

3 March 2025

[Redacted]

Mr Brett Whitworth
Deputy Secretary
Office of Local Government
Locked Bag 3015
NOWRA NSW 2541

Via email: councillorconduct@olg.nsw.gov.au

Dear Mr Whitworth,

Re Code of Meeting Practice - Submission from Bayside Council

Thank you for the opportunity to provide feedback on the Office of Local Governments review of the Code of Meeting Practice. As per Council's previous submission, Bayside Council is supportive of open and transparent government and accountability and our submission is largely supportive of the changes proposed in the framework.

Council staff have prepared the following response for referral to the Office of Local Government based on the report previously adopted by Council on 27 November 2024.

- **Extraordinary Meetings (COMP 3.3) - Mayor may call an extraordinary meeting without the need to obtain the signatures of two (2) Councillors.**

We are supportive of this change.

- **Notices of Motion (3.12 to 3.13) – Removal of the requirement for General Managers to prepare reports for Notices of Motion.**

We are supportive of this change, however would recommend a Notice of Motion cannot be acted on until a funding/resourcing source has been identified to protect the integrity of the Council budget.

- **Providing that the Mayor, not the General Manager has discretion on whether Council staff should respond to Questions With Notice. (COMP 3.13 – 3.16) –**

We are supportive of this change, noting that under the proposal it will be open to the Mayor to rule a Question with Notice out of order at the meeting if it is considered to breach the disorder provisions of the council's Code Of Meeting Practice. The Mayor at the meeting may determine that it will not be answered.

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- **Questions on Notice will no longer be able to be answered orally (COMP 3.16).**

We are supportive of the proposed changes.

- **Removal of the requirement to include a Statement of Ethical Obligations (COMP 3.23).**

We are supportive of this change, noting that Council currently includes the Statement of Ethical Obligations in Council Meeting Agendas.

- **Restricting Pre-Meeting Councillor briefings/briefing sessions. (COMP 3.33 – 3.38).**

Bayside Council already ensures that the community can observe local democratic processes having ceased closed public briefing sessions, as outlined in our previous submission to the OLG.

Our current practice at Bayside Council utilises the Committee Meeting process to provide Councillors and members of the public with an overview of matters being considered by the Committee. This forum has been effective in ensuring Council, community and staff have access to presentations and background reports.

- **Councils will be free to determine their own rules for public forums (deputations) - (COMP Section 4).**

We are supportive of being able to establish our own rules for public forums tailored to suit the specific needs of the Council and its communities.

Council does however seek clarification on expectations of webcasting for public forums and if members of the public may attend via audio-visual link/attend remotely, given the other provisions included in the discussion paper.

- **Providing as a default that Councillors are to attend meetings in person (COMP 5.25 – 5.28).**

We are largely supportive of this proposal, noting that Councillors will only be permitted to attend meetings by audio visual link where they are prevented from attending a meeting in person due to ill health or another medical reason or unforeseen caring responsibilities. Currently councillors have been granted leave to attend remotely because of work commitments that have meant that they had to be outside of Sydney on the night of the Council meeting. We recommend that this practice be permitted to continue (COMP 5.19). Councillors will be required to provide reasons under the new provisions of the Code.

- **Removing the option for staff to attend meetings by audio visual link (COMP 5.44)**

Council considers that attendance via audio visual link by staff would be best determined by the General Manager given the operational circumstances and an additional classification for consultants/ advisors as this may have cost implications for Council relating to travel/accommodation etc.

- **Mayoral Minutes - (COMP 9.7 - 9.8) i.e. removing the requirement to identify the funding source for the expenditure.**

Council is supportive but suggests that a mayoral discretionary budget be established to fund the expenditure related to mayoral minutes.

- **Voting at Council Meetings (COMP 11.11) - i.e. requirement that all voting at Council Meetings (including meetings that are closed to the public), must be recorded in the minutes of the meetings with the names of Councillors who voted for and against each motion or amendment (including the use of the casting vote), being recorded.**

Council is supportive of this change, noting this would promote open and transparent decision making.

- **Voting on Planning Decisions (COMP 11.12 – 11.13) - requirement where Council or a Committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before Council for decision. Where Council or a Committee makes a planning decision that is inconsistent with the recommendation of staff, it must provide reasons for its decision and why it did not adopt the staff recommendation.**

Council is supportive of this change, noting this requirement is consistent with the operations of the Local Planning Panels and would promote open and transparent decision making.

- **Requiring information considered at closed meetings to be made public by the General Manager after the information ceases to be confidential (as recommended by ICAC). (New provisions in COMP 14.19, 14.20, 20.20 & 20.21).**

The current provisions for Information Access via the Government Information Public Access (GIPA) Act are sufficient to address circumstances where members of the public wish to access documentation that was previously determined to be Confidential in accordance with 10A (2) of the Local Government Act 1993.

- **Empower Chairpersons to expel any person (including any Councillor) from a Committee meeting. (COMP 15.15 – 15.17).**

Council is supportive of the proposed changes.

- **Requiring recording of meetings to be published on Council's website for longer – i.e. for the balance of the Council terms, or in the case of an election year, for at least 12 months.**

Council is supportive of the proposed changes.

- **Time limits on Council Meetings (COMP 18.1 – 18.2) – i.e. time limits will no longer be stated in COMP as Council can change the time by resolution from time to time.**

We are supportive of this change.

- **Voting at Committee Meetings (COMP 2.24) – i.e. voting at Committee Meetings (including meetings that are closed to the public), must be recorded in the minutes of the meetings with the names of Councillors who voted for and against each motion or amendment (including the use of the casting vote), being recorded.**

We are supportive of this change.

- **The General Manager must consult with Mayor regarding confidential reports – requirement when preparing the business paper for Ordinary Meetings, the General Manager must consult with Mayor on any business proposed to be in closed session.**

We are supportive of this however seeks clarity on the obligations of the General Manager in the event that the Mayor disagrees with a matter being listed as confidential.

We greatly appreciated the opportunity to provide feedback on these proposed changes and look forward to the release of the revised Model Code of Meeting Practice in due course.

Should you have any questions in relation to such, please do not hesitate to contact me directly.

Yours sincerely,

A solid black rectangular redaction box covering the signature of Meredith Wallace.

Meredith Wallace
General Manager