

Mr Brett Whitworth
Deputy Secretary
Office of Local Government
Email: olg@olg.nsw.gov.au

Dear Mr Whitworth,

Submission: A new model code of meeting practice consultation draft

Wingecarribee Shire Council appreciates the opportunity to provide the following submission in response to the Office of Local Government's discussion paper titled "New Model Code of Meeting Practice - Consultation Draft". Council welcomes this reform and supports reforms that:

- promote transparency, integrity and public participation
- promote the dignity of the council chamber
- depoliticise the role of the general manager
- simplify the Model Meeting Code.

Council has reviewed the Discussion Paper and draft Model Code and at the Meeting held on 19 February 2024, resolved to provide the following submission.

MN 2025/17

THAT Council endorse the draft submission in relation to the Office of Local Government's 'New Model Code of Meeting Practice – Consultation Draft', as included in Attachment 1 to this report.

Council is supportive of changes that achieve the objectives outlined above, feedback on specific aspects of the draft are outlined below:

We're with you

Promoting Transparency, Integrity and Public Participation

Council is supportive of the following changes:

- Requiring recordings of meetings to be published on a council website for longer
- Providing that councils must not make final planning decisions without a staff report containing an assessment and recommendation, as recommended by ICAC
- Requiring councils to give reasons where they make a decision on a planning matter that departs from the staff recommendation, as recommended by ICAC

As previously outlined in Council's November 2024 Submission to the Office of Local Government's discussion paper '*Councillor Conduct and Meeting Practices – A New Framework*', Council does not support the banning of briefing sessions. While openness and transparency in local government is critical for maintaining trust between a council and its community, briefing sessions should be permitted within a clear framework.

Councillors are elected with varying skills and experience in civic roles. It is important that all councillors feel safe asking questions and understand alternate views or solutions to an issue. It is also important that Council officers can provide detailed background information to councillors in relation to matters that may come before them. This process of becoming fully informed cannot be achieved within the formality of a council meeting and banning of briefing sessions may ultimately delay timely decision making.

Briefings sessions should be established as an information sharing process and an opportunity for allowing open and frank discussion. Council supports a ban on decision making in briefing sessions and this can be managed via the general manager chairing the meeting and establishing a clear policy that these sessions can operate within. Controls can be put in place to ensure that briefing sessions do not become decision-making forums. Requirements to publish key information relating to briefings could be mandated such as briefing agenda items and meeting proceedings.

The 2024 discussion paper acknowledged the need for candid conversations between the mayor and the general manager outside of formal meetings. Council is also of the belief that there are times that such conversations should also be extended to councillors. Only allowing such candid conversations to occur between the mayor and general manager

could create an unnecessary information imbalance and impact on informed decision making.

It is noted that State and Federal Ministers receive confidential briefing sessions to support informed decision making. It is only equitable that councillors receive the opportunity to attend briefing sessions that are not open to the public.

Council is supportive of openness and transparency of information however there are some practical concerns relating to the requirement for the general manager to publish business papers for items considered in closed meetings on the council's website after the information ceases to be confidential. This would require the general manager to continuously monitor all previous business papers and determine if they are no longer confidential. This would result in a large and unnecessary resource burden on councils. It is suggested that it would be more efficient if this requirement was to be monitored on an annual basis and items no longer considered confidential are published following an annual assessment.

Further, Council does not support the requirement for the general manager to consult with the council before publishing information that was previously confidential on its website. This is an operational matter and Council officers are best positioned to determine if information is no longer confidential.

Promoting the Dignity of the Council Chamber

Council is supportive of the following changes:

- Restricting the circumstances in which the council may withhold a leave of absence
- Mandating modes of address
- Making it clear that community decisions are made in council meetings and not in other forums
- Strengthening the deterrence against acts of disorder that allows councillors to be expelled from successive meetings where they fail to apologise for an act of disorder at an earlier meeting.

Council does not support the proposed provisions that permit the mayor to call an extraordinary meeting without the need to obtain the signature of two (2) councillors and removing restrictions on mayoral minutes. The current practice should be maintained.

Council is not supportive of mandating the requirement for councillors and staff to stand when the mayor enters the council chamber and when addressing the meeting. This is an unnecessary formality that may negatively impact councillors and staff that have mobility issues. Additionally, it is impractical and inefficient for councillors and staff to be required to stand when speaking. Such changes may make it harder to hear and see councillors as they speak at a greater distance from the microphone and may require modifications to microphone placement/technology creating an additional cost burden on councils. Requiring councillors to stand when speaking is likely to reduce the efficiency and pace of meetings. Effective chairing of a meeting will have a more significant impact on the dignity of the council chamber than a requirement to stand. Council supports the recommendation that LGNSW has made in relation to the proposed requirement to stand, being that it should be required only at a council's discretion. Making the relevant provisions non mandatory rather than mandatory would resolve this concern.

Removing the option for councils to reduce the duration of speeches is not supported by Council. It should be an option for each council to determine to reduce the duration of speeches to ensure meetings are managed effectively and efficiently.

Council is not supportive of changes to limit the circumstances when councillors can attend meetings via audio-visual link. Restricting the ability for councillors to participate in council meetings via audio-visual link disadvantages those with work and/or have carer responsibilities. It will also disadvantage local government areas that are geographically expansive, such changes may discourage individuals standing for council, thereby limiting the diversity of candidates that stand for election. In addition, the proposed change to the mode of attendance does not adequately acknowledge that current technology and past experience has consistently demonstrated that hybrid meetings function effectively.

Council is not supportive of removing the option for staff to attend meetings by audio visual link. The proposed change removes the flexibility to accommodate senior staff or

other subject matter experts to answer a question from a councillor, but for reasons such as a health issue or unforeseen caring responsibilities are unable to attend in person. It is recommended that there be a consistent approach for both councillors and staff, with a flexible approach to attendance permitted comparable to what is currently available.

Depoliticising the role of the General Manager

Council does not support removing the requirement for general managers to prepare reports for notices of motion with financial implications. It is appropriate for the general manager to provide advice to Council's via a report on the financial implications of any notice of motion to ensure the long-term financial sustainability of the council. Removing this provision may result in councils making decisions that have unforeseen financial implications.

Council does not support removing restriction that prevents councillors from asking a question with notice that comprises a complaint against the general manager or staff or implies wrongdoing. This provision protects the general manager and staff from unfair criticism, airing personal grievances and reputational damage. There are other more appropriate mechanisms for dealing with complaints and allegations via internal and external procedures. Additionally, removing this provision will not promote dignity in the council chamber.

Council does not support conferring responsibility on the council to determine staff attendance at meetings. Consistent with their functions under the Act, the general manager has the required operational knowledge to assess which staff should attend a council meeting. The authority to determine this should therefore remain with the general manager.

Simplifying the Model Code of Meeting Practice

Council is supportive of the following changes:

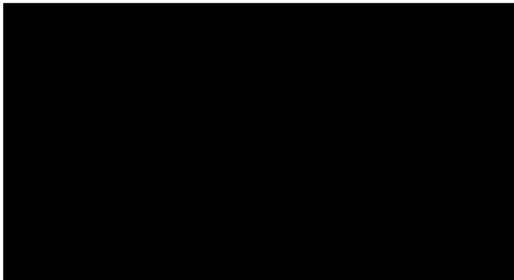
- Streamlining the code by removing necessary provisions
- Simplifying the rules governing public representations to the council on the closure of meeting to the public

- Simplifying the rules for dealing with urgent business without notice at meeting
- Simplifying rules of debate by removing the provision allowing motions to be foreshadowed

Council does not support removing the non-mandatory rules governing public forum. Removing these provisions means that councils will have no guidance for the fair and orderly way members of the public address council. This may lead to inconsistent opportunities for community to participate across NSW and the omission of key procedures and protocols for councillors and members of the public.

Should you require any additional information please contact [REDACTED]
[REDACTED]

Yours Sincerely



Lisa Miscamble
GENERAL MANAGER