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Submission

Model Meeting Code Amendments

Attention: OLG's Council Governance Team

Office of Local Government

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Coolamon Shire Council has reviewed the proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW and would like to offer the following comments.

- Why in clause 9.17, the OLG have deemed it important to remove the word **"respectfully"**. It seems odd to this Council that you would go through a 47 page document and find the word **"respectfully"** and delete it. It is our belief that the Model Code of Meeting Practice should be based on the principle of respect yet it has purposely been removed.

We do not believe that this word in this clause is of paramount importance to making the Model Code of Meeting Practice work or otherwise, but what message are you sending by deliberately seeking the word out for removal.

- This Council is concerned with the removal of requirements to ensure that any Mayoral Minute (removal of clauses 9.9 and 9.10) that recommends the expenditure of funds may not have the appropriate funding ramifications attached.

Councils obviously respect the position of the Mayor and the ability to put forward Mayoral Minutes but any recommendation to expend a Council's reserves should be managed in a financially responsible manner.

Our understanding is that a Mayoral Minute is more for ceremonial purposes, the fact that it is not required to be seconded and no debate resulting means that there may be no rigour or scrutiny placed around financial implications of such an outcome.

- Removal of current 10.9 – This issue relates to the preceding matter raised where Councils are continually advised to be fiscally responsible and to make decisions that do not impact the long term operations of a Local Government Entity. This has been a position prosecuted ad nauseum by OLG and previous ministers. They do this through Fit for the Future ratios yet then propose to take out clauses that require Councillors to act in this manner.
- Council welcomes the planned changes under 11.12 and 11.13 on voting on planning decisions.

- The requirement that Councillors and Staff stand when addressing the meeting seems to be a focus on how to place respect in the meeting process. This Council has never required Speakers to stand and yet has maintained cordial and respectful meetings throughout its time. When looking at State and Federal Governments Question Time it seems to be at odds with the idea that standing to speak will ensure order and respect.

On a similar vein the requirement to individually name all those who voted for and against a motion does not add any benefit to consensus or collegiate decision making.

We would rather that the ability be provided for a Councillor to be noted as voting against a majority or on any decision, is an option that an individual can request to be included in the minutes. We believe that this would be a more appropriate option and allow Councils or Councillors that want to work together, to do so.

This is about wanting to have excellent debate, but leaving the Chamber with a united purpose. Something democracy should be built on.

- Council accepts the inclusion of dealing with items by exception and thinks that this could save time for Councils that go over time.
- The requirement to release Business Papers considered in a meeting closed to the public are to be published as soon as practicable requires further definition about what the expectations are around this clause.

As soon as practicable and the confidentiality timeframe need to have some definitions to ensure Council can meet this requirement objectively. Any areas of grey will only cause headache and concern.

- Clause 15.10 – Acts of Disorder. The reference to improper behaviour and the reference point being “*regarded as disorderly in the NSW Legislative Assembly*,” is confusing.

The NSW Legislative Assembly has Parliamentary privilege so is this an insinuation that would apply?

As mentioned earlier we do not think that the actions and behaviour of Politicians during Question Time is an acceptable standard that our Council would agree too.

In addition to the confusions around definitions of Acts of Disorder, the Model Code does not detail how Councils are to Act with Councillors that create serious breaches or continually disrupt the operation of Council meetings. We feel that this is an extremely important matter to address and there should be clear, defined paths to how determinations are made and what the repercussions are for the breaches.

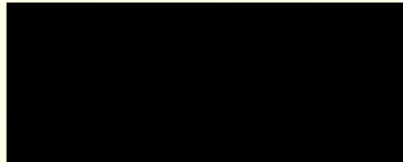
Whilst it should be managed in the first case by the Council or Chair, there needs to be a process for independent assessment. This assessment requires an appeal mechanism,

and also penalties that reflect the breach. The current system is slow and the penalties do not reflect the disruption and hurt caused.

It would appear that the best way to strengthen acceptable meeting standards is to punish those that are using their position to disrupt the operations of Council. Suspension time and substantial fines are what will change this attitude – not a 2 year process of investigation with minimal penalties.

- Clause 15.13 – this Clause seems to be open to creating an eternal loop for individuals that wish to make a point. We believe that there needs to be some level of intervention that requires actions to be resolved and not continue and fester on.

Council welcomes the review into Meeting Practice for Local Government. We would hope that the consultation process is treated seriously and that our points of concern are considered when the final document is released. After all it is Local Councils that will have to deal with the outcomes and make it work for our Communities.



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Coolamon Shire Council