



Latrobe City Council
PROPOSED Local Law No. 1

Meeting Conduct Local Law 2021
Community Impact Statement

PART A – General Comments

Background

Council is proposing to adopt a new Meeting Conduct Local Law No.1 (proposed Local Law), which will replace the current Local Law No.1 – Meeting Conduct Local Law 2020 (current Local Law).

The Meeting Conduct Local Law 2020 regulates the use of Council's Common Seal, and creates offences in relation to inappropriate conduct at Council meetings and Delegated Committee meetings as well as misuse of the Common Seal and fraudulently signing any petition or joint letter to Council.

Meeting procedures for Council meetings and Delegated Committee meetings (as well as Community Asset Committee meetings where made applicable) are dealt with pursuant to Council's Governance Rules which were adopted under section 60 of the Local Government Act 2020. The Meeting Conduct Local Law 2020 sits alongside the Governance Rules by providing an enforcement mechanism for behavioural standards at meetings.

Following a review of the Governance Rules and Meeting Conduct Local Law 2020, updates have been proposed to the Local Law. The updates aim to better clarify existing offences in relation to meeting conduct as well as petitions and joint letters. No new offences are included in the proposed updates.

Objectives of this Local Law

The objectives of this Local Law are to:

- regulate the use of the Council's Common Seal; and
- prescribe enforcement measures to sit alongside behavioural requirements set out in the Governance Rules of Latrobe City Council for Council meetings, Delegated Committee meetings and, where applicable, Community Asset Committee meetings.

Consultation

The draft Latrobe City Council Local Law No.1 (Meeting Conduct Local Law 2021) was presented to Council for endorsement on 7 June 2021 to enable it to be released for public exhibition for at least 28 days during which affected members of the community are invited to make written submissions as per the requirements of section 119 and section 223 of the *Local Government Act 1989*.

Submitters who request to speak to their submission in relation to the proposed Local Law are entitled to address Council at a Council meeting.

This Community Impact Statement has been prepared to provide guidance to members of the municipality in their understanding of the proposed Local Law and assist any community member who wishes to make a submission in the matter.

PART B – Comments on proposed Local Law overall

Measures of success of the proposed Local Law	<p>The success of the proposed Local Law will be best measured by the extent to which it enhances the governance framework of the Council including that:</p> <ul style="list-style-type: none">• Council meetings continue to operate in an orderly, efficient and respectful manner;• the overall objectives of the Local Law are met.
Existing Legislation	<p>The proposed Local Law has been prepared pursuant to Council's power under section 111 of the <i>Local Government Act 1989</i>.</p> <p>Section 14 of the <i>Local Government Act 2020</i> requires Council to have a common seal and that the use of the common seal be in accordance with local law.</p>
State legislation more appropriate	<p>Council believes that all items set out within the proposed Local Law are consistent with Victorian State legislation. Council has not sought to address any matters though the proposed Local Law that it believes are more appropriately dealt with by State legislation.</p>
Overlap of existing legislation	<p>The proposed Local Law's provisions complement existing State legislation and provide an appropriate local response, whilst not overlapping, duplicating or conflicting with any existing State Legislation.</p>
Overlap of planning scheme	<p>The proposed Local Law has no relevance to any Planning Scheme.</p>
Risk assessment	<p>No formal risk assessment has been undertaken however there are not considered to be any risks associated with the proposed Local Law.</p> <p>The proposed Local Law regulates the use of the common seal as required by legislation. It also prescribes offences for inappropriate behaviour at Council and Committee meetings, misuse of the common seal and inscribing the signature of another person on petitions and joint letters.</p>

Legislative approach adopted	<p>Council's Common Seal</p> <p>The Local Law adopts a high impact regulatory approach.</p> <p>This approach is considered appropriate as it provides clear accountability for appropriate use and safekeeping of the Council seal.</p> <p>Conduct of Meetings</p> <p>The proposed Local Law adopts a medium impact regulatory approach as it prescribes with a level of detail the behavioural expectations for members of the municipality present at Council and Committee meetings.</p> <p>This approach is considered appropriate to facilitate the orderly, efficient and respectful conduct of meetings and prevent misuse of signatures on any petition or joint letter to be presented to Council.</p>
Restriction of competition	<p>The proposed Local Law relates only to Council governance processes and there are no National Competition Policy implications associated with the proposal.</p>
Penalties	<p>The Local Law creates a minimal number of offences. Penalties for these offences are considered reasonable.</p> <p>Benchmarking indicates the penalties prescribed are reasonable when compared with equivalent local laws of other municipalities.</p> <p>The penalties applying to all current Local Law clauses were considered and reviewed and no penalty unit increases were made.</p>
Permits and Fees	<p>The proposed Local Law does not make provision for the issue of permits and does not prescribe any fees.</p>
Performance standards or prescriptive details	<p>Performance standards have been used in the proposed Local Law rather than prescriptive details where appropriate.</p>
Comparison with neighbouring like Councils	<p>Local laws of other Victorian councils were considered. The proposed Local Law contains similar provisions to local laws of other councils.</p>
Charter of Human Rights and Responsibilities	<p>The Victorian Charter of Human Rights and Responsibilities (the Charter) contains twenty basic rights that promote and protect the values of freedom, respect, equality and dignity.</p> <p>The proposed Local Law has been considered in accordance with the Victorian Charter of Human Rights and Responsibilities. No inconsistencies have been identified.</p>

Consultation	<p>In developing this Local Law the Council has either undertaken or will undertake the following processes:</p> <ul style="list-style-type: none">• a review of changes in legislation that might impact on the content of the Local Law;• Council staff reviewed the proposed document including in conjunction with Council's current Governance Rules;• Council considered a formal draft of the proposed Local Law at a Council meeting on 7 June 2021;• Submissions on the proposed Local Law will be called for in public advertisements with a 28 day submission period available for the public to make any comments, suggestions and objections on the proposals;• Council will hear any person making a submission if a person so requests at a Council meeting;• Council will then formally consider a report on the submissions and any proposed changes to the proposed Local Law;• Council will then adopt the Local Law and place advertisements in local papers and the Government Gazette after which time the Local Law comes into force.
Submissions	<p>Council will undertake a formal submission process under sections 119 and 223 of the Act.</p> <p>There is no set format for submissions.</p> <p>Persons who made a submission are able to make a request to be heard at a Council meeting on their submission.</p>

PART C – Comments on specific parts or provisions of the proposed Local Law

Set out below are details of the proposed Local Law. The Governance Rules of Latrobe City Council will be adopted prior to the proposed Local Law being made, if it is made.

Part A: Introduction

Part A of the proposed Local Law provides for the administrative requirements for revoking the current Local Law, as well as the definitions and notes to assist with interpreting the Local Law. It also introduces the proposed Governance Rules of Latrobe City Council as an incorporated document.

Part B: Council's Common Seal

Part B of the proposed Local Law uses the wording from the current Local Law, with no amendments.

The Common Seal is a device which formally and solemnly records the collective will of Council. The provisions in this Part are designed to protect the integrity of the Common Seal, and describe when it may be affixed to a document.

Part B proposes to allow Council to decide what documents (through Council resolution) to affix the Council's Common Seal to.

There is also provision for Council to authorise additional staff to attest to the affixing of the Council's Common Seal if required.

This will allow for efficiencies in operational matters where Council's Common Seal is still a requirement and meets the criteria specified by the Council in the delegation of the Chief Executive Officer.

Part C: Meetings Procedure

Part C of the proposed Local Law deals with any failure to comply with behavioural standards required for Council and Committee meetings that are contained in the Governance Rules of Latrobe City Council.

The subject matters of the offences are the same as those contained in the current Local Law, with amendments made to describe offence details with increased clarity. This includes removal of reference to specific Rules. The offence regarding the signing of petitions and joint letters has been changed to using the signature of

another person, to remove any uncertainty as to what might constitute fraudulent signing.

Council believes Part C provides clear guidance on the types of behaviour that will not be considered acceptable at Council or Committee meetings.