



**13.4** UPDATE TO GOVERNANCE RULES

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

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**1. PURPOSE**

- 1.1 To present to Council for adoption proposed updates to the Governance Rules to make express provision for requesting and approval of attendance at Council and Delegated Committee meetings by electronic means of communication as required in the Local Government Act 2020.

**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 have been updated (Attachment 1) with proposed changes for Council consideration and adoption. The changes also contain a number of minor clarifications and updates. A table has been provided (Attachment 2) that describes the proposed changes and the intent behind it these.

**Key Changes**

- 2.4 The changes to the Governance Rules are largely procedural in nature and focus on Attendance and Remote (Virtual) Meetings and include:
- Whether meetings are to be wholly attendance meetings, wholly virtual meetings or partially attendance and partially virtual meetings;
  - How, if a meeting is intended to be a wholly attendance meeting, a Councillor can request that they attend by electronic means; and
  - A decision by Council as to whether it accedes to such a request.
  - 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**

- 2.5 A number of minor changes have also been proposed to:
- make it clear that the Mayor can only be elected with an absolute majority of votes;
  - provide for the acceptance of electronic petitions, joint letters and memorials;
  - reflect the repeal of certain provisions in the Local Government Act 1989; and
  - adopt more gender neutral language.



### 3. RECOMMENDATION

That Council:

- 3.1 Adopt the updated Governance Rules (Attachment 1).
- 3.2 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.
- 3.3 Notes that community engagement is required in relation to developing or amending the Governance Rules under the Local Government Act 2020 and will occur from 8 September through to 7 October 2022.
- 3.4 Notes that a second report will be brought to Council with the results of the consultation and any recommended changes to the Governance Rules for consideration by Council.

### 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 have been updated (Attachment 1) with proposed changes for Council consideration. The changes also contain a number of minor clarifications and updates.



- 4.7 A table has been provided (Attachment 2) that describes the proposed changes and the intent behind each of them.

#### **Key Changes**

- 4.8 The changes to the Governance Rules 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**

- 4.9 A number of minor changes have also been proposed to:
- 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 Changes to the Governance Rules requires community engagement to be undertaken.
- 5.2 Consultation will be undertaken for a period of one month through Council's Have Your Say page.

### **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.

# MEETING OF THE PORT PHILLIP CITY COUNCIL 7 SEPTEMBER 2022



## 11. IMPLEMENTATION STRATEGY

### 11.1 TIMELINE

11.1.1 Consultation will be undertaken with the community the day after a Council decision to adopt the draft updated Governance Rules and consult with the community via the Have Your Say page, closing on Friday 7 October.

11.1.2 A report will be brought back to Council in late October with the results of the consultation and any recommended changes for Council to consider for adoption.

### 11.2 COMMUNICATION

#### 11.2.1 Council's Governance Rules:

- 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 - Updated 8 September 2022**  [Download](#)
2. **Governance Rules Comparison Table and Rationale**  [Download](#)