

OFFICIAL

# Council Meeting

## Agenda

20 October 2021 at 6:30pm

## Virtual Meeting





The City of Ballarat acknowledges the Traditional Custodians of the land we live and work on, the Wadawurrung and Dja Dja Wurrung People, and recognises their continuing connection to the land and waterways. We pay our respects to their Elders past, present and emerging and extend this to all Aboriginal and Torres Strait Islander People.

This meeting is being broadcast live on the internet and the recording of this meeting will be published on council's website [www.ballarat.vic.gov.au](http://www.ballarat.vic.gov.au) in the days following the meeting.

Although every effort has been made to protect the privacy of the public, members of the public participating in this meeting may be filmed. By participating once the meeting commences, members of the public give their consent to being recorded, and for the recording of them to be made publicly available and used by council.

Information about broadcasting and publishing recordings of council meetings is available in council's Live Broadcasting and Recording of Council Meetings Procedure which is available on the council's website.

#### **ORDER OF BUSINESS:**

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<b>4. Officer Reports.....</b>	<b>5</b>
4.1. Hearing of Verbal and Written Submissions Pertaining to the Draft Governance Rules Submissions .....	5
<b>5. Close .....</b>	<b>10</b>

**The next Meeting of the Ballarat City Council will be held on Wednesday 27 October 2021.**

## 1. OPENING DECLARATION

**Councillors:** *"We, the Councillors of the City of Ballarat, declare that we will carry out our duties in the best interests of the community, and through collective leadership will maintain the highest standards of good governance."*

**Mayor:** *"I respectfully acknowledge the Wadawurrung and Dja Dja Wurrung People, the traditional custodians of the land, and I would like to welcome members of the public in the gallery."*

## 2. APOLOGIES FOR ABSENCE

## 3. DISCLOSURE OF INTEREST

## 4. OFFICER REPORTS

### 4.1. HEARING OF VERBAL AND WRITTEN SUBMISSIONS PERTAINING TO THE DRAFT GOVERNANCE RULES SUBMISSIONS

**Division:** Executive Unit  
**Director:** Evan King  
**Author/Position:** Cameron Montgomery – Executive Manager Governance and Risk

#### PURPOSE

1. The purpose of the report is to receive and consider written and verbal submission on the proposed Draft Governance Rules.
2. This meeting is for submitters who have requested, in their submission, that they wish to be heard in support of their submission. Each submitter will be provided the opportunity to be heard and address Council in support of their submission.

#### BACKGROUND

3. Section 60 of the Local Government Act 2020 (the Act) requires Council to develop, adopt and keep in force a Governance Rules. Council adopted (R211/20) its first Governance Rules on 26 August 2020, in accordance with requirements of the Act.
4. Council resolved (R194/21) at its 22 September 2021 Council Meeting:
  - a. Give public notice in accordance with section 55 of the *Local Government Act 2020* (the Act) of Council's intention to adopt, at a Council meeting to be held at 6.30pm on Wednesday 27 October 2021, the proposed Governance Rules in accordance with section 60 of the Act.
  - b. Give public notice seeking submissions on the Governance Rules. Written public submissions will be accepted for 21 days ending 9:00am Thursday 14 October 2021.
  - c. Give public notice that any person who wishes to be heard in support of a submission received by the Council should indicate in the written submission that they wish to be heard. Any person requesting that they be heard in support of a submission is entitled to appear before a meeting of the Council either personally or by a person acting on their behalf at an *Unscheduled Council meeting* scheduled for Wednesday, 20 October 2021 at 6.30pm.
5. Council will receive the verbal and written submissions in response to the Draft Governance Rules and consider these submissions.

#### KEY MATTERS

6. Council advertised the proposed allowances on Council's Website mySay and advertised that it had done so. Copies of the report outlining the proposed changes were also available from Council's customer service at both the Town Hall and the Phoenix building.

7. Following from 22 September 2021 Council Meeting, Council opened for submissions on Tuesday, 23 September 2021 and closed on Thursday, 14 October 2021 at 9:00am.
8. Seven submissions were received, and three submitters advised that they wished to be heard in support of their submission.
9. The submissions received are presented in a summary form as an attachment to this report. Full copies of all submissions have been provided to Councillors in the confidential attachment.
10. In order to fully consider the submissions, that Council receive the report to adopt the Governance Rules at the 24 November 2021 Council Meeting, as opposed to the originally scheduled date of 27 October 2021.

### OFFICER RECOMMENDATION

#### 11. That Council:

##### 11.1 Receive and consider verbal and written submissions relating to the Draft Governance Rules.

##### 11.2 Give public notice in accordance with section 55 of the *Local Government Act 2020* (the Act) of Council's intention to adopt, at a Council meeting to be held at 6.30pm on Wednesday 24 November 2021, the proposed Governance Rules in accordance with section 60 of the Act.

### ATTACHMENTS

1. Governance Review [4.1.1 - 2 pages]
2. Public Submissions Summary [4.1.2 - 1 page]

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**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. The Governance Rules are a statutory requirement of the *Local Government Act 2020* (the Act).

**COMMUNITY IMPACT**

2. Council's Governance Rule outline how the community can participate in Council Meetings.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. There are no climate emergency and environmental sustainability implications for the subject of this report.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. There are no economic sustainability implications for the subject of this report.

**FINANCIAL IMPLICATIONS**

5. There are no financial implications for the subject of this report.

**LEGAL AND RISK CONSIDERATIONS**

6. In accordance with section 60(1) of the Act, Council must develop, adopt and keep in force Governance Rules.
7. In accordance with section 60(4) of the Act, Council must ensure that the process of community engagement is followed in developing or amending its Governance Rules.

**HUMAN RIGHTS CONSIDERATIONS**

8. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**COMMUNITY CONSULTATION AND ENGAGEMENT**

9. Council's Governance Rules will be put on public exhibition from the 23 September 2021 to 14 October 2021 to seek public feedback.

**GENDER EQUALITY ACT 2020**

10. There are no gender equality implications identified for the subject of this report.

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**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

11. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

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**SUBMISSIONS TO THE DRAFT GOVERNANCE RULES**

<b>Number</b>	<b>Summary of Submission</b>
1.	Does not support the changes to public question time as the Council Meeting is a very important democratic process. Believes that a verbal spontaneous response is more informative.
2.	Believe question time should be delivered by the person making the question and not by an officer.
3.	Does not support the changes to public question time as it removes opportunity for ordinary members of the community to personally ask a question of Council. The changes make it look as if Council wishes to be less transparent in its actions. Does not support the author of the question to not be present at the meeting at it does not allow Councillors to seek clarification questions. Seeks clarification of when public representation registrations will close and when the agenda will be available on the website. Does not support the removal of requirements for written reports from Committees included in the agenda.
4.	Does not support the changes to public question time as changing the public question time process could be seen as taking away the publics' right. Advocated for an increased accessibility to Councillors, to greater transparency to the decisions they make, and to the elimination of confusion and ambiguity. Raises concerns around public representations.
5.	Does not support the changes to question time as suggested changes disallowing questions at meetings is an obfuscation of the requirements of the transparency laws in the new <i>Local Government Act 2020</i> .
6.	Does not support the changes to question time as they have benefited from the process and think it is unique and a democratic access to Council. Does not support the rule of officers reading the questions as it would remove the opportunity for the Council and Officers to clarify items with the questioner. Does not object to the Council being notified earlier of a pending question but concerned about what the approved form is.
7.	Does not support the changes to public question time and considers this is an affront to democracy recommending changes to procedures around Council meetings. The proposal reduces the right of citizens to speak and to engage in public dialogue with their elected representatives.

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**5. CLOSE**