

# New England Greens Submission: Model Code of Meeting Practice for Local Councils in NSW

Thank you for the opportunity to make a submission on the Code of Meeting Practice (CoMP). We would like to make the following comments on this very important topic.

## 2.1 Council and committee meetings should be:

*Transparent:* Decisions are made in a way that is open and accountable.

*Informed:* Decisions are made based on relevant, quality information.

*Inclusive:* Decisions respect the diverse needs and interests of the local community

**Comment:** The importance of the above principles cannot be over-stated. However, their application is being weakened by the power of General Managers to control the information flow and make it difficult for councillors to obtain the information they need to make informed decisions. In addition, it is now common for councillors to receive business papers with thousands of pages of attachments a few days before meeting at which decisions are required.

## 3.3 *The mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors.*

**Comment:** Mayors should not have significantly different powers to other councillors and should not be able to call extraordinary meetings without the support of at least one other councillor.

## 3.10 *A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted within such reasonable time before the meeting is to be held as determined by the council.*

**Comment:** The reasonable time should be no more than 3 days before the business papers are published. The following is therefore preferred:

**3.10** *A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted 3 days before the business papers are published.*

## 3.14 *The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.*

**Comment:** Noting the difficulty councillors now face in reading and understanding agendas and attachments that can exceed a thousand pages, 3.17 should state:

**3.14** *The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting. Moreover, to allow time for councillors to make informed decisions, all attachments that have been finalized, and all copies of public submissions received at least 2 weeks before the meeting and relating to matters to be discussed at the meeting should be made available at least 2 weeks before the meeting, with the final agenda and attachments available at least 1 week before the meeting.*

## 5.19 *Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee where they are prevented from attending the meeting in person because of ill health or other medical reasons or because of unforeseen caring responsibilities.*

**Comment:** It is undemocratic to prevent an elected councillor from attending a meeting by AVL if that councillor cannot attend a meeting in person. If limitations on attendance by AVL must be imposed it would be better to do so by placing a limit on the number of meetings attended rather than requiring a justification. 5.19 should therefore be amended as shown above.

*5.34 to 5.37: Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.*

**Comment:** In the interests of the transparency set out in 2.1, all councils should provide audio-visual recordings of each meeting and ensure that they are available for at least 5 years. This should preferably read:

**5.34** *Each meeting of the council or a committee of the full council is to be recorded by means of audio-visual device, and live-streamed on the council's website, and remains available on the website at least 5 years (replaces 5.34, 5.37 & 5.38).*

**7.1** *Where they can, councillors and staff must stand when the mayor enters the chamber and when addressing the meeting.*

**Comment:** This is silly and impracticable. Normally the Mayor and councillors are in the chamber some time before the meeting to organize their notes and open up the agenda on their computers. Live streamed meetings need microphones which are placed on the table in front of the councillors. It would be impractical to ask councillors to stand and at the same time hold the microphone and laptop while they discuss the motion!

**9.7** *Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge the mayor determines should be considered at the meeting.*

**Comment:** This again reduces transparency. The above should be replaced by the version in the previous Code of Meeting Practice whereby mayoral minutes are reserved for matters of urgency. Mayoral Minutes which do not meet urgency criteria should be given included in the business papers as normal Notices of Motion.

**9.13** *A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.12, unless the council by resolution, and the mayor determines otherwise in accordance with clause 9.3.*

**Comment:** Not allowing Councillors to ask questions at Council meetings unless it concerns a matter already on the agenda is another way that open and democratic debate has been shut down in local government. Councillors should not have to rely on a majority vote to be allowed to ask questions regarding a matter not on the agenda. Such a question can be taken on notice. The importance of Councillors asking questions has been recognised by public Inquiries as an important tool for Councillors to exercise due diligence and ensure accountability of their Council.

**11.5** *A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.*

**11.11** *All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.*

**Comment:** This clause should be mandatory and replace 11.6 to 11.9. Equally importantly, although failing to vote on the motion is counted as a vote against the motion, some councils, e.g. the City of Sydney record abstentions as "abstained, counted as voting against the motion". Recording what actually happened at the meeting increases transparency. Sometimes there is insufficient information to make an informed decision, but staff urge councillors to support their recommendations or risk losing an opportunity, e.g. to apply for grant funding. When there are divisions in the community, or controversial decisions that have to be made with inadequate information, this small change to record what actually happened would reduce confusion and increase transparency.

**17.12** *Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted*

**Comment:** 17.12 can be abused by allowing a rescission motion to be brought at the same meeting as the original motion for the purpose of being defeated and preventing a rescission motion being heard again for 3 months. This

prevents a rescission motion being considered where there is a real prospect of a different outcome, for example where one or more Councillors were absent from the meeting.

*20.20 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.*

**Comment:** This should apply to all council meetings, not just committee meetings. Moreover, at a minimum a Council must review the status of information considered in confidential session every 12 months for the current and previous terms.