

Submission to the Office of Local Government on the Consultation Draft Model Code of Meeting Practice for Local Councils in NSW

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Introduction

Local Government NSW (LGNSW) is the peak body for councils in NSW, representing all NSW general-purpose councils and associate members including special-purpose county councils.

LGNSW thanks the Office of Local Government (OLG) for the opportunity to provide a submission on the draft Model Code of Meeting Practice for Local Councils in NSW (the draft Code).

Purpose

This submission is in response to the OLG's invitation for submissions on the Code made via Circular No. 17-40 dated 6 December 2017.

Background

LGNSW believes that it is essential to have a uniform, unambiguous plain English Code. Such a Code supports the operation of the sector overall, and importantly, ensures good public decision making, sector credibility and community confidence. The conduct of effective meetings is an indicator of good governance. Well run meetings reflect an effective partnership and relationship between the governing body of council and council administration.

The incorporation of mandatory and non-mandatory provisions in the draft Code supported by the *Local Government Act 1993* as amended (the Act) and the Local Government Regulation 2005 as amended (the Regulation) will ensure meeting practice uniformity across the sector.

LGNSW has consulted with the sector about the draft Code and in preparing this submission, and included the feedback provided. The submission identifies the key issues associated with the draft Code.

General comments

LGNSW recommends that the Meetings Practice Note dated August 2009 should be updated to give clarity and guidance in the application of what will be the new Model Code of Meeting Practice for Local Councils in NSW.

Except for the provisions relating to webcasting and rescission motions on planning matters, LGNSW considers that the draft Code has largely achieved the OLG's stated range of outcomes, namely:

- promoting, as the principal object of meetings, the making of decisions by the governing bodies of councils that are in the best interests of the council and the community as a whole
- promoting more accessible, orderly, effective and efficient meetings and to provide councils with the tools to achieve these outcomes
- prescribing principles to inform the way in which meetings are conducted and to prescribe meeting rules that are consistent with these principles
- codifying areas of common practice across councils in a way that is clear, efficient, leads to better informed and more effective decision making, and that is consistent with the requirements of the Act

- promoting greater consistency between councils across the state in key areas of meetings practice without losing the ability to allow some variation in practice to meet local needs or expectations
- allowing greater flexibility in the conduct of meetings to accommodate a range of potential scenarios that are not addressed by the current meeting rules
- simplifying the language currently used to make the prescribed meeting rules more accessible and easier to understand
- modernising the rules to accommodate current and emerging technologies (e.g. electronic notice, and electronic voting systems).

Specific Amendments Sought

Based on sector feedback, LGNSW makes seeks amendment to the draft Code's provisions:

Coming Together: 5.18 – Webcasting of Meetings – This mandatory provision requires that all meetings of the council and committees of the council be webcast. This provision should be non-mandatory as the cost implications and resources required to operate webcasting would be an unreasonable burden to many councils. Further, it is common practice for councils to rotate council meeting venues throughout their respective local government areas. The webcasting technology is not always readily available in regional and remote locations; and

Decisions of the Council: 17.10 – Rescission of Motions on planning matters – This non-mandatory provision and the “period of time” referred to should be mandated to ensure consistency across local government. A period of three days is recommended as this coincides with the usual timeframe for the issuing of consent documentation following a resolution approving a development.