



19 January 2017

Attn: Council Governance Team  
NSW Office of Local Government

By email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)

Dear Sir or Madam,

**Re: Model Code Of Meeting Practice Development**

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The Southern Sydney Regional Organisation of Councils (SSROC) is an association of sixteen Councils in the area south of Sydney harbour. SSROC provides a forum for the exchange of ideas between our member Councils, and an interface between governments, other Councils and key bodies on issues of common interest. We facilitate collaboration between councils on joint ventures, procurement, and projects including advocacy. Together, our member Councils cover, a population of over 1.6 million, or one third of the population of Sydney.

The Southern Sydney Region of Councils (SSROC) provides the following submission in relation to the proposal to develop a Model Code of Meeting Practice and recommends that the model covers the below points:

Improvements to Meeting Rules

*Rescission Motions*

The meeting rules relating to Rescission Motions should be amended to allow for electronic signatures in submitting a notice of rescission, clarification on whether rescission motions can be dealt with as a matter of urgency without the required notice and the circumstances when a rescission motion can't be lodged as consent or approval has already been communicated i.e. Development Applications & tenders.

The meeting rules should also give consideration to allowing the Council to recommit decisions dealt with earlier in the meeting without the need for a rescission motion. This is a common practice across NSW Local Government.

*Notice of Motions*

The meeting rules should consider placing a limit on the number of notice of motions a Councillor may lodge per meeting to ensure Meetings are run efficiently and this mechanism cannot be used to delay the consideration of other Council business.

*Extraordinary Meetings*

The meeting rules should be clarified on whether the Mayor individually can call an Extraordinary Meeting.

*Audio Recording*

Section 273 of the Local Government (General) Regulation should be reviewed to include Council recording the Meeting for accurate minute taking purposes and the length of time these recordings should be kept. The definition of recording should also be amended to include mobile phone and other digital devices. This section could also include provisions on webcasting of meetings and that Council is not responsible for defamatory statements made by members of the public during meetings which are webcast.

### *Mayoral Minutes*

The meeting rules should consider including the following statement from the Meetings Practice Note No. 16;

“Mayoral Minutes should not be used to introduce, without notice, matters that are routine, not urgent, or need research or a lot of consideration by the councillors before coming to a decision”.

While no notice is required for Mayoral Minutes, councils could be encouraged to provide advance electronic notice of Mayoral Minutes to encourage greater community engagement and participation.

### *Award Nominations*

Rather than consider award nominations in Committee of the Whole it would be more practical if councils could consider these nominations in Confidential session.

In general, the Code should include citations of the source for the meeting rule such as the applicable legislation or regulation, as this is the standard practice in council Codes of Meeting Practice.

### Areas of Meeting Practice that Should be Prescribed

#### *Public Speakers*

In the last 10 years public participation in council meetings has increased significantly. Many councils have established a registration process for members of the public wishing to speak to items on the Council Meeting agenda. This practice should be prescribed for consistency across all NSW councils. The rules should also consider giving councils the ability to limit the number of speakers or total time for each agenda item to strikes a balance between public participation and efficient and effective decision making. This could include appointing a spokesperson to represent the views of multiple members of the public. The Code could also prescribe a standard for recording the names and locality of speakers for Council Minutes.

#### *Personal Information*

The Code should include guidance on the circumstances when publication of personal information is appropriate. e.g. personal information in the business papers for nominations, sponsorship, grants, petitions, development applications and submissions.

#### *Disorder in Meetings*

The Code should consider including a warning system for Acts of Disorder to provide the Chair with mechanisms to deal with disorder without calling for a recess or a motion to expel. The Code should also include Acts of Disorder for members of the public similar to the list shown in Section 256 of the Local Government (General) Regulation.

#### *Length of Council Meetings*

To ensure efficient and effective decision making a maximum duration of council meetings should be considered as well as restrictions on overriding the maximum time.

#### *Order of Business*

The Code should require each Council to establish an order of business which can be amended by resolution without the need to re-exhibit the Code.

#### *Advisory Committees*

The regulations should prescribe rules for the operation of advisory committees including the application of the Code of Conduct and conflicts of interest.

#### *Taking of the Oath*

The Code should include the recent amendments to the Act requiring Councillors to take an oath of office.

### *Breaches/Sanctions of the Code of Meeting Practice*

The Code should consider whether there should be any sanctions for breaches of the Code of Meeting Practice and the process for dealing with breaches.

### *Briefings*

The Code should prescribe the scope of councillor briefings, their purpose, record keeping and how conflicts of interest are to be dealt with.

### *Planning Register*

The Code should include the requirement that planning decisions be documented in a Planning Register as required by legislation.

### Best Practice for Non-Mandatory Provisions

#### *Notice of Motions*

Notices of Motion should give consideration to the financial, legal and policy implications of any recommendation. The General Manager may provide a comment on the business papers in relation to the financial, legal and policy implications of a motion and the Chairperson may rule that the matter be deferred to provide more detail on these implications before a decision is made.

#### *Minutes*

The Code should consider establishing a format for amendments to Council Minutes so that any person can easily understand when Minutes have been amended at a subsequent meeting. Establishing a standard format would ensure a consistent standard is applied across NSW Local Government. It is now common place for copies of Minutes to be stored on council websites rather than in hard copy and the Code should include this as part of the recordkeeping of minutes.

#### *Delegation to Approve Unfinished Council Business*

To ensure efficient decision making and to avoid delays between Council Meetings any unfinished business could be determined under delegation if the majority of Councillors agree. This could take the form of an email from the Mayor in the week preceding the Council Meeting and could be restricted to matters that have no financial, legal or policy implications.

#### *Casting Vote*

The Code should include details about the use of the casting vote as outlined in the Meetings Practice Note No. 16 including that if the Chairperson does not use the casting vote the motion is lost.

#### *Questions with Notice*

While Questions with Notice can be included on the Agenda for a Council Meeting a more efficient practice would be that questions be raised with Council staff and dealt with administratively. This could be encouraged in the Model Code.

#### *Petitions*

The Meetings Practice Note No. 16 describes how petitions tabled at Council Meetings are to be dealt with and this should be included in the Code as well as how personal information in petitions is to be treated i.e. not distributed to third parties including councillors.

#### *Procedures for Debate*

The Code should consider including a guide on procedures for debate including when procedural motions and suspensions of standing orders should be used, whether they require a seconder, can they be debated and is there a right of reply. A table similar to below would be a handy ready reckoner for Chairpersons and Council staff.

- (1) Examples of procedural motions under the Act and Regulation are shown in the following table:

<b>Motion</b>	<b>Moved without Notice</b>	<b>Requires Seconder</b>	<b>Speakers/ Debate Permitted</b>	<b>Right of Reply</b>
<b>(i) Change the Order of Business</b>	Yes	Yes	Mover of motion only	No
<b>(ii) Business without Notice (matter of urgency)</b>	Yes	Yes	Mover of motion only	No
<b>(iii) Dissent from Chairperson's ruling on Point of Order)</b>	Yes	Yes	Mover & Chairperson only may speak.	No
<b>(iv) Adjournment of Meeting</b>	Yes	Yes	No debate permitted	No
<b>(v) Limitation to number of speakers (questions be now put)</b>	Yes – after at least 2 speakers have spoken in favour of motion or amendment and at least 2 against motion or amendment.	No	No debate permitted. Question must be put immediately	No
<b>(vi) Deferment of a Matter</b>	Yes	Yes	Yes	Yes
<b>(vii) Vote on points of a resolution separately</b>	Yes	Yes	Mover of motion only	No

Please note that this submission has been made without review or endorsement at a meeting of SSROC Delegates, and is therefore draft at this time. I will contact you should any issues arise as a result.

For any enquiries regarding this submission, please contact me on 02 8396 3800 or email [ssroc@ssroc.nsw.gov.au](mailto:ssroc@ssroc.nsw.gov.au)

Yours faithfully,



Helen Sloan  
 Program Manager  
 Southern Sydney Regional Organisation of Councils