

**27 September 2022**

**Notice of Motion, Cr Leppert: Notice periods for significant reports**

**Motion**

That Council commences a process to amend the Governance Rules by undertaking community consultation on the proposal in the attachment to the notice, and considers a report setting out any public feedback and a final proposal by no later than the 13 December 2022 Council meeting.

**Background**

The Council's Community Engagement Policy<sup>1</sup> includes the following principles:

*We will communicate in a clear and timely manner so our community can easily understand what we are asking, what level of influence they have and how it will impact them.*

*We will report back to our community on what we did and what we heard during consultation via Participate Melbourne and other relevant channels, as well as ensuring that those who have formally engaged in consultation processes are informed when a decision will go to Council to be endorsed.*

*Everyone has a right to be involved in decisions that affect where and how they live. Everyone should feel supported and comfortable to have their say in council decision making.*

The Governance Rules<sup>2</sup> provide that, for all Council and Delegated Committee meetings, reports be distributed to Councillors on the Wednesday prior to a Tuesday Ordinary meeting, and, other than for confidential reports, be published by 2pm on the Thursday prior to a Tuesday Ordinary Meeting.

Councillors have received an increasing number of requests for longer notice periods for Council reports in recent years. Previously, Council has endeavoured to release significant and complicated reports early, to allow members of the public time to read and consider their contents, however this practice was not codified and has been inconsistent.

The proposal seeks to define a class of reports to be subjected to an extra week's notice. It is accepted that strict compliance may not always be possible, but the motion sets a new standard notice period for these reports.

The purpose of the motion is to ensure that councillors and members of the public, and especially anyone with a particular interest, have had adequate opportunity to read and consider the contents of significant reports prior to a decision being taken.

The additional notice period is not to be taken as a substitute for public consultation. Significant reports detailing new strategies, plans, policies and planning scheme amendments will generally have been the subject of separate public consultation processes. As such, Council will need to ensure that the extra notice period is not used to create unfair advantages to one interested party over another.

The motion seeks a report setting out a final proposal and any public feedback by no later than the 13 December 2022 Council meeting. This will ensure that the administration has adequate time to prepare for any new arrangements for the new year.

**Mover: Cr Rohan Leppert**

**Seconder: Cr Philip Le Liu**

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<sup>1</sup> <https://www.melbourne.vic.gov.au/SiteCollectionDocuments/community-engagement-policy.pdf>

<sup>2</sup> <https://www.melbourne.vic.gov.au/sitecollectiondocuments/governance-rules.pdf>

## Attachment

### Proposal to amend the Governance Rules

Amend Rule 8 of Chapter 2 of the Governance Rules by adding the underlined text and deleting the struck-through text:

#### 8. Availability of Council meeting documentation

8.1. Council meeting documentation, other than documentation described in Rules 8.2 and 8.3:

8.1.1. will be circulated internally to Councillors and executives six days prior to a scheduled meeting

8.1.2. will be available to members of the public electronically, via Council's website, and in hard copy (on request), from 2pm five days prior to a scheduled meeting.

8.2. Reports to Council meetings which fit the description in Rule 8.3:

8.2.1. will be circulated internally to Councillors and executives 13 days prior to a scheduled meeting

8.2.2. will be available to members of the public electronically, via Council's website, and in hard copy (on request), from 2pm 12 days prior to a scheduled meeting

8.2.3. if they follow a dedicated public consultation process, will be circulated electronically to any person who made a formal submission as part of that public consultation process, by 2pm 11 days prior to a scheduled meeting.

8.3. The Reports to Council meetings subject to Rule 8.2 are those which fall under the Reports section of the agenda (Rule 15.6) and which:

8.3.1. Recommend initiating, or referring to a panel or advisory committee, or adopting, a planning scheme amendment, unless that planning scheme amendment is site-specific, or is exempt (or is proposed to be exempt) from the public notice provisions of the *Planning and Environment Act 1987*

8.3.2. Recommend endorsing a draft for public consultation, or endorsing a final version of, a Structure Plan, strategy, plan, or policy, other than the Annual Budget and Annual Plan

8.3.3. Are nominated by the Chief Executive Officer on the basis that they are suited to a longer notice period, but are not otherwise captured by this Rule.

8.4. Where it has not been possible to comply with the timelines set out in 8.1 or 8.2, the Chief Executive Officer or delegate will provide the meeting with reasons for the late distribution.

~~8.2.5.~~ Council may, on occasion, be unable to comply with Rules 8.1 and 8.2 where the meeting is a special meeting.