

“A WAY FORWARD”

Report of the Melbourne City Council

Facilitation Panel

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December 18th 2000

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A Way Forward

Introduction

Victorians want Melbourne to be a world class capital city in which we can all take pride.

Victorians want an answer to the central question:

“How do we achieve a Melbourne City Council which is effective and united behind a shared vision for the City?”

Implicit in the question is community concern about how the Lord Mayor, councillors and administration who make up the Council, can work more effectively as a strategic team, command a higher level of community respect and partnership and add real value to Melbourne.

The Facilitation Panel (the Panel) appointed by the Council in co-operation with the Municipal Association of Victoria (MAV) and the Victorian Local Governance Association (VLGA), has identified many factors that should have produced effective government for the City of Melbourne:

- Individual councillors are dedicated to contributing to the future of the City and work extremely hard on Council affairs;
- Most businesses, residents and ratepayers have acknowledged that most councillors are accessible, willing to listen and encourage democratic participation;
- The officers of the City, in general, are highly competent and work hard to deliver good outcomes;
- Most Council services provided are of high quality;
- The Council is debt free, has increased reserves, has kept the increase in rates below the C.P.I. and the Council is committed to maintaining that financial position;
- Council has initiated and implemented a comprehensive and improved audit program;
- There is a detailed City Plan, much of which has been achieved by this Council in co-operation with its stakeholders, who are skilled, diverse and committed to the City;
- Policies are in place to ensure a fair and equitable work environment for employees.

The public perception and the reality is that the Council has not capitalised on all these positives to provide strong leadership and effective government in our capital city.

The Panel identified numerous explanations for this outcome.

- Councillors have not collectively owned the strategic directions for the city contained in the City Plan. Nor have they utilised the City Plan as a framework for determining agreed priorities;
- The ability of councillors to develop strategic directions for the City is undermined by a lack of strategic behaviour;
- There has been insufficient trust and respect between the councillors;
- The partnership between councillors and administration has been inadequate;
- Council behaviour tends to be directed to individual objectives and outcomes rather than a team focus;
- There has been a breakdown in communication between the offices of Lord Mayor and the Chief Executive Officer (CEO). This has contributed to a lack of strong collective leadership;
- There was a lack of clear definition and agreement about roles and responsibilities of the Lord Mayor, the councillors and the CEO;
- The power of officers to make decisions (the delegation of powers) was too extensive. Councillors, business and community felt that Council had insufficient ownership and information on important decisions;
- There are too few democratically elected representatives to fulfill all the responsibilities of a capital city council. This is intensified by the continuing absence of one councillor;
- The Code of Conduct under which councillors worked was inadequate to encourage unity in decision making and appropriate behaviour. In effect it encouraged councillors who did not accept the decision of the democratic majority to continue to lobby against the decision;
- The degree of partnership between Council, the administration, business and community stakeholders is insufficient to realise the full potential of the City;
- There is a lack of agreement and joint action between the Council and the State Government to promote the best interests of the City.

The Panel, Council and administration have agreed on seven areas that require change in Council activity. If this report is implemented by Council and the State Government, Capital City government can be significantly enhanced and pride in the Melbourne City Council restored.

This seven point action plan provides a way forward for a united and effective Capital City Council.

The plan consists of five major areas for action by the Melbourne City Council and its administration, and two issues that require State Government action.

The seven areas for action are:

For Council action:

1. A shared strategic direction;
2. Improved decision making processes;
3. A tougher Code of Conduct and Behaviour with sanctions;
4. New protocols between the offices of the Lord Mayor and the CEO;
5. Rigorous implementation of audit processes;

For State Government action:

6. A legislated State Government and Capital City partnership;
7. Reform of Council structures.

7 Point Action Plan

Methodology

The way the Panel has worked has been to identify with councillors and administration the key areas for action. The Panel then worked to obtain detailed agreements with the Panel, councillors and administration on the implementation of those actions. These agreements are listed as the Schedule of Agreements 1 to 14.

Required Action

The five areas for Council action are reflected in the following statements and the attached Schedule of Agreements. Council can implement the agreements within the existing State legislative framework of the Local Government Act 1989.

The five areas for Council action are detailed below:

1. A shared strategic direction

Good decisions are made when they are framed within a strategic direction for the City. Effective government requires that leaders and the public share a broad and long term perspective on what is needed to help their community grow and prosper.

There is a broad range of strategic documents and plans that have been developed by various business units at the council. The problem is that they are treated as individual policies and plans and are not integrated into a strategic direction. They are often seen by councillors as documents prepared by the administration rather than plans that are owned by both the council and the administration.

Because the current City Plan was developed prior to the election of this Council, they feel little ownership of its strategic directions. Nor have they developed a shared view with administration, business and the community about the priorities of the Council.

The Panel has facilitated the councillors in agreeing on their priorities for the current City Plan for the remainder of their term. The Panel recommends that councillors pursue these priorities as a basis for all their actions.

The councillors have determined that their agreed priorities for 2001 will be to:

- Incorporate the new Municipal Strategic Statement into the Melbourne Planning Scheme;
- Implement triple bottom line reporting;
- Implement the new community consultation framework;
- Further develop policy and services to assist homeless and disadvantaged people;
- Protect and enhance city safety and amenity;
- Open up the Town Hall and the city for multicultural communities;
- Develop primary health care services, including a community health centre in the CBD;

- Aggregate bandwidth provision in the city to achieve access at a cost comparable to other cities internationally;
- Upgrade city public transport and cycling services and facilities and complementary car parking;
- Establish a central city lending library;
- National and international recognition of Melbourne as a green and sustainable city;
- Effective operation of the Sustainable Melbourne Fund
- Encourage native vegetation planting in the city and commence development of wetlands in Royal Park;
- Target zero waste through the Western Regional Waste Management Plan;
- Facilitate and support the growth of world-competitive technology capabilities, facilities and employment in Melbourne;
- Implement a package of improvements to facilitate business growth in the city, both international and local; and
- Strengthen neighbourhood officer and precinct improvement programs.

The Panel welcomes the process which has been put in place for the councillors and administration to set the new strategic directions of City Plan over the next four years.

2. Improved decision making processes

2.1 Participation

This Council is committed to community participation. However the processes used to achieve this participation by both the Council and the administration for making decisions can be significantly improved.

Participation by the affected community is essential to good decision making. Therefore councillors have agreed to a new City of Melbourne Community Consultation Framework. (*See Agreement 1*). This framework will ensure that the interests of all stakeholders are fully canvassed and taken into account. It will also ensure that consultation is timely, appropriate for the particular issue and that feedback is given to participants on the outcome.

2.2 Roles and Responsibilities

Decision making has also been impaired by the lack of clear definition of the roles and responsibilities of the Lord Mayor, councillors, and the CEO.

As part of the facilitation, revised definitions of roles and responsibilities have been agreed for:

- The Lord Mayor (*See Agreement 2*).
- The Councillors (*See Agreement 3*).
- The Chief Executive Officer (*See Agreement 4*).

2.3 Delegations

All Councils delegate some of their decision making to the administration. The delegations from councillors at the City of Melbourne are broader than most other councils in the State. If councillors are to own the decisions the delegations must be reviewed

The Panel has facilitated a new delegations policy which addresses both the decision making powers and a mechanism to provide councillors with feedback on decisions made by the administration under delegation. (*See Agreement 5*).

2.4 Committees of Council

A focused and responsive Committee structure is essential to effective council decision making. The Council's Committee structure is generally well regarded but it could be improved by a greater sharing of power and responsibilities between councillors, and direct participation by members of the community and business.

The Panel therefore proposed to Council a revised Committee structure which:

- expands the number of Committees from four to six;
- suggests that the number of councillors on each committee be reduced;
- suggests that each councillor hold a portfolio responsibility;
- suggests inclusion of the community and business as stakeholders; and
- aligns the task of the committees with the expertise of the appropriate senior officer(s) from the Corporate Management Team.

After consulting with constituents and taking the advice of the administration Council will further consider this proposal along with other options prior to the March Committee elections.

3. A tougher Code of Conduct and Behaviour with sanctions

Some Council behaviour has shown a need to tighten codes of conduct and behaviour for councillors, and a need to establish a clear basis for enforcement.

3.1 Code of Conduct and Behaviour

The Panel and the Council have agreed on a revised Code of Conduct and Behaviour. (*See Agreement 6*). This revised Code ensures that the decision of the majority of councillors is respected by all the councillors and that respect and cohesion is emphasised.

Councillors have agreed that the Code will be supported by the sanctions of an agreed Good Governance Local Law. (*See Agreement 7*).

Council already has in place anti-bullying and anti-harassment policies that apply to the staff. As a matter of consistency councillors have agreed to formalise the application of these policies to themselves. *(See Agreements 8 and 9)*.

3.2 Meeting Procedures

Councillors have agreed to amend their meeting procedures to require a mover and seconder for motions and nominations for office at Council meetings. *(See Agreements 10 and 11)*.

3.3 Absence of Councillor

The Panel, Council and the community have been concerned at the protracted absence of one councillor, Councillor Daniel, from council. We appreciate that the Councillor concerned has suffered from trauma.

However the stage has been reached where the public interest demands that the councillor decide that she either:

- returns to Council and completely fulfils the role and duties for which she was elected; or
- resign.

The Panel recommends that, if necessary, Council refuse the councillor any further leave of absence. This should be on the grounds that the public interest in having a councillor who will attend Council meetings, and fully represent her constituents, must override the individual interest of a councillor who seeks ongoing leave on medical grounds.

4. New protocols between the offices of the Lord Mayor and CEO

The lack of effective communication and co-operation between the office of Lord Mayor and the CEO has contributed to the lack of effectiveness of the Council.

There were no agreed protocols between the two offices to prescribe and ensure communication and to facilitate cooperation. A new protocol has now been agreed between the Lord Mayor, and the CEO and with the councillors. *(See Agreement 12)*.

Its success will rely on the Lord Mayor and the CEO working co-operatively to ensure strong leadership.

It is also incumbent on the Lord Mayor and CEO to facilitate a better connection between themselves, their offices, the Council and the administration.

5. Rigorous implementation of audit processes

The overall revenue and expenditure of the City of Melbourne is well managed within a debt free framework. The 2000/2001-budget process was an effective one, which involved councillors and administration in determining the budget framework and priorities.

The Panel recommends that Council and the administration rigorously follow and monitor accounting and reporting on councillor expenditure. This will ensure that councillor costs are appropriate and properly controlled. Any dispute regarding non compliance will now be referred through the Audit Committee to the Finance, Corporate Services and Governance Committee, for advice and/or resolution, or further action.

Reforms involving the State Government

The Panel believes that the full potential of the Council will not be realised unless the State Government urgently addresses two issues. The first is the relationship between the Capital City Council and the State Government in making decisions for the City. The second relates to the current structure of the Council, specifically:

- the number of councillors,
- the ward/district structure,
- the process for electing the Lord Mayor, either by direct election of the people or by councillors,
- the ward and City boundaries; and
- the workload and remuneration of councillors.

6. Relationship between the Council and the State Government

There is a lack of co-operation between the two levels of Government on Capital City policy and direction. They have not adopted the cooperative arrangements necessary to align government, council, business and community in an effective Capital City partnership.

There is a lack of clarity about which level of Government should be making decisions about which aspects of the City. There is also a growing tendency for business, property and investment interests to bypass Council and to directly approach the State Government.

There are some effective working models of Capital City Government around Australia. The Panel has examined these and recommends that the State Government develops a new model based on that adopted by Adelaide City Council and the South Australian Government.

The Panel recommends and the councillors agree that the State Government should introduce as soon as possible an Act of Parliament, a "Capital City Committee Act",

which will provide for a more effective working relationship to serve the vital interests of Victoria's Capital City and the Victorian community. (See *Agreements 13*).

7. Structural Review

This matter was not within the terms of reference for the Panel and is therefore not the subject of agreement with the Council. Nevertheless the majority of respondents to the Panel raised the need for a review of Council structures as a matter which the State Government needs to address urgently if it is to achieve significant and lasting reform of the Melbourne City Council.

7.1 Number of councillors

There was a strong view amongst respondents – which the Panel shares – that Council is currently too small to undertake and share effectively the wide range of responsibilities of the capital city and to provide an adequate pool of diverse talents and interest. The view is that the total number of councillors should be limited to no more than 15.

7.2. Ward and District structure

The present division between ward and district councillors was designed to protect capital city interests. In the view of the Panel and most respondents it has failed to do so and has helped to create tensions between ward and district responsibilities, an inequality of workloads and two differing levels of accountability.

The Panel's view, and the overwhelming view of respondents, is that the concept of district councillors should be abandoned and replaced with a new electoral system.

7.3 Electoral Reform

Many options were raised with the Panel concerning electoral reform. The four main concepts included:

- Maintenance of the current structure of four ward and five district councillors;
- A whole of district, senate style election across the City;
- Doubling the number of ward councillors and maintaining the districts at five; and
- Four multi-member wards which includes six councillors representing the CBD and three representing each of the three other wards.

The Panel favours the creation of four multi-member wards for which councillors are elected by proportional representation. This reform should result in the

election of councillors with sufficient diversity to ensure proper representation of the various capital city interests including business and community. At the same time it could provide a greater prospect for the election of team with a clear majority, a clear mandate and a preferred candidate for Lord Mayor.

Voting by proportional representation would also allow for the election of some independent councillors.

Any review of ward structure would also require a review of the ward and city boundaries

7.4 Election of the Lord Mayor

The Panel believes that the State Government should give further consideration to the way in which the Lord Mayor is elected. Any method of election of Lord Mayor must ensure a clear mandate.

In every other Capital City in Australia the Capital City community directly elects the Lord Mayor. These Lord Mayors clearly have the power to exercise a stronger mandate than under the Melbourne City Council's system of election by councillors.

Whether or not the option for a directly elected Lord Mayor is adopted by the State Government, the Panel believes that electors are entitled to know during the Council election who are the candidates for Lord Mayor and their policies.

The Panel believes that one way to achieve this would involve the standing of teams of candidates, each bound to a clear policy, with the leader of the team being designated as that group's candidate for Lord Mayor, if elected.

This process could minimise the shifting alliances that tend to undermine the unity of the current Council.

The Panel welcomes the Government's announcement that it is considering electoral reform issues relating to Melbourne City Council.

7.5 Support for councillors

The Panel believes that one way to attract a greater range of skilled and committed people to become City councillors is to make sure the work of councillors is actually part-time and that councillors are well supported and resourced. The Panel therefore recommends that councillors be provided with a higher level of administrative support. This would include:

- Upgraded staff resources to assist councillors;
- Improved office space and technology support;
- Upgraded staffing arrangements including the develop
- A structured induction program for all councillors after an election and an ongoing councillor development program. (*See Agreement 14*)

A restructured Council Support Team should include:

- A new strategic adviser position at the level of the Lord Mayor's Chief of Staff. (The adviser should be chosen by the councillors in agreement with the CEO and employed by the CEO)
- A Media Adviser;
- Diary and organisational support;
- Research administration as required

7.6 Remuneration of councillors

A number of respondents argued that the State Government needed to review the remuneration of Melbourne City councillors to better match their workload and their level of remuneration. This realignment is seen as necessary to encourage a broader range of candidates to run for Council.

Implementation of the Agreements

The Panel believes the Melbourne City Council and the administration should now move to adopt formally and implement all of the agreements that have been made as part of this facilitation process.

The Panel also believes that the process would benefit from the ongoing support of an implementation group. The Panel recommends the group should comprise the Lord Mayor, three councillors, the CEO, another senior officer and an independent facilitator chosen by the Council after consultation with the MAV and VLGA.

The task of the implementation group would be to prioritise and implement agreements contained in this report and to report progress or concerns regularly to the Council.

In the final analysis effective reform will depend on whether this Council and its administration have the collective will to make it happen.

City of Melbourne Council Facilitation Panel

Terms of Reference

A. Subject of facilitation

1. The working relationship and conduct between councillors.
2. The relationship between the council and administration.
3. The relationship between the council and council appointed officials such as the Mayor and Chairs of Committees.
4. How councillors represent the council and their relationships with other councillors, the media and the public.
5. Any council communication protocols determining who and how council business is communicated to the media and the public.
6. The policies and procedures in place and the nature of their application and implementation (including the costs of running the council).

B. Outcomes of facilitation

To work with councillors:

1. To review and develop models, policies or practices to enhance the working relationship between individual councillors.
2. To review and develop models, policies or practices to enhance communications and representations between individual councillors, the council and the public.
3. To review and develop models, policies or practices to enhance relationships between the council, councillors and the administration.
4. To review council processes and procedures, including those related to the costs of running the council, and whether there may be better models, policies or practices to ensure good governance.
5. To examine whether the relationships between the council and council appointed officials such as the Mayor and Chairs of Committees is founded on appropriate policies and practices.
6. To obtain a commitment from the parties to the above outcomes, to be contained in a Compact or Protocol.
7. To examine the implications of this review process for local government as a whole for later analysis and development by the MAV and VLGA.

C. Criteria for facilitator

- Good standing and status in the community
- Impartial
- Highly developed facilitation and mediation skills
- Understanding of government and corporate governance practice
- Ability to work with the council and administration to develop robust governance models
- Acceptable to all councillors

SCHEDULE OF AGREEMENTS

Improved decision making processes

- 1 Community Consultation Framework Role
- 2 Role and Responsibilities of the Statement for Lord Mayor
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- 4 Role Statement for Chief Executive Officer (CEO)
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A tougher Code of Conduct and Behaviour with sanctions

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- 13 Capital City Committee Act

Further Proposals

- 14 Councillor Induction and Development Program

AGREEMENT 1

Community Consultation Framework Role

Introduction

Democratic government involves community participation and input into governance and decision making. Consultation is a critical part of achieving democratic government. It is a vehicle for obtaining input and enhances the decision making process of council. Consultation also builds a sense of partnership between a council and its community. It fulfils a need to ensure that views can be identified and communicated and leads to a more informed and involved community.

Consultation does not impact on the Council's role to make decisions. Its accountability for its decision making is enhanced, not diminished, by consultation.

The Melbourne City Council has a strong commitment to maintain and improve consultation with the community on a broad range of services and on the planning, development and policy decisions being considered by the Council.

Council is aware that its constituents want to be consulted on those matters that are "closest to home." Local neighbourhood issues such as planting, road and footpath maintenance and improvements of Council facilities, are therefore the subject of consultation with property owners and other stakeholders. More complex policies strategies and plans and major projects are also the subject of detailed consultation with all those affected.

Council is also aware that effective consultation begins with timely, clear and concise information being provided by Council to those it wishes to consult.

The purpose of the Framework is to:

- Outline the Council's intent to encourage community participation in key decisions
- Ensure that consultation forms part of the ongoing operation and deliberations of the Council; and
- Provide some guidelines within which this would occur.

The Framework focuses on community participation in the planning phase of developments and in the discussion of issues, rather than only through final approval or implementation, as is generally provided by legislation.

In adopting the Framework, the Council gives a commitment to its evaluation and review.

1. Principles

The following principles have been developed from work undertaken here at the City of Melbourne and at Moreland City Council and Wellington Council (NZ).

1.1 Inclusiveness

- The way the consultation is set up and run encourages the participation of people who are affected by or interested in a decision
- Affected and interested parties will be actively encouraged to participate from the beginning of the project and be given equal opportunity to do so, including groups who have traditionally not participated in the past
- Affected groups and interested parties can select their own representative to work with Council
- The type of consultation or contact that is made with a group is sensitive to their particular needs, in order to maximise their ability to contribute
- Council actively seeks out people for consultation
- All councillors and business units who have an interest in the issue under consultation will be invited to participate and be kept informed
- The consultation process needs to take into account and give feedback to relevant officers at all levels of the administration
- The consultation process will be genuine at all stages of policy making, from the beginning of the process to the outcomes.

1.2 Focus

- Consultation is purpose-driven
- The type of consultation that is chosen is appropriate for the task
- There is a clear statement about what the consultation is to achieve and the required outcome
- There is a clear statement about what the role of Council is and what the role of the participants is in the consultation
- There is appropriate internal coordination to ensure corporate ownership of the consultation.

1.3 Responsiveness

- There is a genuine commitment to consider and respond to participants' contributions
- The consultation is carried out in a transparent way. Those people who have been involved are clear about how their feedback and comment is to be used
- There is sufficient openness during the consultation process to take new ideas on board and to alter the course of the action if required
- There is respect for the diverse range of interests that may be represented throughout a consultation
- All reasonable attempts will be made to resolve conflicts if they arise and to reach a suitable solution.

1.4 Provision of Information

- Information relating to the consultation is to be made readily available so that participants can make informed and timely contributions
- Information relating to the consultation can be accessed easily by everyone involved before key decisions are made
- Information must be presented in an easily understood format
- In some instances full details about an issue may not be fully disclosed to the public because of its commercially sensitive or personal nature.

1.5 Implementation and Evaluation

- All consultations are evaluated after the decision-making they contributed to is complete
- Timely feedback on outcomes is provided to participants
- Whenever possible, participants will receive a report about what input was received and how the final decision was reached. If there is a difference between the input and the final decision the reasons for this will be clearly documented
- As a part of Council's commitment to the effectiveness of a consultation, its associated decision making process will be evaluated once a final decision has been made. The checklist has been evolved for this purpose.

2. Levels of Consultation

The principles outlined in Part 2 are generic to all consultation processes, but there are clearly different levels of consultation to meet different requirements. Democratic local government, with its very broad charter, needs to consult across all levels which may range from consultation about the future use of a specific site in the municipality, to consultation on the community's view of a statewide, nationwide or even international issue which impacts on the community and therefore requires a Council position.

Examples of the different levels of decision making and therefore requiring different approaches to consultation are:

- Site Specific - eg: statutory planning, parking
- Area improvement - eg: urban or statutory planning, traffic management, street design, retail centre, parks development
- Service planning for the - this can include infrastructure, planning entire municipality and prioritisation and service development eg: aged care, recreation.
- Policy Development - the entire community may again be interested Parties together with other agencies and levels of government.
- Key strategic issues/
Major development
facility eg: Docklands - These could be specific or ongoing issues impacting on the community.
- Strategic plan for the City - Key strategic plans such as the Corporate Plan which will impact on the community over a number of years.

These levels will require a different approach to consultation. The general principles should be used to develop these approaches and the different functional areas should be involved in the development of specific strategies.

3. Consultation Mechanisms

The Framework described who the Council will consult, when it will consult and what it will consult about. The consultative mechanisms to be used include:

Personal Notification

- Personally addressed letters to property owners and occupiers inviting comments and submissions
- Leaflets letter box dropped to all properties within a specified area inviting participation
- Surveys to either all ratepayers and residents or targeted surveys
- Preparation of special publications with clear instructions on how feedback can be given on the contents

Meetings with Interested Parties

- Public meetings called by the Council. Briefings that are information sessions are not part of the consultation unless feedback is encouraged
- Attendance at meetings called by resident, trader, business and specific interest groups
- Creation of panels, on a specific-purpose basis, with representatives from the key groups or communities
- Project committees or working groups
- Discussion and focus groups, workshops and/or seminars.

Media Coverage

- Advertisements for submissions and editorial coverage in local and metropolitan newspapers and ethnic media, including press releases and interviews
- Special pages or ads in local papers outlining the issue and encouraging feedback
- Community radio, FM/AM radio
- Internet and E-mail access.

Displays/Exhibitions

- Displays at Council or other venues/noticeboards, including attendance by relevant staff.

Multi Media

- Use of the website, internet, information kiosks and other multi media forms of consultation, information and feedback.

Consultation Matrix

A range of consultation methods should be used to suit the needs of the issue. The table below illustrates the most common methods and their frequency of use. Methods rated as number 1 will be used every time, while those with the number 5 will rarely be used.

The matrix should be used as a guide. It must not be used prescriptively. All consultations will require that council officers look at the matrix to determine what the community expects and then meet those minimum standards.

	Site Specific	Area Improvement	Service Planning	Policy Development	Major Projects	Strategic Plans
Write a Letter	1	1	2	2	4	4
Survey	4	2	2	2	2	3
Letter Drop	3	2	4	2	2	2
Council Newsletter	5	3	1	1	1	1
Special Newspaper	5	3	3	2	3	1
Ads in Newspaper	2	2	1	1	1	1
Media	4	1	1	1	1	1
Community Leaders	3	2	1	1	1	1
Personal Briefing(s)	2	1	2	3	3	4
Focus Groups	5	4	1	2	1	3
Community Called Meetings	1	1	1	1	1	1
Public Meeting	2	2	2	1	1	1
Use of website and internet	5	3	2	2	2	2

Consultation Key

When:

Every time	1
In most circumstances	2
Depending on the program	3
On the odd occasion	4
Rarest of circumstances	5

This Framework highlights when each of these mechanisms may be used and encouraged. It also defines the use of additional mechanisms, particularly to seek the views of those whose views may not be captured through these 'traditional' approaches.

Providing the community with the results or outcomes of the consultation process is critical to the success of any consultation.

The Council needs to actively report back to residents, businesses and lower level officers as to why decisions have been made, how their views have influenced the outcome of the particular issue or policy and why certain views or ideas may not have been adopted.

4. Targets for Consultation

Who We Will Consult

As the capital city of Victoria, the Council is aware of the wide network of stakeholders with an interest in the delivery of services and the future of local areas and the City. These include:

- All the ratepayers
- Residents
- Business
- Workers
- Visitors and tourists to the City, including shoppers, those visiting tourist facilities and entertainment areas
- Other organisations, such as Councils, State and Federal Government and statutory authorities
- Other agencies, both profit and non-profit, providing services including educational, sporting, recreational and cultural within the City to local, metropolitan and state wide communities
- Peak bodies, industry groups and professional associations.

The Council recognises that the interests of different segments of the community, both local and metropolitan, will vary, dependent on the nature of the issue. However, it wishes to ensure that it is aware of the full range of opinions and views regarding significant matters.

4.1 People from Diverse backgrounds

It is important to ensure that all people within the community have the opportunity to access information being released. Some people with disabilities and non-English speaking groups have difficulty accessing information which is mainly provided in English and in written form. It is appropriate that guidelines be developed to supplement the Framework to assist in encouraging the involvement of people with disabilities and non-English speaking groups. It is also appropriate that the most disadvantaged people within the city of Melbourne are included in the consultation process where possible.

4.2 Consultation with Indigenous People

Council is committed to involving indigenous people in its decision-making processes. Their unique perspectives are acknowledged in Council consultation. The most appropriate way to involve indigenous people in the consultation will be discussed with their representatives including the most appropriate means of providing information and gaining feedback.

5. Resources for Consultation

In ensuring that there are adequate resources for our consultations we will adopt the following procedures.

5.1 Resourcing

- All significant consultation exercises are carefully costed
- In the interests of equity, Council will consider assisting groups who would otherwise be unable to contribute. The manner of this assistance will differ depending on the consultation and the resources available.

5.2 Timing

- Adequate time is allowed for participants to contribute and unexpected issues to be raised. Consultation will be started as early as possible to allow time for community involvement and comment
- Reasonable deadlines will be set for participants to respond and for the completion of tasks
- Sufficient time is allowed so that there is flexibility to debate and investigate any unexpected and important issues that arise.

5.3 Training

- Staff must be trained in appropriate consultation techniques
- Training must be focused to acquaint staff with the principles of good consultation, implementation of sound consultation and evaluation of the consultation.

5.4 Research

Prior to the commencement of any consultation we will identify:

- What needs to be done to encourage the participation of non-English speaking groups and people with disabilities
- What is known from our regular Customer Satisfaction Survey

6. Reporting Back and Evaluation

Advice to the Community About the Outcomes of Consultation Programs

As noted above, it is essential that the community be advised of the outcome of consultation programs. The Council needs to actively report back to the community as to why decisions have been made, how their views have influenced the outcome of the particular issue or policy and why certain views or ideas may/may not have been adopted.

It will be a matter of judgment of the councillor involved and the responsible manager as to whether it is practical and possible to respond to each individual who has made a contribution, dependent on the volume of individual submissions which have been received. However, it is appropriate for a **report on consultation** to be prepared and released for each major consultation program. This could take the form of a summary of issues raised through consultation and explain how the issues have been addressed in the final outcome or decision. In the case of area-specific issues/projects, such a document could take the form of a summarised leaflet distributed in the area.

A Consultation Report will be prepared for councillors prepared following major consultation programs. It summarises the issues raised and how these have been addressed. The Consultation Report should be publicly available and distributed to contributors/submitters (where practical).

Evaluation of Consultation Programs

It is appropriate for Divisions and Branches involved in consultation programs to evaluate the efficiency and effectiveness of each program. This will assist in ensuring that the techniques used are appropriate to those with an interest in issues under consideration by that functional area and also in ensuring that subsequent consultation programs are undertaken with the benefit of experience from preceding public processes.

Divisions and Branches will review these programs with consideration being given to the following:

- What consultation techniques drew the highest response rates
- Whether target groups have responded and whether parts of the community which might have been expected to have an interest in a matter/issue/project were not strongly represented in submissions. This will result in any follow-up action as well as further consideration as to how these groups can be more effectively targeted in future consultation programs
- What techniques were most effective in clearly conveying technical information
- The level, type and form of information supplied to facilitate public input, for example, whether further background information is required
- Timing and costs
- The most effective techniques in generating discussion of ideas and issues, for example, the size of workshop groups or committees

- Representatives of those who have participated in the consultation should be part of the evaluation process.

Evaluation of the Community Consultation Framework

The Framework will be used on an ongoing basis to guide the Council's activities. It will be important to monitor and assess its use in relation to large strategic issues as well as local area-based matters.

AGREEMENT 2

Roles and Responsibilities of the Lord Mayor

The specific provisions of the Local Government Act, limit but do not fully define the role and powers of the position of Lord Mayor of the City of Melbourne.

The Act defines and confines the role of a Mayor to that of chairing Council meetings and Council as the first Councillor among equals.

However, as with many other aspects of government, tradition, convention and practice broaden and better define the role and authority of the Lord Mayor. By separating the Lord Mayor from all other Mayors in the Act and specifying both the fee of the Melbourne Lord Mayor and a three year term for each incumbent, the Act defines an enhanced role for the position.

The position of Lord Mayor of Melbourne is similarly informed by tradition and convention. This includes the prerogative of the incumbent to exercise the role of Lord Mayor with some degree of latitude. However the role must always be undertaken within the framework of legislative, legal, Council and other constraints that impact on the position and other commitments of the incumbent.

Three fundamental functions constitute the Lord Mayor's role:

1. leadership;
2. representative; and
3. ceremonial.

A fuller description of the various roles of the Lord Mayor is provided below. The role statement reflects and incorporates elements that have been drawn from the Local Government Act, the existing role statement utilised by the City of Melbourne, the role statement for Mayors described in literature by the MAV and VLGA and the traditions developed in the Capital City Council over many decades.

1.0 The Lord Mayor's Leadership Role

1.1 *Political Management*

- To create and maintain political stability within Council
- To embody the community's democratic leadership and provide a symbol of democracy to the community
- To articulate collective aspirations of the community and promote collective endeavour
- To lead, inspire and support the team of elected Councillors

- To be a source of inspiration for Council staff and the community
- To defend the interests of the community and the local government of the community
- To set the tone and style of the government
- To speak publicly about the role of local government
- To speak publicly about developments in the community
- To generate community cohesion and inclusiveness
- To govern for all members of the community
- To be a mentor for other Councillors
- To set standards for behaviour and practice.

1.2 *Policy Development, Implementation and Review*

- To lead Council in the development of Council policies and standards appropriate to the community
- To lead Council in the setting of service standards
- To lead Council in ensuring policy is implemented in a timely and responsive manner
- To lead Council in set strategies for policy implementation
- with Council, review policy regularly
- To project values and standards into the community.

1.3 *Management Liaison*

- To provide a link between the elected representatives and the administration
- To chair the CEOs contract performance sub committee to oversee the performance of the CEO
- To utilise the staff and resources of the office of the Mayor in accordance with Council's policies, procedures and protocols, having regard to staff position descriptions.

1.4 *Chairperson of the City*

- To preside efficiently, firmly and fairly over Council meetings
- To provide leadership to the local government, the city and the community and its organisations to achieve peace, order and good governance.

2.0 The Lord Mayor's Representational Role

2.1 *Advisory Committee Contact*

- To establish, develop and maintain community advisory structures in conjunction with other Councillors
- To meet with community advisory groups
- To increase access to democratic political experience for community members
- To ensure a spread of representation - direct or indirect - on advisory bodies.

2.2 *Community Development*

- To strengthen the community fabric, to improve community safety, to improve work and leisure opportunities for all citizens, to develop community interaction, to promote community debate and education, to contribute to the vitality of the City
- To maximise community access to Mayor and Councillors
- To improve access for all sections of the community to participation in local governance.

2.3 *External Relations*

- To develop and maintain relations with other local governments, the State Government and the Federal Government
- To develop and maintain relationships with peak local government organisations
- To develop and maintain relationships with peak organisations from other interests
- To develop and maintain relationships with community groups
- To develop and maintain relationships with local business and industry
- To defend the interests of the local government to serve as its advocate
- To promote the achievements of the local government and its community and to engender civic pride
- To promote the City, its businesses and attractions and the needs and aspirations of all its stakeholders, including citizens, businesses and visitors
- To serve as the Central City business ambassador, with a special role in attracting business and employment resources into the municipality
- To initiate and facilitate opportunities to enhance the international positioning of the City by initiating new alliances, supporting visiting and travelling trade missions, supporting sister city and business partners linkages
- To work to build and strengthen strategic alliances and relationships with government, business and cultural leaders and organisations around the world.

2.4 Media Management

- To be Council's primary spokesperson to the media
- To develop and maintain positive working relationships with the media
- To provide information to and be accessible for the media.

2.5 Supporting the Community

- To represent community interests
- To advocate on behalf of community programs and needs
- To attend community functions on a fair and equitable basis
- To be knowledgeable about community programs and activities
- To ensure fair and equitable distribution of community resources
- To strengthen community governance and enterprise
- To heal communities after disasters
- To strengthen communities against external threats.

2.6 Reporting Back to the Community

- To ensure that quality information is made available to the community as a matter of course
- To ensure that adequate and accessible communication provides the community with news of Council's and the communities activities
- To ensure that each issue of significance is adequately brought to the attention of the relevant members of the community
- To undertake regular surveys of community attitudes.

3.0 The Lord Mayor's Ceremonial Role

- To ensure that the mayoralty as an institution rather than the individual person is promoted as a position of respect within the community
- To maintain a strong and ubiquitous presence within the city and to ensure the city is appropriately represented on all important occasions
- To preside over key civic functions
- To open exhibitions, events, demonstrations and ceremonies on behalf of the city
- To welcome visitors to the city
- To present awards

- To confer citizenship and preside over citizenship ceremonies
- To visit schools and the community and chair annual general meetings as required
- To represent the local government and the community in a wide range of circumstances and civic events
- To serve as the local government's social, cultural, political and business ambassador
- To be identified or associated with community issues and projects
- To be identified or associated with issues and projects of Council
- To establish and sustain a high and positive profile and standing in the community
- To use the mayoralty to promote the team of elected leaders and staff
- To establish conventions (political, legal and administrative) appropriate to the community.

Constraints on the Office of Lord Mayor

The Victorian Local Government Act constrains by omission the role and executive powers of the position of Lord Mayor of Melbourne. Some constraints include:

- The Lord Mayor has no executive powers
- The CEO has the power to appoint and dismiss staff
- The Lord Mayor should have an effective say in his/her staffing
- The Lord Mayor does not have line-management responsibility for administrative staff
- The Lord Mayor must contribute to ensuring a safe working environment.

Judgement and Decision Making

Subject to any decisions of, or directions from the Council, the Lord Mayor is responsible for providing input, making decisions and exercising judgement about:

- How to communicate the Council's goals, objectives, priorities and programs to the community, business and other interest groups and all clients, locally, interstate and overseas
- The level and extent of consultation on Council decisions and policies and the involvement of the Councillors in any consultative procedure
- The functions which are attended and the presentations made by or on behalf of the Council
- Representations made to other levels of Government made on behalf of the Council;
- planning of civic and other formal receptions
- The day to day operation of the Mayor's office and staff
- The observance of the Mayoral budget.

Specialist Skills and Knowledge

The Mayor must demonstrate:

- Excellent communication and interpersonal skills
- A high degree of political acumen and awareness
- Fairness and objectivity
- Ability to work with and within a change of culture
- Passion for and commitment to the municipality
- Sense of perspective
- Ability to conciliate
- Conflict resolution skills
- Negotiation skills
- Knowledge and understanding of the local government and Capital City operating environment, including legislative requirements
- Active and sympathetic listening skills

Qualifications and Experience

The Mayor must:

- Gain the cooperation, trust and respect of Councillors, staff and the community and have the ability to motivate other people to achieve stated outcomes and results in a team environment
- Establish, maintain and present at all times a positive, professional and dynamic image of the Council, the City and community
- Show a commitment to ongoing professional development, especially with regard to change management and industry trends and issue.

Personal Attributes

The Mayor must have a combination of skills, qualifications and experience and personal attributes to enable him/her to provide leadership, motivation and support to ensure the sustained and continuing development of the Council, the staff and the community of Melbourne.

AGREEMENT 3

Roles and Responsibilities of Councillors

Council is the elected team responsible for the leadership of the Capital City. The Council is ultimately held accountable for the success and implementation of Council policy. As the public face of Council and as community representatives, councillors play an integral leadership role in the processes for the development, communication and representation of Council policies, strategies and programs.

This document defines the roles and responsibilities of councillors.

In legislative terms, District and Ward Councillors have equal status. The Local Government Act 1989 ("the Act") does not differentiate between the two and provides that councillors will undertake the duties of the office of councillor in the best interests of the people in the relevant municipal district. All councillors have equal responsibilities, voting rights and liabilities.

This document is framed within Sections 6 and 7 of the Act which outline the purpose and objective of Council and informed by the MAV/VLGA Code of Good Governance.

This role statement has been adopted by Council along with other documents that define the functions and behaviours of councillors, specifically the following: *Councillors Code of Conduct, Code of Good Governance, Conduct of Meetings Local Law and Meeting Procedures Code and the Community Consultation Framework.*

2.1 The Capital City and the local community of Melbourne

Councillors will:

- Elect as Lord Mayor a councillor who will effectively fulfil that role
- Support the elected Lord Mayor as the leader of the Council team
- Contribute effectively to the interests and advancement of the capital city and its community both in the short and long term
- Represent constituents of the municipality while recognising the goals and interests of the people of all of Melbourne and within their role as custodians of the Capital City
- Contribute to the strategic vision for the Capital City, a responsibility which the Council shares with the State Government and the citizens
- Provide pro-active civic leadership and advocacy for the City and the community
- At all times, think and act strategically in establishing policies and priorities and allocating resources to meet the goals and needs of the Capital City and the local community

- Protect and, where practicable, enhance the special character, appeal and amenity of the Central Business District and the surrounding neighbourhoods and the lifestyle of all citizens
- Ensure the provision of programs and services to meet the needs of the Capital City and the local community
- Foster the physical, social and economic development of the Capital City and the local community within a sustainable framework
- Focus on aims, objectives and intended outcomes.

2.2 Functioning of Council

Each councillor will:

- Be a co-operative member of the council team
- Perform any special functions allocated to the councillor as part of that team
- Meet all civic and ceremonial responsibilities
- Attend and participate actively in council and committee meetings and prepare properly for them
- Work for unity by emphasising and building upon the common ground and recognise that valid differences in views and perspectives will exist in Council seeking the reconciliation of differences
- Where unity on a decision is not possible, councillors will respect and accept those differences and the majority Council decision on them
- Ensure that Council works effectively with the administration
- Appreciate and respect the separate function and complementary role of the administration in advising Council and implementing its policies.

2.3 Community Participation

Councillors will:

- Foster democratic participation, community cohesion, the development of an active and aware citizenship, a strengthened community and a sense of local identity and civic pride
- Listen to, interact and communicate effectively with the community
- Ensure that community views, aspirations and needs are known, understood and taken into account in decision making

- Adopt clear and transparent processes which engender the free flow of information and mutual trust between council and the community.

2.4 Evaluation of Performance

Councillors will:

- Monitor and evaluate the extent and effectiveness of the:
 - achievement of the goals and objectives of Council
 - implementation of its policies and programs
 - the performance of the organisation
 - the performance of the Council
 - the individual councillor's performance and contribution.
- Ensure that appropriate tools are established to enable monitoring and assessment to be effective.

2.5 Importance of Local Government

Councillors will:

- Contribute to, uphold and promote the interests of Local Government, the Council, the Capital City and the community at all times
- Seek continuously to develop increased knowledge and understanding of the principles, purpose, practice and good government of the Capital City and the local community.

AGREEMENT 4

Role Statement for Chief Executive Officer (CEO)

1. Position, Role And Responsibilities

1.1 The CEO shall:

- (a) Satisfactorily and to the best of his ability carry out the Role and Functions of the Chief Executive Officer as set out in Schedule 1;
- (b) Take all reasonable and necessary steps to meet to best advantage the Performance Criteria contained in Schedule 1 ;
- (c) Diligently exercise delegations made by Council and comply with its delegations policy;
- (d) Promote the best interests of the Council and the City;
- (e) Comply with and implement Council resolutions and adopted policies and priorities within available budgetary constraints; (!1 perform all duties imposed by law;
- (g) Have the power to appoint and terminate staff within the scope of the budget approved by Council and to evaluate and make decisions on the remuneration of executive staff;
- (h) Subject to clause 1.3 not engage in other remunerated work without the written consent of Council;
- (i) Immediately notify the Council if he becomes aware of any imputation or reflection against his professional or personal standing.

1.2 The responsibilities and performance criteria set out in Schedule 1 may be varied from time to time by agreement between the Council and the CEO, such agreement not to be unreasonably withheld by the CEO.

1.3 Where Council acknowledges that it may be in the interest of both the Council and the CEO that the CEO should adopt an appropriate external appointment:

- (a) The CEO may accept external appointments provided that any appointment is approved by the Council.
- (b) Any emolument in respect of an appointment in accordance with clause 1.3(a) above will be retained by the Council, except if otherwise agreed by the Council.
- (c) If at any time the holding of any external appointment would or does involve, or is likely to involve, the CEO in a conflict of interest or duty, the CEO will not accept, or will forthwith resign, as the case may be, that external appointment.

- (d) A situation will be taken to involve an actual or likely conflict of interest or duty for the purposes of this subclause if, in the opinion of Council reasonably formed, such a situation exists.

2. Confidentiality And Restraints

The CEO must not:

- 2.1** Disclose at any time, either during this employment or thereafter, any trade secret, financial, business, confidential or other information belonging to or concerning the legislative, administrative, operational or business affairs of or relating to the councillor or any of its municipal or trading enterprises (the Council's information) acquired by virtue of the CEO's employment or any other relationship with the Council, or any of its municipal or trading enterprises, without the prior written approve of the Council for the particular disclosure, save for the CEO's stocks in trade gathered during the normal course of employment; or
- 2.2.** use or attempt to use any of the Council's information in any manner which may cause or be calculated to cause injury, loss or embarrassment to the councillor or one or more of its municipal or trading enterprises.

3. The Role of the CEO

As the holder of one of the most important and influential roles in Local Government in Australia, the CEO will continue the program of reform now and from time to time adopted by Council. The CEO will also identify and promote further change where necessary to ensure that the organisation will be and remain at the forefront of the Local Government reform process.

The CEO is responsible to the Lord Mayor and Council for providing leadership in the development and execution of the Council's policies and programs. This requires strong two- way communication. The CEO has responsibility for the leadership of a diverse and complex organisation, and the most efficient organisation and management of the Melbourne City Council's functions and activities in a democratic environment. This requires the utmost in commitment, loyalty and accountability.

A further major role will be providing support and guidance for the Lord Mayor in the joint leadership of the City. Understanding and responding effectively to the wide range of competing demands of City stakeholders will be of critical importance together with the ability to anticipate any need for change to strategically position the Council and the City into the new millennium.

The CEO will need to ensure that the calibre, responsiveness and efficiency of management, staff and contractors serving the Corporation is of the very highest order, and that service providers are chosen only after rigorous tendering or examination and against demanding performance criteria set by the Council to ensure that the stated purpose of the service is fully met. The CEO has a lead role in maintaining cooperative and effective relationships with and between the Lord Mayor, councillors and the management team, and in the development and maintenance of commonly understood goals.

4. The Functions of the CEO

4.1 Strategic Leadership

- Providing effective communication to and between the Lord Mayor, councillors, the administration and the community, particularly the residents and ratepayers of Melbourne
- Providing effective leadership to the Council conjointly with the Lord Mayor
- Providing timely and strategic advice to Council on policy matters, issues and proposals affecting the future development or positioning of the City
- Delivering, within the context of achieving effective democratic governance, authoritative advice to the Council on its statutory obligations, powers and limitations
- On the Council's behalf, negotiating and achieving the resolution of major issues affecting the management, planning and development of the City
- With Council, establishing priorities for, and monitoring, the implementation of the Council's policies and programs; and
- Representing the Council on external bodies as agreed by Council.

4.2 Functional and Operating Responsibility

- Ensuring fully effective implementation of the policies and programs of the Council, within the limitations of Council's budget
- Organising and maintaining the quality operation of the full range of services and activities in consultation with users other stakeholders
- Monitoring and reporting on the performance delivery and quality of services and activities in consultation with users and other stakeholders
- Continuing the development and enhancement of efficient information systems to provide prompt and accurate information for planning, operational and reporting purposes
- Organising and maintaining the Corporation's administration in an efficient and economic manner; and
- Ensuring that the Corporation is regarded externally as a high calibre and responsible service provider, providing Best Value for expenditure.

4.3 Financial and Human Resources Management

- Providing effective leadership to senior management and staff in the achievement of corporate objectives through the deployment of best practice human resource management strategies
- Developing and maintaining the financial capability to enable the Corporation to discharge its statutory financial functions, organising and managing its funding requirements and accounting for the proper receipt, control and disbursement of all moneys of the Corporation

- Formulating operating plans and financial budgets to meet the Council's policy objectives and Council's annual budget decisions
- Monitoring and control of the Corporation's performance in achieving the above plans and budgets
- Ensuring the availability of adequate human, physical and financial resources for the above purposes within the constraints of Council's budget
- Monitoring external developments likely to influence or affect the achievement of the Council's policy objectives
- The recruitment, appointment, deployment, appraisal, management and training of staff to meet the Corporation's programs and the provision of an efficient human resources and industrial relations services to the organisations; and
- Embracing, developing and pursuing a corporate culture that promotes and recognises service, accountability, initiative, creativity, integrity, diversity, participation and transparency.

4.4 Community Relations Management

- Ensuring the implementation of Council's Community Consultation Framework in accordance with its tenor and spirit and that consultation is used effectively to enhance decision making by Council.

5. CEO Performance Criteria

(July 2000- July 2001)

These are in course of development for the current year by the CEO's Contract Committee. They will cover detailed criteria under at least the following headings:

1. Ensure the quality and effectiveness of managing the interface with Federal and State Government and other key stakeholders having regard to Council policy
2. Support the Office of the Lord Mayor
3. Maintain an effective working relationship with the Lord Mayor and councillors
4. Ensure effective financial management of the Corporation
5. Provide effective leadership to the Corporation
6. Implementation of the Best Value Program
7. Development and Promotion of the City of Melbourne as a sustainable and innovative corporation
8. Provide effective management of key city programs
9. Ensure the successful implementation of the key strategies of City Marketing
10. Facilitate the audit review of councillor expenses and associated FOI requests.

AGREEMENT 5

Delegations Policy

The objective of this delegation policy is to achieve the best possible results for the City, Council and the community through the effective harnessing of the input of, and co-operation between, Council, the administration and the community.

Council therefore re-affirms its responsibility, in consultation with the community, for setting and owning:

- the vision for the City
- its strategic direction
- the policies necessary to pursue that vision and direction; and
- the funding for them.

Council also accepts its responsibility to be accountable to the community for the outcomes of its policies.

Council acknowledges the responsibility of the administration:

- to implement the vision, strategies, direction and policies determined by Council
- to provide to the Council all information relevant to issues affecting it
- to advise honestly, loyally and professionally upon those issues
- to provide effective administration and staffing for these purposes, within the framework of Council's budget; and
- to be accountable to Council for the outcome achieved.

The Council therefore adopts the following policies and processes in relation to the exercise of delegated authority:

1. Referral to Council

A delegate shall refer any proposal whether for a project or program, for work, for a contract, or for a planning decision, to Council or its appropriate Committee, without prior decision by the delegate wherever and whenever:

- 1.1. The proposal raises an issue of significant public interest, concern or controversy, or is likely to do so
- 1.2. The proposal raises an issue of policy or process not covered by existing policy or practice
- 1.3. The proposal has given rise to substantial public objection or appears likely to do so
- 1.4. The delegate recommends approval of the proposal, but such approval would be, or could reasonably appear to be, inconsistent with a previous decision or decisions by or on behalf of the Council

- 1.5. Implementation of the proposal would require expenditure of Council funds, and such funds have not been specifically provided for in the budget
- 1.6. The delegate is not satisfied that the proposal has been the subject of appropriate consultation with those likely to be interested in or affected by it
- 1.7. The delegate is not satisfied that the proposal is one that is appropriate for the decision of the administration rather than the Council
- 1.8. The delegate believes that it is more appropriate that the proposal or any issue arising in connection with it should be determined by the Council rather than the administration; or
- 1.9. Any Councillor has indicated a desire to call in the proposal for Council decision.

2. Limitation on Financial Delegations

Where the approval of a proposal would involve the expenditure of Council funds for which provision has been made in Council's budget, the authority of the delegate is nevertheless limited to the following amounts:

For the Chief Executive Officer	\$2 million
For Directors	\$1 million
For Executive, Group or Branch Managers	\$ 500,000
For other officers	\$ 100,000

3. Difficult Issues

Whenever a major issue arises or any difficulty repeatedly arises in relation to the exercise of delegated authority, that issue or difficulty shall be referred to the appropriate Council Committee for consideration.

4. Compliance with Policy

When exercising delegated authority the delegate shall use his or her best judgement to ensure compliance with each and all of the requirements of this resolution.

5. Information and Transparency

To ensure that this process operates effectively, the following further steps will be required:

- 5.1 Information forums conducted by officers for Councillors shall be held weekly
- 5.2 All Directors shall report to these forums on delegations and proposals arising in their departments
- 5.3 All Directors shall provide written reports to such forums at least monthly on exercised delegations in their Divisions

- 5.4 Councillors shall have full opportunity at the forums to raise matters of concern or clarification on issues arising and to provide early warnings regarding possible community reactions; and
- 5.5 No decisions shall be made at such forums.

6. Policy Review

All instruments of delegation shall be reviewed in the light of this policy and shall be further reviewed in the light of experience within one year after the election of each Council.

[Note: Appropriate consultation means consultation in accordance with Council's Consultation Framework.]

AGREEMENT 6

Councillor Code of Conduct and Behaviour

In upholding the highest standing of democratic governance Councillors will govern according to the following Code.

Introduction

The Councillors of the City of Melbourne are committed to working together and with the CEO and Officers as a cooperative and constructive team to ensure that the shared vision for the City becomes reality. This vision is outlined in Council's statement *Towards the Next Century*:

Our vision for Melbourne is one which will see Melbourne become recognised both locally and internationally, as providing the best possible opportunities for people to live, learn, work and prosper in a quality environment. We want Melbourne to be a city viewed with pride by all Victorians.

We recognise that this vision is shared with the State Government and the community of Melbourne and Victoria. It can be turned into reality only through an effective partnership between all three.

The Council also maintains its stated commitment to public consultation and to achieving:

- A consultative environment and mechanisms which maximise the opportunities for all Melburnians to participate in the life and development of their City
- Encouraging and regenerating pride and the participation of all Melburnians in creating a better City
- Balancing the conservation of what is good from Melbourne's past with the dynamic development of what is beneficial for our future
- Demonstrating best practice in city management, including relevance, timeliness, efficiency and effectiveness.

Being an Effective Team

To achieve this vision and operating principles, it is recognised that the Council must work as an effective team. The team is one in which it takes pride, and:

- Has strong, inspired and inspiring leadership
- Shares common goals
- Shares a work load, public profile and rewards

- Offers support among its members
- Deals honestly with and respects the skills and abilities of its members
- Ensures that the views of all are effectively taken into account in decision making
- Is forward looking and strategic in its thinking
- Maximises goodwill; and
- Works within an agreed framework of 'rules' and public ethics.

In recognition for the need for a common 'set of rules', Councillors have adopted key principles forming the basis of a Code of Conduct. These principles will guide the Councillors approach to the conduct of office and interaction between one another.

Key Elements of the Code of Conduct

Six primary elements of protocol have been agreed:

1. Decision Making
2. Meeting Agendas and Minutes
3. Integrity
4. Ethics
5. Meeting Behaviour
6. Communications

The conduct for the Councillors of the Melbourne City Council will be governed by this instrument and enforcement will be the responsibility of the Lord Mayor or relevant Chairperson and the Chief Executive Officer.

It is recognised that in matters relating to Councillor conduct, the following will apply:

1. Decision Making

- Council will act in accordance with the principles contained in the Code of Good Governance 1997 adopted by the Municipal Association of Victoria and the Victorian Local Governance Association
- Council will act both as a strategic board and a democratic forum
- Council and Council administration will work together in partnership and harmony
- Council will focus on:
 - Outcomes achieved through a proper and consistent process;
 - Policies rather than cases, and
 - Strategic thinking rather than ad hoc decisions

- All decisions will be defined clearly and precisely with time targets for implementation and accountability.
- A majority vote will determine a decision, but in formulating and refining that decision the views of all Councillors will be fully taken into account
- Council will ensure that the implications of its decision making are fully understood by the administration and other stakeholders
- When commenting on Council's formal decisions, Councillors must acknowledge that Council's formal decisions are the result of a majority vote

2. Meeting Agendas and Minutes

- All Councillors may request items be listed on an agenda. The general management of agendas and conduct of Committee and Council meetings will be in accordance with the Conduct of Meetings Local Law and procedures
- Councillors must be properly informed of proposed agendas. The work load impact of items under consideration in an agenda also needs to be reasonable
- The Lord Mayor, or designated chair, will prioritise items on the agenda
- Minutes will be a record of the decisions and, where appropriate, a summary of key points in the discussion and an accurate and concise statement on action required
- Meeting procedures are defined. The procedures are intended to enhance the utilisation of Councillor and officer contributions.

3. Integrity

- At all times and in all forums Councillors will strive for a positive working relationship between Councillors and between Councillors and management.
- Councillors will ensure that the input of councillors and officers is utilised to best advantage
- For reasons of credibility and accountability, Councillors will behave ethically and with respect for one another in public forums, as well as in private discussions with one another, management and staff
- Any matters of personal concern between Councillors will be resolved quickly and in a positive manner
- Confidentiality must be absolutely maintained for all matters and documents, or parts thereof, declared to be confidential.
- No confidential information is to be passed to third parties under any circumstances. The source of any leaks is to be identified by the CEO and reported to Council through the Governance and Finance Committee

- Councillors opposed to the outcome of formal Council decisions are required to place their opposition on the public record before the decision is made. Councillors may then re-state the views they put to Council and explain they are in a minority
- If a Councillor disagrees with the outcome of a formal Council decision, the Councillors must acknowledge that Council's formal decision was the result of a majority vote.

4. Ethics

Councillors will observe the following ethics:

- Commitment to the community, to balancing competing interests and to serving the community's interests as fairly and effectively as possible
- Commitment to and respect for the institution of local government, for its social and democratic purposes and for effective public participation
- Respect for the law
- Respect for individual citizens, their rights, dignity and views, for each other and for officers.
- Adherence to Council policies pertaining to harassment, bullying and occupational health and safety
- Honesty and integrity, both generally and in the use of influence and vote, without fear, favour or reward
- Fiscal responsibility, prudence and probity
- Accountability, openness and transparency
- Open acknowledgment of any potential for conflict of interest, whether real or apparent and its avoidance so far as practicable
- Applied diligence and efficiency in the service of the community
- A focus always on outcomes intended for the community.

5. Meeting Behaviour

- In meetings, the valuable views of all Councillors will be heard and respected. All councillors will work toward achieving positive outcomes in our discussions
- Understanding, honesty and respect will be maintained at all times
- Equal time will be available to allow all Councillors to express a view

- Councillors will share a willingness to listen, learn and modify or change views in the light of debate, including views adopted at any preliminary meeting, whether formal or informal
- Councillors acknowledge that the duty to reach the best decision for the City and its community transcends any obligation to any person, party group or faction
- All differences will be tolerated and constructive debate encouraged. In doing so, Council will focus and build on positive aspects and on common ground, rather than concentrate on negative matters
- The social-cultural differences between Councillors will be respected
- Councillors will ensure their personal behaviour does not contravene Council policies in respect to anti-harassment and bullying
- Councillors will ensure that discussion remains on the matter at hand, without following tangents, and that disruption will not be tolerated
- Councillors should debate issues in Council. Where they are in opposition to a recommendation before Council they should place the grounds for their opposition on the public record at the Council meeting where the item is being debated
- If a councillor wishes to make public their opposition to the decision of the formal majority of Council then they may:
 - re-state the views they put to Council and explain they are in a minority.
 - must acknowledge that Council's formal decision was the result of a majority vote
- Councillors will maintain a sense of humour
- When councillors raise motions, including rescission motions, there must be a seconder to that motion. The notice of motion must name the seconder
- Councillors will set and observe high standards of punctuality
- Councillors are committed to ensuring that after a formal meeting has a quorum it will be maintained
- Appropriate staff will be present at meetings unless asked not to be present.

6. Communications

As representatives of the community, Councillors need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. There may be times when a Councillor as an individual disagrees with a majority decision of the Council and wants the community to know that.

Councillors are entitled to present their own views, particularly at election time, but in doing so Councillors should acknowledge that:

- As a member of the Council there is respect for the decision-making processes of the Council which are based on a decision of the majority of the Council
- An overriding concern ought to be in achieving a balance in matters that are communicated and strive to achieve an outcome that presents the Council as effective and cohesive
- The Lord Mayor or another specifically designated person is authorised to speak to the media and others on behalf of the Council
- Information of a confidential nature must not be communicated until it is no longer determined to be confidential
- Information relating to decisions of the Council on approvals, permits and the like ought only be communicated in an official capacity by a designated officer of the Council; and
- Information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

AGREEMENT 7

Good Governance Local Law

Part A - Introduction

1. Title

This Local Law is called the “Good Governance Local Law”.

2. Purpose of this Local Law

The purposes of this Local Law are to –

- (a) Give legal effect to the Melbourne City Council “Councillor Code of Conduct”, as adopted by Council on 18 December, 2000 and amended from time to time: and
- (b) Promote good governance

3. Authorising Provision

This Local Law is authorised by Section 111 (1) of the Local Government Act 1989.

4. Commencement of this Local Law

This Local Law begins on 18 December, 2000.

5. Revocation Date

This Local Law ends on 18 December, 2010.

6. Application of this Local Law

This Local Law applies throughout Council’s municipal district.

7. Definitions in this Local Law

Some of the terms used in this Local Law are defined.

They are identified by bold italics, and have the following meanings:

“Authorised Officer” means a person appointed by Council as an authorised officer, under Section 224(1) of the Local Government Act 1989.

“Code” means the Melbourne City Council “Councillor Code of Conduct” , as adopted by Council on 18 December, 2000 (in the form appended to this Local Law) and amended from time to time.

“Council” means Melbourne City Council.

“Councillor” means a Councillor of Council.

Part B – Penal Provisions

8. Compliance with Code

A councillor must –

- (a) comply with any obligation imposed; and
- (b) not infringe any principle, acknowledgement, expectation or other tenet set out in the Code.

Penalty for first offence: 20 penalty units;

Penalty for subsequent offence: 20 penalty units.

Part C – General

9. Infringement Notices

- (a) If it considers that a councillor has committed an offence against this Local Law, Council may, as an alternative to prosecution, resolve that the councillor be given notice of the alleged breach and the circumstances alleged to constitute the breach.
- (b) The councillor must then be given a reasonable opportunity to make submissions to Council on whether –
 - (i) the councillor has breached this Local Law; or
 - (ii) if the councillor has breached this Local Law, the breach should be the subject of further action by Council.
- (c) Following
 - (i) the consideration of any submissions made by the councillor; or
 - (ii) the effluxion of a reasonable time after the councillor was given an opportunity to make submissions to it (whichever occurs sooner), Council may direct an Authorised Officer to serve an infringement notice on that councillor.
- (d) An infringement notice must state –
 - (i) the name of the councillor;
 - (ii) the nature of the alleged breach;
 - (iii) the date, time and place of the alleged breach;
 - (iv) the amount of the fixed penalty;
 - (v) the time within which it must be paid to avoid prosecution, and the place to pay it; and
 - (vi) the councillor is entitled to disregard the notice and defend the prosecution in court.
- (e) To avoid prosecution, the councillor must pay to Council the amount of five (5) penalty units within 28 days.

AGREEMENT 8

Anti-Bullying Policy

The City of Melbourne considers bullying unacceptable behaviour that will not be tolerated under any circumstances. Council representatives, particularly councillors and officers are responsible for their behaviour and should ensure an environment free of bullying in the workplace or while providing goods and services in the public arena.

This policy specifies the expected code of conduct in relation to bullying for all Council representatives. This policy sets the framework for appropriate standards of behaviour for the workplace.

This policy also details the rights of all Council representatives to object to bullying or discrimination. Individuals who use this right responsibly will not be subjected to subsequent unfair treatment.

Council has now agreed to include this Code under its Code of Conduct.

Definition

“BULLYING”

‘Bullying’ is the term that has been developed to describe such inappropriate behaviour that is not specifically unlawful. It is defined as unreasonable behaviour that is persistent, and that demeans and humiliates councillors and employees, either as individuals or as a group.

Bullying may include such behaviours as:

- Manipulation
- Intimidation
- Belittling remarks
- Persistent criticism; nit picking and fault finding
- Verbal and physical abuse
- Isolation from colleagues
- Withholding information
- Setting of unrealistic targets

If Bullying Occurs

If bullying behaviour occurs the aggrieved person:

- should not assume ignored bullying will stop the behaviour
- should record incident details (dates, times, witnesses (if any), what happened and what was said) if the offensive behaviour continues
- may contact an independent party to assist in identifying steps to address the inappropriate behaviour. (For example, utilise outside independent counselling services, or speak to the Workplace Health Safety and Diversity Team Leader or the local workplace equal opportunity representative)
- may chose to directly address the alleged bully and advise the person his/her behaviour is offensive, unacceptable and does not comply with the City of Melbourne Anti Bullying Policy. A clear message should be given requesting the unacceptable behaviour should stop immediately
- should report the incident through either informal or formal complaint resolution processes. Refer to the City of Melbourne “Procedures for Resolving Discrimination and Harassment Disputes in the Workplace” for details.

All grievances relating to bullying will be dealt with promptly, sensitively and confidentially. Any investigation will be carried out in an impartial and fair manner.

If the aggrieved person is dissatisfied with the way their complaint has been dealt with, or the recommended resolution, the person is entitled to lodge a further complaint with the Victorian Equal Opportunity Commission (phone 9281 7171).

Confidentiality

Any allegation of bullying will be treated confidentially as outlined in the City of Melbourne “Procedures for Resolving Discrimination and Harassment Disputes in the Workplace”

Any records made during the investigation will be stored in a secure environment. Records of the investigation will not appear on Personnel Files except where formal investigation has established breach of the City of Melbourne’s Harassment and Bullying Policy and disciplinary action results.

Defamation

A person should not be deterred from making a complaint of bullying by concerns relating to defamation laws.

Generally, if an aggrieved person confines discussions to the appropriate people in the workplace (as outlined in the City of Melbourne “Procedures for Resolving Discrimination and Harassment Disputes in the Workplace” can demonstrate they were acting in good faith ie: is not making the complaint out of spite or malice, then the person will not be liable for defamation).

False Accusations

False allegations of bullying will be viewed seriously and if found to be malicious may expose the person to risk of defamation proceedings and dismissal.

Responsibilities

City of Melbourne Representatives

The CoM representatives are responsible for ensuring that their own behaviour and conduct in relation to any person in the workplace, or arising out of the employment relationship, or while representing the organisation, are free of bullying behaviours. Any person found to be in breach of the CoM policy may be subject to disciplinary action and could be personally liable for the settlement outcome of any discrimination claim.

Independent Contractors

All independent contractors engaged by Council must be made aware of, and agree to abide by the CoM's Bullying Policy and inform their own employees of the policy. Consequences of failure to abide by these policies could include termination of the relevant contract.

Managers / Team Leaders

All managers / team leaders have a vicarious liability to protect employees, contractors and others in the workplace from bullying behaviour. They are accountable for ensuring that CoM policy is adhered to in their areas of responsibility and for instituting appropriate actions to achieve a work environment free of harassment and bullying behaviour.

If a manager/team leader receives a bullying complaint, an immediate investigation as outlined in the CoM "Procedures for Resolving Discrimination and Harassment Disputes in the Workplace" will be conducted. Failure to investigate complaints and, or to take immediate and effective action to address the complaint, may be viewed as tolerating unacceptable behaviour, and, in some situation, could lead to individual or vicarious liability.

Related Policies, Procedures and Guidelines:

- CoM Equal Opportunity
- CoM Disability Inclusion Policy
- CoM Affirmative Action Policy
- CoM Non Discriminative Language Policy
- CoM Support to Staff with Baby Care Responsibilities Policy
- CoM Employee Assistance Policy
- CoM Parental Leave Policy
- CoM Inappropriate Use of Council's Internet and E-mail Systems Policy
- CoM Procedures for Resolving Discrimination and Harassment Disputes in the Workplace

Further Action

Council, in adding both this Code and the Anti Harassment Code to its Code of Conduct, will progressively review all other relevant personnel policies, procedures and guidelines.

AGREEMENT 9

Anti-Harassment Policy

The City of Melbourne considers harassment unacceptable behaviour that will not be tolerated under any circumstances. Council representatives, particularly councillors and officers are responsible for their behaviour and should ensure an environment free of harassment in the workplace or while providing goods and services in the public arena.

This policy specifies the expected code of conduct in relation to harassment for all Council representatives. This policy sets the framework for appropriate standards of behaviour for the workplace.

This policy also details the rights of all Council representatives to object to harassment, bullying or discrimination. Individuals who use this right responsibly will not be subjected to subsequent unfair treatment.

Legislative Obligations

Harassment is prohibited under the federal Sex Discrimination Act 1984, the Disability Discrimination Act 1992, and other relevant legislation in the state of Victoria.

Definitions

"HARASSMENT"

Harassment involves unwelcome behaviour relating to a person's:

- Gender
- Racial or ethnic background
- Religion
- Political affiliations
- Sexual preference or personal attributes
- Colour, physical features
- Physical or mental disability industrial activity
- Pregnancy
- Status as a parent or carer
- Affiliation with a person with any of the above attributes.

Such behaviour may be offensive, embarrassing, intimidating or humiliating. It can be physical, verbal or written.

“SEXUAL HARASSMENT”

“Section 85 Equal Opportunity Act 1995 (Vic) defines sexual harassment as someone making an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person; or engaging in any other unwelcome conduct of a sexual nature in relation to the other person in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated”.

“Conduct of a sexual nature” is defined as including conduct which subjects a person to any act of physical intimacy, making orally or in writing, any remark or statement with sexual connotations to a person or about a person in his or her presence or making any gesture, action or comment of a sexual nature in a person’s presence.”

The sexual harassment sections of the Commonwealth Act are essentially what is replicated in the State Act.

Under the Commonwealth Act is unlawful for a person to sexually harass their employee or someone who is seeking to be employed by them.

It is also unlawful for a person to sexually harass a fellow employee or someone who is seeking to become a fellow employee.

It is also unlawful to sexually harass a commission agent or contract worker or person who is seeking to become one.

For the purposes of the Commonwealth Act, a person sexually harasses another person if the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or engages in other unwelcome conduct of a sexual nature in relation to the person harassed in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated.

Under these Acts management has a duty to prevent sexual harassment and is held responsible if it occurs, unless all reasonable steps have been taken to eliminate the harassment. If such behaviour is unwelcome and makes the recipient feel offended, humiliated or intimidated, it will be unlawful sexual harassment provided that it was reasonable for the recipient to have felt that way. Innocent intent is no defence in sexual harassment cases.

Conduct which results in a hostile work environment but which is not conduct which is categorised as sexual harassment, may still be discrimination on the basis of sex.

Sexual harassment can occur between males, females, female to male, and, male to female. It can be physical, verbal or written and includes:

- Comments about a person’s sex life or physical appearance
- Leering and unnecessary physical contact such as fondling, pinching or touching
- Persistent demands for sexual favours or being asked out on a date
- Displays of offensive posters, pictures, graffiti, reading material or objects

- Offensive 'dirty' jokes, or sexist derogatory comments or taunts
- Comments on a person's alleged sexual morality (eg 'prude', 'tart' etc.)
- Physically molesting a person, indecent exposure; sexual assault and obscene communications (telephone calls, faxes, e-mail, and letters) may constitute a criminal offence and should be reported to the police; and
- Sexual harassment may be communicated by words or statements transmitted by phone, fax, videoconference or e-mail.

If Harassment Occurs

If harassing or discriminatory behaviour occurs the aggrieved person:

- Should not assume ignored harasser will stop the behaviour
- Should record incident details (dates, times, witnesses (if any), what happened and what was said) if the offensive behaviour continues
- May contact an independent party to assist identify steps to address the inappropriate behaviour. For example, utilise the independent counselling service- Employee Assistance Resources, or speak to the Workplace Health Safety and Diversity Team Leader or the local workplace equal opportunity representative
- May chose to directly address the alleged harasser and advise the person his/her behaviour is offensive, unacceptable and does not comply with the City of Melbourne Anti Bullying Policy. A clear message should be given requesting the unacceptable behaviour should stop immediately
- Should report the incident through either informal or formal complaint resolution processes. Refer to the City of Melbourne "Procedures for Resolving Discrimination and Harassment Disputes in the Workplace" for details.

All grievances relating to harassment and discrimination will be dealt with promptly, sensitively and confidentially. Any investigation will be carried out in an impartial and fair manner.

If the aggrieved person is dissatisfied with the way their complaint has been dealt with, or the recommended resolution, the person is entitled to lodge a further complaint with the Victorian Equal Opportunity Commission (phone 9281 7171).

Confidentiality

Any allegation of harassment will be treated confidentially as outlined in the City of Melbourne "Procedures for Resolving Discrimination and Harassment Disputes in the Workplace"

Any records made during the investigation will be stored in a secure environment. Records of the investigation will not appear on Personnel Files except where formal investigation has established breach of the City of Melbourne's Harassment and Bullying Policy and disciplinary action results.

Defamation

A person should not be deterred from making a complaint of harassment by concerns relating to defamation laws.

Generally, if an aggrieved person confines discussions to the appropriate people in the workplace (as outlined in the City of Melbourne “Procedures for Resolving Discrimination and Harassment Disputes in the Workplace” and can demonstrate they were acting in good faith ie: is not making the complaint out of spite or malice, then the person will not be liable for defamation).

False Accusations

False allegations of harassment and discrimination will be viewed seriously and if found to be malicious may expose the person to risk of defamation proceedings and dismissal.

Responsibilities

City of Melbourne Representatives

The CoM representatives are responsible for ensuring that their own behaviour and conduct in relation to any person in the workplace, or arising out of the employment relationship, or while representing the organisation, are free of harassing behaviours. Any person found to be in breach of the CoM policy may be subject to disciplinary action and could be personally liable for the settlement outcome of any discrimination claim.

Independent Contractors

All independent contractors engaged by Council must be made aware of, and agree to abide by the CoM’s Bullying Policy and inform their own employees of the policy.

Consequences of failure to abide by these policies could include termination of the relevant contract.

Managers / Team Leaders

All managers / team leaders have a vicarious liability to protect employees, contractors and others in the workplace from harassing behaviour. They are accountable for ensuring that CoM policy is adhered to in their areas of responsibility and for instituting appropriate actions to achieve a work environment free of harassment and bullying behaviour.

If a manager/team leader receives a harassment complaint, an immediate investigation as outlined in the CoM “Procedures for Resolving Discrimination and Harassment Disputes in the Workplace” will be conducted. Failure to investigate complaints and, or to take immediate and effective action to address the complaint, may be viewed as tolerating unacceptable behaviour, and, in some situation, could lead to individual or vicarious liability.

Related Policies, Procedures and Guidelines:

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- CoM Inappropriate Use of Council's Internet and E-mail Systems Policy
- CoM Procedures for Resolving Discrimination and Harassment Disputes in the Workplace

AGREEMENT 10

Conduct of Meetings Local Law

Division 1 – Preliminary Provisions

Title

- 1 This Local Law will be known as the "Conduct of Meetings Local Law".

Purpose

- 2 The purpose of this Local Law is to:
 - (a) regulate proceedings for the election of the Lord Mayor;
 - (b) regulate proceedings at all Ordinary and Special Meetings of Council and meetings of Special Committees.
 - (c) regulate the use of the common seal and prohibit its unauthorised use;
 - (d) amend Local Law No.1 of 1996 (Conduct of Meetings Local Law 1996);

Authorising provision

- 3 This Local Law is made under Section 91 and Part 5, in particular section 111, of the *Local Government Act 1989*.

Commencement and application

- 4 This Local Law commences on the xx xxxxx 2001.

Revocation date

- 5 This Local Law ceases to operate on the 10th anniversary of its commencement.

Definitions of words used in this Local Law

- 6 Unless the contrary intention appears in this Local Law, the following words and phrases are defined for the purposes of 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 Chief Executive Officer of Council, and includes a person acting as Chief Executive Officer;
'Clause'	means a clause of this Local Law;
'common seal'	means the common seal of Council;
'Council'	means the Melbourne City Council;
'Councillor'	means a Councillor of Council;
'Council Meeting'	includes a meeting at which the Lord Mayor is elected, an Ordinary Meeting and a Special Meeting of Council;
'Lord Mayor'	means the Lord Mayor of Council and any person acting as Lord Mayor;
'meeting'	means an Ordinary or a Special Meeting of Council, and a Special Committee meeting;
'minute book'	means the collective record of proceedings of Council;
'municipal district'	means the area from time to time comprising the municipal district of Council;
'offence'	means an act or default contrary to this Local Law;
'Ordinary Meeting'	means an Ordinary Meeting of Council;
'penalty units'	has the meaning ascribed to it in section 110 of the <i>Sentencing Act 1991</i>
'Special Committee'	means a Special Committee established by Council under section 86 of the Act;
'Special Meeting'	means a Special Meeting of Council;
'written'	includes duplicated, lithographed, photocopied, photographed, printed and typed.

Division 2 – Election of Lord Mayor

Election of Lord Mayor

- 7 The Chief Executive Officer must be the Chairperson of the meeting at which the election of the Lord Mayor is held.

Nominations

- 8 (a) Nominations shall be called for by the Chief Executive Officer upon the declaration of the result of the general election and be received in any of the following forms:
- (i) prior to the meeting, by a councillor notifying the Chief Executive Officer in writing;
 - (ii) at the meeting, a councillor nominating himself or herself as a candidate; or
 - (iii) at the meeting, a councillor nominating another councillor as a candidate.
- (b) Every nomination shall require a seconder.
- (c) Any councillor nominated may refuse nomination.
- (d) The voting for the election of the Lord Mayor must be carried out by show of hands unless the Council resolves that the vote be taken by secret ballot.
- (e) In any case where there is only one nominee, the nominee shall be declared elected.
- (f) In any case where there are two or more nominees the method of voting shall be by show of hands or secret ballot and the councillor with an absolute majority of votes cast will be declared elected.
- (g) If no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated and a further poll conducted as between the remaining candidates. If there are several candidates, this procedure must be repeated until a candidate receives an absolute majority of votes and that candidate shall be declared Lord Mayor.
- (h) If for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated shall be determined by simple majority vote. If there is an equality of votes with respect to the candidate to be eliminated, the candidate to be eliminated shall then be determined by lot by the Chief Executive Officer.
- (i) The Chairperson of the meeting shall act as Returning Officer for the election of the Lord Mayor.
- (j) Any councillor who is a candidate shall be entitled to vote.

Division 3 – Council Meetings

Quorum

- 9 The quorum for a Council Meeting is five (5) Councillors.

Date, time and place of meetings

- 10 (a) The dates, times and places of meetings are within the discretion of Council.
- (b) Council must, 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.
- (c) The Lord Mayor or Chief Executive Officer may call an urgent meeting of Council at any date, time or place and in any manner the Lord Mayor or Chief Executive Officer considers appropriate at the time.
- (d) The Chief Executive Officer must give reasonable notice to the public of any meeting of Council.

Order of business

- 11 The following order of business on the Agenda should be followed at an Ordinary Meeting unless Council resolves otherwise:
- (a) Apologies;
- (b) Adoption, confirmation and signing of minutes of previous meetings;
- (c) Declaration of any pecuniary interest of any councillor;
- (d) Reports of Committees;
- (e) Presentation of Reports from Management;
- (f) General Business;
- (g) Urgent Business; and
- (h) Confidential Business

Division 4 – Special Committee Meetings

- 12 (a) All meetings of Council shall observe and comply with this Local Law.
- (b) All meetings of Special Committees shall observe and comply with this Local Law with such modifications and adaptations as may be necessary to give effect to this Local Law.
- (c) Notwithstanding subclause (b) of this Clause, Division 2 of this Local Law does not apply to Special Committees.
- (d) The quorum for a Special Committee shall be a majority of the members.

Division 5 - Offences

- 13 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;
Penalty: 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;
Penalty: 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;
Penalty: 20 penalty units
 - (d) for a councillor to refuse to leave the room on suspension;
Penalty: 20 penalty units

Division 6 – Suspension of Local Law

- 14 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.

Division 7 – Common Seal

- 15 The common seal of Council may only be used with the authority of Council.
- 16 The Chief Executive Officer must keep the common seal in safe custody.
- 17 Every document to which the common seal is affixed must be signed by the Lord Mayor and the Chief Executive Officer.
- 18 No person may use the common seal or any device resembling the common seal without the authority of Council.
- 19 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;
Penalty: 20 penalty units.

Division 8 - Revision

- 20 Local Law 1 of 1996 (Conduct of Meetings Local Law) is hereby repealed from x a.m. on xxxx 2001.

Division 9 – Councillor Code of Conduct

- 21 Council's Meeting Procedures Code and Councillor Code of Conduct is to be applied in the conduct of meetings held in accordance with Council's Conduct of Meetings Local Law.

AGREEMENT 11

Meeting Procedures Code

Part 1 Introduction

- 1 (a) All meetings of Council and Special Committees are to be conducted in accordance with Council's Conduct of Meetings Local Law and this Meeting Procedures Code.

(b) All meetings of Special Committees shall observe and comply with this Code with such modifications and adaptations as may be necessary to give effect to this Code.
- 2 This Code may be altered from time to time by Resolution of Council. .

Part 2 Purpose

- 3 The purpose of this Code is to provide comprehensive guidelines for the conduct of meetings "-/ of Council and Council Committees, including 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.
- 4 Definitions of words used in the Conduct of Meetings Local Law ("the Local Law") shall apply to this Code.

Part 3 Election Of Lord Mayor

- 5 (a) Councillors must elect a Councillor to be the Lord Mayor.
(b) A meeting to fill the vacancy of Lord Mayor must be held:
 - (i) within two weeks of the declaration of the result of a triennial election held in accordance with Section 34 of the Act; and
 - (ii) as soon as practicable if for any other reason there occurs any vacancy in the office of the Lord Mayor.
- (c) The agenda for the meeting to elect the Lord Mayor may include the making of the declaration of office and taking the oath of allegiance by each Councillor, under sections 63 and 64 of the Act.
- (d) Any Councillor is eligible for election or re-election to the office of Lord Mayor.
- (e) All candidates must be moved and seconded.

Show of hands method

- 6 (a) All Councillors shall vote once for the candidate of his or her choice.
- (b) Candidates will be voted for in the order of nominations received.

Secret Ballot method

- 7 (a) The Returning Officer shall cause ballot papers with the names of the candidates to be delivered to each Councillor present at the meeting.
- (b) The candidate's names will appear in the alphabetical order of their surnames.
- (c) The Returning Officer shall provide a ballot box capable of being locked and of receiving the ballot papers. The ballot box shall be opened and exhibited to councillors and then locked and put on the table opposite the Returning Officer .
- (d) Every Councillor shall record his or her vote by striking out every name on the ballot paper except the name of the candidate for whom he or she wishes to vote. The Councillor shall then go to the Returning Officer to have his or her name recorded as having voted and, when directed, place the ballot paper into the ballot box.
- (e) No Councillor shall be required to sign his or her ballot paper.
- (f) The Returning Officer may appoint a Council officer to assist with the conduct of the poll.
- (f) A ballot paper that does not have every name except one struck out, shall be void and shall not be counted.
- (h) Immediately after the close of the poll the Returning Officer shall unlock the ballot box and ascertain the number of votes for each candidate and shall declare the candidate who polls the requisite majority of votes to be elected.

Lord Mayor as Chairperson

- 8 (a) The Lord Mayor must take the Chair at all Council Meetings at which he or she is present.
- (b) If there is a vacancy in the Office of Lord Mayor or the Lord Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the acting Lord Mayor.
- (c) The appointment of the acting Lord Mayor shall be determined in the same manner as the election of the Lord Mayor.

Part 4 Council Meetings

Quorum

- 9 (a) If a quorum is not present within 30 minutes of the time appointed for the commencement of a Council meeting the meeting shall be deemed to have lapsed.
- (b) If a Council meeting lapses the Lord Mayor must convene another Council meeting and ensure that the agenda for such meeting is identical to the agenda for the meeting which is deemed to have lapsed.
- (c) The Chief Executive Officer must give all Councillors notice of the meeting convened by the Lord Mayor.

Notice of Meeting for Councillors

- 10 The Chief Executive Officer must ensure that the notice of meeting and agenda for all Council Meetings together with a copy of the minutes of the previous Council Meeting, and all available correspondence, reports and the like to be considered at the meeting is sent to every Councillor at least 48 hours before the Council Meeting.
- 11 (a) Unless all Councillors are present and a majority of Councillors present resolve to deal with another matter, no business can be transacted at a Council Meeting unless it appears on the agenda.
- (b) Despite sub-Clause (a), an item of business which:
- (i) has been referred to Council by a Special Committee which has met since the agenda was prepared; or
- (ii) has arisen since the preparation of the agenda, and is the subject of a written V supplementary report by a member of Council staff,
- may be considered by Council if a majority of Councillors present resolve to so consider it.
- (c) A matter of an urgent nature which has arisen since circulation of the Agenda may be considered under Urgent Business.

Open Meetings

- 12 (a) Subject to sub-Clause (b), all meetings of Council must be open to members of the public.
- (b) Council may resolve that its meeting be closed to members of the public if the meeting is discussing:
- (i) personnel matters;

- (ii) the personal hardship of any resident or ratepayer; (iii) industrial matters;
- (iv) contractual matters;
- (v) proposed developments; (vi) legal advice;
- (vii) matters affecting the security of Council property;
- (viii) any other matter which Council considers would prejudice Councillor any person; or
- (ix) a resolution to close the meeting to members of the public.

Minutes

- 13 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 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 present;
 - (c) the disclosure of interest made by a Councillor; and whether the Councillor:
 - (i) left the room before the start of discussion and remained outside while the vote is taken; or
 - (ii) whether the Councillor remained outside while vote was taken, but left the room:
 - (A) during discussion without speaking on subject;
 - (B) during discussion after speaking on subject;
 - (C) at end of discussion without speaking on subject;
 - (D) at end of discussion after speaking on subject;
 - (E) in other circumstances (as described).
 - (iii) when the Councillor returned to the room;
 - (d) arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
 - (e) each motion and amendment moved;
 - (f) the vote cast by each Councillor upon a division;
 - (g) questions upon notice; and
 - (h) the failure of a quorum.

Manner of dealing with Order of Business

14 The following items listed on an agenda must be dealt with in the manner described:

(a) APOLOGIES

(i) Apologies shall be read by the Chairperson.

(b) MINUTES

(i) Closed Council Meeting

(A) The minutes of Closed Council shall be available for inspection by Councillors not later than 48 hours before commencement of, and shall be tabled at, the meeting at which they are to be confirmed.

(B) The minutes of Closed Council shall be confirmed in Closed Council.

(ii) Open Council Meeting

(A) When the minutes of a Council meeting are to be confirmed, they shall be taken as read unless there is a motion to the contrary .

(B) No discussion shall be permitted on a motion for confirmation of the minutes, except as to their accuracy as a record of proceedings.

(C) Once the minutes are confirmed they shall be signed by the Chairperson. The Minute books shall be at all reasonable times open for inspection by any person free of charge.

(c) PECUNIARY INTEREST

In every case where a disclosure of pecuniary interest is made at a meeting, a statement recording the Councillor's conduct shall be included in the minutes, as provided in Clause 13(c).

(d) REPORTS OF COMMITTEES

- (i) Any report of a Special Committee composed solely of Councillors must:
 - (A) contain a recommendation or recommendations to Council; and
 - (B) be included in the agenda for the next convenient meeting of Council.
- (ii) Upon the adoption of the Report by Council, each recommendation contained in the Report as adopted becomes a Resolution of Council.

(e) PRESENTATION OF REPORTS FROM MANAGEMENT

Management shall present their reports to Council in the order in which they appear in the Business Paper .

(f) GENERAL BUSINESS

- (i) General Business may include consideration of Petitions, Public Submissions; Deputations, Presentations and the like ("a submission") notwithstanding consideration of the matter by a Committee of Council.
- (ii) Any person wishing to make a submission must make a written request to the Chief Executive Officer not less than four clear days prior to the date of the relevant meeting in order that the request may be placed on the Agenda of that meeting.
- (iii) The Council shall determine whether to hear a submission and whether it will be heard at that meeting or at the next Ordinary meeting of Council after that at which it has been presented.
- (iv) Not more than two speakers may talk to a submission and each speaker shall be allowed ten (10) minutes to speak.
- (v) General Business may also include Questions without Notice from Councillors at the discretion of the Chairperson.

(g) URGENT BUSINESS

Business must not be admitted as urgent business unless it:

- (i) relates to or arises out of a matter which has arisen since distribution of the agenda; and
- (ii) cannot safely or conveniently be deferred until the next Council Meeting. (h)

(h) CONFIDENTIAL BUSINESS

Confidential business may be transacted in a meeting which is closed in accordance with the Act and Clause I2(b) of this Code.

Conduct of Meetings

15 Meetings shall be conducted in the following manner:

(a) MOTIONS IN MEETINGS

(i) A motion or 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) except in the case of urgent business, be relevant to an item of business on the agenda

(ii) A motion or amendment must not be defamatory or objectionable in language or nature.

(iii) A motion or amendment cannot be withdrawn without the consent of the meeting.

(iv) The procedure upon any motion or amendment is that the mover shall read the motion without speaking to it and shall shortly state its nature and intent.

(v) If a motion or an amendment is moved and seconded.

- (A) the Chairperson shall ask:
"Is the motion or amendment opposed?"; and
- (B) if no Councillor indicates opposition, the Chairperson shall declare the motion or amendment carried without discussion.

(vi) If any Councillor indicates opposition to a motion:

- (A) the mover may address Council upon it;
- (B) it is open to debate;
- (C) the mover must, except in the case of an amendment or a motion which has been amended, be given a right of reply; and
- (D) the Chairperson must then put it to the vote.

(vii) (A) No notice need be given of any amendment.

(B) The mover or seconder of a motion cannot move an amendment to it.

- (C) The mover of an amendment has no right of reply.
 - (D) A second or subsequent amendment cannot be moved until the immediately preceding amendment is disposed of.
 - (E) If any Councillor intends to move a second or subsequent amendment he or she must give notice of that intention prior to the right of reply being exercised.
 - (F) If an amendment is adopted it becomes the substantive motion and, as such, shall be put to the vote by the Chairperson.
 - (G) A Councillor cannot move more than two (2) amendments in succession.
- (viii) (A) No resolution at any meeting of the Council shall be revoked or altered in V any subsequent meeting unless notice of the intention to propose such revocation or alteration is given to each of the Councillors at least 48 hours before the meeting;
- (B) A notice of motion to rescind or alter a previous resolution of Council:
- (1) must be signed by the mover and seconder;
 - (2) 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;
 - (3) shall be deemed to have been withdrawn if not moved at the next meeting at which such business may be transacted; and
 - (4) 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 (1) month has elapsed since the date of the meeting at which the first or last motion for ill revocation or alteration was dealt with.

(b) **TIME LIMIT FOR MEETINGS**

- (i) A Council 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.
- (iv) Items on the agenda must not be read in full at any Council meeting unless the Council resolves otherwise.

(c) 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.

(d) 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.

(e) RESUMPTION OF ADJOURNED DEBATE

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.

(f) TIME LIMITS

A Councillor must not speak longer than five (5) minutes unless granted an extension by the meeting.

(g) REPEATING MOTION

- (i) Before any matter is put to the vote, a Councillor may require that the question, motion or amendment be read again.
- (ii) The Chairperson without being so requested may direct the Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) to read the question, motion or amendment to the meeting before the vote is taken:

(h) VOTE TO BE TAKEN IN SILENCE

- (i) Except that a Councillor may demand a division, Councillors must remain seated in silence while a vote is being taken.
- (ii) Voting must be by a show of hands.

(i) RECOUNT OF VOTE

- (i) The Chairperson may direct that the vote be re-counted as often as may be necessary for him or her to satisfy himself or herself of the result.
- (ii) Subject to Section 90 of the Act, if there is an equal division of votes upon any question, the Lord Mayor or Chairperson (as the case may be) at such meeting shall, in addition to his or her own vote as a Councillor, have a second or casting vote.
- (iii) Sub-Clause (ii) will not apply in the case of any election of the Lord Mayor.

(j) DIVISION

- (i) Immediately after any question is put to a meeting and voted on and before the next item of business has commenced, a Councillor may call for a division.
- (ii) When a division is called for, the vote already taken must be treated as a nullity and the division shall decide the question, motion or amendment.
- (iii) When a division is called for, the Chairperson must:
 - (A) first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of his or her hands. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record the names of those Councillors voting in the affirmative;
 - (B) then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of his or hers hands. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record, the names of those Councillors voting in the negative.

(k) DECLARATION OF VOTE

The Chairperson must declare the result of the vote or division as soon as it is taken.

(l) RECORDING OF OPPOSITION TO MOTION

Any Councillor may ask that his or her opposition to a motion adopted by the meeting be recorded. It must then be recorded in the minutes of the Council meeting.

(m) POINTS OF ORDER

- (i) 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.
- (ii) The Chairperson may adjourn the meeting to consider a point of order but must otherwise rule upon it as soon as it is taken.
- (iii) The Chairperson must when ruling on a point of order give reasons for the ruling. The Chairperson's ruling shall be final.
- (iv) 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
 - (D) outside Council's legal powers.

(n) 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 elected by the meeting shall take the Chair.

(p) 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.
- (iii) A personal explanation must not be debated except upon a motion to censure - the Councillor who has made the statement the subject of the personal explanation.

(q) CRITICISM OF MEMBERS OF COUNCIL STAFF

- (i) A member of Council staff is entitled to briefly address a meeting 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 Councillor 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.

(r) 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.

(s) SUSPENSIONS

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.

(t) RECORDING PROCEEDINGS

- (i) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may record on suitable audio tape recording equipment all the proceedings of a Council Meeting.
- (ii) Subject to sub-Clause (i), a person must not operate audio tape or other recording equipment at any Councillor Special Committee meeting without first obtaining the consent of the Lord Mayor or Chairperson (as the case may be). Such consent may at any time during the course of such meeting be revoked by the Lord Mayor or Chairperson (as the case may be).

Special Meetings

- 16
- (i) The Chief Executive Officer, the Lord Mayor or at least three (3) Councillors may by a written notice call a Special Meeting of Council.
 - (ii) The notice must specify the date and time of the Special Meeting and the business to be transacted.

- (iii) The Chief Executive Officer must convene the Special Meeting as specified in the notice.
- (iv) Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the notice is to be transacted.
- (v) Subject to any Resolution providing otherwise, the order of business of any Special Meeting must be the order in which such business stands in the agenda for the meeting.

Special Committees

- 17 A Special Committee shall elect a Chairperson in the manner determined by the Special Committee at the first meeting of the Special Committee.

Variation to Code

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

AGREEMENT 12

Protocols Between The Offices of the Lord Mayor And CEO

The following protocols are to operate between the office of the Lord Mayor (“the Lord Mayor”) and the Chief Executive Officer (“the CEO”).

Mutual Respect

The office of the Lord Mayor and the office of the CEO have an obligation to work together for the interest of the City, the Council and the community. The effective management of the City of Melbourne therefore relies upon ongoing dialogue and the maintenance of a positive, functioning relationship between both offices. To facilitate this outcome, the following protocols will apply:

- Mutual recognition that the Lord Mayor is the elected leader of Council and the CEO is the chief administrator
- The Lord Mayor and the CEO will each respect the office of the other
- The CEO is responsible to the Council as a whole ; and
- It is incumbent on both the Lord Mayor and the CEO to foster a team culture, trust, cooperation, inclusiveness and cohesiveness between both offices;

Regular Meetings

The Lord Mayor and the CEO, in addition to their daily information sharing meetings, will commit to a program of regular, formal meetings. These formal meeting will occur, where practicable, once per week. The purpose of the meeting will be to:

- Settle the Council agenda and agenda for the forum briefings
- Provide briefings and updates on ongoing Council business; and
- Discuss issues and concerns raised by the Lord Mayor and by the community and/or Councillors with the Lord Mayor
- Keep each other informed of all matters of mutual concern, including CEO contacts with Councillors and Lord Mayoral contacts with administrative staff
- Discuss issues and concerns raised by the Lord Mayor, the community and/or CMT with the CEO
- Where confidential information is discussed at such meetings it shall remain confidential until discussed in open council

Annual Budget for the Lord Mayors Office

The annual budget assigned to the Lord Mayor's office will be subject to the following provisions:

- The total annual budget will be developed by the CEO in consultation with the Lord Mayor and put to Council for approval
- The Lord Mayor's Chief of Staff will be responsible for the office budget, and will manage it in the same way as any other cost centre in Council
- The annual budget shall be subdivided into program budgets subject to discussion and agreement between the Lord Mayor and the CEO and notification to Council
- The cost items to be charged to program budgets within the office of the Lord Mayor must be clearly identified
- Minor variations to subdivided program budgets within the total budget may be made from time to time by the Chief of Staff as per corporate guidelines with the agreement of the CEO
- Proposed variations to the total budget must be transmitted to the CEO by the Lord Mayor's Chief of Staff to obtain the view of the CEO before being referred to Council for approval.

Responsibility for Expenditure

Management of expenditure within the Lord Mayor's office will be guided by the following protocols:

- The CEO shall delegate to the Lord Mayor's Chief of Staff (COS) the right to authorise and supervise all expenditure within the Lord Mayor's office. The COS will be responsible for ensuring that expenditure is within the budget and guidelines set for the Lord Mayor's office
- The COS shall immediately notify the CEO and advise the Lord Mayor when any item of expenditure either incurred or proposed will be outside their budget or authority
- The Lord Mayor shall advise and discuss with the CEO (and vice versa) any planned item of expenditure that is of an unusual nature, or the appropriateness of which could be subject to challenge, and determine if the proposal should be referred to Council

- At the end of the first week of every month the COS shall provide a monthly financial statement of expenditure, commitment and uncommitted funds to the Lord Mayor and CEO
- The COS monthly financial statement will include reference to any variation in program budget allocations and any items of an unusual nature together with an explanation
- In fulfilment of his ultimate responsibility in budgetary and financial matters the CEO has the responsibility to discuss with the COS or Lord Mayor any questions arising from the monthly financial report. If explanations for variations are not resolved to mutual satisfaction his report is to be referred to Council's Audit Committee

The Lord Mayor's Office

The staffing and operation of the Lord Mayor's office will be subject to the following provisions:

Staff Recruitment

Staff shall be appointed to the Lord Mayor's office according to the following procedure:

- The Lord Mayor will describe the requirements of the office to the CEO, who will approve the required composition, job description(s) and selection criteria
- The Lord Mayor will select the staff in consultation with the CEO. The CEO shall be responsible for appointment and dismissal of those staff
- Where practicable, existing employees within the City of Melbourne who possess the appropriate skills, experience and capability should be considered for appointment
- Where there is an insufficient pool of people at the appropriate level and experience exists within Council, the Lord Mayor may request that the CEO advertise the position(s).

Staff Conduct

- In terms of advice, interoffice staff relations and requirements for advice and carrying out duties relevant to the Lord Mayor's role, all staff assigned to the Lord Mayor's office will be under the direction of and accountable to the Lord Mayor. In all other matters, the Lord Mayor's staff will be responsible to the CEO and will abide by the employment rules and codes of Melbourne City Council
- The person appointed to the position of Lord Mayor's Chief of Staff will manage the Lord Mayor's office on a day to day basis
- Staff assigned to the Lord Mayor's office will owe a duty of care to the Lord Mayor and are bound by the same codes of conduct, duty of care and other requirements and entitlements as other City of Melbourne staff
- All new staff assigned to the Lord Mayor's office should be subject to a probationary period and shall participate in an information and induction process
- The Chief of Staff in the Lord Mayor's office is responsible for ensuring that the Lord Mayor is fully advised of all matters political and administrative affecting the Lord Mayor's office.

AGREEMENT 13

Capital City Committee Act Outline

An effective mechanism is essential to engender co-operation between the City of Melbourne and the State Government and to avoid or reconcile conflicts between them with respect to the future of the City. Adelaide has an effective Capital City Committee established by legislation, and the same course is proposed for Melbourne. The outline proposed for the Victorian legislation is set out below.

Constitution of Committee	Premier, Lord Mayor, two Ministers nominated by the Premier, two Councillors nominated by the Melbourne City Council.
Committee Chair	Premier
Meets	At least four times annually and additionally as need arises.
Committee Purposes	<ul style="list-style-type: none">• To identify matters requiring joint action to protect and promote the interests of Victoria's capital city;• To establish priorities, strategies and funding for joint action and to ensure agreed action is taken;• To ensure a vision for the capital city which is shared by the State Government, Council, business and the community and to ensure the implementation of that vision;• To recognise that the City of Melbourne represents broader communities of interest which extend beyond its existing local government boundaries and that the future of the City of Melbourne is critical to the future of the State;• To eliminate the possibility of conflict between State Government and the City Council in serving the interests of the capital city and the Victorian community;• To create confidence in the future of the City locally, nationally and internationally; and• To establish a climate which will optimise business, investment, development, use enjoyment and value of the City.
Functions	<ul style="list-style-type: none">• To identify and promote key strategic requirements for the economic, social, physical and environmental development and growth of the city as the primary focus for the cultural, educational, tourism, sports, retail and commercial activities of Victoria and the region;

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Functions (cont)

- To promote and assist in the maximisation of opportunities for effective coordination of public and private resources to meet the key strategic requirements identified by the Committee and recommend priorities for joint action by the State Government and the Melbourne City Council (within established budget processes and programs);
- To monitor the implementations of programs designed to promote the development of the capital city.
- To make provision for the publication (as appropriate) of key strategies, goals and commitments relevant to the development and growth of the City of Melbourne that have been agreed by the parties who are (or will be) required to undertake responsibility for their implementation or delivery; and
- To collect, analyse and disseminate information about all aspects of the development of the City of Melbourne, with particular emphasis on assessing outcomes and identifying factors that will encourage or facilitate future development within the City of Melbourne;

Outcomes

- To define areas of joint or shared action and areas of individual action by the State Government and the City of Melbourne.
- To produce a Capital City policy
- To produce an annual Capital City Development Program;
- To establish a Capital City Forum;
- To provide an annual report to Parliament and Council.

The Forum

- A Capital City Forum will be established as a consultative and advisory body under the Act. It would include representation of the varied interests vital to the success of a capital city (eg. The Arts, education, science and technology, sport, entertainment, public administration, large and small retailing, business and investment generally, property and development, communications, tourism, transport, the professions, manufacturing, employees and residents.)
- The Forum will advise the Capital City Committee on:
 - Vision and direction for the Capital City;
 - Policies and measures required to succeed; and
 - Specific programs for the purpose

AGREEMENT 14

Councillor Induction and Development Program

For every new councillor there needs to be early and thorough induction programs which include the Mayor, councillors, CMT and business and community stakeholders. There also needs to be an ongoing development program. The development program should have as one of its aims the review of priorities, programs and new needs or requirements.

Councillor Induction

The induction process will provide incoming councillors with two types of programs:

1. Councillor/Management Program; and
2. Councillor-only Program.

Each newly elected Council must set time aside in the first weeks of office to participate in a facilitated induction program. The program will be developed by the administration with the advice of councillors on their needs.

The areas and topics to be covered as part of the induction process should include the following and be agreed by a planning committee of councillors and two officers:

- All governance matters, including meeting procedures, rules of debate and conduct
- Discussion on individual and collective roles: Role of Ward and District Councillors/Portfolio system/Committee structure
- Information from all councillors on their election manifesto and their priorities
- City of Melbourne Code of Conduct and MAV/VLGA Code of Good Governance
- City of Melbourne policies including harassment, bullying and work place safety
- Major capital expenditure projects/developments
- Financial management: budget process, investment strategy, rating strategy
- Significant policy initiatives
- City Plan / Melbourne Planning Scheme
- Capital City Policy
- City of Melbourne organisational structure
- Subsidiary companies: Structure and relationship and Council's future role

- Inter-government relations and structures
- Customer service
- The role and structure of the MAV and VLGA
- Ward by Ward overview and description of areas of Council and State Government responsibility (ie. key buildings, institutions, parks, bridges, roads etc.)
- Structure, role and relationships with key city stakeholders eg. community, trader and precinct groups
- Community Consultation Framework
- Support systems and designated staff for all councillors
- Office and meeting facilities for councillors; and
- Councillor expenses and entitlement procedures.

Statutory Obligations

The councillor induction process will also include a number of sessions covering statutory obligations and responsibilities. This will include the following:

- A brief overview of obligations under the Local Government Act
- Freedom of Information legislation
- Pecuniary Interest requirements
- Handling confidential information
- Good Governance Local Law
- Meeting Procedures Local Law; and
- General overview of Local Laws.

On-going Development

Many of the induction items will require on-going team development sessions. Other programs and initiatives to be covered as part of on-going development will include:

- Team building cations, frequency, facilitator
- Strategic decision making
- Inclusive decision making
- Priority setting and effective time management
- Media training
- Effective meeting management: Chairing and participation in meetings, meeting types and styles, management's role in meetings
- Effective communication and public speaking
- Conflict resolution; and
- Use of technological equipment, computers (software, internet, mobile phones etc).