

Minutes

Hearing of Submissions Committee
Tuesday, 4 August 2020

Held via videoconference (Zoom)

Commenced at 5:00pm

Council:

Cr Rose Hodge (Chair)
Cr David Bell
Cr Martin Duke
Cr Clive Goldsworthy
Cr James McIntyre
Cr Brian McKiterick
Cr Tony Revell
Cr Margot Smith
Cr Heather Wellington

MINUTES FOR THE HEARING OF SUBMISSIONS MEETING OF SURF COAST SHIRE COUNCIL
HELD VIA VIDEOCONFERENCE (ZOOM)
ON TUESDAY 4 AUGUST 2020 COMMENCED AT 5:00PM

PRESENT:

Cr Rose Hodge (Chair)
Cr David Bell
Cr Martin Duke
Cr Clive Goldsworthy
Cr James McIntyre
Cr Tony Revell
Cr Margot Smith
Cr Heather Wellington

Anne Howard - Acting Chief Executive Officer
John Bertoldi - Acting General Manager Governance and Infrastructure
Ransce Salan - General Manager Environment and Development
Chris Pike - General Manager Culture and Community
Zoe Eastick – Governance Officer
Liberty Nash – Records Management Officer

APOLOGIES:

Committee Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Margot Smith

That an apology be received from Cr Brian McKitterick

CARRIED 8:0

CONFIRMATION OF MINUTES

Committee Resolution

MOVED Cr Martin Duke, Seconded Cr Tony Revell

That the Hearing of Submissions Committee notes the minutes of the meeting held on 7 July 2020 as a correct record of the meeting.

CARRIED 8:0

CONFLICTS OF INTEREST:

None declared.

SUBMITTERS HEARD

1. Heather Wellington (On behalf of Alan Dell)
2. Sue O'Shanassy (for 3228 Residents Association)

BUSINESS:

- 1. OTHER MATTERS.....4**
- 1.1 *Submissions to Implementation of Local Government Act 2020 - Governance Rules, Local Law No. 2 - Common Seal & Miscellaneous Penalties, and the Public Transparency Policy.....4*

1. OTHER MATTERS

1.1 Submissions to Implementation of Local Government Act 2020 - Governance Rules, Local Law No. 2 - Common Seal & Miscellaneous Penalties, and the Public Transparency Policy

Author's Title: Coordinator Governance

General Manager: John Bertoldi

Department: Governance & Risk

File No: F18/220-2

Division: Governance & Infrastructure

Trim No: IC20/1065

Appendix:

1. Order of Speakers - Local Government Act 2020 Implementation (D20/135428)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 – Section 80C:

Information classified confidential in accordance with Local Government Act 2020:

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to present submissions received during the public exhibition of the draft Governance Rules, Local Law No. 2 – Common Seal and Miscellaneous Penalties, and the Public Transparency Policy to the Hearing of Submissions Committee (the Committee), and allow submitters to be heard where they have requested to address the Committee in person.

Summary

At its meeting on 23 June 2020, Council resolved to publicly exhibit the draft documents and publish a public notice inviting submissions in accordance with section 223 of the *Local Government Act 1989*.

As a consequence of the public exhibition period, 15 public submissions were received of which one submitter has requested to be heard in person by the Committee and Cr Heather Wellington has been nominated to speak on behalf a further one submitter.

Council will consider the draft documents at the Council meeting scheduled to be held on 25 August 2020.

Officers have written to all submitters thanking them for making a submission to the draft Governance Rules, Local Law No. 2 – Common Seal & Miscellaneous Penalties, and the Public Transparency Policy

Summary of Submissions

A total number of 15 submissions were received, with two submissions including the same attachment, all of which are summarised as follows:

Public Submissions

No.	Submitter	Summary of Submission
1.	Individual	Concerned with ensuring openness of public information and its availability; confidential decision making should include written reasoning as to confidentiality. Public questions should be encouraged and Councillors should be able to make public comment in Council meetings.
2.	Individual	Council should listen to the community and be transparent.

No.	Submitter	Summary of Submission
3.	Individual	<p>Opposes changes.</p> <ul style="list-style-type: none"> - Believes Council are restricting interactions with the community. - Should increase the number of questions a member of the public can ask. - Delegated committee members and delegates need to be held accountable under the transparency policy. - Need clear guidelines for future development and commitment to understanding community concerns.
4.	Individual	<p>Believes that Council should consider and make decisions after taking into account views of ratepayers directly affected by these decisions. A person who will be affected by Council decisions should be entitled to communicate their views and have their interests considered.</p> <p>Council need to be more transparent with their decisions.</p>
5.	Individual	<p>Believes that Council needs to be more transparent and allow the public to access to more documents. This will allow for more accountability.</p>
6.	Joint x 2	<p>Supports changes.</p> <p>Wishes to see Council's decision making become more transparent and better informed, for Councillors, members, officers, residents and observers alike. Overall, support changes that promote a strong, respectful, approachable, objective and transparent Council that is connected to everyday people.</p>
7.	Individual	<p>Believes that Councillors should have greater flexibility to communicate decisions through the media and less restrictions on accessing information.</p>
8.	Joint x 2	<p>Would like to see a higher level of transparency demonstrated by the Surf Coast Shire Council through greater information disclosure, adherence to policy, Council meeting procedures and encouraging community representation and consultation.</p>
9.	Individual	<p>Believes that Council should ensure the community better understand Council meeting processes, allow greater opportunity for public questioning and be more transparent in their decision making.</p>
10.	Surf Coast Hinterland Group Incorporated	<p>Opposes changes.</p> <p>Provided suggestions to add to the Transparency Policy - adding to the policy scope, redefining transparency and including further references.</p> <p>Provided suggestions to add to the Governance Rules – providing Councillors with more time to read Council documents, removal of restrictions on public and Councillor questions and subjecting delegated committees to the same rules as Council.</p>
11.	Individual on behalf of Surf Coast Hinterland Group Incorporated	<p>As above.</p>
12.	Individual	<p>Opposes changes.</p> <p>Suggested changes should be made around when Councillors receive Council documents, subjecting delegated committees to the same rules as Council,</p>

No.	Submitter	Summary of Submission
		removal of restrictions on public and Councillor questions and right to respectfully protest at Council meetings.
13.	Joint x 2	Suggested changes in the Public Transparency Policy must not hinder access to information and instead should enhance access.
14.	Individual	Believes that Council should be more transparent to the community through disclosure of more information. Citizens should have greater opportunities to address Council and should not face barriers when trying to do so.
15.	3228 Residents Association Inc.	Governance Rules - Suggestion to add greater opportunities for community submissions and questions, earlier release of Council agenda, alteration to processes regarding public questions and public conduct, meeting procedures and committees. Transparency Policy – Suggestion to increase public transparency and allow for easier access to information.
16.	Individual	Opposes changes. Suggested changes to when Council agendas are published, greater access to information, limiting of 'secret' meetings, encouraging Councillor communication with the community and simplifying Council documents to ensure community understanding.

Recommendation

That the Hearing of Submissions Committee receives and notes the submissions relating to Implementation of Local Government Act 2020 - Governance Rules, Local Law No. 2 - Common Seal & Miscellaneous Penalties, and the Public Transparency Policy and forwards to Council for consideration.

Committee Resolution

MOVED Cr Martin Duke, Seconded Cr David Bell

That the Hearing of Submissions Committee receives and notes the submissions relating to draft Governance Rules, Local Law No. 2 – Common Seal and Miscellaneous Penalties and the Public Transparency Policy and forwards to Council for consideration.

CARRIED 8:0

Close: There being no further items of business the meeting closed at 5:27pm.