

20 February 2025

Mr Brett Whitworth
Deputy Secretary Local Government
Locked Bag 3015
NOWRA NSW 2541
Via email: olg@olg.nsw.gov.au

Att: Council Governance Team

Dear Mr Whitworth

Model Code of Meeting Practice Consultation Draft

Richmond Valley Council welcomes the opportunity to provide feedback on the consultation draft of the revised *Model Code of Meeting Practice*.

In November 2024, our Council wrote to you to express its concern at the proposed reforms to the Councillor Conduct Framework and the Code of Meeting Practice. These concerns were echoed by other councils in NSW and reflected in the submission by our industry association, LGNSW. Having reviewed the Consultation Draft of the Model Code, Council is deeply disappointed that much of the well-considered feedback provided by the sector appears to have been disregarded in the latest round of reform.

Despite a clear motion from the LGNSW 2024 conference, advocating to retain councils' discretion to hold informal briefings and workshops with councillors, the NSW Government seems determined to over-ride the views of elected community representatives and impose a different standard on local councils than it applies to its own operations. To support better decision-making in the NSW Parliament, members of the government, opposition and crossbench are regularly briefed on draft legislation before it is tabled, and Ministers receive briefings from staff and departmental officers before debating matters in Parliament. These briefings do not involve decision-making, just as local council briefings do not involve decision making. Local community leaders deserve the same level of due diligence as their parliamentary colleagues, in preparing for matters that will be openly debated in a public forum. Briefing sessions are the most efficient means of supporting this process.

Inequity for regional representatives

Our Council is particularly concerned with the proposal to restrict audio-visual link attendance at council meetings for elected representatives, limiting this option to medical and unforeseen caring responsibilities only. This demonstrates a lack of understanding of the operating environment of regional and rural councils. Many of our elected representatives travel considerable distances to participate in Council meetings or have employment or cultural commitments that require them to be away from home for extended periods. These representatives should not be excluded from participating in a meeting. Unlike NSW politicians, local councillors are not afforded a living wage for their services to the community and are obliged to balance full-time employment in other roles with their council duties. Local government should be open and accessible to all participants, regardless of their circumstances, and the efficient use of modern technologies is the best way of supporting this. Imposing more stringent requirements on attendance in person will only further marginalise elected representatives living with disability or living in remote communities. It should be a

matter for each Council to decide, based on its own community's circumstances, what is an appropriate level of remote attendance at council meetings.

Transparency

Council is also concerned that many of the reforms seek to remove the checks and balances that were built into the Model Code to address ad hoc decision-making without community consultation. These changes can only result in reduced transparency. Specifically, we have concerns with the following proposals:

- Amendments to Clause 3.3 to allow the Mayor to call an extraordinary meeting without consulting fellow councillors and providing limited notice to the public, combined with further amendments to clauses 3.25 to 3.27 of the Code which would allow decisions to be made at extraordinary meetings of Council, without prior notice to the public, if the majority of councillors present deem these matters to be 'urgent'. There is no definition of 'urgent' within the consultation draft and no requirement for the full complement of councillors to be present at the meeting before these matters are addressed. This could potentially allow decisions that have significant financial consequences to be made without the benefit of public notice or consultation, or the advice of professional council officers. Council is at odds to understand how this improves the democratic process.
- Amendments to Clause 10.9 of the Code, removing the requirement for the General Manager to prepare reports for Notices of Motion with financial implications, or to identify a funding source for these proposals. This proposal is inconsistent with the Integrated Planning and Reporting principles enshrined in the *Local Government Act 1993*. Following each local government election, Councils are required to work with their communities to review the Community Strategic Plan, develop a new four-year Delivery Program and prepare annual operational plans, outlining the activities to be undertaken that year and the funding sources to achieve these outcomes. These plans, including the annual budget, are adopted in good faith, based on the community's priorities and publicly exhibited. If a Notice of Motion is presented that proposes projects or expenditure outside the adopted program, the community has a right to be informed of the potential impacts before the decision is debated. We believe that Councils should retain the discretion to provide this information to the community.

Inefficiency

As previously explained, Richmond Valley Council, along with the majority of the local government sector continues to strongly oppose the banning of Councillor briefing sessions. Our council currently provides confidential information sessions once a month where Councillors can engage in open discussion on sensitive matters, receive legal advice, or obtain technical information from Council officers on matters that are scheduled for the open council agenda. Rather than banning these sessions as 'secretive', the NSW Government should be commending Councillors for taking their responsibilities seriously and giving up their time to ensure they are well prepared to make informed decisions. The alternative proposals presented in the consultation draft – such as each individual councillor seeking the same information from multiple staff members or managing this process through the committee structure – are largely impractical. There are currently 10 councils in NSW, including Richmond Valley, which have only seven elected representatives. It is unworkable for these councils to divide into multiple committees and neither does the committee process offer the same ease of access to information and freedom of discussion as a briefing session. Our Council continues to support the view that responsible use of information sessions results in efficient council meetings, with well-informed debate, as has been the case at Richmond Valley Council for the last decade.

Local identity and values

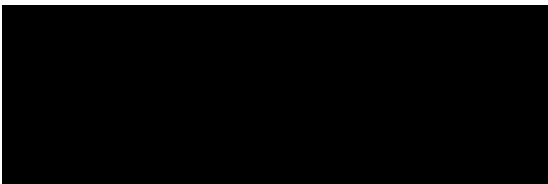
In its previous submission, Council also raised concerns with proposals to impose additional protocols on council meetings, such as requiring councillors to stand when they speak. Local government is the most directly representative level of government, embracing a range of different cultures, abilities and beliefs across many communities. We need to be cautious of imposing requirements that may further marginalize people with mobility challenges or be incompatible with the cultural practices of indigenous communities or people from diverse backgrounds. What is perceived as a sign of respect in one culture, may be perceived as something entirely different in another. We believe Councils are in the best position to make the judgement on appropriate meeting protocols that are reflective of each community's unique identity and cultural norms and a one-size-fits-all approach is unnecessary and inappropriate.

In closing, Richmond Valley Council continues to be disappointed with the lack of genuine consultation with local councils on these matters and what appears to be the disregard of the majority view of the sector on many of the issues. We would urge the Minister and the Office of Local Government to rethink its current approach before attempting to implement these reforms as Council believes they will ultimately lead to poorer outcomes for our community.

I would be happy to discuss these views in further detail should the OLG and/or the Minister decide to review its approach.

Thank you for taking the time to review our feedback.

Yours sincerely



Vaughan Macdonald
General Manager