

Code of Meeting Practise submission - Personal from Governance Manager of Walcha Council

28/02/2025

Dear Reader

The views contained herein may not reflect the views of Walcha Council in general. They are my personal views, but I believe this does not impact their importance. I strongly urge you to take these points into consideration.

In a similar way to the Draft Code of Conduct proposal, the Draft Code of Meeting Practice is based on a number of inherent underlying principles and assumptions which are either inaccurate or not valid. Even worse, the stated principle of increasing and promoting the democratic process will actually have the opposite effect should this draft be adopted as the new meeting practice.

The document assumes that elected Councillors are the same as full time, professional Parliamentarians - when in fact (no insult intended) Councillors are at best part time, derive their income from other sources, and have no required skills, knowledge or experience, to run a public body. A NSW Parliamentarian is vetted first by their party, then by their electorate. A NSW Local Government Councillor is often independant (therefore no party vetting), and in many cases, "elected" to their position without even a vote in their electorate. If an election is held for a Councillor, the rigors of a state wide election are not present at all, particularly in rural and remote LGAs.

Of all the Councillors, the most inherently political is the Mayor, whether they achieve this position by popular vote or by vote of other Councillors, the Mayor is the Councillor who must constantly exercise their political acumen and manoeuvring to maintain their position. To then expect the Mayor to be the sole arbiter of the Code of Conduct and fairly enforce good behaviour is an inherently flawed proposition. The Mayor has a very real and vested interest in supporting and promoting the Councilors who side with them, and a very real and vested interest in downplaying and denying the Councillors who are politically opposed to them. The Mayor has a very real and vested interest in keeping opposed Councillors unaware of the Local Government process and these proposals provide few, if any, checks and balances. In this situation the checks and balances come from Council staff, who, in many cases, are vastly more experienced and knowledgeable than any sitting Councillor. By denying these skills, and vesting even more power with the Mayor, it is impossible to see anything other than a dramatic increase in the number of ineffective and imploding Councils. Further, by extending this very same Mayor's powers into operational areas of the Council, the very real risk of undermining and damaging the dedicated, experienced and hard work of council staff is exposed.

The Mayor cannot hardly exercise effective controls of Councillor behaviour and expect to be re-elected to his position in 4 years time. If the mayor concedes not just behavioural issues to other Councillors (supporters) in order to be re-elected, they must also concede the effective running of the Council itself. See point above - this leaves the Council generally in control of a part time, politicians with no particular skills, except the ability to attract votes.

By removing workshops and briefings, this proposal stifles the democratic process, rather than enhances it. Councillors (who may have no experience whatsoever) cannot ask what items up for discussion mean, and will be forced to ask these questions in the public meeting. Many will not for fear of perceptions of their abilities. Instead they will remain silent and be unable to exercise informed decision making.

Worse, they may defer to another Councillor incorrectly when, if briefed prior, they would have had a far better understanding of the items for discussion at the meeting. An unscrupulous leader may choose to cast things in a particular way, or even completely and deliberately mis-speak and Councillors will have no recourse or ability to fact check these assertions, and therefore make poor decisions. The alternative is that Councillors are forced to defer decisions until they are able to gain further information, which will dramatically stifle the functioning of local government.

By removing the ability to attend meetings virtually from Councillors, again the democratic process is being stifled. Remembering that Councillors do not derive their full time income from this position and must derive their income from other means. It denies these Councillors who may have occasional good reason to be unable to attend in person their ability to partake in the democratic process to which they were elected. They cannot expect to always attend virtually, but the limit specified and the control specified are far too restrictive.

By allowing Councillors to call specific staff members to meetings, and stop the ability of said staff to attend virtually should the need arise, this proposal has stepped significantly into operational areas of Council. Putting these two items together creates a perception that Councillors can “drag a staff member before a meeting” at will. And, as there are no limits proposed to the level at which said staff member works for Council, you may end up with a situation where a road worker is summoned before Council to justify his actions. This is not an acceptable concept, and can only lead to more skilled and talented staff leaving the sector, or requesting higher pay. It will also stifle recruitment. Furthermore, Councillors should really not even know what jobs individual Council staff members perform below the Management Level. In the event that they wish to call a staff member to a public meeting, the proposal pre-supposes a high level of detailed operational knowledge by Councillors.

Another flaw in these proposals also needs to be specifically called out. Not because of its significance, but because it seems to reflect the intention of the creators of these proposals. On one hand they seek to give more powers to Mayors and Councillors, but on the other hand they feel necessary to explicitly detail how these newly empowered folk are to sit and stand in a meeting. Either they are capable of having these new powers, and of understanding what terms and words they may have never encountered before mean in a public meeting, and therefore know how to conduct themselves in public, or they are not.

These proposed changes seem to reflect a misunderstanding of not only how Local Government functions, but appear to be seeking to dis-empower General Managers and dramatically empower Mayors. In addition the proposals fail to make reasonable

concessions to where Councillors come from and how they are elected, and unreasonably appear to assume that every Council staff member is opposed to democracy, correct process and in fact only working in local government for nefarious reasons.

In many ways it behooves the elected officials to foster improved relationships with staff who are the people best able to assist them assume and continue to exercise their role in government. These proposals appear to be creating an oppositional system where the world of local government is characterised by staff vs Councillor conflicts.

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