

5.2 GOVERNANCE RULES REVIEW 2021

Responsible Senior Officer: Jarrod Doake, Chief Operating Officer

RECOMMENDATION*That Council:*

1. *Adopts the Governance Rules, as amended and detailed in this report.*
2. *Invites public submissions on the amendments proposed to the Governance Rules, as part of the review.*
3. *Appoints a Committee of Council, comprising all Councillors, to consider any submissions received on the proposed amendments to the Governance Rules.*
4. *Sets the meeting of the Committee of all Councillors for 7.00 pm, Tuesday 12 October 2021.*
5. *Resolves to hold an Additional Meeting of Council, at 7.00 pm, Tuesday 19 October 2021, for the purpose of considering the Committee of Council's recommendations on the amendments to the Governance Rules and to resolve on the final form of the Governance Rules.*

INTRODUCTION

The Council needs to review the Governance Rules, as a requirement under Governance Rule 61(a).

BACKGROUND/DISCUSSION

A number of amendments, summarised below, which are considered to be relatively straightforward in nature, are proposed and have been discussed by Councillors:

GOVERNANCE RULE	PROPOSED AMENDMENT	RATIONALE
Definitions	Add definition of "Standing Orders"	"Standing Orders" is referred to in the Rules, but there is currently no definition of what that means.
8(d); 10(c);15(g) and (n)(ii) (iii) & (vi); 18(f); 19(c)(i) & (iii); 26(g); 30(d); 31(b);	Replace his/her & him/her with their/them.	Included under gender equity considerations.

55(a); 58		
15(l)	Add "and responses"	Reflects the current practice of providing responses to questions, to Councillors, prior to a Council meeting.
15(e)	Add: (e) Governance officers will convey a response from a Councillor, after a Council Meeting to a submitter, where requested by that Councillor. The response will not purport to be a response from or on behalf of Council.	This will enable a Councillor to contact a submitter where that Councillor wishes to communicate directly on the question/s raised, without compromising the submitter's privacy.
New 49(ii)	Notwithstanding anything in sub-clause 49(i), Council may by resolution determine Terms of Reference and Governance Rules to be used by a Community Asset Committee.	Clarifies the application of Terms of Reference and Governance Rules to Community Asset Committees, if Council so chooses.
50	Delete.	No longer applies due to legislative changes
58(d)	Replace 'tabled' with 'submitted'	Meeting summaries form part of the Council papers and not tabled separately.
Schedule 2 Public Questions	Amend Privacy Statement by adding the words "A Councillor may contact you through the Governance and Legal Department regarding the subject matter of your question."	This will permit Councillors to communicate with submitters about the subject of their question, without disclosing personal information, beyond that required under the Governance Rules, ie the submitter's name.

There is no intention to include a reference in the Governance Rules to the format of Council meetings, ie virtual, person or hybrid, as that will be addressed by State Government policy.

POLICY IMPLICATIONS

There are no policy implications to this matter. The matter relates to the requirements of the Governance Rules.

CONSULTATION

A public consultation process, similar to that required under section 223 of the repealed *Local Government Act 1989*, is proposed to be used, to invite written submissions, with submitters given the opportunity to speak in support of their written submission, to the Committee appointed by Council.

HUMAN RIGHTS CONSIDERATIONS

The Governance Rules provide residents and ratepayers the opportunity to take part in public life through the submission of questions to the Council, under Public Question Time.

GENDER EQUITY ASSESSMENT

Considerations in relation to the language contained in the document have been made and an assessment of residents' and ratepayers' ability to take part in the Public Question Time process, irrespective of gender, age, educational ability, language, access to technology, background, etc. Residents/ratepayers are able to submit questions via the Council web site, e-mail, text or hard copy, ie a letter either posted or hand delivered to the Civic Centre or Oakleigh Service Centre.

Assistance is also available to those who require, in preparing and submitting a question.

FINANCIAL IMPLICATIONS

There are minor financial implications in relation to this matter, in the costs associated with the public notices for the consultation. These costs are able to be met within the existing Budget.

CONCLUSION

Council is requested to consider and adopt the proposed amendments to the Governance Rules and agrees to invite public submissions on the amendments.