

▶ Calling of a Special Council Meeting Policy

POLICY NUMBER:	82 (C)
NAME OF POLICY:	Calling of a Special Council Meeting Policy
DATE OF NEXT REVIEW:	Revoked when Hepburn Shire Council Governance Rules adopted
DATE APPROVED:	19 May 2020
RESPONSIBLE OFFICER:	Manager Governance and Risk
REFERENCES:	Meeting Procedure Local Law No. 1 Local Government Act 1989 – Section 84 Local Government Act 2020

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INTRODUCTION

The purpose of this Policy is to provide a mechanism to facilitate the good governance of Council to allow for a process for Special Meeting of Hepburn Shire Council to be called.

The *Local Government Act 2020* was given Royal Assent on 24 March 2020 and replaces the former *Local Government Act 1989*. However, there will be a progressive introduction of provisions contained in the 2020 Act which progressively repeal the provisions contained in the *Local Government Act 1989*.

A number of provisions contained in the *Local Government Act 2020* are now in force. They are the first of nearly 400 provisions which will progressively come into operation over the course of the next couple of years.

One of the provisions in the *Local Government Act 1989* to disappear on 1 May 2020 will be section 84 – a provision setting out how a Special Meeting of a Council is to be called. As Hepburn Shire Council does not reference the calling of a Special Council Meeting in *Local Law 1 Meeting Procedure 2014*, it has relied on the provisions in the previous Act when needing to call a Special Meeting of Council.

Local Government Victoria have a plan in place to consult extensively across the sector and co-design a set of governance rules specific to each council, which will complement the *Local Government Act 2020*. The new governance rules are required to be in place by 1 September 2020 and will also require a community engagement process prior to implementation.

Until such time as the new governance rules are in place, there will not be a mechanism to call a Special Meeting of Council other than by resolution of Council. This will inhibit Council's ability to respond to significant events that have historically required the calling of a council meeting between the scheduled meetings.

As such, this policy will provide the process to continue the previous arrangements that were included in the *Local Government Act 1989* until the new governance rules are in place.

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SCOPE

This policy applies to all Hepburn Shire Council employees and Councillors.

POLICY

The process that Council will follow should the requirement of the calling of Special Council Meeting to take place is as follows:

- (1) The Mayor, or at least 3 Councillors may by a written notice call a special meeting of the Council.
- (2) A Council may by a resolution call a special meeting of the Council.
- (3) The notice must specify the date and time of the special meeting and the business to be transacted
- (4) The Chief Executive Officer must call the special meeting as specified in the notice or resolution.
- (5) Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice or resolution is to be transacted.

The Chief Executive Officer is required to act consistently with this policy when exercising the delegated power to convene a Special Council Meeting of Council.

The Special Council Meetings will operate pursuant to Hepburn Shire Council's Meeting Procedure Local Law # 1.

The Chief Executive Officer will give, where practicable, reasonable notice of the date, time and location of a Special Council meeting of any Special Council Meeting that has been called via Council's website, customer service centers/municipal offices, libraries, and in newspapers generally circulating in the municipal district.

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DEFINITIONS

The following terms are referred to in the policy.

Term	Definition
Council	Hepburn Shire Council
Council Staff	Includes permanent and temporary full-time and part-time council employees, and contractors and consultants while engaged by Council.
Special Council Meeting	A meeting that has been called between the scheduled Ordinary Council Meetings. A Special Council Meeting carries the definition as defined in section 84 of the <i>Local Government Act 1989</i> .
The Chief Executive Officer	The Chief Executive Officer (CEO) of Hepburn Shire Council

FURTHER INFORMATION

Any enquiries about the Calling of a Special Council Meeting Policy should be directed to Council's Manager Governance and Risk T: 03 5321 6413 or via e: shire@hepburn.vic.gov.au

IMPLEMENTATION

This Policy will be disseminated to all Councillors of the Hepburn Shire Council as soon as adopted by Council.

The Policy will be available on Council's website and Council's Intranet. Where practicable, a copy of the Policy will be made available at Council's municipal offices.

REVIEW

The Policy will be revoked and replaced by the Hepburn Shire Council Governance Rules as defined under the *Local Government Act 2020* when they are adopted by Council or sooner if required by legislation or organisational changes.

Prior to implementation of the Governance Rules the the draft governance rules will be subject to an extensive community and stakeholder engagement process.