

Agenda

Special Council Meeting for Hearing
Submissions

Tuesday, 13 July 2021

To be held via Video Conference
(Zoom)

Commencing at 6:00pm

Council:

Cr Libby Stapleton (Mayor)
Cr Gary Allen
Cr Paul Barker
Cr Mike Bodsworth
Cr Kate Gazzard
Cr Rose Hodge
Cr Liz Pattison
Cr Adrian Schonfelder
Cr Heather Wellington

AGENDA FOR THE SPECIAL COUNCIL MEETING FOR HEARING SUBMISSIONS OF SURF COAST
SHIRE COUNCIL
TO BE HELD VIA VIDEO CONFERENCE (ZOOM)
ON TUESDAY 13 JULY 2021 AT 6:00PM

PRESENT:

OPENING:

The Surf Coast Shire local government area spans the traditional lands of the Wadawurrung People and the Eastern Maar People. The main Council offices in Torquay are on Wadawurrung Country. Being an online meeting today, we wish acknowledge the Traditional Owners of the lands on which each person is attending and pay respect to Elders past and present. Council also acknowledges other Aboriginal people that may be attending the meeting today.

PLEDGE:

As Councillors we carry out our responsibilities with diligence and integrity and make fair decisions of lasting value for the wellbeing of our community and environment.

APOLOGIES:

CONFLICTS OF INTEREST:

Note to Councillors and Officers

Declaration of Interest

In accordance with Section 130 of the Local Government Act 2020 (the Act), there is an obligation to declare a conflict of interest in certain situations including matters being considered by Council.

A conflict of interest can be a general conflict of interest under section 127 of the Act, or a material conflict of interest under section 128 of the Act.

A Councillor, a non-Councillor member of a delegated committee or member of Council staff has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner contrary to their public duty.

A Councillor, a non-Councillor member of a delegated committee or member of Council staff has a material conflict of interest in respect of a matter if they or another affected person (as defined in section 128(3)) would gain a benefit or suffer a loss depending on the outcome of the matter.

Please note that some general exemptions apply and are set out in section 129 of the Act.

Disclosure of Interest

A Councillor must make full disclosure of a conflict of interest by either advising Council at the meeting immediately before the matter is considered at the meeting, or advising the Chief Executive Officer in writing prior to the meeting. While the matter is being considered or any vote taken, the Councillor with the conflict of interest must leave the room and notify the Chairperson that they are doing so. This notification must include the nature of the conflict and whether the interest is a general or material conflict of interest.

A Council officer must disclose the conflict of interest when providing information and before the information is considered.

Councillors and Council staff will also be required to complete a conflict of interest declaration form.

BUSINESS:

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1. OTHER MATTERS

1.1 Draft Governance Rules

Author's Title: Coordinator Governance
Department: Governance & Risk
Division: Governance & Infrastructure

General Manager: John Bertoldi
File No: F20/413
Trim No: IC21/1163

Appendix:

1. Order of Speakers (D21/127024)

Officer Conflict of Interest:

In accordance with Local Government Act 2020 – Section 130:

Yes

No

Reason: Nil

Status:

Defined as confidential information in accordance with Local Government Act 2020, Section 3(1):

Yes

No

Reason: Nil

Purpose

The purpose of this report is to hear submissions relating to Council's draft Governance Rules.

Summary

At its meeting held on 25 May 2021, Council resolved to publicly exhibit the draft Governance Rules and publish a public notice inviting submissions in accordance with section 60(4) of the *Local Government Act 2020*.

Summary of Submissions

A total number of 26 submissions were received including 22 objections, 2 submissions which contain elements of objection and support, and 2 which have been considered as neutral. The submissions are summarised as follows:

No.	Submitter	Position	Summary of Submission
1.	Individual	Neutral	Submitter has suggested re-wording of some sections to improve clarity and transparency.
2.	Individual	Objection	Submitter has objected to any changes to the existing Governance Rules, expressing dissatisfaction with the performance of Council and submitting that amending the Governance Rules will not resolve these issues.
3.	Individual	Objection	Submitter has objected to the proposed draft Governance Rules, expressing concern that restrictions contained within the Rules may be interpreted in a way that does not enable Councillors to act in accordance with the Councillor Code of Conduct.
4.	Individual	Objection	Submitter has objected to the draft Governance Rules, expressing the opinion that all Governance Rules across Victoria should be uniform.
5.	Individual	Objection	Submitter has objected to the draft Governance Rules, stating that concerns that Councillors will be restrained in their ability to overrule the CEO and Council staff.
6.	Individual	Objection	Submitter has objected to the draft Governance Rules, suggesting that the proposed changes to the section addressing amendments to motions should not be accepted. Submitter also lists several requested changes to increase flexibility to sections including Public Question Time and Notices of Motion.
7.	Individual	Objection	Submitter has expressed dissatisfaction with the rules around Public Question Time, and has requested the consideration of a more flexible approach.
8.	Individual	Objection	Submitter has objected to proposed changes within the

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			draft Governance Rules, questioning if the proposed changes will meet the objectives stated within the Community Impact Statement.
9.	Individual	Objection	Submitter has objected to the proposed amendment to the timeframe for lodging a petition or joint letter.
10.	Individual	Objection	Submitter has requested greater flexibility around Public Question Time, amendments to motions, and notices of motion.
11.	Individual	Objection	Submitter has requested greater flexibility around Public Question Time, amendments to motions, and notices of motion.
12.	Individual	Objection	Submitter has requested greater flexibility around Public Question Time and notices of motion, as well as additional clarity around amendments to motions.
13.	Individual	Objection	Submitter has requested greater flexibility with public question time, and also objects to the sections addressing amendments to motions and notices of motion.
14.	Individual	Objection	Submitter has objected to the proposed draft Governance Rules, citing inconsistency with commentary/literature relating to meeting procedures.
15.	Individual	Objection	Submitter has suggested greater flexibility with Public Question Time, and also objects to the sections addressing amendments to motions and notices of motion.
16.	Individual	Objection	Submitter has suggested greater flexibility with Public Question Time, and also objects to the sections addressing amendments to motions and notices of motion.
17.	Individual	Objection	Submitter has expressed confidence in the existing Governance Rules and does not believe they require amendment.
18.	Individual	Objection	Submitter has requested greater flexibility around Public Question Time, amendments to motions, and notices of motion.
19.	Association	Objection	Submitter has suggested greater flexibility with Public Question Time, and also objects to the sections addressing amendments to motions and notices of motion.
20.	Association	Objection	Submitter has requested additional flexibility around Public Question Time and Notices of Motion.
21.	Individual	Neutral	Submitter has provided commentary on their general perception of the organisation, however does not directly address the draft Governance Rules.
22.	Individual	Objection	Submitter has objected to time limits for speakers at Special Council Meetings for Hearing Submissions, as well as the rules regarding Public Questions, the proposed timeframe for responding to petitions and joint letters, the changes to the sections addressing amendments and notices of motion, and the requirement for the Mayor to leave the Chair to speak to an issue.
23.	Individual	Objection	Submitter has suggested greater flexibility with Public Question Time, and also objects to the sections addressing amendments to motions, suggesting a state-wide uniformity.
24.	Association	Support and Objection	Submitter has expressed support for the change to the minuting process that proposes to remove divisions and

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			<p>record all votes in this style instead.</p> <p>Submitter objects to the Public Question Time and notice of motion clauses, requesting greater flexibility in these areas.</p> <p>Submitter has expressed the need for better clarity relating to motions and amendments to motions.</p>
25.	Association	Support and Objection	<p>Submitter has expressed support for the change to the minuting process that proposes to remove divisions and record all votes in this style instead.</p> <p>Submitter objects to the changes to the clauses relating to amendments to motions.</p> <p>Submitter also objects to the following clauses in their current form, as well as in their proposed new form: notices of motion, Public Questions.</p> <p>Submitter has also expressed concerns with the current Councillor briefing structure and seeks to ensure that decisions are made with maximum transparency.</p>
26.	Individual	Objection	<p>Submitter has expressed general objection to proposed changes.</p>

The issues raised in the submissions will be considered in detail in a report to be presented to the 24 August 2021 Council meeting.

Recommendation

That Council receives and notes the submissions relating to Council's draft Governance Rules.

1.1 Draft Governance Rules

APPENDIX 1 ORDER OF SPEAKERS



**Hearing of Submissions
Tuesday 13 July 2021 – 6:00pm
Via Video Conference (Zoom)**

ORDER OF SPEAKERS

Item	Name
1.	Antony Ward McWilliams
2.	Irwin Faris
3.	John De Witt
4.	Andrew McCauley
5.	Ian Kelly
6.	Peter John Brighton
7.	Robert Bullen
8.	Janine Fisher on behalf of Lyn George
9.	Heather Wellington on behalf of Diane Elizabeth Plim
10.	Sue O'Shanassy on behalf of 3228 Residents Association
11.	Greater Torquay Alliance