

## **4 AMENDMENT TO MEETING PROCEDURE LOCAL LAW**

FILE REFERENCE INT197149

RESPONSIBLE GENERAL MANAGER Jenny Scicluna

AUTHOR Doug Evans

### **RECOMMENDATION**

That Council:

1. Amends Local Law 19, Meeting Procedure (Amendment) Local Law 2018 so that Clause 59 is not deleted but amended to read as follows:  
**59. Supplementary Questions**  
At the discretion of the Chairperson, a member of the gallery whose question has been answered may be permitted to ask a supplementary question if that question is designed to clarify the answer given. Any such supplementary question will not be a multiple question for the purposes of clause 58.
2. Advertise in the local media and Government Gazette that the Local Law has been made,
3. Sets the date that the Local Law becomes operative as the day after notice of the making of the Local Law appears in the Victorian Government Gazette ; and
4. Forward a copy of the Local Law to the Minister for Local Government.

### **Attachments**

- 1 Revised Local Law 19, Meeting Procedure (Amendment) Local Law 2018 3 Pages

### **EXECUTIVE SUMMARY**

To further consider a proposed amendment to Councils Meeting Procedure Local Law regarding supplementary questions during community question time at Council Meetings.

### **BACKGROUND**

The Council at its meeting held on 17 September resolved to propose to make Local Law 19, Meeting Procedure (Amendment) Local Law 2018 to amend Council's Meeting Procedure Local Law to remove the provision for persons asking Community Questions to also ask a supplementary question and undertake the statutory procedures required, in accordance with Sections 119 and 223 of the Local Government Act 1989.

The reasoning behind this proposal was to remove the risk associated with allowing supplementary questions during Community Question time as the Council is not aware of what comments may be made during such a supplementary question. If these comments defame a person or are such that a third party takes objection to them the Council may be considered complicit in the matter as it has allowed these comments to be broadcast live over the internet.

Public notice of this proposed amending Local law has been given and no submissions were received.

Council considered adoption of the amending Local Law at its meeting held on 10 December and resolved to defer consideration of the matter until the New Year.

Although no submissions were received regarding the amending Local Law several suggestions were received via social media in regard to this proposal. These suggestions included:

- Webcast the meetings with a time delay to allow for the removal of comments that are made during the meeting that may be defamatory.

To facilitate this suggestions it will be necessary for an experienced legally qualified person to attend all meetings to be able to pause or stop the recording if any comments are made that could be considered defamatory or objectionable

- Provide for the webcast to be stopped during the broadcast if comments are made that may be defamatory.

As with the previous suggestion it would be necessary for an experienced legally qualified person to attend all meetings to be able to pause or stop the recording if any comments are made that could be considered defamatory or objectionable

- Stop the webcast during Community Question Time to allow for the questioners to ask supplementary questions

This suggestion would decrease the risk risk of council, councillors, staff and the public being sued for comments made at these meetings as the only persons that would hear the comments would be the persons present at the meeting. This would not completely remove the risk however.

An alternative proposal has been raised which is to retain the provision for supplementary questions but only allow this at the discretion of the Chairperson. This will still allow persons to seek clarification regarding the answer given to their question particularly if the Chairperson considers that the question has not been answered satisfactorily.

## **POLICY IMPLICATIONS**

Nil

## **RELEVANCE TO COUNCIL PLAN**

Webcasting of Council Meetings is relevant to the Council Plan goals included in the 'Our Governance' section of the Council Plan leading to an engaged community and open governance

## **CONSULTATION/COMMUNICATION**

As required by various provisions of the Local Government Act notice that Council was proposing to make Local Law 15 appeared in local papers on 19 September and in the Victorian Government Gazette on 27 September. This notice advised of the purpose and general purport of the Local Law and invited any interested persons to make a written submission in regard to any of the matters contained within the draft Local Law.

No formal submissions have been received in regard to the proposed Local Law.

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**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil

**CONCLUSION**

It is considered that the alternate proposal to not remove the provision for supplementary questions but allow this provision to remain, but at the discretion of the Chairperson, is a practical alternative to address the concern regarding the potential for supplementary questions to lead to defamatory comments being made.

As the suggested revision to Local Law 19 is still within the parameters of the original proposal, that is to amend Clause 59 of the Meeting Procedure Local Law regarding supplementary questions, it is not necessary to again give public notice of the amending Local Law.



**LOCAL LAW NO. 19**

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**MEETING PROCEDURE (AMENDMENT) LOCAL LAW 2018**

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**CARDINIA SHIRE COUNCIL**

**LOCAL LAW NO 19**

**MEETING PROCEDURE (AMENDMENT) LOCAL LAW 2018**

**PART 1 - INTRODUCTORY**

**1. Title and Purpose of Local Law**

This is the "Meeting Procedure (Amendment) Local Law 2018" (Local Law No. 19), the purpose of which is to amend Council's Meeting Procedure Local Law (Local Law No.16) to:

1.1 Remove the provision for supplementary questions during Community Question Time.

**2. Authorising Provision**

This Local Law is made under section 111(1) of the *Local Government Act 1989*.

**3. Commencement**

This Local Law comes into operation the day after notice of its making appears in the Victorian Government Gazette.

**4. Application**

This Local Law applies and has operation throughout the whole of the municipal district.

**5. Revocation**

This Local Law ceases to operate on the day on which Council's Meeting Procedure Local Law (Local Law No.16) ceases to operate.

**6. Definitions**

"Principal Local Law" means Council's Meeting Procedure Local Law (Local Law No. 16).

## PART 2 – AMENDMENTS TO DIVISION 6

### 7. Community Question Time

Clause 59 - Supplementary questions is amended to read:

At the discretion of the Chairperson, a member of the gallery whose question has been answered may be permitted to ask a supplementary question if that question is designed to clarify the answer given. Any such supplementary question will not be a multiple question for the purposes of clause 58.

This Local Law was made by resolution of the Council on \*\*\*\*

Public notice of the making of Local Law 19 appeared in the *Ranges Trader Mail* on \*\*\*\*, *Pakenham Gazette* on \*\*\*\*\*, and in the *Victoria Government Gazette* on \*\*\*\*\*,.

## GENERAL REPORTS