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Councillor Conduct Framework Review

Model Meeting Code Amendments

Attention: Office of Local Government's Council Governance Team

olg@olg.nsw.gov.au

To whom it may concern

Model Meeting Code Amendments

Thank you for the opportunity to provide feedback on the proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW.

Cabonne Council (Council) is disappointed that there has been no formal response from the Government recognising submissions sent in relation to the September 2024 discussion paper, "Councillor conduct and meeting practice: a new framework".

Our Council, like many others, would like the Government to address some of the matters raised through submissions sent in September 2024. It appears that none of the matters raised in these submissions has been considered or recognised in the consultation draft "A new model code of meeting practice".

Council hopes that the Minister and Government will consider, and provide public response, to concerns raised by Councils and other key stakeholders in the relation to both the discussion paper and consultation draft.

Furthermore, Council wishes to raise frustration in the timing of the release of the discussion paper and the consultation draft, impacting Council elections and the Christmas/New Year period.

Cabonne Council (Council) recognises that you will receive a large volume of submissions on the Review, including from both Local Government NSW and the Central NSW Joint Organisation of Councils (Central NSW JO), the latter of which I am serving as the current Chair.

Cabonne Council wholeheartedly agrees with the principle outlined in the discussion paper that Councils should be accountable to their communities, providing strong and effective representation, leadership, planning and decision-making. This principle is one that is expected of all Cabonne Councillors.

Key questions

Will the proposed amendments made in the consultation draft of the Model Meeting Code achieve the policy outcomes identified in this paper?

As outlined in our submission to the September 2024 discussion paper, Cabonne Council is completely opposed to the banning of briefing sessions.

The banning of briefing sessions, and/or requirement for Council briefings to be made public, is a higher standard than the requirements currently placed on Government Ministers.

This proposed ban is the equivalent of having party-room meetings open and broadcast to the general public. As in the Parliament, many key pieces of information, engagement with stakeholders, answering of questions, does not happen in the chambers/houses of Parliament. Briefing sessions, meetings, discussions all happen behind closed doors.

The intent of this paper is to create opportunities for Councillors to work better, work more effectively, and work more collegiately to deliver outcomes for their communities.

Taking away opportunities for Council staff to provide briefings to Councillors through workshops takes away the intent of the proposed framework. Furthermore, as the paper alludes to the Mayor being precluded from this restriction, it places greater risk that a Mayor could be corrupted, or influence decisions as information that was once transparently provided to all Councillors would only be provided directly to the Mayor.

Furthermore, there is a failure within the consultation draft to consider that councillors receive much less administrative and financial support than their State and Federal counterparts. For many Councillors the work is often voluntary and part-time, with many councillors in full time employment in addition to being elected representatives. This impacts the ability of councillors to attend meetings that are in addition to the ordinary and committee meetings of council. It is vital that all meetings, workshops, briefings maximise Councillors limited time and are facilitated in a way that results in best outcomes for decision making.

Are there any other amendments you would suggest that will achieve these policy outcomes?

Council notes that under various ministerial codes of conduct, in NSW, Victoria, and the Australian Capital Territory, Ministers are required to disclose their diaries on a quarterly basis. These disclosures are expected to provide sufficient detail with respect to the date, location, and attendance at the meeting. However, these meetings are not made public.

Perhaps, to improve transparency, a similar disclosure requirement in relation to briefings could be extended to Councils, that would outline topics discussed at briefing sessions.

Cabonne strongly objects to removing the opportunity to participate in closed briefing sessions. If the purpose of the removal of workshops is thought to be necessary to address corruption risks identified by ICAC, it may be more appropriate to ban briefings on planning matters.

Will the proposed amendments have any unintended consequences?

A response to this question has already been covered in the responses to the previous questions.

Furthermore, the consultation draft references that the option for staff to attend meetings by audio visual link should be removed. Whilst face-to-face meeting attendance may be feasible for small LGA's, this may have unintended consequences for staff in large LGA's who may have to travel long distances to attend meetings in person.

Under 5.19, Councillors are able to attend and participate in meetings by audio-visual link for health, carer and medical reasons. However, there may be other circumstances that would require Councillors and staff to participate via audio-visual links, for example, emergency situations where travel is restricted such as a flood events.

Whilst we note that 5.16 allows the Mayor to hold a meeting via audio-visual link because of natural disasters or public health emergencies, it appears that this would not apply to individual attendance at a meeting.

Council suggests that section 5.19 be amended to allow for Councillors to attend meetings via audio-visual link due to unforeseen and emergency circumstances, in addition to health and carer reasons.

Similarly, Council also suggests that the deleted section 5.44 be reinstated to allow for Council staff attendance via audio-visual link due to unforeseen and emergency circumstances, in addition to health and carer reasons, *if required by Council*.

Are there any other amendments the Government should consider?

Clarification is required in relation to whether periodic workshops (e.g. annual strategic planning workshops) are required to be made public?

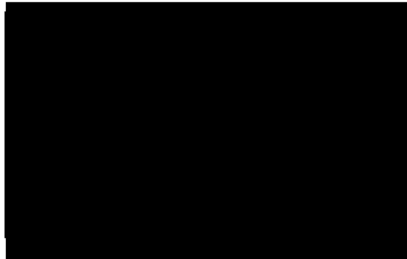
Further clarification is also required in relation to refining the definitions of disorder. Whilst section 15.10(d) outlines that this would be in line with the NSW Legislative Assembly, it would be helpful to have clearer guidance on what definition of disorder applies to the NSW Legislative Assembly. It appears to be in reference to the Standing Orders of the Legislative Assembly, in which case this should be referenced.

Thank you again for the opportunity to provide feedback on the consultation draft.

Again, Council reiterates the importance of having a formal response from the NSW Government (Office of Local Government) in relation to the feedback provided from Councils and other stakeholders to both the discussion paper and consultation draft *prior* to the new Model Meeting Code being prescribed.

Our Council looks forward to your consideration of the matters and concerns raised, and further detail regarding some of the proposed elements.

Yours faithfully



Clr Kevin Beatty
MAYOR