

28 February 2025

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Dear Sir/Madam

### **Consultation on reforms to council meeting practices**

In response to the Office of Local Government (OLG) circular [24-23](#), dated 17 December 2024, I make this submission concerning the 'Consultation on reforms to council meeting practices' in my position of Director Business and Governance at Bega Valley Shire Council (BVSC).

The details of this submission have been presented to reflect the questions asked throughout the consultation draft.

#### ***Promoting transparency, integrity and public participation***

We support governance instruments that enhance transparency and public participation. However, discontinuing briefings will reduce councillors' effectiveness. Councillors are essentially volunteers and the allowance is not adequate compensation for the required commitment to read, research, and fully understand extensive documents without prior briefings. Removing briefings and leaving discussion until formal meetings will lead to less informed decision-making, reluctance to ask questions in public, and increased deferrals of agenda items.

To maintain transparency in the content and information shared with councillors, briefings could be recorded and made available to councillors and the public and considered for release as a record of the council under Government Information Public Access Act.

We agree that transparency is key in public meetings and this is already achieved by the provision of supporting information that informs recommendations from staff to the governing body in reports presented to a meeting of council for decision. Effective public participation and transparent decision-making can be achieved by the Mayor managing meetings effectively, ensuring deliberation and debate occur in the public domain before a resolution of council. We also believe that additional mandatory training for Mayors focused on effective chairing of meetings would enhance conduct within Council meetings.

Existing provisions in the Code of Meeting Practice extend to Council Committees, which can sit alongside closed briefings and workshops. These committees are an additional mechanism for public involvement, allowing input and information sharing on issues before council resolves on a decision and we think it is appropriate for individual councils to determine if this is an appropriate mechanism for inclusivity in the decision-making process. In my experience, Council Committees delay the decision-making process and increase the time it takes to implement decisions of Council.

I am supportive of having recordings of public meetings available on our website. We note that having recordings for four years on Council websites may have financial costs to store this data for several years.

I agree that Councils must not make final planning decisions without a staff report and must provide reasons when their decisions depart from staff recommendations. The legislative requirements place an emphasis on merit-based assessment and recommendations by qualified officers are made impartially and based on sound technical expertise. Technical staff possess the necessary knowledge and experience to evaluate planning matters objectively, free from the influence of local politics. These measures promote well-informed decisions based on comprehensive assessments. Councillors can remain focussed on the strategic goals for the communities by referring to the many and varied land-use planning strategies and local development control plans.

### ***Promoting the dignity of the council chamber***

I support the amendment to paragraph 9.7 and 9.9 giving the Mayor capacity to bring matters to council meetings for decision.

I do not support the removal of Item 9.10. I do not agree with the ability for a mayor to move a motion that may have no regard for financial or other risks that may negatively impact council as an organisation or service delivery in community.

The recommendation to provide additional powers to the Mayor or Chair of a council meeting could be strengthened by providing training and support. Mandatory training for Mayors by the OLG on effective chairing of meetings would improve the conduct of meetings.

We do not support prescriptive requirements for councillors to stand to address a meeting or when the Mayor enters the room. Each council should determine how to bring dignity and respect to each member in the chamber, with leadership by the Mayor.

### ***Depoliticising the role of the general manager***

I do not support deletion of paragraphs 3.12 and 3.13 as this increases instability and The General Manager and staff should provide factual information without lobbying for specific positions. The annual commitment to an operational plan and allocated budget should be the basis for recommendations and any motions that move away from the adopted direction of the council, without due consideration of resourcing impacts adds unnecessary risk to the entity. The General Manager's role is a-political and represents the interests of the organisation, in an environment that can be emotional and biased.

I do not support removal of paragraph 5.43 as the advice of technical staff is imperative to answer questions, provide context, and comment on risks and opportunities of a decision for councillors consideration before a decision is made.

### ***Simplifying the Model Meeting Code***

I support the intention to simplify the model meeting code by:

- allowing councils to determine their own rules for public forums,
- removing the paragraphs relating to representations to the council on the closure of meetings to the public,
- dealing with urgent business, noting that 'urgent' should be clearly defined.

The removal of provisions allowing motions to be foreshadowed is considered reasonable and mandating some current non-mandatory provisions will support consistency and strengthen the code as a governance instrument.

### ***Restricting councils from holding briefing sessions***

Restricting briefing sessions could lead to unintended consequences, such as increased informal discussions and lobbying among councillors, reducing transparency and building factions within the governing body. Briefings are essential for robust discussion and information sharing. They should be conducted under a

policy that ensures transparency and addresses the minister's concerns, such as recording all briefings and making them available to councillors and the public.

We **strongly oppose any restrictions on councillor briefings, workshops, and information sessions** as they are vital for keeping councillors fully informed. These sessions are not decision-making forums but serve as a forum for councillors to ask questions, provide advice, and act as a conduit to the operational management of council.

It is crucial to maintain a clear separation between meetings for decision-making purposes and informal sessions. Informal sessions are valuable for developing staff and future leaders, allowing them to build skills and confidence in working with mayors and councillors. Without these sessions, council meeting times would significantly increase and impact efficiency.

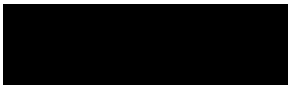
***Will the proposed amendments have any unintended consequences?***

I believe the proposed amendments have the risk of:

- Reduced effectiveness and poor decision making by councillors due to lack of prior briefings.
- Increased informal discussions and emotional decisions that reduce transparency.
- Potential abuse or mistakes due to the removal of due diligence process and lack of opportunity for management to provide advice on risks and opportunities of the impact of decisions.
- Polarisation of the chamber, division among councillors, active resistance against the Mayors leadership.
- Reduced motivation, teamwork, and effectiveness of both the elected body and council staff.

Thank you for the opportunity to contribute to this review. I believe the Code of Meeting Practice is one of the most important governance tools available for effective management and leadership in NSW Local Government.

Yours faithfully



Iliada Bolton

**Director Business and Governance**