

Leonie Myers

From: [REDACTED]
Sent: Wednesday, 5 March 2025 7:47 PM
To: OLG BS Office of Local Government Mailbox
Subject: RE: Model Meeting Code amendments

Sorry, I just realised that I should clarify my comments about needing improved standards of information presented to Councillors and the community in regards to the Quarterly Budget Review Statements... there are already guidelines from 2010 – these though need to be updated and further refined because large variations between Councils continue to exist (as noted in the guidelines from 2010) and there is room for improvement overall.

Kind regards,
Kellie

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Council acknowledges the Traditional Owners of the land, the Dharug Peoples and pays respect to their Elders past and present.



From: [REDACTED]
Sent: Friday, 28 February 2025 6:02 PM
To: OLG Office of Local Government Mailbox
Subject: Model Meeting Code amendments

Dear OLG team,

I was beyond relieved to read the Consultation draft '*A new model code of meeting practice*', and accompanying changes to the model Code of Meeting Practice. Many of these changes are long overdue and will greatly improve transparency and accountability in Local Government, which I've strongly advocated for. This in turn will give our community more confidence in Councils and help build more trust in this crucial level of government. Below I provide feedback on the key reforms and also the specific proposed changes to the Code of Meeting Practice.

Promoting transparency, integrity and public participation

You only have to look at the community response to the proposed special rate variations in Northern Beaches and North Sydney to see clear justification for making sure the community has easy access to the information Councillors use to inform their decisions.

I think there are more measures though that could be implemented with these changes, or in future stages, that would further promote public participation and transparency, namely OLG providing templates and guidelines for reports. I've found significant variation in what is and isn't included as standard across Councils in say staff reports and Quarterly Budget Review Statements. While flexibility needs to be allowed so Councils can adapt to their local community needs, there is also strong evidence about what is and isn't good governance.

Like the guidelines for IP&R, there is a strong case for providing similar guidelines for business papers (for example, what risks should be considered and the value of presenting Councillors with options rather than a yay or nay choice) and mandatory reporting such as the QBRS.

[REDACTED]

Promoting the dignity of the council chamber

I understand the need to strengthen the authority of the Mayor but there will be unintended consequences if this is not offset with greater accountability on the Mayor. If the Mayor was say to misuse these additional 'powers' there is currently no way of removing the Mayor. This must be considered as part of giving them greater powers to ensure balance and mitigate potential misuse, whether intentional or accidental.

I do not agree with removing the option of staff to attend meetings by audio-visual link on the grounds of the need to provide a supportive and flexible workplace, and the vast amount of evidence that exists on the need and value of doing so. Like for Councillors, it should be the exception not the norm, but the option must still exist to support staff with caring and other responsibilities that may prevent them from occasionally attending in person.

Depoliticising the role of the general manager

I see these measures as a step in the right direction to ensure the minority and/ or dissenting voices in the Chamber aren't silenced – given the GM is hired/ fired at the discretion of the majority of the Chamber. But it is important to not throw the baby out with the bath water.

Central to the role of Councillors is that we make informed, financially responsible decisions to deliver on community expectations. We will be greatly hampered in doing so though if Council staff do not provide necessary background information and costing information on NoMs – just like they provide such information in their reports to Council.

Restricting councils from holding briefing sessions

I believe I am one of a few Councillors who wholeheartedly supports your reforms to remove private briefing sessions and ensure all information that is used to inform Councillors decisions is made available to the public, based on the LGNSW conference and LGNSW forum on your reforms as well as discussions with other Councillors.

This removal though only works if Councillors aren't limited in the number of questions they can ask about an agenda item at a Council meeting and there is robust discussion about the item during the Council meeting, which is difficult when you can only speak once – and may want to later seek clarification or response to what another Councillor has raised... something that is far easier to do in a private briefing. So I am grateful to see these changes in the CoMP.

The definition of when a matter can go into closed session must though be reviewed and adjusted to support this major change. For example, often discussions are had in private briefings in the initial stages of a project to flesh out some of the options and there can be significant risks associated with these discussions being had in the open. I don't believe the current provisions would necessarily cover them being held in closed session.

Greater clarity will need to be provided on what can and can't be discussed privately as part of the 'periodic workshop format', so that these don't just replace private briefings.

Currently no mention is made on what the avenue will be to report Councils who potentially continue with private briefings whether directly or through indirect means.

Changes to the Model Code of Meeting Practice

Below is feedback on specific proposed changes to the model Code of Meeting Practice, in the order they appear in the document:

- **Giving Notice of business to be considered at council meetings (3.10-3.13)**

I agree that removing the current staff response to notice of motions as I've seen it politicised unfortunately – where requests from some Councillors can always be done within existing resources, while others are regularly in effect killed off by the staff response. But the problem with removing it is that Councillors will also not have access to necessary costing information to make an informed decision on whether to provide given identified risks and implications. It is likely to result in Councillors deferring most NoMs to allow for more information to be provided, and therefore creating unnecessary delays in making a decision.

- **Questions with notice (3.13/3.16)**

I agree with removing the previous 3.15 clause that allowed the GM to stop questions that felt comprised a complaint. I am aware from the Consultation Draft document that the intent in doing so is to provide “the mayor, not the general manager has discretion on whether council staff should respond to questions with notice. It will be open to the mayor to rule a question with notice out of order at the meeting if it breaches the disorder provisions of the council's code of meeting practice. However, the CoMP does not specify this and I think further change/addition is required to clarify this.

I am concerned though that the new clause 3.13 states that GMs “may” respond to a question

on notice – shouldn't this be "must" now as previously there was an option to provide a written response or an oral one. If it stays as may, then some GMs will simply just ignore the questions which defeats the purpose of removing the previous clause 3.15.

- **Agenda and business papers for ordinary meetings (3.15)**

There is enormous value in having as standard practice that Council's review outstanding resolutions as part of the agenda of every ordinary Council meeting – just like a Board would review outstanding actions. This provides for ongoing accountability and transparency for members of the public to see how resolutions are tracking, and for Councillors to take any necessary steps to prioritise or otherwise work being done to execute the decisions of Council – a decision is not a decision unless action is taken. I was able to get agreement for our Council to implement this as standard practice but it is not common across Councils and would improve governance overall.

- **Attendance of the general manager and other staff at meetings (5.44)**

While I agree it should be Councillors who determine which staff are required to attend a Council meeting, the option should be there for staff to attend by audio-visual link if they have caring responsibilities or for other reasons, similar to for Councillors attending via audio-visual link.

- **Motions requiring the expenditure of funds (10.9)**

Removing this clause sets a poor standard for financial responsibility of the governing body and is not how a Board would operate. Councillors must be aware of the cost implications of their decisions and make an informed, and financially responsible decision based on this, including how the decision will be funded. I understand the need to depoliticise the role of the GM but think this clause must stay in though in an amended form.

- **Limitations on the number and duration of speeches (10.24)**

Removal of the clause shortening the duration of speeches will go a long way to levelling the playing field and ensuring minority and/ or opposing views are properly heard and that there is robust public debate. I am very supportive of this.

- **Voting at council meetings (11.11)**

It took a lot of effort to get Councillors to agree at City of Parramatta to record how Councillors voted on each resolution and even then there was ongoing resistance. However the public absolutely has a right to know how their elected representatives are voting on matters important to them – without having to go back and watch the live stream, and even then you can't always see how Councillors individually voted. This addition is a great improvement for transparency and accountability.

- **Voting on planning decisions (11.13)**

It is great to see this ICAC recommendation finally being incorporated into the CoMP! I do though think clause 11.13 would be improved even more by the addition of "in the resolution" at the end, so it is absolutely clear where the explanation needs to be provided.

- **Acts of disorder (15.1)**

I understand that the proposed changes to this clause are to simplify and strengthen what is and isn't acts of disorder, however it refers to the NSW Legislative Assembly and I don't as a Councillor understand what would be regarded as disorderly there. This lack of clarity, which I imagine will be shared by other Councillors, would likely then lead to more confusion.

Undermining of the Reforms - Confidentiality Deeds

One clear attempt to circumvent the reforms efforts to ensure "*the community has the right to understand the mode of reasoning behind council decisions without material being provided to councillors by council staff behind closed doors*" comes in the form of confidentiality deeds.

City of Parramatta has taken the unusual step recently of requiring Councillors to sign a confidentiality deed before staff would provide information about a potential partnership with a specific sporting code club and governing body.

By requiring Councillors sign a deed about a particular matter, say in the case of a potential partnership with another organisation, private briefing for these matters would need to continue, even though they are contrary to the GIPA and Local Government Acts which already have provisions for how confidential information is managed and shared.

While I am sure we all understand an organisations need to keep their commercial-in-confidence information confidential, this does, and should, not prevent Council's from making it clear to the public who Council is in discussions with about say a partnership, the intent in having those discussions and the reasons for entering into any such a partnership, nor should it stop Council's from consulting with the community. There is clear precedent of this being possible—for example, with City of Parramatta's sponsorship of Sydney Festival and in Queensland at the Moreton Bay Shire Council when they sponsored the Dolphins NRL team.

The introduction of confidentiality deeds serves to undermine these current reforms – by continuing to necessitate private briefings, stopping the community knowing the deliberations of their Councillors and the nature of the advice given to assist Councillors in making responsible decisions, and preventing all material given to a Councillors to make a decision in a council meeting being provided publicly.

Undermining of the Reforms - Potential Misused of Closed Sessions of Council

I am already hearing Councillors and Council staff discuss ways to work around the reforms, in particular the removal of private briefings.

I think it is important for the reforms to work as intended that these are pre-empted wherever possible, such as the confidentiality deeds as outlined above and also the potential misuse of closed sessions – which is what I am hearing is being proposed to allow for discussion of matters that used to happen in private briefings, defeating the purpose of the reforms to ensure there is greater transparency and public participation. As mentioned earlier, a review and update of the closed session provisions may be enough to mitigate this risk.

Thank you for the opportunity to provide feedback, and for taking on board some of my feedback last time!

Kind regards,
Kellie

Clr Kellie Darley
Councillor | Dundas Ward



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