



13.1 UPDATE TO GOVERNANCE RULES - FINAL APPROVAL OF UPDATES POST CONSULTATION

EXECUTIVE MEMBER: CLAIRE STEVENS, GENERAL MANAGER, GOVERNANCE AND ORGANISATIONAL CAPABILITY

PREPARED BY: JOANNE MCNEILL, EXECUTIVE MANAGER PROPERTY AND ASSETS

1. PURPOSE

- 1.1 To present to Council the results of the community consultation on the Governance Rules adopted by Council on 7 September 2022 and seek adoption of the final version of the Governance Rules.

2. EXECUTIVE SUMMARY

- 2.1 On 19 August 2020 Council resolved to adopt new Governance Rules. These Rules have been in effect since that time.
- 2.2 In addition to the changes that were made then, the Local Government Act 2020 requires Council's Governance Rules to make express provision for requesting and approval of attendance at Council and Delegated Committee meetings by electronic means of communication. This requirement took effect on 2 September 2022.
- 2.3 To support compliance with the new requirements, the Governance Rules 2020 were updated and were adopted by Council on 7 September 2022, with the understanding that consultation would be undertaken and a subsequent report prepared for Council to consider for final approval of the updated Governance Rules.
- 2.4 Consultation was undertaken with the community via Have Your Say from 9 September to 3 October 2022. There were 101 visits to the site and 25 downloads of the Governance Rules. Three responses were received for the survey, with mixed levels of support for the changes. Given the small participation rate, the survey results are not considered a representative sample.
- 2.5 No changes are proposed to the Governance Rules adopted by Council on 7 September 2022 apart from minor editorial updates to fix grammatical and formatting errors.
- 2.6 The final version of the Governance Rules 2022 is provided in Attachment One.

3. RECOMMENDATION

That Council:

- 3.1 Notes that Council adopted the updated Governance Rules on 7 September 2022.
- 3.2 Notes that community consultation on the changes to the Governance Rules was undertaken from 9 September through to 3 October 2022.
- 3.3 Adopt the updated Governance Rules (Attachment 1), noting that minor editorial updates have been made to the version adopted on 7 September 2022 to address formatting and typographical errors.
- 3.4 Notes that the updated Governance Rules address the requirement in the Local Government Act 2020 to make express provision for requesting and approval of attendance at Council and Delegated Committee meetings by electronic means of communication.



4. KEY POINTS/ISSUES

- 4.1 The Local Government Act 2020 (Act) received Royal Assent on 24 March 2020. Council was required under Section 60 of the Act to adopt a set of Governance Rules, inclusive of an Election Period Policy, by 1 September 2020.
- 4.2 The requirement to adopt a set of Governance Rules replaced the Meeting Procedure Local Law required under the Local Government Act 1989, and addressed:
 - a) the conduct of Council meetings and meetings of delegated committees;
 - b) the form and availability of meeting records;
 - c) the election of the Mayor and the Deputy Mayor;
 - d) the appointment of an Acting Mayor;
 - e) an election period policy;
 - f) procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee;
 - g) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter.
- 4.3 At its meeting of 1 July 2020, Council endorsed for community consultation the draft Governance Rules and draft Election Period Policy and invited written submissions and community feedback on the draft Policy until 31 July 2020. No formal submissions were received through the feedback process.
- 4.4 On 19 August 2020 Council resolved to adopt the new Governance Rules. These Rules have been in effect since that time.
- 4.5 In addition to the changes that were made then, the Local Government Act 2020 requires Council's Governance Rules to make express provision for requesting and approval of attendance at Council and Delegated Committee meetings by electronic means of communication. This requirement took effect on 2 September 2022.
- 4.6 To support compliance with the new requirements, the Governance Rules were updated and endorsed by Council on 7 September 2022, with consultation to occur and a further report to be brought back to Council with any proposed changes.
- 4.7 The consultation period has now ended and no changes to the previously endorsed version have been proposed, apart from minor editorial updates to address formatting issues.
- 4.8 The final Governance Rules (Attachment 1) are provided to Council for consideration, noting that no changes, apart from minor formatting changes, have been made from the version adopted by Council on 7 September 2022.

Summary of Key Changes

- 4.9 As a reminder, the changes to the Governance Rules that were endorsed by Council on 7 September focus on Attendance and Remote (Virtual) Meetings and include:
 - a) Whether meetings are to be wholly attendance meetings, wholly virtual meetings or partially attendance and partially virtual meetings;
 - b) How, if a meeting is intended to be a wholly attendance meeting, a Councillor can request that they attend by electronic means; and



- c) A decision by Council as to whether it accedes to such a request.
- d) The proposed changes assume that Council will not unreasonably refuse a Councillor's request to participate remotely in a meeting that is earmarked to take place in person.

Minor clarifications and updates

4.10 A number of minor changes were also endorsed by Council on 7 September. These:

- a) make it clear that the Mayor can only be elected with an absolute majority of votes;
- b) provide for the acceptance of electronic petitions, joint letters and memorials;
- c) reflect the repeal of certain provisions in the Local Government Act 1989; and
- d) adopt more gender neutral language.

5. CONSULTATION AND STAKEHOLDERS

5.1 Consultation was undertaken with the community via Have Your Say from 9 September to 3 October 2022.

5.2 There were 101 visits to the site and 25 downloads of the Governance Rules.

5.3 Three responses were received for the survey, with mixed levels of support for the changes. Given the small participation rate, the survey results are not considered a representative sample.

6. LEGAL AND RISK IMPLICATIONS

6.1 The proposed changes ensure compliance with the Local Government Act 2020.

7. FINANCIAL IMPACT

7.1 There are no financial impacts from the proposed changes.

8. ENVIRONMENTAL IMPACT

8.1 There are no environmental impacts from the proposed changes.

9. COMMUNITY IMPACT

9.1 There are no community impacts from the proposed changes.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

10.1 The changes align to Well Government Port Phillip, ensuring that Council have Governance Rules that are fit for purpose and compliant with the Local Government Act 2020.

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

11.1.1 Implement changes in Governance Rules as required with new process and procedures.

11.1.2 Updated Governance Rules to be provided on Council's webpage.

11.2 COMMUNICATION

11.2.1 Council's Governance Rules:

MEETING OF THE PORT PHILLIP CITY COUNCIL 2 NOVEMBER 2022



- Ensure that proceedings and decision making by Council is transparent and understandable to all people who wish to participate in and observe meetings of Council.
- Ensure participation in proceedings is accessible and balanced with Council's primary decision-making role.
- Ensure proceedings and decision making is conducted in accordance to the principles of procedural fairness and good governance.
- Ensure proceedings and decision making is made in a safe and respectful environment and provides an equal opportunity for all to participate, with respect being accorded to the expression of differing views.

12. OFFICER DIRECT OR INDIRECT INTEREST

12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

ATTACHMENTS 1. **Governance Rules 2022**  