



**PRESERVING OUR HERITAGE**

PO Box 85, HUNTERS HILL, NSW 2110  
[www.huntershilltrust.org.au](http://www.huntershilltrust.org.au)

## **FAO: The Office of Local Government's Council Governance Team**

### **HHT feedback on the new Model Code of Meeting Practice for Local Councils in NSW**

The Hunters Hill Trust is pleased to provide feedback to the Office of Local Government regarding the new Model Code of Meeting Practice, as requested, in the hope of achieving positive change in the ways in which local councils operate and engage with their community.

We fully support the initiatives to set future direction in ensuring meetings are inclusive, effective, and allow robust and respectful debate and input from the community. The need for such interactive engagement resulting in actionable, accountable outcomes by decision makers is paramount, in order to raise the level of trust between the community and councillors on critical local matters.

Our main areas of comment are as follows:

#### **Potential changes to the definitions and assessment of councillor misbehaviour:**

##### **Conflicts of interest:**

- **Property developers and real estate agents**

We do not agree with the statement:

*"A simple change to ban developers or real estate agents from being councillors is not possible as it infringes the right to political free speech implied by the Australian Constitution"*

We disallow foreign interference and are currently introducing hate speech in NSW, yet turn a blind eye to inappropriate interference and obvious conflict of interest from lobbyists, property developers and real estate agents elected into local government.

The fact that Legislation is only now being drafted to address these concerns is astounding and is clearly long overdue. A complete ban on this type of conflict of interest is vital in these times of rapid housing need and property development and must be urgently implemented in very precise terms. Real estate interests, where so much of what a council does is related to land and the potential for speculation in the changes of land value arising from planning, development and infrastructure decisions, can provide issues of considerable conflict. As noted in the document, it can be impossible to isolate the exact interests that would drive a Councillor's decision.

It is unrealistic to simply *"create the obligation to divest and not enter into real estate or development business arrangements through contracts"*, as there would be obvious opportunities for individuals contemplating a Councillor role, to easily circumvent this rule by temporarily divest themselves of these type of business arrangements, while still retaining contacts and influence.

- **Are there any other specific features that should be included to address concerns about councillors undertaking real estate and development business activities?**

A major concern that must also be addressed is the fact that while Councillors may not be property developers or real estate agents, they can be involved in business activities that **support or are closely associated with** property developers and real estate agents, and thereby stand to benefit from development. This is a loophole that, as above, must be urgently closed if conflicts of interest are to be eradicated.

### **Restoring dignity to council meetings**

- **Banning briefing sessions:**

We are fully supportive of the initiative that decision making should always be transparent. This is long overdue given that the lack of transparency erodes community trust in due process. We are concerned that when Councillors are briefed outside of council meetings, these actions have a corrosive effect on the perception of bias in council decision making.

- **Are there any other measures needed to improve transparency in councillor deliberations and decision making?**

There is a tendency for councils to make decisions that may be unpopular with the community in closed sessions, with no adequate information or rationale provided or explanation of outcomes. This precludes valid and robust debate and input from the community and further erodes trust. There must be more openness about the decision making process, so that more than just lip service is paid to community views.

A recent example of this was the appointment of an independent consultant by Council, who recommended options for managing the site of a well-used public asset, originally gifted to the people of Hunters Hill. These recommendations and the public submissions expressing preference for partial reclassification of the site in order to retain the asset in community hands, were dismissed without sufficient justification. The entire site was then reclassified from 'community' to 'operational' land to allow for its future sale.

Residents within our local community are generally engaged and active when matters are presented that require submissions and input to Council, but very often come away with the strong perception they have not been heard or their views respected. The Minutes of Council meetings can be scant in detail as to how deliberations have led to a specific decision. This lack of communication can result in a reluctance on the part of the community to participate over time, which is clearly an undesirable outcome.

As already noted, the need for interactive engagement that results in actionable, accountable outcomes by decision makers is paramount in order to raise the level of connection and trust between the community and Council on critical local matters.

The Trust appreciates the opportunity to provide these comments to this Model Code of Meeting Practices discussion paper that is investigating and determining ways in which our democratic processes can be better managed at a local community level. We look forward to the response of the Office of Local Government as they move through the proposed reforms.