

Model Meeting Code Amendments - Online Submission Form : Entry # 12367

1. Your Details

I would like my name and personal details to be treated as confidential:

☐ I consent to my details being shared

Name:

Big Rob

Name of Organisation (If applicable):

Lismore City Council

Role/Position:

Councillor

Postal Address:

[REDACTED]

Telephone:

[REDACTED]

Email:

[REDACTED]

Which of the following best describes you?

☐ Council Regional

2. Targeted Questions

2.1. Will the proposed amendments made in the consultation draft of the Model Meeting Code achieve the policy outcomes identified in the paper?

The proposed amendments will not achieve all policy outcomes identified, and they will have many adverse consequences. No individual should have unilateral subjective control over another, particularly elected officials who are political opponents, or those who have no legal training or ability to interpret things such as a High Court recognised Constitutional freedom of political communication or the sharing of internationally protected opinions and views. It will result in many very public and very expensive legal challenges which will make things look much worse for all involved, particularly those Mayors who abuse the excessive powers or make mistakes applying them.

2.2. Are there any other amendments you would suggest that will achieve these policy outcomes?

Any amendments to take powers away from staff, so they cannot control or influence members of the governing body by providing incorrect interpretations or otherwise applying pressure so councillors do as staff want them to do, will be very welcome.

Ensuring staff comply with requirements to promptly provide information to councillors so they can undertake their role is essential. As it stands now, staff make many decisions, or bury them in lengthy reports and agendas, which the governing body is then expected to take the blame for when things go wrong. The governing body is very easily manipulated by staff, particularly those councillors who clearly don't read the business papers or ask questions, or those who don't bother to attend induction training or undertake ongoing professional development. There should be formal training requirements for all elected officials before they are let loose on council finance, asset and infrastructure decision making.

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Controlling elected officials will only silence them more. Control should not be a higher priority than ensuring informed independent decision making in the interests of residents and business owners.

2.3. Will the proposed amendments have any unintended consequences?

The way the Mayor and many councillors are elected is cause for concern. Instead of all councillors running as Independent candidates, the requirement to form groups to secure a group voting square above the line to be competitive, and allowing political parties to run under Party branding and securing an advantage over others, establishes political opponents. Following election, the relevance of groups and political party affiliation is not publicly reflected in the council Chamber, but the political opposition continues hidden behind closed doors.

Empowering a Mayor with little to no experience understanding, interpreting or applying complex rights relating to freedom of political communication, or the sharing of opinions or views free from government intervention, to unilaterally and subjectively interpret rules and to punish others is absurd, particularly where it involves a political opponent. Such things as publicly humiliating, expelling, or withholding fees from political opponents, or issuing infringement notices to members of the community, will divide councillors further and alienate members of the public. It will inevitably result in considerably more adverse behaviour as some councillors refuse to stand for a political opponent as they enter the room, or leave when told to by a hostile political opponent looking to secure an advantage. It will almost certainly result in considerably more administrative and legal action as those on the receiving end challenge such things as their fees being withheld or receiving an infringement notice unfairly.

It also appears the Mayor will be permitted to receive material privately, material not also made available to other councillors. All councillors, including Mayors, should have full access to the same material when deliberating and making decisions so everyone can make informed decisions.

2.4. Are there any other amendments the Government should consider?

Regarding the banning of pre-meeting briefing sessions, some councils have regular briefings and workshops that stand alone. These are essential to better inform councillors and to save time during meetings and are often used instead of the more formal council committee meetings. Information sessions should be open to the public. It would be helpful to clarify the use of such sessions in the Code of Meeting Practice, and that they must remain open to the public. It would be extremely useful to require the sessions to be webcast live and recorded for later viewing by those unable to attend or view live. Recording such sessions would also address any public record retention issues.

Councillors have the ability to add clauses to the Code of Meeting Practice. Some try to implement clauses restricting the number of motions and questions. The current clause 3.10 stipulates that 'A councillor may give notice of any business they wish to be considered by the council...' Allowing councillors to restrict the number of items a councillor may give notice of directly conflicts with the Code. Provisions inconsistent with mandatory provisions are not permitted under clause 1. It is important to clarify that councillors cannot restrict those councillors who work hard representing community.

3. General feedback

3.1. Please provide any other feedback on the proposed amendments.

It is very concerning that the amendments appear to focus on controlling councillors and empowering Mayors. Mayors are just another councillor who is also the Chair at council meetings. Many are only there due to popularity, not skill or ability. Well funded candidates can often buy control of a council. With so much additional power over their political opponents, we will see some councils dominated by those abusing their new found powers.

It is good to see power being taken away from staff, since the tail should never wag the dog. Staff are not elected or accountable so should not have power over elected officials.

Regarding misbehaving councillors, the fairest and most efficient solution would be external independent review and enforcement, possibly by the Office of Local Government, and referral to the NCAT for further punishment or to review appeals from decisions of the OLG. Pecuniary penalties should not be considered unless a councillor is suspended.

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Finally, taking a councillor's fees for perceived adverse behaviour at a council meeting, based on the subjective unilateral decision of a political opponent, is completely inappropriate, considering meetings are just a very small part of the work a hard working councillor does each month. It would not be allowed in a workplace, so it should not be permitted in a councillor's workplace, particularly after many hours of work have been completed and won't be compensated. It will result in lower quality candidates running for subsequent elections, or will only see candidates who can be controlled by whoever can buy control or wins the popularity contest to become Mayor.

Notes**Admin Notification (ID: 66d4f054bfdd8)**

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