

Response to Consultation on Council Meeting reforms.

Councillor [REDACTED] – Clarence Valley.

Removal of present 3.1

The present section 3.1 and note allows councils to decide for themselves which options would suit their local circumstances. Their removal appears to be at odds to the minister's stated intention of restoring dignity to the council chamber. He also states that council is the legitimate third tier of government, but this change would be imposing a decision made by unelected bureaucrats on a democratically elected council. I do not support the removal of section 3.1 as it reduces the authority of democratic decision making.

New section 3.3

I support the new section 3.3.

New wording in 3.8

I support the new wording, but it is probably unnecessary as council could always make a resolution to that effect under the existing COMP.

New wording in 3.10

The new wording does not change the meaning of the section.

Removal of present section 3.12

The removal of section 3.12 in conjunction with the proposed legislation prohibiting the briefing of councillors by council staff is concerning. If a NoM is proposed that would have consequences that might not be foreseen by councillors, how would staff be able to warn councillors other than through the Mayor? Good decision making relies on decision makers having access to the very best information available. The removal of section 3.12 is not supported by me.

Removal of present section 3.13.

Few councillors are well enough placed or sufficiently informed to confidently predict the financial implications of decisions without receiving the advice of staff. With the proposed legislation prohibiting the briefing of councillors by council staff other than through the mayor, the potential for bad financial decision making is increased for what appears to be little reason. I do not support the removal of section 3.13.

Removal of present section 3.15

I do not support the removal of this section. Public criticism of a specific member of staff who cannot respond in that forum is against natural justice. It could cause legal problems as councillors are not fully protected against defamation. Have the council staff unions been consulted on this move? There are established mechanisms to deal with every sort of staffing issue that have well understood and agreed.

Removal of the wording at the end of section 3.16

Whether a report from the General Manger is made orally or in writing should be at the discretion of council. Why would a democratically elected council not be able to decide this for themselves? This is not supported by me.

Addition of words in section 3.18

I support the additional requirement that the mayor be consulted.

Removal of section present section 3.23

The statement of ethical obligations at meetings is not only a useful reminder to councillors but also serves to inform those in the public gallery, who may not regularly attend council meetings, of the expectations of councillors. I do not support the removal of this section.

Additional wording in new section 3.23

CVC business papers are frequently over 1000 pages in length and any implied requirement that they be made available in paper form is contrary to good stewardship of resources. I would recommend that the wording “in addition” be removed so that it could reasonably be given electronically on, say, a USB stick without challenge.

Additional wording in sections 3.25 to section 3.28

I support this change in wording.

Removal of Pre Meeting Briefings.

I do not support the removal of Pre Meeting Briefings. Pre Meetings allow councillors to receive the information they require to make the best decisions in the interests of their ratepayers. Questions can be asked without the possibility of public posturing and allow councillors to conduct further research before they are required to make decisions. The present restrictions on making decisions only in the meeting and prohibiting debate in Pre Meeting briefings ensure that the council meeting is already the place for debate and decision making. The claimed gain in transparency is questionable and at best marginal, whilst there are substantial consequences to bad decisions made as a result of inadequate understanding by councillors.

At present, the Labor party room meetings in the NSW parliament are not open to the public, yet due to the Labor majority it is where the actual decision on laws are made rather than in parliament. The minister has in other areas recommended that councils follow the procedures of the NSW parliament. Perhaps by making the decision making by Labor MPs more transparent by inviting the public to party rooms would ensure that the public can more transparently see how the decisions that affect them are made.

I would not have a problem with making pre-meeting briefings open to the public (but not recorded).

Removal of previous sections 4.2 to 4.24 regarding public forums.

I support the removal of these sections and the addition of section 4.2 allowing councils to determine their own rules for public forums.

Changing of wording in sections 5.4, 5.5. 5.7 and 5.8

I do not have any opinion in favour or opposition to the proposed changes.

Change in wording to section 5.19

I do not support this change. Councillors are not, in most councils, full time and have other business and family interests that may make physical attendance at meetings occasionally difficult. We should be taking advantage of the available technologies rather than opposing them. If the minister truly considers council as the third tier of government then he should accept that councillors are the people who should be able to decide whether the attendance of another councillor by AV link is appropriate and reasonable.

Amendment to the wording of section 5.44

The change in wording is not supported by me. The existing law makes it clear that only the General Manager can direct staff. Councillors may not be aware of staff leave, absence or other issues that would prevent or make it unfair for them to physically attend a particular council meeting. Has the OLG considered this change with staff unions?

Addition of section 7.1

I do not support the requirement that councillors and staff stand when the Mayor enters the room. This would be considered archaic and un-Australian by many members of the public and lead to ridicule rather than raising the status as the minister believes. This section, if included at all, should be optional with the democratically elected council making the decision on whether it should be included in their Code of Meeting Practice.

Change in wording to section 8.3

I support the change of wording to allow the Mayor to speak to any proposed change in the order of the meeting.

Change in wording in section 9 – consideration of business at council meeting.

I support the change in wording of section 9.

Change of wording in section 9.7 to 9.10 regarding Mayoral Minutes

I support the change of wording regarding Mayoral Minutes.

Change of wording regarding questions, sections 9.13 to 9.18

I support the change in wording other than in section 9.17

Removing the requirement for questions to be respectful, section 9.17

I do not support the removal of the requirement that questions be respectful. There is no justification for disrespect to another elected representative or to staff.

Section 10.3 regarding the withdrawal of a notice of motion.

I support the change in wording in section 10.3

Removal of section 10.9 regarding the expenditure of funds.

I do not support the removal of this section. Decisions should not be made by amendments that have financial consequences without proper considerations of the impact on council's agreed budget. Perhaps the wording could be changed to remove the imperative "must" to be "should usually" allowing council to decide to override the provision in extreme circumstances.

Removal of foreshadowed motions present section 10.17

I do not support this change and am bemused that it has been suggested. Section 10.10 requires that amendments cannot be the direct negative of the motion and so foreshadowed motions allow council to make decisions that are the opposite of the original motion that is proposed. Section 10.27 does not allow further debate on a matter that has been dealt with, so the removal of this section would have the effect that a councillor could propose a motion that would prevent the majority of councillors from making the opposite decision. Foreshadowed motions have a place and should be retained.

Sections 11.11 to 11.13

The insertion of these sections reflect present practice in CVC, so I support them.

Section 12.2 – requirement for councillors to stand.

I does not support the requirement that councillors stand. Instead of this being a requirement, it could be included as an option that the democratically elected council could decide for themselves.

Section 13 – Dealing with items by exception.

This section reflects current practice at CVC so I support it.

Section 14.11

This section clarifies the situation where a member of the public wishes to address council regarding the closure of the meeting to the public and wishes to use confidential information to make their case. I support the inclusion of this section.

Addition of sections 14.19 and 14.20

This reflects present practice at CVC and I support it.

Change of working in section 15.10 – Acts of disorder

The requirement to link to the standards of behaviour in the NSW Legislative Assembly not only does not give appropriate respect to the democratically elected third tier of government, but would potentially lead to a lower standard of behaviour in council meetings. I do not consider that members of the NSW Legislative Assembly consistently provide a good example of appropriate behaviour to other elected representatives.

Introduction of sections 15.12 and 15.13.

I do not support the introduction of sections 15.12 and 15.13 in their present form. Without legal precedent and further explanation, I consider that these sections could cause legal issues that would potentially prevent council from carrying out its functions.

For example:

Who would decide whether an apology is genuine, satisfactory and delivered appropriately?

If a councillor chose to take a disagreement with the decision of the Mayor or chair to review or to judicial review, would the councillor remain suspended or continue to attend council without apology until the matter was determined?

Would decisions made by council in the absence of the elected councillor under section 15.13 that are subsequently overturned under review or judicial review be legally valid?

I consider that these sections should not be introduced before the legal status is determined.

The remaining changes in sections 15.15 to 20.24 reflect present practice and I support them.