

Governance Rules

2021 Review

Community Engagement Statement



Part A – GENERAL COMMENTS

1. Introduction

Revised Governance Rules have been developed and are being proposed for adoption by Council as part of the compliance requirements of the *Local Government Act 2020 (Act)*. The Act requires Council to develop, adopt and implement Governance Rules for the way that Council conducts meetings, makes decisions, records of meetings and must include an Election Period Policy. The focus of which is to ensure the principles of good governance are incorporated; and transparency of Council decisions made in the best interest of the municipal community. To achieve this, Council decision-making needs to consider the local economic, social and environmental conditions toward sustainable planning for future generations to come.

This Community Engagement Statement has been prepared to inform the community about the proposed Governance Rules and to assist any member of the public who may wish to make a submission to Council during the public consultation process

2. Background

Section 60 of the Act requires that each Council develop, adopt and apply governance rules that describe the way they will conduct Council meetings.

3. Methodology

The proposed Governance Rules is being developed under section 60 of the Act and will operate throughout the Ballarat City Council municipal district.

The development process included:

- benchmarking against the corresponding meeting procedures of other Victorian Councils to assess where Council's current Local Law could be improved;
- consultation with Councillors to make necessary adjustments to the Governance Rules to ensure the ongoing promotion of representation and fairness in discussion on matters, effective and efficient conduct of Council meetings in accordance with overarching governance principles outlined in the Act.

4. Objectives

The revised Governance Rules continue to incorporate the overarching governance principles outlined under Section 9 of the Act.

5. Principles

Council must, in the performance of its role, give effect to the overarching governance principles outlined in the Act. These principles are:

- a) Council decisions are to be made and actions taken in accordance with the relevant law;
- b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- d) The municipal community is to be engaged in strategic planning and strategic decision making;
- e) Innovation and continuous improvement is to be pursued;
- f) Collaboration with other Councils and Governments and statutory bodies is to be sought;
- g) The ongoing financial viability of the Council is to be ensured;
- h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
- i) The transparency of Council decisions, actions and information is to be ensured.

6. Consultation

In accordance with section 60(4) of the 2020 Act, Council must ensure that a process of community engagement is followed in developing its Governance Rules. The proposed Governance Rules will be released for community engagement via Council's mySay website for 21 days; during which, affected members of the community are invited to make written submissions. Following consideration of any submissions, the proposed Governance Rules will be presented to Council for adoption.

PART B – COMMENTS ON SPECIFIC CHAPTERS / RULES OF THE PROPOSED GOVERNANCE RULES

The proposed Governance Rules is being made under section 60(1) of the Act and will operate throughout the municipal district of the Ballarat City Council.

Chapter, Rule (s) or section of Governance Rules and Description / heading	Removed / Changed / Added	Rule or Wording
Chapter 3.5 – Election of the Mayor	Removed	<ul style="list-style-type: none"> • Rule 3.5.1 - Clarification regarding the order of business for the election of the Mayor. • Rule 3.5.1 c) ii) removed as Election report is not required to be submitted at first meeting following the election. • Rule 3.5.1 c) v) removed appointment of Chairperson as s25(3)(a) of the Act require Chief Executive Officer to preside over the election of the Mayor.
Chapter 3.7 – Public Questions and Submissions	Changed	<ul style="list-style-type: none"> • Rule 3.7.1: Public Questions received in advance to enable community members receive full and timely responses at Council Meeting. • Public Questions received in writing by 4pm the day prior to the Council Meeting. • Questions received after the deadline will be carried over to the next meeting. • Like questions may be grouped and a single response provided. • Public representations to be submitted in writing by 4pm the day prior to the Council Meeting.
Chapter 3.8 – Motions and Debate	Changed	<ul style="list-style-type: none"> • Rule 3.8.22 Right to ask questions amended from 'at any time' to 'prior to the debate' to provides clearer separation in relation to debate arguments and governance process related to motion, amendment or alteration. • Bereavement motions has been included to ensure consistency and will be raised in reports from Councillors.
Chapter 3.8 – Motions and Debate	Added	<ul style="list-style-type: none"> • Rule 3.8.24 Bereavement Motions. Added structured process for the presenting of bereavement motion in recognition of the passing of a significant community member and how motion introduced to meeting.

Chapter 5 – Conflicts of Interest	Removed	<ul style="list-style-type: none">• Rule 5.2.4 removed publishing of the conflict of interest register as this is governed by the Public Transparency Policy and may contain material that is subject to <i>Privacy and Data Protection Act 2014</i>.
Chapter 8 – What Informs Decision Making	Changed	<ul style="list-style-type: none">• Rule 8.1.2 - administrative changes to the Advisory Committees and inclusion of Stakeholder Reference Groups.• Rule 8.1.3 – changed reference to reports by Advisory Committees to remove inconsistencies with relevant reporting requirements as outlined in the committee Terms of Reference.• Inclusion of the <i>Gender Equality Act 2020</i> in the Council Reports

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