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Subject: Emma Kealy MP - Media release: Public notices to stay public in a win for country newspapers

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Public notices to stay public in a win for country newspapers

The Victorian Nationals have stopped an attempt from the Andrews Labor Government to simultaneously hide changes impacting regional communities and axe an important source of revenue for local newspapers.

Labor's Regulatory Legislation Amendment (Reform) Bill 2022, introduced in Victorian Parliament in February, would have removed the requirement for state departments and councils to inform communities of intended changes via local newspapers.

The Nationals successfully rallied against the proposal, with the government today backing down on its planned changes to public notice advertising.

Member for Lowan Emma Kealy, who spoke on the bill in Parliament yesterday, said the move was yet another Labor attempt to avoid being accountable and transparent with Victorians.

"Under current laws, if governments want to make changes that will impact local people, they have to place an advertisement in the newspaper that circulates in the affected community so that people actually know what's going on," she said.

"But Labor's reforms attempted to bury this information in the depths of a yet-to-be-determined government website instead, which would mean a lot of people would no longer be informed.

"Strong opposition from country communities, the Victorian Country Press Association and The Nationals has forced the Labor Government to admit that its attempt to hide this public information from Victorians was wrong.

"The Nationals agree with country communities that it is critical that there is an open and transparent process whereby people will continue to be informed if there are going to be changes to regulations, rules or by-laws in the future."

Ms Kealy said Labor's reforms would have also had a terrible impact on regional newspapers, which rely on the advertising revenue that public notices generate.

"Country newspapers are the crucial voice of country people: they keep us informed, share the successes of local people, and record our history," she said.

"To think that Labor was trying to take revenue away from our local newspapers – effectively under the guise that this was somehow going to simplify the process of community consultation – shows how out-of-touch they are with Victorians.

"I'm proud The Nationals' efforts to ensure the concerns of our regional communities were heard pushed Labor to admit it got it wrong and secured a win for transparency and accountability for all Victorians."

Ms Kealy's speech in Parliament is available at [emmakealy.com/parliament](https://www.emmakealy.com/parliament)

Regarding the governance rules for West Wimmera Shire Council

PREAMBLE

Following discussions at the Harrow meeting and ads in the paper, I have had numerous conversations with people as well as conversations with some potential councillors, reluctant to put in submissions in their own name. This submission is mine as a councillor representing the community and on behalf of the community I have had contact with.

As representatives of the municipal community, Councillors have a primary responsibility to be responsive to community views and to adequately communicate the position and decisions of Council.

- Represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.
- Our primary role as Councillors is to set the vision and direction for the West Wimmera Shire Council, to advocate on behalf of the municipal community, and to make a range of decisions on issues which affect the community.

Some believe the amendments contained in the draft governance rules take away too many rights that the community has, including the right to be heard via their local councillor or at a council meeting.

- Council Meetings must focus on the business of Council and provide an environment for transparent and healthy debate on matters.
- Council has the ability to make decisions, it also has the ability to not make decisions. (This is where Notices of Motion with a preamble come in as well as a preamble for questions from the public.)

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Proposed amendments or retention of existing governance rules.

Item 1

Reverse the order of k) and l) as this is the order of what it has always been - that Notices of Motion occur before the normal agenda. This change is not mentioned anywhere.

m) more clarity needed around how many councillor votes are needed to have a late item of business accepted into council meetings as opposed to special and unscheduled meetings.

Item 2 Governance Framework

1b

Re-insert Staff Code of Conduct Policy. It has been taken out with no discussion as to why.

Item 3 Governance Framework

2 (c) Decision Making

The following is reinserted.

(1V) If a member of staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of council staff must, when making that decision, complete a delegate report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.

It is far better to make sure a delegate reporting system is introduced with penalties than to remove it in the absence of councillors on steering committees.

This is the reason under request from the community I originally successfully put up a Notice Of Motion (5/0) to get a councillor on each project steering committee, which worked really well, but has now been unwisely abolished This also applies to the weed cutting issue where no attempt has been made to collect the weed once cut, affecting the amenity of the lake for users. This was not a decision of council it was a decision made under delegation.

Item 5 Meeting Procedure

3.1.6 Include after text the additional words and Preamble.

A notice of motion should have a preamble in order to open debate, to potentially get a seconder for proper debate. In contrast to the proposal, staff recommendations for a motion all have an extensive pre-amble, therefore it is not consistent policy application. Sometimes the only way to get council to make a decision is by a Notice of Motion or a Question from the Gallery.

Item 9 Meeting Procedure

That further clarity be added as to when the date and time of meetings can be set, as a loophole was conveniently found to overturn a democratic vote to change meeting times.

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I have listened to the community on this one as a reason why members of the community won't stand for council. Consistently, I hear from young parents and working people that they would consider standing for council if the council meeting was held at night. The council meeting is the only compulsory meeting.

At the last statutory meeting **the** times got changed so that we met at night for that one meeting, similar to when I started on council, rather than through the day to allow more members of the public to attend meetings. Going forward business owners, parents, younger farmers have told me it would be easier to stand for council if meetings are at night. Some councillors got staff assistance to find a loophole to have a re-vote which overturned a democratic resolution that should have stood for 3 months as a trial.

The reference to 13.4 is ambiguous, the same as in the present rules, should it read 'all councillors present' as some could be an apology or have a COI?

Item 10 Meeting Procedure

(a) Meetings will, with the exception of when confidential items are being considered be livestreamed.

(b) *Subject to (a) A visual and verbal recording of the council meeting will be maintained on the WWSC website in the agenda and minutes section.*

(c) *That the recording of the meeting cannot be taken down by anyone without approval of the CEO and Mayor and an explanation of the reason for its removal be given to all councillors and by resolution at the subsequent forum.*

I have had a lot of feedback on this one as expected as a lot of media outlets now use this recording rather than have an employee attend either physically or by link. Upon request I have added a (b).

This one came to me from people informing me that the recording of the August 2022 meeting had been taken down. It was confirmed at the September meeting that it was taken down for legal reasons. The recording is still not on the website. As a consequence the reason for its removal is not apparent or minuted with no resolution of council involved. There is no provision in the governance rules for this to happen so I have added a (c)

Item 11 Meeting Procedure

That council clarify exactly how council will decide which of the 16 rules that you have to attend physically. Most find this utterly confusing.

Most believe any decisions of council should occur only when all councillors are physically present or an apology unless we are in a declared pandemic or similar.

As for the other non-decision making meetings, like the upcoming annual report, most believe it is better to be held physically as it gives councillors and staff the chance to see and hear about local issues e.g. when I am in Edenhope I will meet locals for a coffee, look at the lake and drive out the Powers Creek Road to see the split tree and back via Charles Street and around the cemetery and any inspect other planning issues.

Item 12 Meeting Procedure

That a notice of a scheduled meeting either a forum or ordinary council meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be delivered or sent electronically to every councillor at least four full business days before the meeting, inclusive of public holidays.
And the 'where practical' be removed.

Again, upon request I am trying to make it easier for business owners and others that are busy through the week to stand for council. This gives them time to look at the agenda over the weekend unless we move to Friday meetings for council. Best practice is 5 business days prior to meetings of any kind to have agendas to participants, four puts us on the path to better practice.

I am consistently trying to make it easier for all those who follow as councillors.

By protecting a minimum time, councillors have the ability to add late items if important enough and to decide for themselves if they fully understand the recommendation.

We have had too many instances where agendas are late and you don't have time to go back to the community or to do the agenda due justice. Two full business days can mean we only get the agenda on Monday morning to deliberate on Wednesday. Some, like me, have meetings booked for one of those days or both and these meetings also have agendas often late as well.

e.g. We had council Wednesday 19 Oct where the agenda came out on the Thursday prior the council meeting late in the day - 3 business days, not the proposed two. It was not reasonable to prepare for this meeting along with others in this time period. My council responsibilities alone included a WDA meeting.

As a councillor, to meet diary commitments, I had to give the seniors concert a miss, the Goroke building opening a miss and the WDA business awards a miss because. WDA clashed with the Goroke opening and I would have had to wait 3.5 hrs in Horsham for the awards. The WDA agenda was 3 times larger than council and with a consultant coming to Edenhope on Monday and WWT meeting on Tuesday with again a bigger agenda than council. It was a lot of background to read, with little notice, and I believe where possible this needs to be avoided

A full diary is not rare, and therefore it is unreasonable for staff to expect reading to be done on two day's notice.

This four full business days only apply for Forum and normal council meetings that are prearranged.

I request discussion about the number of days reasonable for Special Meetings and unscheduled meetings.

Insert (b)

That the monthly meetings between the Mayor, Deputy Mayor and CEO be recorded and minuted and the minutes distributed to all councillors at the subsequent forum.

These meeting have created a divide and it could appear that decisions are being made in those meetings rather than in open council. There appears a marked decrease in the meeting participants

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voting against officer recommendations as distinct from seconding motions. And for instance councillors were successful, every time except once, for 5 full years and 22 Notices of Motion until the secret meetings started a year or so ago, since then 2 out of 6. Perception is everything, even if 'not real'.

This will help to ensure that the meeting complies with our Code of Conduct (Page 6) that all councillors signed. In particular, that officers agree to give councillors amongst other things frank and fearless advice, the whole story and the same advice will be given to all councillors.

Insert

(c) That all council forum meetings be recorded with the recording being available to councillors upon request.

This is in line with regulators advice, that we ensure and can prove no decisions appear to be made at council until after debate in the council meeting. We are legislated to be open to change until the end of debate. For the CEO and Mayor to make a decision not to put something on the agenda is similar to making a decision except other councillors can't vote on it. There are many, many instances of that.

Item 14 Meeting Procedure

Remove the proposed 14.4 and replace with the current rules 12.3

Insert 14.4.1 and 14.4.2 from the current governance rules

This was attempted to be brought in by the state government with fierce opposition leading to that law being withdrawn at the State level. Our honourable local member Emma Kealy MP, the Deputy leader of the Victorian National Party wrote a passionate response to that. Attached is the National Party press release put out by our honourable local member Emma Kealy the Deputy leader of the Victorian National Party.

Without newspaper ads, our primary communication for meetings is an online platform that is rapidly losing audience engagement in all demographics. If we bring this in other councils may follow. It is not the precedent we should set, particularly when 1/3 of our residents are over 60 and we have one of the worst internet access and lowest use rates in the state.

Add 14.4.3. *That councillors contact details be put in the local papers ad.*

As it used to be. Ratepayers say since I put my private number in the paper I am easier to contact. I have been getting a lot more calls since the ad. It would be preferable if our councillor contact details were publicised as they used to be. In our elderly disadvantaged community not everyone has the ability to access websites.

Item 19. Meeting Procedure

There is no mention of the change to the proposed order of business in Item 1

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In Item 3 it lists Staff reports and recommendations before Notices of Motions and it has always been the other way around, I'm guessing it's not accidental and it hasn't been discussed nor mentioned.

The right to a preamble needs to be maintained to ensure proper public debate. Councillors have the existing right to go on radio or other media outlets for a preamble as long as they disclose they are not representing council, why not maintain the status quo?

Ratepayers and potential councillor candidates who have contacted me have said that is ridiculous and stifles debate and is one of the very few ways of putting up an important item for public debate and that applies to questions from the public as well.

It needs clarity around the Motion of Rescission following the same rules as a Notice of Motion as a Notice of Rescission needs the right to a preamble as well. That means a Notice of Rescission if it fails can't come back to council for 3 months except by a council decision, the same should apply to a Notice of Motion. i.e. that council can decide to bring back a Notice of Motion or similar the same as a Notice of Rescission.

A point on that is the cricket trail where it took 2 extra Notices of Motion for the first Notice of Motion to be acted on. Sometimes it is the only tool that councillors can use to force an action already resolved.

That WWSC remove half the last sentence which says

'and must not include a preamble or commentary'.

It will make no sense when I look through most of councillors successful notices of motion.

A notice of motion usually occurs because the CEO in collaboration with the mayor won't put an item recommendation up to vote on and sometimes it is to get a stalled project going. One example was childcare, another was native veg issues, and another was the cricket trail and swimming pool fees. If you are not in a voting block, it can be very hard to get an item out in the public arena where councillors opinions may alter under public scrutiny and feedback. I remember one instance where a councillor rang other councillors to encourage them to vote against a Notice of Motion then ended up voting for it as well making 5/0. In that instance it was fortunate to get a seconder from the preamble which opened debate and it got up.

All the proposed changes will do is stifle debate. How many staff recommendations would pass if they couldn't have a preamble? It is unfair and not in the communities best interest.

There are often urgent things come up that have been discussed at forum that can't wait but you don't think you will get the votes necessary to admit an item under urgent business. This applied in the successful vote to put in an application to the creative activation fund.

That WWSC reinsert 22.3 becoming 24.2.6 from the current governance rules that state.

The full text of any notice of motion accepted by the CEO must be included in the agenda.

Or that WWSC reinstate 22 from the old in place of 24 in its entirety

Item 21 Meeting Procedure

The time limit of 2 minutes be retained. Because staff have the ability to make the preamble to the report as long and as explanatory as they like. They have the ability to elaborate if a councillor has a question.

Add 26.3

That staff cannot enter the debate, but can be invited by a councillor to answer a question.

Item 22 Meeting Procedure

This has been the main point of governance rules that councillors have difficulty with and is not addressed at all. It is extremely disappointing that this unnecessary review of our entire governance rules has not addressed this issue at all.

That WWSC reconsider the rules of debate as they are unfair on the mover and seconder of the motion, in that the mover and seconder of an amendment can listen to the debate and then speak to their amendment and still move further amendments and speak to them if the amendments fail.

A suggestion has been given to me that the seconder of the original motion can move or second an amendment.

As an example I did not expect the Public Art Policy alteration I put up to pass, as it was a highly contentious issue at the time. The Deputy Mayor seconded it which she has done on numerous occasions this past year for debate (then has mostly voted against my motions). Every councillor is reluctant to move or second a motion because they can't then amend it. Lots of motions get seconded for debate, I certainly have.

In that example I really wanted to amend other sections as well. Every amendment is another opportunity to further debate and to ask questions that may sway a councillor to get a majority for the community's benefit. The deputy mayor for whatever reason is the only one seconding anything I put up and then mostly not voting for it. Councillors need to remember they might be on the wrong side of a voting block or numbers in the future and need governance rules to allow them to have a fair say on council representing the community, even if unsuccessful. Often during debate it has happened when the seconder has realised the motion could be improved by amendment but is unable to, and the original motion is lost.

My preference: *That the seconder can move or second an amendment.*

Or if a councillor declares they are seconding a motion for debate, that they be allowed to move or second an amendment.

Item 23 Meeting Procedure

The current provisions are satisfactory but never enforced. Five minutes goes very quick on some topics.

Item 25 Meeting Procedure

Retail question time in unscheduled meetings.

We are not like many councils. Here distance and isolation issues and lack of connectivity reduce the ability for any opportunity for the public to ask a question. Any opportunity to bring councillors into the public should be embraced to receive feedback. Often the unscheduled meetings are for very topical issue with lots of questions from the gallery.

Item 26 Meeting Procedure

Please retain the right for verbal questions.

The changes are way too complicated to follow.

How it reads, it excludes questions from the gallery, which is an important function of council. Are we that paranoid about healthy debate that the reason most members of the public that come to our meetings will be taken away? Does this apply if standing orders are removed by the mayor and is that at the mayor's discretion?

Any change in this area needs a lot more debate.

The proposed changes doesn't clarify for Community Forums how members of the public and the questions they normally ask at forum or in the following council meeting will work. Removing any preamble is not in the public's best interest according to members of the public.

Additionally that a preamble explanation can be included and that all questions on notice and the preamble are forwarded to all councillors in full as they arrive. As per above, preambles provide the background that often determines the relevance to council, particularly if it involves a change from a strategic priority due to new information.

Item 29 Meeting Procedure

Petitions

Council has only had 1 in my time on council and it was unclear if the petitioners could submit it or I had to.

That the governance rules make clearer whether or not a councillor has to present the petition or can the petitioners.

Extra item to add not listed in briefing notes, but in the proposed changes.

76.1. The CEO may make a brief statement at a council meeting in respect of any statement at a council meeting by a councillor criticising **council and/or** any member of council staff.

76.2 A statement under sub rule 76.1 must be made by the CEO through the chair, **as soon as practical after the councillor has finished speaking.**

These changes allow an immediate response by the CEO where the comments of a councillor impact the organisation or any member of the council. This provides a more immediate response for managing a potential grievance then awaiting only for the Code of Conduct process.