

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

FILE REFERENCE INT1885096

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### **RECOMMENDATION**

Council:

1. Formally makes Local Law 19, Meeting Procedure (Amendment) Local Law 2018 to amend Council's Meeting Procedure Local Law.
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 Meeting Procedure (Amendment) Local Law 2018 5 Pages

### **EXECUTIVE SUMMARY**

To formally make Local Law 19 to amend the Meeting Procedure Local Law, Local Law 16 to remove the provision for supplementary questions at Council Meetings.

### **BACKGROUND**

Council has committed to the live webcasting of Council Meetings, and has acknowledged that there are risks associated with this from potential claims for libel and slander (defamation) arising from comments made at such meetings.

The webcasting of Council meetings increases the possible risk of council, councillors, staff and the public being sued for comments made at these meetings. This being caused by the much larger audience created by the web cast.

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 is 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 have been received.

Several suggestions have been received via social media in regard to this proposal. These suggestions have 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.

## **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.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The webcast trail currently underway costs \$1,648 per month for the monthly Council Meeting. Changes to the process or procedure of the webcast may increase this cost if additional resources are required to manager the broadcast.

## CONCLUSION

As Council has complied with the provisions of the Local Government Act in regard to its proposal to make the Meeting Procedure (Further Amendment) Local Law and having received no submissions in regard to this proposal Council is able to formally resolve to make the Local Law and once notice of this has appeared in local papers and the Victorian Government Gazette the local law will be operative and the Meeting Procedure Local Law will be amended accordingly.



**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 deleted.

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 \*\*\*\*\*.