

# **Hobsons Bay City Council**

## **Hearing of Submissions Committee**

### **Terms of Reference**

**Updated 16 December 2025**

#### **Purpose**

To facilitate the hearing of submissions if a person is given a right to make a submission to the Council under section 223 of the *Local Government Act 1989*, or more generally under the *Local Government Act 2020* (the Act), or any other Act or for another reason where a submissions process will assist with Council's decision making processes.

#### **Composition**

The Hearing of Submissions Committee (Committee) comprises all Councillors.

#### **Quorum**

At least a majority of the members of the Committee.

#### **Chair**

The Mayor is to chair Committee meetings.

In the absence of the Mayor, the Deputy Mayor (if one has been appointed) is to assume the role.

In the event both the Mayor and Deputy Mayor are absent, a Councillor appointed by the Committee members who are present at the meeting.

All members are entitled to vote (except in the case of a conflict of interest) for who will chair the meeting in the absence of the Mayor and Deputy Mayor.

The Committee does not have any delegated power to make decisions, recommendations to the Council or to vote on any other matters, except for that outlined above.

## **Conflict of Interest**

A Councillor who has a conflict of interest in a matter being heard (as defined in sections 127-129 of the Act) must:

- disclose the conflict of interest indicating whether it is general or material by providing written notice to the Chief Executive Officer before the Council meeting; and
- disclose the nature of the conflict of interest to those in attendance at the Council meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest

In addition to the above, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the Councillor must detail:

- the nature of the relationship with that other person or the date of receipt, value and type of any gift received from the other person and
- the nature of that other person's interest in the matter.

As required by section 130 (2) of the Act, the Councillor must leave the Council meeting for any items on which they have declared a conflict and not return until after the matter has been concluded.

The Chief Executive Officer must retain all written notices for a period of four years.

## **Meeting Time and Frequency**

Officers are required to formally request that the Chief Executive Officer (CEO) convene a meeting of the Submissions Committee.

The CEO will assess the request. If supported, the CEO will advise the Mayor and Councillors that a Hearing of Submissions Committee meeting will be scheduled, including details of the matters to be considered.

### Additional meeting

If a meeting exceeds the allocated meeting time, an additional meeting can be held on a separate day. Officers are required to formally request that the Chief Executive Officer (CEO) convene a second and final meeting of the Submissions Committee for a specific matter.

The CEO will assess the request. If supported, the CEO will advise the Mayor and Councillors that a further Submissions Committee meeting will be scheduled.

## **Notification of meeting format**

Each meeting is to be conducted wholly remotely. If an attendee has any barriers to attendance, they must advise Officers two days prior, so alternative arrangements can be made.

## **Attending a meeting remotely**

A Councillor who is attending a meeting remotely must be able to:

- see and hear the proceedings, and
- be seen and be heard.

If these conditions cannot be met by one or more Councillors attending a meeting, whether because of technical difficulties or otherwise, the meeting will proceed unless adjourned as long as a quorum is present and the relevant Councillor (or Councillors) will be treated as being absent from that part of the meeting.

## **Time limit for meetings**

The hearing of submissions will be planned for a maximum of three hours in duration. This time may be extended for no more than 30 minutes at the discretion of the Chair.

## **Reporting Requirements**

Matters to be determined at a Council meeting will be presented to Council as soon as practicable after a meeting of the Committee.

## **Right to speak**

Proposals that are subject to a submission process will be advertised on Council's website and via social media. Individuals will be given a timeframe in which to submit written submissions. Anyone wishing to be heard in support of their written submission at a Hearing of Submissions Committee meeting must include this request in their written submission.

The time permitted for each verbal submission is three (3) minutes. Councillors will have the right to ask questions of submitters.

Only those who request to be heard will be permitted to address the Committee. A submitter cannot request to speak at the meeting.