



# **Bass Coast Ratepayers and Residents Association**

**SUBMISSION IN RESPONSE TO BASS COAST SHIRE COUNCIL  
GOVERNANCE RULES REVIEW – May 2022**

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## Purpose

Bass Coast Ratepayers and Residents Association presents this public submission in response to Bass Coast Shire Councils governance rules review.

The Association requests that this submission be made publicly available on Councils website.

## Introduction

The Victorian Local Government Act 2020 was developed in accordance with the following five principles

1. Community Engagement
2. Strategic Planning
3. Financial Management
4. Public Transparency
5. Service Performance

Bass Coast Shire Council is now proposing changes which in some instances are contrary to one or more of those principles.

The current Governance Rules were adopted less than 2 years ago.

With neither need nor justification, Council is rushing to adopt the proposed changes.

Council has ignored requests from community members for additional time to respond to the proposed changes.

Instead Council has allowed entirely too little time for the community to adequately consider, and to respond to the proposed changes properly and comprehensively.

If agreed to by Councillors, several of the proposed changes will further reduce community engagement, Council transparency, and accountability at Bass Coast Shire Council.

Notable among the proposed changes are those changes which seek to weaken Public Question Time at Council meetings.

Public question time is a cornerstone of democracy at the local government level. It is the only opportunity for the Bass Coast community to have public questions asked and answered at Council meetings.

The changes proposed to Councils governance rules are a clear example of a continuing trend of a poor culture and behaviour at BCSC.

The proposed changes continue the recent trend by Bass Coast Shire Council to progressively restrict and silence reasonable and legitimate public questioning and/or criticism of Council.

BCRRA again calls on Council to extend the public consultation period to be extended to Tuesday 27 June 2022.

The Association asks that Councillors, when considering this submission, abide by their pledge to consider each and every item based on the individual merits of each item, without bias or prejudice, by maintaining an open mind and disregarding Councillors personal interests so as to avoid any conflict with their public duty.

The community elects Councillors to act as their representatives. The community does not elect Councillors to act as the representatives of the CEO, Council Officers, other Council staff, or contractors providing services to Council.

It is a Councillors public duty to represent their constituents faithfully and honestly.

Table 1: Response to Councils proposed changes.

This table below shows BCRRAs response to Councils proposed changes.

PAGE	CHAPTER	DIVISION	CLAUSE	TOPIC	COMMENT
2 of 42	2	PART B	6.3.3	Determining the election of the Mayor	BCRRA accepts this new clause
2 of 42	2	PART B	6.3.4	Determining the election of the Mayor	BCRRA accepts this new clause
3 of 42	2	1	9.2	Meetings may be conducted electronically	BCRRA opposes the proposed change and requests that clause 9.2 be changed so as to read as follows; Meetings will be conducted electronically providing a livestream is available through Council's website, where legislation allows.
4 of 42	2	2	13	Attendance by electronic means	BCRRA accepts this new clause
4 of 42	2	2	16.2	Adjourned meetings	BCRRA accepts this new clause
5 of 42	2	3	20.1	CEO may alter agenda order of business	BCRRA opposes this new clause and requests that it be struck out entirely
5 of 42	2	3	20.2	Mayor may alter order of business	BCRRA accepts this new clause
5 of 42	2	4	20.3.1	Notices of motion	BCRRA opposes the proposed change and requests that clause 20.3.1 be changed so as to read as follows; A final notice of motion must be in writing signed above the Officers comments by a Councillor and be lodged with or sent to the Chief Executive Officer by 5pm 5 working days prior to the Council meeting agenda being published.
6 of 42	2	4	23.8	If a motion is lost	BCRRA opposes this new clause and requests that it be struck out entirely
14 of 42	2	8	54.1	Public question time	BCRRA opposes this new clause and requests that it be changed so as to read as follows; Public question time must be held at each Council meeting fixed under Rule 9 to enable members of the public to submit questions to Council.
14 of 42	2	8	54.2	Public question time	BCRRA opposes this new clause and requests that it be struck out entirely

15 of 42	2	8	54.6	Public question time	BCRRA opposes this new clause and requests that it changed so as to read as follows; The Chair or a member of Council staff nominated by the Chair must at the meeting read all public questions and Councils response to each public question submitted in accordance with the governance rules.
15 of 42	2	8	54.8	Public question time	BCRRA opposes this new clause and requests that it changed so as to read as follows; Other than any question which the Chair deems to pose a risk to the safety of persons or property, all question which are disallowed by the Chair will be read at the meeting and recorded in the minutes.
20 of 42	2	13	70	Removal from chamber	BCRRA accepts this new clause
29 of 42	7			Election Period Policy	BCRRA accepts this new clause

Table 2: Additional changes requested by BCRRA.

This table shows some additional changes requested by BCRRA.

PAGE	CHAPTER	DIVISION	CLAUSE	TOPIC	COMMENT
14 of 42	2	8	54.7	Public question time	BCRRA requests that a new clause be inserted, and it read as follows; Where a question is disallowed by the Chair, the Chair will advise the meeting as to nominated rule by which the question is disallowed and the Chair will provide substantive explanation to the meeting as to why the Chair believes the question is in breach of the nominated rule.
14 of 42	2	8	54.1	Public question time	BCRRA requests that this clause be amended to read as follows; All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors or by the questioner if present in the public gallery for the purposes of clarification.
14 of 42	2	8	54.11	Public question time	BCRRA requests that this clause be changed to read as follows; Questions must be limited to 100 words inclusive of any preamble and additional information.
14 of 42	2	8	54.13	Public question time	BCRRA requests that this clause be changed to read as follows; The Chair must nominate a Councillor or the Chief Executive Officer to respond to a question
15 of 42	2	8	54.14	Public question time	BCRRA requests that this clause be changed to read as follows; A Councillor or the Chief Executive Officer may require a question to be put on notice. A question will only be put on notice in exceptional circumstances. The Chair will provide substantive explanation to the meeting as to why a question is put on notice. If a question is put on notice, a written copy of the answer will be sent to the person who asked the question and the question and answer will be recorded in the minutes of the next Ordinary Council meeting.
16 of 42	2	8	54.15	Public question time	BCRRA requests that this clause be changed to read as follows; A Councillor or the Chief Executive Officer may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or Chief Executive Officer must provide substantive explanation to the meeting why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

## Conclusion

The current Governance Rules were adopted less than 2 years ago. Council has ignored requests from community members for additional time to respond to the proposed changes. With neither need nor justification, Council is rushing to adopt the proposed changes.

If agreed to by Councillors, several of the changes will further reduce engagement, transparency, and accountability at Bass Coast Shire Council. Surely this is not a legacy that the majority of Councillors wish to see.

Notable among the proposed changes are those changes which seek to weaken Public Question Time at Council meetings.

Public question time is a cornerstone of democracy at the local government level. It is the only opportunity for the Bass Coast community to have public questions asked and answered at Council meetings.

The changes proposed to Councils governance rules are a clear example of a continuing trend of a poor culture and behaviour at BCSC. These changes continue the trend by Bass Coast Shire Council to progressively restrict and silence reasonable and legitimate public questioning and/or criticism of Council.

In this submission BCRRRA offers its view of changes that will improve and enhance the Governance Rules for Bass Coast Shire Council, thus leading to improvements in engagement, transparency, and accountability at Council. Such improvements at BCSC can only lead to improving the level of confidence and trust that the community holds toward Council.

BCRRRA again calls on Council to extend the public consultation period to be extended to Tuesday 27 June 2022.