

Submission

To the Office of Local Government

Draft Model Code of Meeting Practice

Background - Peter Epov

In Local Government

My credentials to make comment on the Draft Model Code of Meeting Practice stem from having been an 'active' Councillor serving three terms on two unique Councils over 11 years: The Greater Taree City Council 2012-16 (up until its dissolution) and from 2017-2024 on the newly amalgamated MidCoast Council.

During this period, I had practical day to day working relationships with three Mayors, 19 Councillors (from very diverse backgrounds), four (4) General Managers, as well as interactions with many other Mayors and Councillors and General Managers from neighbouring and other Councils.

A reluctant community advocate

Prior to having been elected as a Councillor in 2011, I formed the Manning Alliance and have chaired this local community group through a number of successful campaigns including the withdrawal of the Coal Seam Gas Exploration Licence over the Manning Valley (2013) and against TransGrid's proposed \$160 Million High Voltage Transmission Line from Stroud to Taree which was impacting on 1100 landholders. The latter campaign was featured on an 'Australian Story' in 2013, entitled 'Corridors of Power'.

During that TransGrid Campaign we also featured research demonstrating that TransGrid's proposed \$250 Million Dumaresq Valley High Voltage Transmission Line was also premised on flawed demand projections and it was also subsequently abandoned.

It total, the Manning Alliance's work result in saving of \$410 million to the New South Wales residents.

Following this worked the community urged me to stand for the Local Council, I can from working in the community and with the community and as such am acutely aware of public sentiment in relation to Council and its activities.

In 2014, after the newly elected Coalition Government decided to claw back \$11.4 Million funding from the Greater Taree City Council, so I initiated a Petition Campaign to the House of Representatives for the return of this funding. A target of 10,000 petition signatures to be achieved within 21 days, was set to demonstrate both the significant public concern as well as

the critical importance of these funds. The Campaign achieved over 21,000 petition signatures within the 21 days. The Petition was tabled in the House of Representatives and the Government eventually returned the funds to Council.

Sport & Business

Prior to moving to the Manning Valley between 1991 and 2005 I worked as a consult to major Australia companies (working with the CEO level) to establish links and source products and materials from Asia.

Prior to this I worked as professional sports administrator (the youngest professional national level sports administrator in Australia), including between 1980-1985 the National Coaching and Competitions Director of the Surf Lifesaving Association of Australia (SLSA).

In the 1980's the SLSA was the pre-eminent national community service organisation (and sport) in Australia controlling substantial human and financial resources.

In this these role I gained significant insight from the 1980's into corporate governance, and the workings of government at all three levels.

I believe my background gives me a solid basis from which to comment on the Draft Model Code of Conduct as both as a Councillor and a community representative with strong links to our urban and rural communities with a solid business background.

A. Introduction

I welcome the Minister's initiative to review and amend the Model Code of Meeting Practice.

The Model Code needs to be regularly updated to reflect the current era (2025) as well as the diverse conditions being faced by urban, regional and rural Councils and individual Councillors, in what is a rapidly changing landscape filled with disruptive and unanticipated change.

The Minister rightly points out Local Government is the legitimate third tier of Government in New South Wales. Within regional and rural Australia Local Government is the closest tier to the public, and to communities, as residents easily associate themselves to their '*local*' Council and to individual Councillors. In rural and regional Australia communities are generally situated and well-focused to witness and to acutely feel the consequences of Local Government decisions; their actions, their results and their failures.

However, quite often, those residents are not privy to how their Council's arrive at their decisions (nor the logic behind those decisions), and this leads to a series of consequences ranging from a lack of confidence and trust to the disillusionment in the democratic process and ultimately to mass community outrage.

Local Government is often viewed as the purest form of democracy as it is the closest to local communities and to the people, and there is a perception (again particularly within rural and regional areas) that their Council is a place where residents can still communicate their views and concerns directly to their elected representatives, to their Councillors and to their Council.

If this perception is compromised, it just gives rise to more disenchantment in the democratic process and for further public distrust, of all politicians and institutions.

There are two further factors that impact on public confidence (and trust) at the Local Council level.

The first is the demise of traditional local media; the local newspapers, the radio stations and the TV stations, which are either disappearing or have been disintegrated to a point where they can no longer afford the space (or time) nor do they have the journalistic resources to cover local affairs in anything but superficial detail.

This at a rural and regional level often leads to the publication of articles (often word for word) from media releases issued by a Council's media department, which in turn is controlled by a Council General Manager. This control of the narrative by 'The Administration', and not necessarily by the elected body is potentially dangerous.

It also to some extent nullifies the media's incentive to speak to individual councillors and often stimulates the impression that Councillors are no longer allowed to speak to the Media. In fact, I am aware of circumstances when new journalists to an area, were informed by Council officers that Councillors were not allowed to speak to media, so they never tried.



The second factor key factor is the rise and expansion of social media, which has the benefit of broadcasting information not available due to the shrinking media, but this information can often also be skewed, biased or politically motivated.

In many rural and regional locations Facebook is the key media for the communication of Council and public related matters. Most Councils have their own Facebook page which advocate a certain narrative.

Then there are local community Facebook pages many of which are purportedly independent and indeed advocate: *'no politics on this page'* yet in most cases the reality is that there is

particularly political leaning leading to censorship. One Council administration actively discourages the 'owners' of Facebook pages from publishing anything 'negative' about the Council, and within a small rural or regional community the Council's influence and power cannot be underestimated.

Word of mouth is still a particularly effective form of communication within regional and rural New South Wales, and people often tend to focus on conversations regarding the activities of their local council, but this still limited to availability of balanced information.

It has been noted and recognised within many publications and by experts that public trust and confidence in Government and public institutions (at all levels) is at an all time low. The level of genuine transparency and accountability is continually shrinking.

This lack of public trust leads to conspiracy theories, misinformation as well as public frustration, dissatisfaction, disillusionment, discontent and cynicism. And this ultimately erodes public confidence and grows disinterest in the democratic process, particularly at election time. With the resulting that often there is a lack of quality candidates that nominate to run for Council and a marked disinterest from the public in learning about those who may be running for election.

The consequences of this is the 'lack of talent' (capacity and capabilities) in elected Councillors, and the very high levels of informal votes which has necessitated the introduction of such initiatives as 'vote saving', where after a manual count of votes has been undertaken and there exists a high level of informal votes, computer is designated and programmed to attempt to determine voters intentions, not only to allocate votes but to reduce the informal figure.

The non-attendance of registered voters at Council elections also continues to grow.

A further factor in the 'election process' is that with shrinking media (and resources) compounded by the election 'timetable' there is very little time and information provided to the community regarding candidates. This results in many people going to the ballot box without having any idea as to who to vote for leads to high levels of the 'donkey vote' and more recently the informal vote.

Over the past 12 years I have spoken to many people who have openly stated that they were diverted from running for Council after viewing the performance and antics of Councillors and Senior Staff at Council Meetings.

The matters identified above only serve to erode and devalue the waning democratic process.

If ever there is to be a change to public perception of government and elected representatives (of all levels) this must start at the local government level, the level nearest to the people.

This is why it is essential that Council meetings are well run and structured, open and transparent, and Council decisions are evidence based with Council Reports that are balanced (and not one sided) are decisions are free of influence, validated by genuine open debate.

This is how public trust, and confidence can and needs to be restored.

B. Principal Observations

Mayors

1. Some Mayors are excellent chairs of Meetings others are beyond poor.
2. Other Mayors make great Chairs of Meetings but lack the capacity to be good leaders of both the elected Council and the Community.
3. A rare few Mayors are both good leaders and good chairs of meetings.
4. The danger is in circumstances where the Mayor is both a poor leader, a poor chair and is dominated by the Council Administration.
5. In my experience those Mayors that were elected by popular vote tend to be much more effective than those elected by Councillors as there has been greater public scrutiny as to who may be their civic leader. And reduced political conniving!
6. A popularly elected Mayor generally has a clearer mandate and greater influence over a Council's General Manager and cannot be played off too easily.
7. With an elected Mayor from the corps of Councillors there is often far more 'politics' and cases of councillors leveraging or manipulating the Mayor on the basis that the Mayor could be removed from that position.
8. Often it also suits the Council Administration to have a Mayor elected by Councillors, as it makes it much easier to steer and manipulate the Mayor. A further danger is that a Council Administration can become politically involved in providing Councillors with advice (and influence) regarding their preferred Mayor.
9. The NSW Government should require all Councils to provide the opportunity to all Local Government areas to have a referendum on the election process of the Mayor. The Local Government Act 1993 exclusively grants the power to the elected Council to determine whether such a referendum should be held.

In the case of the amalgamated MidCoast Council there have been at least three Notices of Motion, in the past 6 years calling for a referendum, that is to grant the right to the public through a plebiscite to determine how their Mayor should be elected. All three Notices of Motion have been defeated. This is an example of rank gutter politics, where the elected Councillors refuse to allow the public to make such a determination – this is not good for democracy. The principal and singular argument that has been consistently made is that the Councillors know better than the community, as to who should be the Mayor.

This ignores the fact that at each election there is a turnover in Councillors (e.g. in 2024 6 new Councillors out of 11 were elected) and most of these new people know very little

about the credentials of the remaining Councillors and new Councillors to be Mayor, nor what such a role actually and practically entails.

The MidCoast was formed from three Councils: Greater Taree, Great Lakes, and Gloucester. Greater Taree had an elected Mayor, the other two didn't. The combined total of voters in Great Lakes and Gloucester, does not exceed those in Taree. Many people across the LGA would like to see a popularly elected Mayor. The refusal to allow a plebiscite is just rank gutter politics which does not help to build public trust nor confidence in the institution. It is very clear that the MidCoast public wants the right to determine the mechanism to elect the Mayor, but the Councillors want to play politics and have leverage over the Mayor. It is also clear the Council Administration does not support having a popularly elected Mayor. Even Councillors from political parties which have policy of supporting popularly elected Mayors have voted against having this plebiscite.

10. I believe there should be mandated training specifically for Mayors by way of a set Curriculum designed by the OLG. This training should be provided to all Mayors. The training should be provided by external entities, outside of the Council Administration. The OLG should call for Submissions as to the content of the Curriculum.
11. The Model Code of Conduct should stipulate that during a debate in a Council Meeting in circumstances where a Councillor is speaking on a Motion that the Mayor (like every other Councillor) should remain silent and is not entitled to speak, or interrupt a Councillor [often used as a tactic] (other than to maintain order) nor to conduct a running commentary, during and after each Councillor speaks. Such running commentary is often used as a disruptive tactic and aimed at influencing a Council decision.
12. Further the Mayor should not unnecessarily interrupt Councillor who are speaking on a motion.
13. It should be emphasised within the Code that Mayor, like every other Councillor has right to debate a motion, and to speak once on that motion, unless the Mayor was the mover, or the motion was amended.

Councillors

1. I believe there should be mandated training specifically for all Councillors by way of a set curriculum designed by the OLG. This training should be provided to all Councillors. The training should be provided by external entities, outside of the Council Administration. The OLG should call for Submissions as to the content of the Curriculum.
2. The Curriculum should include:
 - a. Code of Meeting Training (with particular emphasis on the conduct and operation of Council Meetings and Debate.
 - b. Financial Training both generic and specific to Council's activities:
 - i. The Long Term Financial Plan – 10 years

- ii. The Long Term Capital Works Plan
- iii. Staffing Policy
- iv. The Community Strategic Plan
- v. The 4 year Development Plan
- vi. The Annual Operational program.
- vii. Council's Budget and Budgeting
- viii. Quarterly Budget Review Statements
- ix. Monthly Financial and Capital Works Reports and their interrelationships to the Annual Operational Plan, The Development Program and the The Long Term Financial Plan – 10 years
- x. Understanding Asset Plans and their relevance to Long Term Sustainability.
- xi. Financial Integration between the Community Strategic Plan, The Delivery Program and the Annual Financial Plan and the Long Term Financial Plan
- xii. In instances where Council is also the Water Authority similar training to that which is stated above.

3. Councillor's Fiduciary Responsibilities and their powers under the Act.
4. Councillor's communications with the public and the Media.
5. Performance Management of the General Manager.
6. Council Corporate Structures.

General Managers

I welcome the initiative aimed at depoliticising the role of General Managers, and clearly what has been proposed in the draft Model Code is a good start but much much more needs to be done.

In the current era, General Managers have far too much power **(and are grossly overpaid)** particularly in a rural or regional setting where the Council is perhaps one of the largest employers within the Local Government Area. And there is far to little practical oversight.

A similar case can easily be made regarding the powers of the Directors of a Council.

This can be further compounded with a weak Council or a situation where most Councillors have either no political experience, no business or commercial experience nor experience in working with executive management. These people are easily confused and can be manipulated and dumfounded by "*techno babble*" and thousands of pages of documents which can only be accessed through the screen of a small laptop computer.

This '*power*' (and the resources behind it) can influence, public debate, a councillor's autonomy, transparency, behaviour at Council Meetings, scrutiny and public accountability particularly in an environment of a shrinking media, which often depends on Council advertising.

Without a strong and well informed corps of Councillors, which is rarely the case, this ‘power’ can lead to serious and significant problems, such as the manipulation of the Code of Meeting Practice and the Code of Conduct from both a vindictive and a political circumstance and leads to corruption, and widespread public distrust.

In many corporations around Australia and throughout the world, Corporate Governance stands independently of the CEO or the General Manager for very good reasons.

In a Local Government setting, the Corporate Governance officials report to the General Manager, this impacts and limits their ability to provide independent advice to Councillors and to objectively review report and police Council activities.

The role and powers of a Council General Manager (**as well as their remuneration**), need to be reviewed and made fit for purpose, given we are now in the year 2025. They need to accurately reflect the circumstances and community expectations.

Consideration should be given to providing a Council’s Governance Department with certain levels of independence from the General Manager.

The OLG

The OLG needs to be sufficiently resourced to provide advice to Councillors and be able to monitor and regulate the activities of Local Councils in much deeper level .

Conclusion

The factors listed within this Introduction may have both direct and indirect influence on both the implementation of the Model Meeting Code at a Council level and the effective performance of Council Meetings.

Specific Matters with the “Draft Model Meeting Code”

1. Giving notice of business to be considered at council meetings

Extract

Giving notice of business to be considered at council meetings

3.109 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted ~~[council to specify notice period required]~~ within such reasonable time -business-days before the meeting is to be held as determined by the council.

3.141 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

Notices of Motion

This section needs to be expanded to ensure that there is clarification as to the number of Notices of Motions which can be submitted by an individual Councillor for each Council Meeting. Ideally there should be no limit, however if a limit is to be imposed then it is recommended that the limit is placed within the Model Code and not arbitrarily set by Councils.

It is recommended that the limit be set to four (4) Notices of Motions per Meeting, irrespective of the number of ‘Questions with Notice’ which are submitted by that same Councillor.

Individual Councils should not be permitted to place limitations on the number of Notices of Motion which a Councillor can submit to a particular meeting. This has serious implications.

There should also be further clarification within this section to ensure that Notices of Motion are NOT arbitrarily declared as “Confidential” by the General Manager under ‘10D Grounds for closing part of meeting to be specified’ of the Local Government Act 1993 . One council frequently abuses this Section 10D of the Act to avoid public awareness scrutiny and embarrassment. This is a serious transparency and accountability issue.

Should there be matters that are of a confidential nature within a Notice of Motion then those issues could be redacted.

Further there should be provision made for a reasonable preamble to be included with a Notice of Motion of up to 500 words in order that the Community is given the opportunity to understand the logic and the intent of the Notice of Motion.

The General Manager should be required to confirm the receipt and acceptance of a Notice of Motion within three (3) days.

Finally, once the Notice of Motion has been accepted then there should be no impediments nor censorship placed on the Councillor by the General Manager or Mayor, to speak publicly regarding the proposed Notice of Motion, as currently exists with a particular Council.

I am aware of one Council where instruction has been provided to Councillors prohibiting them from publicly speaking regarding their submitted Notices of Motion and their Questions with Notice until the Council Agenda is published, which is usually three (3) days prior to a meeting.

Clearly this instruction is aimed at limiting public awareness, public discourse and creating time to establish the Administration's narrative on the issue and to manage the optics. I regard this as deliberate political interference which should not be permitted.

2. Notice to Councillors of Ordinary Council Meetings

Extract

Notice to councillors of ordinary council meetings

3.77 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.7-7 reflects section 367(1) of the Act.

3.88 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, unless the council determines otherwise, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8-8 reflects section 367(3) of the Act.

The Notice period for Council meeting should be extend from three (3) days to at least five 5 days and preferably to eight (8) days.

Three days is insufficient time for a Councillor to properly review, consider and if necessary consult with community members and specialists (if necessary) before making important decisions. Often significant financial decisions often with wide reaching consequences.

These days Council Agenda can frequently run 40-50 reports and into hundreds of pages (as well as thousands of pages of attachments) packed with very diverse and highly specialised matters which take Council staff months to prepare and yet Councillors receive only three (3) days. Frankly this unreasonable, leads to poor decision making, to acceptance of staff recommendations without proper understanding and consideration.

I am personally aware of several councillors who were (and are) physically incapable of processing huge amounts of information and data contained in Council Reports and attachments from a small computer screen. Often these people struggle to review and process Council Agenda papers in three days.

In addition, often Staff Reports are not objective, but are one sided and do not provide balanced information requiring councillors to undertake research.

A new trend that has emerged is to '*dumb down*' staff reports to one or two pages and then include hundreds if not thousands of pages of attachments which Councillors must trawl

through in order to gain a balanced understanding. This becomes particularly problematic where there are Councillors who cannot read well or are in stages of dementia.

On a number of occasions whilst a serving Councillor at MidCoast Council the Monthly agenda paper exceed 3000 pages, on several occasions it was over 5000 pages. It is not humanly possible to review and consider 5000 pages of diverse information in three days. And frankly irresponsible to place Councillors in such positions, particularly when they are accountable to the community for their decisions. Yet it frequently happens.

As a further example, at the 26 February 2025 Ordinary Meeting of MidCoast Council the Agenda and attachments were over 6200 pages. And whilst it may be claimed that this pile of documents included the new Draft LEP, the fact remains 6 of the 11 Councillors were not on Council in the previous term and as such did not participate in reviewing nor forming the Draft LEP. The LEP report contained copies of over 500 technical public submissions which all needed to be considered. The Council provided minimal notice of three working days to Councillors.

Councillors' mental health needs to be considered in such situations. Councillors are not paid full time employees of the Council and as such have a range of responsibilities to their work and families which need to be considered when determining the Notice period and the issuance of the Agenda .

In the context of public confidence and trust, it does not present well to the community when Councillors are bombarded with so much information in such a short span of time.

From a community perspective three days' notice is very little time for members of the public to become aware of matters on the Council agenda and to utilise their democratic right to apply to speak at Council Meetings or Public Forums.

Once again, the public perception of how local government performs in this space leads to cynicism and to disenchantment.

It should also be noted that the Act provides for Extra-Ordinary Meetings which can be called at 3 days notice, if required.

With regard to Council business papers there needs concise clarification with regard to the application of Section *'10D Grounds for closing part of meeting to be specified'* of the Local Government Act 1993.

One Council arbitrarily applies this section of the Act when reporting Council Monthly Capital works projects. Council provides a spreadsheet on the status of capital works projects but redacts or excludes progress expenditure figures based on Section 10A(2)(d)(ii).

These figures are provided to Councillors but not to the community and this has resulted as a consequence of a number of major failures by Council to deliver capital works projects on time and to budget and with some projects have been up to 5 years late in being delivered, so in order to avoid the embarrassment the Council no longer allow the public to have access to these figures and progress information. This inconsistency is further compounded by another division

of the same Council which publishes a similar spreadsheet and it publishes all the relevant figures and data.

The public perception of this is extremely negative, branded as censorship, cover ups and this lack of transparency does little to engender public trust and confidence.

3. Questions with Notice

Extract

Questions with notice

- 3.124 A councillor may, by way of a notice submitted under clause 3.100, ask a question for response by the general manager about the performance or operations of the council.
- ~~3.153 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.~~
- 3.16 — The general manager or their nominee may respond to a question with notice submitted under clause 3.142 by way of a report included in the business papers for the relevant meeting of the council ~~or orally at the meeting.~~

This section needs to be expanded to ensure that there is clarification as to the number of Questions with Notice which can be submitted by an individual Councillor for each Council Meeting. Ideally there should be no limit, however if a limit is to be placed then it is recommended that the limit is placed within the Model Code and not by a Council.

It is recommended that the limit be set to four (4) per Meeting, irrespective of the number of 'Questions with Notice' which are submitted by that same Councillor.

Individual Councils should not be permitted to place limitations on the number of Questions with Notice which a Councillor can submit to a particular meeting. This has serious implications.

There should also be further clarification within this section to ensure that Questions with Notice are NOT arbitrarily declared as "Confidential" by the General Manager under ' 10D Grounds for closing part of meeting to be specified' of the Local Government Act 1993 . One council frequently abuses this Section 10D of the Act to avoid public awareness scrutiny and embarrassment. This is a serious transparency and accountability issue.

Should there be matters that are of a confidential nature within a Question with Notice then those issues could be redacted.

Further there should be provision made for a reasonable preamble to the Question with Notice of up to 250 words in order that the Community is given the opportunity to understand the logic and the intent of the Question with Notice and the response accurately addresses the Question.

The General Manager should be required to confirm the receipt and acceptance of a Question with Notice within three (3) days.

Once the Question with Notice has been accepted then there should be no impediments nor censorship placed on the Councillor by the General Manager, to speak publicly regarding the proposed Question with Notice as currently exists with a particular Council.

There should also be clarification that Questions with Notice receive frank and truthful responses and not filled with 'padding' and irrelevant matters aimed at distracting from the core issues. A common practice from a certain Council.

The General Manager should not be permitted to delay responses to Questions with Notice to later meetings, particularly when the question may be relevant to the nominated meeting or a matter which is currently in discussion within the public domain. On a number of occasions I have seen responses to Questions with Notice delayed to later meetings as the Question may have been uncomfortable for the Council's Administration, or for a political party, or just straight out political manipulation.

I have noted that the aim of some of the changes proposed to the Model Code are aimed at depoliticising the General Manager's position, my proposed amendments for both Notices of Motion and Questions with Notice serve that objective and go a long way towards building public trust and confidence.

4. Agenda and business papers for ordinary meetings

Extract

3.2017 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.

This section needs to be strengthened to ensure that the General Manager clearly identifies in writing as to why the business was unlawful. Such explanation should not be limited to simplistic reference to a section of the Act.

Extract

3.262 For the purposes of clause 3.240, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.262 reflects section 9(3) of the Act.

This section needs clarification to ensure that the public can take hard copies of the Council agenda away as stated in 3.240: "*or for taking away by any person free of charge at the offices of the council*".

4 PUBLIC FORUMS

Extract

4 PUBLIC FORUMS

- 4.1 The council may hold a public forum prior to ~~each~~ ordinary meetings of the council and committees of councillors for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of other committees of the council.

This is an important section.

The section provides the discretion for a Council to conduct a 'Public Forum'. The wording as it stands also enables a Council NOT to have a Public Forum.

It should be noted that many Councils no longer provide opportunities for residents and members of the community to address Council within the confines of a formal Council Meeting. They now do this by way of a 'Public Forum' which is usually conducted prior to the Council Meeting, giving members of the Community the opportunity to address their Council on matters which are either on the Council Agenda or other general matters of local concern.

My concern is if Councils have the option to no longer hold Public Forum's and do not provide opportunities for the public to address the Council on matters on the Agenda and other things then, the public will have 'Nowhere to Go'.

Councils should be required to provide the opportunity to the residents and ratepayers to address their elected Council in either a Public Forum or within the body of a Council Meeting - this has been a historically established right, and it is a critical element of local democracy which must not be underestimated.

By allowing Councils to have an option to no longer convene Public Forums and removing the right of ratepayers and residents to address Council within a formal Council meeting the community will be denied the right to address their elected representative in a formal setting.

This may lead to significant widespread public outrage! Public distrust, and further disenchantment with the 'democratic' process.

The Model code needs to clearly stipulate a provision which either allows residents and ratepayers to address a formal Council Meeting whether that be during a formal meeting or through a Public Forum.

Webcasting of meetings

Extract

Webcasting of meetings

- 5.354 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.365 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
 - (b) persons attending the meeting should refrain from making any defamatory statements.

Paragraph (a) above, states that recordings of meetings should be publicly available on the Council's website.

If a Council broadcasts a meeting (livestream) by audio visual means (over the internet) then the Council should be required to make that visual livestream recording publicly available on its website.

The public should be entitled to view the Council meeting retrospectively if it has been livestreamed.

It is a critical element of transparency, the opportunity for the public to "see" their Councillors discussing and debating issues.

This section should mandate a requirement for livestream visual recordings to be made available to all residents and ratepayers on Council's website.

OTHER MATTERS

Rules of Debate

I believe the Rules of Council debate need to be clarified with regard to the following:

1. A requirement on a Councillor to speak to a motion which they have moved.

A councillor should be required or at least encouraged to speak to a motion which they moved. Similarly, the seconder should also be required to speak on the Motion which they have seconded. All too often Councillors move a motion without any outline nor explanation. In the context of public interest and accountability, a Councillor should be required to outline why they have moved a certain motion.

I understand that this would be problematic to some extent and have some minor consequences, but the benefits to public confidence and trust would be far superior.

Over 12 years as a Councillor I have experienced many occasions where members of the public have expressed to me questions and concerns regarding the practice of a Councillor moving a motion and not speaking to it nor providing any justification or reasoning for having moved that Motion. This frustrates the community. Councillors should be accountable for their actions, and this is one area where that accountability should be demonstrated.

2. Order of Speakers during debate on a motion

In the interest of de-politicising Council Meetings, reducing disorder and ensuring fairness, equity and enhancing public perception of Council Meetings I believe the Model Code should include a directive for the following:

- A. That the Mover and Secunder should be mandated to speak to their motion at the time of moving that motion and NOT permitted to re-enter the debate at a later time (apart from the Movers right of reply or if an amendment has been moved).

In one particular Council, the Chair has permitted movers and seconders to not speak to their motion, but to enter the debate at a later time in that debate when it was tactically convenient. If the Mover and Secunder don't wish to speak to their motion the should then be precluded from re-entering the debate to speak on their motion (apart the Movers right of reply or if an amendment has been moved)

- B. Following the Mover and the Secunder speaking to their Motion the next speaker should be a Councillor who opposes the motion or moves an amendment and NOT a third speaker speaking 'For' the motion.

In one particular Council, the Chair has regularly and selectively permitted Councillors to speak in support of the motion (after the Mover and Secunder) before allowing speakers against the motion. In the context of a balanced debate this creates a frustration and is just rank politics. It leads to disorder and frankly public confusion and accusations of bias. The Model Code should clarify these matters.

Councillor Workshops and Informal Meeting

I believe the Model Code should provide guidance with regard to Workshops and particularly encourage 'informal' meetings of Councillors to discuss issues without the presence of the General Manager or their staff.

The aim of 'informal' meetings of Councillors is to allow free and uninhibited independent discussion by Councillors without the presence of 'big brother' hanging over them.

I have experienced in some Council's where naïve and inexperienced councillors have been groomed to believe that it was taboo to meet informally and discuss matters of interest without the presence of the General Manager and his staff, was tantamount to breaking the holy grail.

Reference within the Model Code to informal meetings would serve to extinguish this urban myth.

I have also frequently experienced situations where in Council workshops the number of staff at a workshop exceeded the number of Councillors. This makes it very difficult for Councillors to freely express views and opinions particularly when all the staff effectively '*sing from the same hymn sheet*' in the presence of the General Manager.

Pre-Meeting Briefings

I applaud the initiative to discontinue pre-meeting briefings, these practically serve very little purpose and inevitably turn into debate on matters within the Council Agenda prior to the meeting.

If misused, these meetings, particularly if held immediately prior to a Council Meeting tend to exhaust Councillors (as they take hours to go through the entire agenda), they are often chaired by the General Manager, and are aimed at driving the Administration's Agenda; to tease out issues and nullify them before the Council debate; to drive consensus decisions before the Council Meeting, and identify and reduce opposition.

My concern is that Pre-meeting briefings will be rebranded as 'Workshops' and the same process will continue.

Peter Epov