



PROPOSED CITY OF MELVILLE LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW 2022

On 14 December 2021, the Council of the City of Melville resolved to give local public notice (under section 3.12 of the *Local Government Act 1995*) of a proposed new local law: the *City of Melville Local Government (Meeting Procedures) Local Law 2022*, which will replace the existing *City of Melville Meeting Procedures Local Law 2017*.

The key variations from the existing local law relate to (clauses refer to the proposed local law):

1. Committee meetings (clauses 2.5, 2.6, 2.7)

- (a) Clarify that all Members may attend committee meetings even if they are not members of that committee.
- (b) Require all Members present at committee meetings to disclose relevant interests.
- (c) Clarify that non-members of a committee may ask a question at a committee meeting with the permission of the Presiding Member.

2. Agenda briefing forums (clause 3.7)

Specific reference is included to agenda briefing forums and applicable procedures.

3. Participation of Presiding Member in debate (clause 4.6)

Clarifies the circumstances in which the Presiding Member may participate in debate and when they must cease to preside.

4. Public question time (clauses 6.3 – 6.10)

- (a) Align public question time procedures with the Act and Regulations which provide for members of the public to ask questions in person at Council (and some committee) meetings.
- (b) Remove the requirement for questions to be submitted by members of the public to the CEO in writing prior to the meeting while providing for questioners to do so for questions requiring research to prepare a response.
- (c) Allow questions to be asked on behalf of others with the written consent of the person on whose behalf the question is to be asked.
- (d) Provide for fair opportunities for people wishing to ask questions by:
 - (i) Allowing registration of intent to ask a question prior to the meeting;
 - (ii) Limiting questioners to one question before the next person is invited to ask their question;
 - (iii) Providing for a questioner, with the permission of the Presiding Member, to ask a supplementary question if they need clarification of the answer to their question;
 - (iv) Limiting questioners to 2 minutes to ask their question(s);
 - (v) Allowing the Presiding Member to invite questioners to ask additional questions, in turn, after everyone wishing to ask a question has asked their first question;
 - (vi) Providing for the management of written questions where the questioner does not attend the meeting to ask their question.

- (e) Clarifying the circumstances under which a question from a member of the public may not be answered.

5. Petitions (clause 6.11)

- (a) Require a minimum of 6 electors' signatures (provision has now been made in clause 6.13 for written submissions not in the form of petitions).
- (b) Require the name and suburb of the lead petitioner to be included in the minutes.

6. Deputations (clause 6.12)

- (a) Remove the requirement for a person seeking a deputation to demonstrate a direct interest in the matter.
- (b) Provide for the CEO to either approve a request to make a deputation submitted before a meeting or refer it to the Presiding Member (but not to reject it).
- (c) Provide for the Presiding Member to approve or reject a referred request to make a deputation, or to refer it to Council for a decision.
- (d) Limit deputations to 10 minutes with provision for a single extension of 5 minutes if approved by the Council.
- (e) Make provision for deputations seeking to make electronic presentations or distribute documents to Members.
- (f) Provide for the Presiding Member to deal with inappropriate behaviour by a person making a deputation.

7. Written submissions (clause 6.13)

Provide for the lodgement of written submissions by members of the public or community groups as an alternative to making a deputation at a meeting or submitting a petition.

8. Public hearings (clause 6.14)

- (a) Provide for meetings to be held as public hearings as appropriate to allow an opportunity for multiple members of the public to be heard on a matter of significant public interest.
- (b) Set out the procedure for the holding of public hearings.

9. Motions with notice (clause 7.3)

- (a) Reduce the deadline for notice of motions from 5 working days before the meeting to 4 working days (in practice, this would be 8am on the Wednesday before the Ordinary Meeting of Council).
- (b) Remove the requirement for motions to relate to the good governance of the district.
- (c) Remove the subclause relating to advice to Council from the CEO (this CEO function is dealt with in the Act and reference made in clause 9.1).
- (d) Amend the process relating to the receipt of notice of a motion that is likely to breach a written law. This now includes a step where the CEO will advise the Elected Member of the suspected breach, which unless addressed will result in the motion being excluded from the agenda with the concurrence of the Mayor.

10. Motions without notice (clause 7.5)

Provide for the Council to agree, by absolute majority decision, to consider a motion without notice that does not deal with a matter of extreme urgency or other special circumstance (these are dealt with under clause 7.4).

11. Disclosure of interests (clause 8.3, 8.4)

- (a) Requires that disclosure statements not be used to pre-empt debate on the matter in which the interest is being declared.
- (b) Clarifies different management of financial/proximity and impartiality interests under the law.

12. Motions may be ruled out of order (clauses 11.2, 21.6)

- (a) Provides for the Presiding Member to rule that a motion is out of order if it is objectionable (offensive or derogatory), or if it would, if carried, breach a written law or be incapable of being implemented by the local government.

13. Alternative motions (clauses 11.5, 11.6)

Provide a process of raising and dealing with alternative motions, these being substantive motions that seek to negate the terms and intent of:

- (i) a recommendation in a report prepared by an employee or submitted by a committee, or
- (ii) a substantive motion before the Council or committee.

14. Amendments (clause 11.11)

Clarifies management of amendment motions.

15. Limitation on speaking (clause 12.11)

- (a) Clarifies that the mover of an amendment does not have the right of reply.
- (b) Provides for a maximum speaking time on a matter for each Member of 10 minutes (5 minutes with 1 extension of 5 minutes with the agreement of the meeting).

16. Revoking or changing decisions (Part 15)

Aligns procedures for revoking or changing decisions with the Regulations and defines the actions classified as implementing a decision.

17. Recording and broadcasting (Part 17)

- (a) Clarifies procedures related to audio and audio-visual recording of meetings.
- (b) Specifically provides for broadcasting of meetings, independent of the powers granted under the emergency declaration provisions of the Act and Regulations.
- (c) Provides for editing of audio records prior to publication in recognition of recent legal rulings concerning publisher liability for defamatory material placed on a public record by third parties.

18. Minutes (clauses 18.2, 18.3, 18.6)

- (a) Prohibits revealing information prescribed as being confidential in any record of decisions made at a meeting or part of a meeting closed to the public.
- (b) Clarifies when specified words may be recorded in the minutes *verbatim*.
- (c) Makes specific provision for amendment of confirmed minutes and procedures to be followed.

19. Conduct of members (Part 19)

- (a) Provisions related to required and unacceptable meeting behaviour have been aligned with the language used in the *Local Government (Model Code of Conduct) Regulations 2021* and the *City of Melville Code of Conduct for Elected Members* adopted by Council.
- (b) Removes references to “crossing the floor” and to “adverse reflection”.

20. Prevention of disturbance (clause 20.8)

Clarifies the powers of the Presiding Member to maintain order and provides for the specific offence of failing to comply with a direction to leave the meeting.

21. Tabling of documents (clause 22.1)

Provides a procedure for the tabling of documents at Council or committee meetings.

22. Enforcement (Part 23)

- (a) Specifies forms of contravention of the local law where they relate to matters dealt with under the Act or Regulations.
- (b) Removes duplication with State legislation and potential double penalties for Members by removing all reference to offences under the local law except for refusal (by any person) to comply with a direction by the Presiding Member to leave the meeting.
- (c) Provides for the imposition of a modified penalty (by infringement notice) for the offence of refusing to comply with a direction by the Presiding Member to leave the meeting.