNCIL AND SPECIAL COMMITTEE MEETINGS

Time in which quorum must be present

- 3.1 If a quorum is not present within 45 minutes of the time appointed for the commencement of a Council or Special Committee meeting, the meeting shall be deemed to have lapsed.
- 3.2 If a Council or Special Committee meeting lapses, the Chairperson must convene another Council or Special Committee meeting and ensure that the Agenda for such meeting is identical to the Agenda for the meeting which is deemed to have lapsed.
- 3.3 The Chief Executive Officer must give all Councillors notice of the meeting convened by the Chairperson.

Notice of meeting for Councillors

- 3.4 The Chief Executive Officer must ensure that the Agenda for all Council or Special Committee meetings, together with all available reports and the like to be

considered at the meeting, is sent to every Councillor at least 48 hours before the Council or Special Committee meeting.

- 3.5 No business can be transacted at a Council or Special Committee meeting unless it appears on the Agenda, except in instances where a majority of councillors present resolve that the matter:
- (a) relates to or arises out of a matter which has arisen since distribution of the Agenda; and
 - (b) cannot safely or conveniently be deferred until the next Council or Special Committee meeting.
- 3.6 A matter of an urgent nature which has arisen since circulation of the Agenda may be considered under Urgent Business.

Open meetings

- 3.7 Subject to paragraph 3.8, all meetings of Council or Special Committees must be open to members of the public.
- 3.8 Council or a Special Committee may resolve that its meeting be closed to members of the public if the meeting is 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 Council considers would prejudice Council or any person; or
 - (i) a resolution to close the meeting to members of the public.
- 3.9 If Council or a Special Committee resolves to close a meeting to members of the public the reason must be recorded in the minutes of the meeting.

Minutes

- 3.10 The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and to take the minutes of such meeting) must record the minutes of each meeting and those minutes shall include:
- (a) the date, place, time and nature of the meeting;

- (b) the names of the Councillors and whether they are present, an apology or on leave of absence (please note – if no apology has been received and the Councillor is not in attendance, the Councillor will not be listed);
 - (c) details of any disclosure of interest made by a Councillor and the time the Councillor left the room and returned to the room;
 - (d) arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
 - (e) the mover and seconder of each motion or amendment;
 - (f) the vote cast by each Councillor;
 - (g) each motion carried or lost;
 - (h) in relation to resolutions recorded in the minutes, relevant reports or a summary of the relevant reports considered in the decision making process;
 - (i) details of any submissions received;
 - (j) the time of any adjournment of the meeting and resumption, or suspension of standing orders;
 - (k) details of failure to achieve or maintain a quorum;
 - (l) where applicable, the reason/s for moving into closed session; and
 - (m) the time the meeting concluded.
- 3.11 The Council must keep minutes of each meeting of the Council and Special Committee.
- 3.12 The minutes of a Council meeting or Special Committee meeting must be submitted to the next meeting of Council or Special Committee for confirmation.
- 3.13 If the minutes are confirmed, the Chairperson at the meeting must sign the minutes and certify that they have been confirmed.
- 3.14 Minutes of Council meetings will be signed by the Lord Mayor or person from time to time acting in that position.

Manner of dealing with order of business

- 3.15 The following items listed on an Agenda should be dealt with in the manner described:
- (a) APOLOGIES
 - (i) Apologies shall be read by the Chairperson.
 - (b) CONFLICTS OF INTEREST

- (i) In every case where a Councillor discloses a conflict of interest at a meeting, a statement recording the type and nature of the interest and the time the Councillor left and returned to the room shall be included in the minutes (refer paragraph 13.7(a)).

(c) MINUTES

Open Council or Special Committee meeting:

- (i) When the minutes of a Council or Special Committee meeting are to be confirmed, they shall be taken as read unless there is a motion to the contrary.
- (ii) No discussion shall be permitted on a motion for confirmation of the minutes, except as to their accuracy as a record of proceedings.
- (iii) Once the minutes are confirmed they shall be signed by the Chairperson. The minutes of meetings will be made available for inspection by members of the public at Council offices during business hours and on the City of Melbourne website at www.melbourne.vic.gov.au

Closed Council or Special Committee meeting:

- (iv) The minutes of a closed Council or Special Committee meeting shall not be made available to members of the public.
- (v) The minutes of closed Council or Special Committee shall be confirmed in closed Council or Special Committee.

(d) REPORTS

Committee reports (only applies to Council meetings)

- (i) Matters considered by a Special Committee which cannot be dealt with under delegation, must proceed to Council for decision.

Reports from management

- (ii) Management shall present their reports to a Special Committee or Council in the order in which they appear on the Agenda, unless the meeting resolves to change the order of the Agenda.

(e) SUBMISSIONS FROM MEMBERS OF THE PUBLIC

Requests to be heard at a Special Committee meeting

- (i) A person may request to be heard at a Special Committee meeting in relation to a matter listed on the Agenda for that meeting.
- (ii) A person wishing to be heard at a Special Committee meeting must make a written request to the Chief Executive Officer or his/her nominee by no later than noon on the day of the meeting. The request should specify the name and contact details of the person

requesting to be heard and identify the item/s on the Agenda to which he or she wishes to speak.

- (iii) Any person wishing to be heard at a Special Committee meeting shall be granted a period of three minutes to speak.
- (iv) No provision is made for members of the public to address Council meetings.

Items of correspondence (applies to Council and Special Committee meetings)

- (v) A person may submit an item of correspondence in relation to a matter listed on a Council or Special Committee meeting Agenda.
 - (vi) A person wishing to have an item of correspondence considered by Council or a Special Committee meeting must submit the correspondence to the Chief Executive Officer or his/her nominee by no later than noon on the day of the meeting (to give Councillors sufficient time to read). The correspondence should specify the name and contact details of the person and identify the item/s on the Agenda to which the correspondence relates.
- (f) GENERAL BUSINESS
- (i) General Business may include Notices of Motion from Councillors, Post Travel Reports by Councillors or receipt of petitions.
 - (ii) General Business may also include Questions without Notice from Councillors at the discretion of the Chairperson.
 - (iii) A Notice of Motion from a Councillor may only be included on a published Agenda where it is received by the Office of the Chief Executive Officer no later than 3pm on the Friday before the scheduled meeting.
- (g) PETITIONS AND JOINT LETTERS
- (i) A petition is a document signed by a group of people requesting the Council take some action in relation to a particular issue. Traditionally petitions commence with a prayer and contain the name, address and signature of at least one person.
 - (ii) A joint letter is an item of correspondence signed by more than one person. Whilst a joint letter does not commence with a prayer, it should contain the name, address and signatures of the persons identified.
 - (iii) Petitions or joint letters must be tabled by a Councillor at an ordinary Council or Special Committee meeting. A Councillor must move a motion that the petition or joint letter be received.

- (iv) It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of the petition or joint letter and ensure it is not derogatory or defamatory.
- (v) Following a meeting at which a petition or joint letter is received, the Chief Executive Officer will determine whether a report will be prepared for consideration at the next Council or Special Committee meeting or whether a briefing note will be prepared for Councillors.
- (h) URGENT BUSINESS
 - (i) Business must not be admitted as urgent business unless it:
 - (A) relates to or arises out of a matter which has arisen since distribution of the Agenda; and
 - (B) cannot safely or conveniently be deferred until the next Council or Special Committee meeting.
 - (i) PUBLIC QUESTIONS (only applies to Special Committee meetings)
 - (i) At the discretion of the Special Committee, members of the public may ask questions at ordinary Special Committee meetings.
 - (ii) The Chairperson may call on a Council officer to answer the question or elect to answer the question him/herself or may take the question on notice to seek additional information on the issue.
 - (iii) The Chairperson of the meeting may disallow any question on the ground that it is repetitive of a question already asked, objectionable, irrelevant, raises an issue of a confidential nature, is asked to embarrass a Councillor or member of Council staff.
 - (iv) No provision for questions from members of the public will be made at meetings of the Council.
 - (j) CONFIDENTIAL BUSINESS
 - (i) Confidential business may be transacted in a meeting which is closed in accordance with the Act and paragraph 3.8 of this Code.

Availability of meeting documentation

3.16 Documentation for Council and Special Committee meetings:

- (a) will be circulated internally to Councillors and executives six days prior to a scheduled meeting; and
- (b) will be available to members of the public electronically, via Council's website, and in hard copy, from noon four days prior to a scheduled meeting.

Conduct of Meetings

3.17 Meetings shall be conducted in the following manner:

(a) CONFLICTS OF INTEREST

- (i) In accordance with section 79 of the Act, if a Councillor has a conflict of interest in a matter which is to be, or is likely to be, considered or discussed at a meeting of the Council or Special Committee, the Councillor must:
 - (A) make a full disclosure of that interest by advising of the type and nature of the interest, to either the Council or Special Committee immediately before the matter is considered at the meeting, or in writing to the Chief Executive Officer. Where the disclosure is made to the Chief Executive Officer in writing, the Councillor must only disclose the type of interest to the meeting, immediately before the matter is considered;
 - (B) while the matter is being considered or any vote taken, the Councillor must leave the room (after notifying the Chairperson he or she is doing so), remain outside the room or gallery or other area in view or hearing of the room and only return after the matter has been considered and the vote taken.
- (ii) If the Councillor will not be present at the meeting, the Councillor must make a full disclosure to the Chief Executive Officer or Chairperson of the meeting, in writing, of the type and nature of the interest. If a Chairperson is given a written disclosure, he or she must give the written disclosure to the Chief Executive Officer.

(b) MOTIONS IN MEETINGS

- (i) A motion must:
 - (A) be moved and seconded;
 - (B) relate to the powers or functions of Council;
 - (C) be in writing, if requested by the Chairperson; and
 - (D) except in the case of urgent business, be relevant to an item of business on the Agenda.
- (ii) A motion must not be defamatory or objectionable in language or nature.
- (iii) The procedure upon any motion is that:
 - (A) the mover shall read the motion without speaking to it and shall briefly state its nature and intent;
 - (B) if a motion is seconded, the Chairperson shall allow Councillors to speak to the motion;
 - (C) with the exception of the mover who has a right of reply, all other Councillors may only speak once to the motion; and
 - (D) the Chairperson must then put the motion to the vote.
- (iv) The mover or seconder of a motion cannot move an amendment to it.
- (v) A motion can only be withdrawn by the mover.

(c) AMENDMENTS

- (i) No notice need be given of any amendment to a motion.
- (ii) An amendment to a motion must:
 - (A) be moved and seconded;
 - (B) relate to the powers or functions of Council;
 - (C) be in writing, if requested by the Chairperson; and
 - (D) not be in opposition to the intent of the motion on the table.
- (iii) The mover of an amendment has no right of reply.
- (iv) An amendment can only be withdrawn by the mover.
- (v) The procedure upon any amendment to a motion is that:
 - (A) the mover shall read the amendment and speak to it;

- (B) if the amendment is seconded, the Chairperson shall allow Councillors to speak to it;
 - (C) the mover has no right of reply and Councillors may only speak once to it; and
 - (D) the Chairperson must then put the amendment to the vote.
- (vi) A second or subsequent amendment cannot be moved until the immediately preceding amendment is disposed of.
 - (vii) If an amendment is adopted, the amended motion becomes the substantive motion and is dealt with in accordance with paragraphs 3.17(b)(iii)(B),(C) and (D).
 - (viii) A Councillor cannot move more than two amendments in succession.
- (d) FORESHADOWED MOTIONS
- (i) When a motion is being debated, any Councillor may give notice that they intend to move an alternative motion in the event that the substantive motion fails. This notification is deemed to be a foreshadowed motion and will only be considered if the substantive motion fails.
 - (ii) No debate is allowed on a foreshadowed motion.
 - (iii) A foreshadowed motion does not require a seconder.
- (e) RESCISSION MOTIONS
- (i) No resolution at any meeting of the Council or Special Committee shall be revoked or altered in any subsequent meeting unless notice of the intention to propose such revocation or alteration is given to each Councillor at least 48 hours before the meeting.
 - (ii) A notice to rescind or alter a previous resolution cannot be submitted more than three months following the resolution, except after a general election in which case no more than six months.
 - (iii) A notice of motion to rescind or alter a previous resolution of Council or a Special Committee:
 - (A) must be given to the Chief Executive Officer in sufficient time to enable the Chief Executive Officer to give at least 48 hours notice to all Councillors prior to the meeting;
 - (B) must be signed by four Councillors;
 - (C) shall be deemed to have been withdrawn if not moved at the next meeting at which such business may be transacted; and

- (D) if it is a second or subsequent notice to revoke or alter an earlier resolution, it must not be accepted by the Chief Executive Officer until a period of one month has elapsed since the date of the meeting at which the first or last motion for revocation or alteration was dealt with.

(f) TIME LIMIT FOR MEETINGS

- (i) A Council or Special Committee meeting must not continue after 11pm unless a majority of Councillors present vote in favour of its continuance.
- (ii) In the absence of such continuance, the meeting must stand adjourned to a time, date and place to be then and there announced by the Chairperson.
- (iii) The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

(g) INTERRUPTIONS, INTERJECTIONS AND RELEVANCE

- (i) A Councillor must not be interrupted except by the Chairperson or upon a point of order or personal explanation.
- (ii) If a Councillor is interrupted by the Chairperson or upon a point of order or personal explanation, he or she must remain silent until the Chairperson has ceased speaking, the point of order has been determined or the personal explanation has been given (as appropriate).
- (iii) A Councillor must not digress from the subject-matter of the motion or business under discussion.
- (iv) The mover of a motion must not introduce fresh matter when exercising any right of reply.

(h) PRIORITY OF ADDRESS

- (i) In the case of competition for the right to speak, the Chairperson must decide the order in which the Councillors concerned will be heard.
- (ii) Except that the mover of a motion (other than a motion amending another motion) has the right of reply and that any Councillor may take a point of order or offer a personal explanation, no Councillor may speak more than once to the same motion or amendment.

(i) RESUMPTION OF ADJOURNED DEBATE

- (i) If a debate is adjourned by motion, the Councillor moving the adjournment has the right to be the first speaker upon the resumption of debate unless he or she has already spoken to the motion or amendment.

(j) TIME LIMITS

- (i) Unless granted an extension by the meeting:
 - (A) a Councillor may speak to a motion or amendment for no longer than three minutes; and
 - (B) the mover of a motion, who has a right of reply, may speak for no longer than a total of five minutes.

(k) REPEATING MOTION

- (i) Before any matter is put to the vote, a Councillor may require that the motion or amendment be read again.

(l) VOTING

- (i) Each Councillor present at a meeting of the Council or a Special Committee who is entitled to vote:
 - (A) is entitled to one vote; and
 - (B) the vote must be by show of hands.

(m) CASTING VOTE

- (i) Subject to section 90 of the Act, if there is an equal division of votes upon any question, the Chairperson at such meeting shall, in addition to his or her own vote as a Councillor, have a second or casting vote.

(n) DECLARATION OF VOTE

- (i) The Chairperson must declare the result of the vote as soon as it is taken.

(o) RECORDING OF OPPOSITION TO MOTION

- (i) Any Councillor may ask that his or her reasons for opposition to a motion adopted by the meeting be recorded in the minutes.

(p) POINTS OF ORDER

- (i) A point of order is an objection that the motion, amendment or statement made is any of the following:
 - (A) contrary to the Conduct of Meetings Local Law and this Code;
 - (B) defamatory or disloyal;
 - (C) irrelevant, irreverent or obscene; or
 - (D) outside Council's legal powers.

- (ii) A point of order can be called against any Councillor (including the Chairperson).
 - (iii) If called to order, a Councillor must remain silent until the point of order is decided unless he or she is requested by the Chairperson to provide an explanation.
 - (iv) The Chairperson may adjourn the meeting to consider a point of order but must otherwise rule upon it as soon as it is taken.
 - (v) The Chairperson must when ruling on a point of order give reasons for the ruling.
 - (vi) The Chairperson is the arbiter on all points of order, including points of order against the Chair.
 - (vii) The Chairperson's ruling shall be final.
- (q) CHAIRPERSON MAY SPEAK
- (i) The Chairperson may address a meeting upon any matter under discussion.
 - (ii) The Chairperson may vacate the Chair for the duration of any item under discussion whereupon a temporary Chairperson, either the deputy chair or in the deputy's absence a member elected by the meeting, shall take the Chair.
- (r) PERSONAL EXPLANATION
- (i) A Councillor may, at a time convenient to Council, make a brief personal explanation in respect of any statement (whether made at a Council meeting or not) affecting him or her as a Councillor.
 - (ii) A personal explanation arising out of a statement at a Council meeting must be made as soon as possible after the statement is made.
- (s) CRITICISM OF MEMBERS OF COUNCIL STAFF
- (i) A member of Council staff is entitled to briefly address a meeting of Council or a Special Committee in respect of any statement made affecting him or her as a member of Council staff or any member of Council staff under his or her control when such statement is made at a Council or Special Committee meeting, or in the media.
 - (ii) A statement under sub-clause (i) must be made at such time and during such meeting at which the member of council staff desires to bring it forward and as the Chairperson thinks appropriate.
- (t) ORDERING WITHDRAWAL OF REMARK

- (i) The Chairperson may require a Councillor to withdraw any remark which is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature.
 - (ii) A Councillor required to withdraw a remark must do so immediately without qualification or explanation.
- (u) SUSPENSIONS
- (i) The Chairperson may suspend from a meeting, and for the balance of the meeting, any Councillor whose actions have disrupted the business of Council, and have impeded its orderly conduct.
- (v) RECORDING PROCEEDINGS
- (i) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may record on suitable audio recording equipment the proceedings of a Council or Special Committee meeting.
 - (ii) Audio recordings may be destroyed after the minutes are confirmed.

Variation to Code for purposes of a particular meeting

3.18 A meeting of Council or a Special Committee may resolve to vary or modify this Code for the purposes of a particular meeting, as circumstances require, by majority vote of the meeting.

This document is issued by the Melbourne City Council.

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

Summary of key inclusions/changes to the current Conduct of Meetings Local Law

- Reference to relevant provisions in the *City of Melbourne Act 2001*.
- The process for recording apologies, non-attendance and leave of absence.
- The rules around a Councillor listing a Notice of Motion on an agenda.
- Increase in the number of Councillors needed to sign a Notice of Rescission from two, to four.
- Provision that a Notice to Rescind or amend a previous decision cannot be submitted more than three months following the resolution, except after a general election in which case the time is six months.
- The length of time for which submitters may address the committee and the process for receipt of petitions.
- Removed the provision providing an opportunity for any member of the public to write to the CEO and request a matter be listed on an agenda.
- Modified the current limit on Councillor speaking times.
- The process for dealing with foreshadowed motions.
- Clearer procedure to be followed when a Point of Order is called.