

28/02/2025

In relation to the NSW State government proposed reforms to Council Meeting practices, I submit my following Submission that went to the Coffs Harbour City Council in January 2025 in direct relation to proposed changes of the CHCC Meeting Code of Practice dealing with some of the very issues that has been raised by the ICAC, and the NSW State Government.

15/01/25

Submission: to Coffs Harbour City Council

### **Coffs Harbour Draft Code of Meeting Practice**

The NSW State Government has a new Draft Model Code of Meeting Practice for Local Councils [DMCMP/NSW]. The aim is to ensure greater transparency, public engagement with the council on issues directly involving them, and hence improved community confidence in council decision making.

This code states in its Meeting Principles that

#### **2.1 Council and committee meetings should be:**

*Transparent*  
*Informed*  
*Inclusive*  
*Principled*  
*Trusted*  
*Respectful*  
*Effective*  
*Orderly*

Many of the key changes adopted have been recommended by the Independent Commission Against Corruption, and some of these changes include:

- Prevent councils from holding private councillor briefing sessions
- Information discussed at closed meetings should be released to the public by the General Manager [GM] once it ceases to be confidential
- Moderate the role of the GM by removing the requirement of the GM to prepare reports on councillors' notices of motion.

Whilst reading through the DMCMP/NSW and the proposed new Coffs Harbour Draft Code of Meeting Practice [CHDCMP], superficially both read almost identically.

However, on closer analysis, there are anomalies that warrant closer scrutiny and questioning on clauses that have been included /excluded in the **CHDCMP**

The following sections/clauses listed from both drafts have been differentiated by:

*DMCMP/NSW -Italics*

**CHDCMP -Bold**

### **3. Before the Meeting**

*3.1 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.*

*Note -section 365 at least 10x each year*

#### **CHDCMP**

**~~Section 3.1 Ordinary meetings will be held on the second and third Thursday of the months February through to December. Deleted.~~**

**Replaced by above State resolution 3.1**

No indication is proposed to how frequently future meetings will now be held, leading to concerns reduced number of meetings may impact on council business/motions raised being foreshortened, items not openly and thoroughly discussed by council, or postponed to next meeting as all meetings are to conclude by 10pm, as well as potentially resulting in overall reduced efficiency.

#### **Giving notice of business to be considered at council meetings**

*Sections 3.12 and 3.13 Deleted*

Both these sections relate directly to removing the requirement of the GM to prepare reports for councillor's notice of motion. One of the key changes recommended by ICAC and State Government

#### **CHDCMP**

**Section 3.12 and 3.13 have been retained in the Coffs Harbour draft code, leaving the involvement of the GM in situ, in direct contrast to ICAC and State recommendations**

#### **Pre-meeting briefing sessions**

*Sections 3.33 to 3.38 Deleted*

*Intentional key changes as recommended by ICAC and NSW State are to prevent private councillor briefing meetings. Specifically therefore this entire section has been removed from the new draft code*

## **CHDCMP**

### **Sections 3.33 to 3.38 Remain**

By retaining these two clauses, pre-meeting briefings of the GM with councillors can proceed prior pre-regular council meetings, extraordinary meetings or committees of the council, (along with the absence of public), raising concerns of lack of transparency.

## **4. Public Forums**

### Entitlement of the public to attend council meetings

*5.31 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public*

Despite this clause, Coffs Harbour Council has proposed a new additional clause [5.31 (a)] in direct contradiction of this right, where the GM potentially could bias the public forum, or severely limit the number of public as the GM has the control to select not only who in the public actually is allowed to attend or speak at meetings, but in addition also restrict the actual number [1 or 2?] under the pretext of 'security and safety' of councillors:

## **CHDCMP**

### **Section 5.31**

**(a) In order to ensure the security and safety of Councillors, staff and the public, seating in the public gallery for public forums and Council meetings will be limited to a number determined by the general manager prior to each meeting.**

Again, this clause continues the interventional role that the GM potentially could play in controlling the public being present/informed/involved in council decisions.

## **5. Coming Together**

### Attendance of the general manager and other staff at meetings

*5.44 The attendance of other council staff at a meeting, (other than as a members of the public) shall be ~~with the approval of the general manager~~ has been replaced with: as determined by the council from time to time*

Deleted:

5.44 (now deleted) *The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with approval of the general manager.*

#### **CHDCMP**

**5.43** *The attendance of other council staff at a meeting, (other than as a members of the public) shall be with the approval of the general manager.*

**5.44** *The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with approval of the general manager.*

By retaining both of these clauses in the new draft, the GM maintains control over council staff as to who may/may not attend the council or committees of the council meetings, once again in conflict with the goals of the new State code of meeting practice and recommendations of ICAC.

#### **14 Closure of public meetings to the public**

##### **Representations by members of the public**

In relation to closed meetings, the new NSW State draft code new clause of 14.11 states the council can resolve to close the meeting to hear a member of the public make a representation as to whether or not the meeting should be closed.

Under (new) clause 14.12 In order to make this representation, application must first be made to the council in '*a manner determined by council*'

Beyond this clause, The new State code has deleted sections 14.12 to 14.17, wherein all such determinations of the public applying to make a representation, can be denied by the GM, or chosen specifically by the GM where the number of public is in excess of permitted number.

*Sections 14.12 to 14.17: Deleted*

#### **CHDCMP**

##### **Sections 14.12 to 14.17 – Retained**

These clauses have all been retained again giving the GM control and veto over public representations to council.

Kind Regards,

