

WEST WIMMERA SHIRE COUNCIL

GOVERNANCE RULES REVIEW

SUBMISSIONS SUMMARY

Submitter 1

Item No	Proposed Rules – clause reference	Topic	Submitter's request	Comments
1.	3.1.2 (k) and (l)	Notices of motion.	That the sequence of (k) and (l) be reversed.	Agreed.
2.	3.1.2 (m) and 22	Late items.	Requests greater clarity as to the admission of late items.	<p>Clause 22 provides for late items to be considered by resolution of the Council.</p> <p>In clauses 22 and 25.5, the references to “urgent business” have been amended to refer to “late business”.</p>
3.	N/A	Staff Code of Conduct.	That the Code be reinstated.	It is unclear why the current Rules refer to the Code. The Code is a matter for the Chief Executive Officer and is unrelated to Governance Rules.

Item No	Proposed Rules – clause reference	Topic	Submitter's request	Comments
4.	2 (in Chapter 1)	Decision making.	Requests that the existing provisions relating to decisions made under delegation be re-instated. The submitter makes reference to steering committees.	The existing provisions refer to decisions made by Council officers under delegation – often in relation to minor administrative and operational matters. The matter is unrelated to steering committees. There is no relevance to the Governance Rules.
5.	24.1	Notice of Motion.	Requests that the Rules allow for a preamble.	The reference to not allowing a preamble was intended to protect the Council from having incorrect or libellous material included in agendas. However, provision has now been made for an explanation of up to 100 words to be included.
6.	9	Dates and times of meetings.	Requests “further clarity” as to when dates and times of Council meetings can be set.	<p>Clause 9 provides that “<i>Council must from time to time fix the format, date, time and place of all Council meetings other than in an election year, when the meeting will be called by the CEO following the Election Manager’s declaration of the election results</i>”.</p> <p>Determining the times and dates of meetings is entirely a matter for the Council. No changes are proposed.</p>
7.	13.4	Meetings not fixed by Council.	Requests that the clause be amended to add (after the word absence) “or who are an apology or have a conflict of interest”.	No changes are proposed.

Item No	Proposed Rules – clause reference	Topic	Submitter's request	Comments
8.	N/A	Record of meetings.	Requests that an audio and visual record of meetings be maintained on the website	This is the current practice, but is not mandated in the proposed. Ministerial Guidelines state recordings are optional. Need to consider the timeframe of retaining recordings on the Council website and in regards to IT capacity. It could also be necessary to remove material due to legal reasons. No changes are proposed at present.
9.	10 and 11	Format of meetings.	That Council clarify how exactly how Council will decide which of the “16 rules” you have to attend physically.	Sub-clauses 11.1 to 11.10 of the proposed Rules do suggest the meetings which should held by physical attendance and sub-clauses 11.11 to 11.26 suggest other meetings which may be held in that manner. It is a matter for Council to determine. If the meeting is one to be held by physical attendance. The Council cannot unreasonably refuse the request of a Councillor who wishes to attend by electronic means.
10.	14	Notice of meetings.	Requests that the provision for agendas to be sent at least two business days prior to the meeting be amended to four business days.	The current Rules provide that the agenda must be sent at least 48 hours prior to the meeting. The wording has been suggested to avoid weekends and public holidays. Four business days notice would mean that for a Wednesday meeting, the agenda would have to be sent the previous Wednesday which is unworkable at present.

Item No	Proposed Rules – clause reference	Topic	Submitter's request	Comments
11.	14.2	Notice of unscheduled meetings.	Request that the words “where practical” be removed.	<p>The proposed Rules provide that <i>“notice of the meeting, incorporating or accompanied by an agenda of the business to be deal with, must be delivered or sent electronically to every Councillor at least two business days, or if this is not practicable, at least 48 hours before the meeting”</i>. No change proposed.</p> <p>The intention is simply that if the meeting is called by the Mayor or three Councillors, that two business days notice will be given – and the “not practicable” is included to deal with an unexpected situation and allow 48 hours rather than two business days.</p>
12.	N/A	Meeting of the Mayor and CEO.	Requests that the “minutes” of such meetings be included in Council agendas.	<p>The Mayor and CEO have obligations to consult.</p> <p>Section 60 of the LGA 2020 makes it clear that the Rules apply to Council meetings and meetings of delegated committees. The Rules do not apply to other committees or other meetings or discussions.</p>
13.	N/A	Forum meetings	Request that recordings of Forum be made available to Councillors.	<p>A summary of Forum meetings is included in Council agendas.</p> <p>The reasons for the request are unclear.</p>

Item No	Proposed Rules – clause reference	Topic	Submitter's request	Comments
14.	14.4	Notice of meetings.	Requests that clause 12.3.2 of the current Rules be retained – requiring notice of meetings to be published in newspapers for time to time	This was amended due to unscheduled meetings not allowing enough time to advertise in papers to meet this requirement. The proposed Rules have been amended to re-instate the reference to add the option of advertising in “newspapers generally circulating in the municipal district”.
15.	N/A	Contact details for Councillors.	Requests that contact details for Councillors “be put in the local papers ad”.	Mobile telephone numbers and email addresses of Councillors are on the Council website.
16.	24.7 & 46	Re-consideration of a lost Notice of Motion or a lost rescission motion.	Requests that the three month provision for a Notice of Motion also apply to a rescission motion.	The request is provided for.
17.	N/A	Introducing a report.	Requests that clause 24.1 of the current Rules be retained, limiting Officer comments to two minutes.	Complex matters (such as the annual budget) may require Council staff to give longer presentations.
18.	26	Introducing a report - staff involvement.	Requests a clause that says “ <i>Council staff cannot enter the debate</i> ”.	Council staff do not enter the debate. Any improper meeting involvement of Council staff can be dealt with by the Mayor or the CEO. There might be a need for staff to clarify a misunderstanding in the report or to bring it to Council's attention if something is contrary to legislation or not in accordance with good practice. This is part of providing frank and fearless advice. Any comments will be through the mayor, it is still up to council to accept the advice or not.

Item No	Proposed Rules – clause reference	Topic	Submitter's request	Comments
19.	54	Public question time.	Requests the provision for verbal questions be retained.	Agreed.
20.	54	Public question time.	Requests that question time “be retained” for unscheduled meetings.	There is no such provision in the current Rules. Question time is provided for at scheduled meetings.
21.	N/A	Community Forums.	Unclear what is being requested.	The Rules are not applicable to community forums.

Submitter 2

Item No	Proposed Rules – clause reference	Topic	Submitter's request	Comments
22.	14	Notice of meetings.	Requests seven business days notice based on “ <i>all the meetings I’m involved in are from Incorporated Rules and requires 7 business days</i> ”. The submitter may be referring to the Rules of Incorporated Associations.	Not applicable.
23.	14.4	Notice of meetings.	Refers to local papers.	The current Rules refer to “ <i>newspapers generally circulating in the municipal district</i> ” – ie: not necessarily local newspapers. The rationale for the proposed changes has been explained above – see item 14.
24.	54	Questions from the gallery.	Requests that the provision for verbal questions be retained.	Agreed.

