

**Consultation Feedback and Summary of Officer's consideration**

1 Hi KCC,  
This change will be better streamlined to the current climate of hybrid working.  
As a rate owner of a property internationally in New Zealand, to see that council adapt to virtual council meetings back in 2020 for the health and well-being of their people, this is certainly a long awaited change.  
Would also be more accessible for rate payers to participate/be consulted in planned projects that the council has planned, that have previously be challenged in recent times due to the tremendous hardship many of Knox residents are experiencing.

**Officer Response:** Noted.

2 Improve accessibility to council forums including meetings. With technology there should be no reason why council meetings can't be live streamed and allow for participation on-line as well. This increases the accessibility for residents to council matters, and for those who have accessibility issues.

**Officer Response:** Noted. A detailed examination of public question time rules and further consultation are recommended before implementing suggested changes.

The primary focus of the present review was implementing a legislative change. Given the limited opportunity for community engagement, significant changes to the way the community engages with Council meetings were not proposed.

Online participation during public question time is not presently provided for in the Governance Rules. Rule 53.8 provides an opportunity for questioners to “make a brief introductory statement” for up to two minutes in relation to an accepted question. This opportunity is only afforded to submitters “if present in the Public Gallery”.

If Council would like to consider changes to Public Question Time, it is recommended that this feedback inform a further review of all aspects of public question time, and a further community engagement exercise be undertaken before any proposed changes are considered by Council.

**Consultation Feedback and Summary of Officer's consideration**

3	<p>I believe strongly in the need for open and transparent operations of Council and Councillors as the level of democratic government closest to residents. Integrity and trust in democratic process should be first and foremost in all operations and decisions of Council.</p> <p>If Council approves an option for hybrid in-person and on-line Councillor attendance (which I don't support unless there is a clear and declared health or safety need like COVID), I believe the same arrangements should be extended for residents wishing to ask questions of Council. If the hybrid arrangements for Councillors are approved, I would like to see the Governance Rules also changed to allow questions of Council to be able to be asked both in-person and on-line.</p> <p>More importantly, all questions of Council at Council meetings, even where time does not permit their asking, should be printed and responded to in the Council meeting minutes. Otherwise I believe there is a risk of questions being prioritised in a manner that makes easier or more straight forward ones to be answered, or the questions of "usual suspects" attending Council meetings also prioritised. If Councillors can't attend in-person meetings, it should not be required of residents as well.</p> <p><b>Officer Response:</b> Noted. No changes are proposed to Section 75 regarding mode of attendance. A detailed examination of public question time rules and further consultation are recommended before implementing suggested changes.</p> <p>The State Government's amendment to the Local Government Act 2020 (the Act) effectively creates a right for Councillors to attend Council meetings electronically. Council can regulate its meetings through the Governance Rules, however its Rules cannot be inconsistent with the Act and any limitation on the right to attend electronically must therefore be "reasonable". Rule 75 (Mode of Attendance) do enable Council to signal its preferred format for meetings and therefore the preferred mode of attendance. The Rules also provides that if a Councillor requests to attend an "in-person" meeting electronically, Council must not unreasonably refuse such a request. Decisions on the mode of meeting may take into account health and safety needs as suggested; but the Minister's Good Practice Guideline MGP3-3: Virtual Meetings also indicates Council's should additionally consider a range of factors such as provisions of the Equal Opportunity Act 2010 to ensure decisions regarding the mode of meetings are not directly or indirectly discriminatory; obligations under the Gender Equality Act 2020; and provide flexibility that enhances participation for people with health issues, caring responsibilities, or who are unable to travel long distances.</p> <p>As indicated in response to submission 2, feedback regarding Public Question time could inform a further review for future Council consideration. This could include provisions regarding recording of questions and responses. With respect to the Minutes however, the current Rules are intended to ensure compliance with statutory obligations, and that the minutes provide an accurate account of the conduct and outcomes of a meeting, particularly Council's decisions. Rule 64 provides for the minutes to include "a summary of proceedings during public question time", however to include questions not asked, and responses provided after the meeting, would result in minutes that were no longer an accurate reflection of the meeting as it occurred.</p>
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**Consultation Feedback and Summary of Officer's consideration**

4	<p>In full agreement.</p> <p><b>Officer Response:</b> Noted.</p>
5	<p>Why. Recently councillors have not been acting for their voters. They abstain from voting. Minutes of the meetings are not available at libraries. Why not follow the existing rules before you make new ones. Do your job for those who voted you in. Get out into the public and clean up the mess. Listen to all the voters not just the hand full of Greens who seem to rule everything. We were a great community once. Not lately.</p> <p><b>Officer Response:</b> Noted.</p> <p>Council can regulate its meetings through the Governance Rules, however its Rules cannot be inconsistent with the Local Government Act (the Act). While the Act does not specifically allow abstain from voting, section 61 (Council Meetings) does include provisions regarding how a vote is to be determined and states "(e) for the purpose of determining the result of a vote, a Councillor present at the meeting who does not vote is to be taken to have voted against the question."</p> <p>If the Governance Rules were to prohibit abstaining, they would be inconsistent with Section 61(e) of the Act and consequently invalid.</p> <p>The practice of routinely printing and circulating copies of Council's minutes ceased in around 2020 as feedback from the libraries indicated copies (often hundreds of pages each) were rarely accessed, indicating the practice was not justifiable having regard to the labour, courier and paper costs involved in printing and distributing them. Agendas and minutes are available online on Council's website, and the libraries offer computer access for web browsing, enabling anyone who is otherwise unable Council's website to contribute to access agendas and minutes through the libraries.</p>

**Consultation Feedback and Summary of Officer's consideration**

6 This is typical of the Knox council. You submit a 78 page document for public review in 2 weeks. Comments most likely to be ignored. This document still stifles public concern and input. 30 minutes for public questions maximum 2 and more likely 1 question per person with the restrictions. Section 52 enables any subject to be quashed or stifled with minimal or no justification. What is item 52.2

This is merely reiteration of the Knox Council's right to stifle the public and to make self-propagating decisions.

**Officer Response:** Noted. A detailed examination of public question time rules and further consultation are recommended before implementing suggested changes. Concerns raised regarding points of order are considered to be effectively addressed by Rule 50 which enables any decision on points of order to be disputed.

The primary focus of the present review was implementing a legislative change. The limited opportunity for community engagement was one of the reason significant changes to the way the community engages with Council meetings were not proposed in this review.

The 30-minute limit for public question time has been a feature of Council's meeting procedure for many years. An equivalent provision was in the Meeting Procedure and Use of Common Seal Local Law 2008, and the updated 2018 Local Law and remains part of the Governance Rules with no amendment proposed at this time.

The 30-minute time limit, and the limit to two questions per meeting, are measures intended to strike a reasonable balance between enabling questions from the public, and ensuring there is sufficient time to conclude the business on the Council agenda within a reasonable time.

Rule 52 relates to points of order, which are a complaint from a Councillor that there has been a breach of the Governance Rules, or a procedural irregularity during the meetings. Points of order are not intended to be used to stifle debate, but are an important mechanism that enable the Rules of the meeting to be enforced. If a Councillor believes the rules are not being followed, a point of order may be raised and must be ruled upon by the Chairperson. Importantly, to prevent any abuse of power, there is also a mechanism at Rule 50 (Dissent from Chairperson's Ruling) enabling any Councillor to disagree with the Chairperson's decision on a point of order and have the decision put to a vote of Council.

There is a formatting error in the consultation draft as circulated and there is no Rule 52.2 listed in the document.

**Consultation Feedback and Summary of Officer's consideration**

7	<p>This is very unclear, is the council trying to confuse residents?????????</p> <p><b>Officer Response:</b> Noted.</p> <p>While every effort has been made to ensure the Governance Rules are clear, concise, and easy to read, it is acknowledged that the meeting procedures can be quite complex, particularly for members of the community that may not be familiar with meetings. Should members have queries regarding how the Governance Rules operate in practice, they can contact the Governance Team who will endeavour to assist.</p>
8	<p>Division 15 section 75.8 (Or pages 48 and 49) talk about using electronic methods and it says that people must be heard and must be heard but showing their face online has been diluted to “should be seen” suggesting it can be taken as optional for a member to make themselves visible online which provides avenues for people to ‘multitask” as opposed to being fully present in the meetings.</p> <p>Shouldn't this section be adjusted to reflect that it is expected that anyone using electronic means needs to set up enough technology to enable visual online representation and allow for the times when the technology degrades to allow for switching off the video but repeated occurrences of no video is not accepted. Also, does there need to be a section that covers off on a drop in technology during a meeting and what are the rules surrounding reassessing a quorum as a result?</p> <p><b>Officer Response:</b> Noted. Concerns are considered to be effectively addressed by the existing Rule 75.</p> <p>Rule 75.8 says, in short, Councillors attending electronically SHOULD be able ... be seen by all Councillors, members of Council staff and members of the public who are physically present. The word “should” in Rule 75.8 is not intended to be read as optional, but as an expectation as is suggested by the submitter.</p> <p>There were a number of practical scenarios considered which prompted the drafting proposed, for example:</p> <ul style="list-style-type: none"><li>• Technology is not infallible and during a meeting there can be times when a Councillor may not be visible due to technical issues, this might be for example due to their connection speed slowing and their image “freezing”, or when using a “virtual background” and movement or a change in lighting causes them to disappear from view.</li><li>• In a hybrid working situation, our environments are not as controlled as a Council Chamber. A Councillor might need to move momentarily to close a door, or turn on a light, resulting in them being momentarily off screen.</li><li>• It is often necessary to show documents or presentations during meetings, and when doing so it is often necessary to use as much screen as possible to maximise the visibility of the document or presentation. This can at times result in some or all Councillors not being visible on screen, while the presentation is engaged.</li></ul>

### Consultation Feedback and Summary of Officer's consideration

- Officers controlling the technology might make a mistake controlling the computer / software resulting in Councillors being momentarily "off screen".

If the Governance Rules stated "Councillors MUST remain visible on the screen" – any time this occurred, a strict interpretation of the Governance Rules would require an affected Councillor(s) to be recorded as having left the meeting – even if they were speaking at the time and could be still be heard. This could result in the meeting failing and having to be stopped because there is no longer a no quorum\*, or if it wasn't noticed at the time, result in questions be raised regarding of the validity of the meeting.

For Councillors having a technical issues with their camera for example, this might stop a them participating in a meeting at all, despite being able themselves to see and hear the proceedings and be heard themselves when contributing, preventing them from effectively representing their constituents.

In this context, the more flexible drafting in Rule 75.8 that a Councillor "should" be able to be seen, is intended to achieves the outcomes suggested by the submitter, whilst avoiding the unintended consequences illustrated by the above examples.

Practically speaking, the shift to online or hybrid meetings does require the Chairperson (with support from Council officers) to monitor Councillors who are participating electronically, and verify as required that they are still "present" in the meeting for the purposes of a quorum. When technical issues are experienced (as in past experience) these can be addressed for example with adjournments, or by verbally confirming a Councillor is online to facilitate their ongoing participation, as appropriate to the circumstances.

While comments regarding Councillors being "fully present in the meetings" are noted, it must be acknowledged that whether attending in person or online, when participating in a meeting, Councillors are often referencing agenda papers and notes, correspondence from interested community members and other materials relevant to the issue before them, all while seeking to engage in the meeting with their fellow Councillors. When attending online, camera positioning can at times mean this multi-tasking is more evident than might otherwise be observed by members of the gallery attending a meeting.

**Consultation Feedback and Summary of Officer's consideration**

9 Firstly, I think the rules should contain the Council statement of commitment (that is read out at the start of each a council meeting) as a statement for all to see and reflect upon. I can't see this anywhere on Councils website and I think it's important for community to see it and for councillors to use it to guide their decision making at a council meetings.

In terms of virtual or hybrid meetings, I believe this should be only used where there is clear public health and safety or other legitimate reasons for Councillors not to be available and present at the meeting in-person. Rather than make this an opt-out of meeting for Councillors with the Chairpersons approval, it should be guided and dictated by Council when and if it's required, as it was through COVID. I believe the quality of debate and decision making could be compromised if all Council meetings are held in a fully virtual or hybrid way. From my own experience in watching Council meetings through COVID I note that Councillors working virtually are more inclined to be distracted - e.g. checking and responding to mobile phones. I also recall virtual call-in Councillors having to leave meetings part way through, I assume related to IT connectivity. This reflects poorly on the running of Council and potentially impacts the quality of debate and decision making. This where the link back to the Council statement of commitment is important to guide this governance and ensure trust in Council.

Finally I also believe Council should investigate, perhaps in collaboration with other local Governments, an online petition platform that facilities effective and transparent electronic objections. I have had experience in petitions at Knox where issues such as the age of signatories and their residential location have been raised as issues. A central, consistent platform that addresses these issues once and for all would be useful.

**Officer Response:** Noted. Concerns are considered to be effectively addressed by Chapter 1, and Rule 75.

The Council statement of commitment read out at Council meetings is:

The Knox way is characterised by service, integrity, community participation, accountability and good governance.  
Council is committed to being responsive to the community, and advocating to other governments and agencies on their behalf.  
We recognise the importance of local democracy and council's responsibility to govern well for all in our city.  
Our history is rich, and in the spirit of the Knox tradition, let us move and prosper.

This is a discretionary statement that is not prescribed in the Governance Rules. The sentiments in this statement are however reflected in the Governance Framework in Chapter 1

**Consultation Feedback and Summary of Officer's consideration**

As indicated in response to submission 3, the State Government's amendment to the Local Government Act 2020 (the Act) effectively creates a right for Councillors to attend Council meetings electronically, and the Rules have been drafted in a manner consistent with that right. Decisions regarding the format of meetings, and Councillors' mode of attendance can be expected to take into account health and safety issues as suggested, and a range of other factors and legislation.

As noted in response to submission 8, when attending online, camera positioning can at times mean Councillors can be observed multi-tasking more readily than when they are physically in attendance, however this should not necessarily be interpreted as Councillors being distracted. Whether attending meetings in person or online, Councillors are required to multi-task and may be referencing agenda papers and notes, correspondence from interested community members and other materials relevant to the issue before them, all while seeking to engage in the meeting with their fellow Councillors. In a digital age, this is more often done on devices, rather than in hard copies.

There have been instances where technical problems have impacted participation. Councillors are provided with appropriate IT equipment to participate in online meetings however it cannot be expected that technology will ever be infallible. The amended Rules do anticipate these concerns however (Rule 75.7) and oblige Councillors attending electronically to ensure they "are able to access such equipment and are present in such an environment that facilitates participation in the Council meeting." The Chairperson also has opportunities under the Governance Rules to respond to any technical issues. As explained in response to submission 8, the drafting of Rule 75.8 also provides flexibility for Councillors participating electronically so that minor technical issues do not prevent their ongoing participation.

In relation to petitions, Rule 54.7 has been inserted to clarify the signature requirements for online petitions. Rule 54 does not require petitioners to disclose their age, however the Rules do require provision of an address. Anecdotally, where online petitions have been received, failure to provide addresses has been noted, but not prevented the petition being presented to Council. If Council would like to consider changes to petition requirements, it is recommended that this feedback inform a further review of petition Rule and a further community engagement exercise be undertaken before any proposed changes are considered by Council. The suggestion to develop an online petitions is noted and will be referred to relevant staff for consideration when next reviewing the functionality of Council's Have-Your-Say platform.

10

I am in favour of the changes except for:

Providing Councillors virtual options to attend Council meetings

I think the Councillors should attend all meetings in person. There may be residents who would like to engage with their Councillor face to face.

They are elected to represent their ward and I think attending in person is the most effective way to do that.

<b>Consultation Feedback and Summary of Officer's consideration</b>	
	<p><b>Officer Response:</b> Noted. Mandating physical attendance is not considered to be consistent with the Local Government Act 2020.</p> <p>As indicated in response to submission 3, the State Government's amendment to the Local Government Act 2020 (the Act) effectively creates a right for Councillors to attend Council meetings electronically, and the Rules have been drafted in a manner consistent with that right.</p>
11	<p>I think virtual council meetings are an excellent idea It will open council to more people in Knox who cannot attend in person / See how council runs / And indirectly ensure councillors perform at their best</p> <p><b>Officer Response:</b> Noted.</p>
12	<p>A change that is needed in these times, it will bring into line viewing for both citizens and Councillors that aren't able to attend</p> <p><b>Officer Response:</b> Noted.</p>