

16.2. CODE OF MEETING PRACTICE

REPORT INFORMATION

Report Author	Rob Griffiths, Manager Governance
Date of Meeting	24 August 2022
Authorising Director	Steve Embry, Director Corporate Services

SUMMARY OF REPORT

To consider the public submissions received following the public exhibition of the Draft Code of Meeting Practice and adopt the MidCoast Council Code of Meeting Practice (Attachment 1).

RECOMMENDATION

That the attached Draft Code of Meeting Practice (Attachment 1) be adopted.

FINANCIAL / RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Council must adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Code of Meeting Practice within 12 months of the local government elections. Council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.

RISK IMPLICATIONS

Nil.

BACKGROUND

Council's current Code of Meeting Practice (the Code) was adopted 22 May 2019 (Resolution 170/19). The Office of Local Government (OLG) has released its new version of the Model Code (Attachment 2) and Council must adopt a new Code that must not contain provisions that are inconsistent with the mandatory provisions of the Model Code. Council's Code may incorporate the non-mandatory provisions of the Model Code and any other supplementary provisions adopted by the Council.

The attached Draft MidCoast Council Code of Meeting Practice has been developed using the OLG Model Code of Meeting Practice with minor alterations specific to MidCoast Council added. These additions were based on discussions held at the facilitated workshops with Councillors on Wednesday, 16 February 2022, Wednesday 6 April 2022 and again on Wednesday 20 July 2022 to consider the public submissions following the public exhibition period.

DISCUSSION

Following workshops with Councillors and the resolution made at the 27 April 2022 Meeting, Council's Code of Meeting Practice was placed on public exhibition for 42 days ending 1 July 2022.

Fourteen submissions in total were received, comprising one petition with 216 signatures and 13 individual submissions.

The major themes are summarised in the table below and a complete copy of the Petition (Attachment 3) and all submissions (Attachment 4) is included with personal information redacted.

Name	Summary of Major Themes
Petition with 216 signatures submitted by Nawal Maharaj	<p>Support for Public Forums being recorded and added to the website (4.3)</p> <p>Public Forums to be held immediately prior to or within Council Meeting (4.1*)</p>
Submission 1	<p>Concerns about the limitations placed on speakers at public forums re time to address the forum (4.14*)</p> <p>Concerns about the speakers chosen to speak. What constitutes reasons for not allowing a speaker to speak? (4.8)</p>
Submission 2	<p>Concerns the Councillors only receive the Agenda three days prior to the Council Meeting (3.8*)</p> <p>Concerns that no more than 3 speakers permitted to speak for and against (4.9) needs to reflect the flexibility to increase the numbers as per (4.11*)</p> <p>Concerns about the limitations placed on speakers at public forums re time to address the forum (4.14*)</p> <p>Concerns re answers, by the speakers to each question (from Councillors) are to be limited to one minute per question (4.17)</p>
Submission 3	<p>Disconnect between Councillors given 3 days notice of Agenda (3.8*) and 8 days required for Notice of Motion (3.11*)</p> <p>Concerns that Petitions must be tabled 2 days before the Meeting (3.20)</p> <p>Request that the Agenda is made available to the public 96 hours prior to the Meeting (3.30*)</p> <p>Replace (4.1) The Council may.... with (4.1) The Council must allocate time prior to each Ordinary Meeting of the Council as a public forum for...</p> <p>(4.11*) needs to be extended to include why speakers have been excluded and allow excluded speakers to table their presentation / summary</p> <p>(4.14*) Three (3) minutes could be restrictive for speakers at the Forum. Mayoral discretion as per (4.11) should be included</p>
Submission 4	<p>Agenda items have been dealt with in private 'strategic' meetings before the public meeting and Councillors have been 'counselled' in appropriate responses by 'Councils professional staff'</p>

Name	Summary of Major Themes
	<p>Councillors are warned about voicing dissenting views related to agenda items</p> <p>Business papers should be provided at least seven (7) business days prior to a scheduled public meeting and at least four (4) business days before any internal private strategic meeting (3.8*)</p> <p>The asking of questions and seeking clarification very difficult, Councillors must be able to seek clarification on agenda items if warranted in the course of the meeting</p> <p>Concerns about the number of speakers for and against at the Public Forum (4.9*)</p> <p>The current 3 minutes for speakers at the Public forum should be advisory with an allowance of up to 6 minutes as an option (4.14*)</p> <p>Concern that a Councillor is not permitted to ask a question with notice under clause 3.16 that comprises a complaint against the General Manager or a member of staff of the Council, or a question that implies wrongdoing by the General Manager or a member of staff of the Council (3.17*)</p> <p>Closed Meetings need to be made clear and transparent with strong justification (3.25* and 3.29*)</p>
Submission 5	This submission is 16 pages with numerous suggestions and comments. Refer to the actual submission
Submission 6	<p>Concerns the Councillors only receive the Agenda three days prior to the Council Meeting (3.8*)</p> <p>Concerns re 8 days required for Notice of Motion (3.11*)</p> <p>Concern that a Councillor is not permitted to ask a question with notice under clause 3.16 that comprises a complaint against the General Manager or a member of staff of the Council, or a question that implies wrongdoing by the General Manager or a member of staff of the Council (3.17*)</p> <p>Closed Meetings need to be made clear and transparent with strong justification (3.25* and 3.29*)</p> <p>Concerns regarding the number of speakers in the Public Forum and the length of time allowed to speak (4.9*, 4.11* and 4.14*)</p>

Name	Summary of Major Themes
	<p>Support for the recording of the Public Forums and request for Open Forum to also be recorded.</p> <p>Concerns regarding timeframe for rescission of a resolution (17.10)</p>
Submission 7	<p>Concerns the Councillors only receive the Agenda three days prior to the Council Meeting (3.8*)</p> <p>Concern that a Councillor is not permitted to ask a question with notice under clause 3.16 that comprises a complaint against the General Manager or a member of staff of the Council, or a question that implies wrongdoing by the General Manager or a member of staff of the Council (3.17*)</p> <p>Closed Meetings need to be made clear and transparent with strong justification (3.25* and 3.29*)</p> <p>Concerns about the number of speakers for and against at the Public Forum (4.9*). Suggest an increase to 5 speakers.</p> <p>The current 3 minutes for speakers at the Public forum is inadequate, increase to 5 minutes (4.14*)</p>
Submission 8	<p>Concerns the Councillors only receive the Agenda three days prior to the Council Meeting (3.8*)</p> <p>Closed meeting should only be for commercial decisions relating to acceptance of contracts (3.25* and 3.29*)</p> <p>Guidelines only should be available for the time length of speakers. The length of speaking should be at the discretion of the chairperson. The chairperson should be able to "suspend standing orders" for open discussion if complex issues need more discussion (4.9*, 4.11*, 4.14*)</p>
Submission 9	<p>Concerns the Councillors only receive the Agenda three days prior to the Council Meeting (3.8*)</p> <p>Disconnect between Councillors given 3 days notice of Agenda (3.8*) and 8 days required for Notice of Motion (3.11*)</p> <p>Concerns that Councillors do not have enough time to understand reports and may be rubber stamping decisions due to time constraints. (**)</p> <p>Concern that a Councillor is not permitted to ask a question with notice under clause 3.16 that comprises a complaint against the General</p>

Name	Summary of Major Themes
	<p>Manager or a member of staff of the Council, or a question that implies wrongdoing by the General Manager or a member of staff of the Council (3.17*)</p> <p>Closed Meetings need to be made clear and transparent with strong justification (3.25* and 3.29*)</p> <p>Concerns regarding the number of speakers in the Public Forum and the length of time allowed to speak (4.9*, 4.11* and 4.14*)</p> <p>Support for the recording of the Public Forums and concern for the reliability of the audio recording equipment.</p> <p>Concerns regarding timeframe for rescission of a resolution (17.10)</p>
Submission 10	<p>Disconnect between Councillors given 3 days notice of Agenda (3.8*) and 8 days required for Notice of Motion (3.11*)</p> <p>Concern that a Councillor is not permitted to ask a question with notice under clause 3.16 that comprises a complaint against the General Manager or a member of staff of the Council, or a question that implies wrongdoing by the General Manager or a member of staff of the Council (3.17*)</p> <p>Closed Meetings need to be made clear and transparent with strong justification (3.25* and 3.29*)</p> <p>Concerns that no more than 3 speakers permitted to speak for and against (4.9*)</p> <p>Concerns about the limitations placed on speakers at public forums re time to address the forum (4.14*)</p> <p>Concerns re answers, by the speakers to each question (from Councillors) are to be limited to one minute per question (4.17)</p>
Submission 11	<p>Wants Public Forum held immediately prior to Council Meeting</p> <p>Meetings should focus on Community or Ratepayer outcome</p> <p>Concerns about the limitations placed on speakers at public forums re time to address the forum (4.14*) compared to the time Council staff have to speak</p> <p>Wants Public Forums recorded and live streamed</p> <p>Concerns re audio equipment failure</p>

Name	Summary of Major Themes
	Council Directors need to be moved to a side table
Submission 12	<p>Should meet after 7pm or at the least 6pm</p> <p>There should be general purpose committee meetings during the day if councillors wish to inspect premises or application questions together and then make recommendations to council as a whole.</p> <p>Reintroduce section 355 committees so they can make recommendations.</p>
Submission 13 – late submission. Additional information to be added to Submission 5	<p>Submissions – more information added to the minutes relating to petitions.</p> <p>Workshop adding the actions related to the petitions to the Outstanding Matters Report</p>

Relevant comments for some of the common concerns raised are shown below in (blue)

3.8* - Clause 3.8 of the Draft Code reflects section 367(1) of the Local Government Act so is a statutory requirement and is a mandatory component of the Office of Local Government (OLG) Model Code and cannot be altered. The reality in working practice is that Councillors usually receive the Agenda on the Friday before the Meeting.

3.11* - Councillors are permitted to submit a Notice of Motion or Questions with Notice to be formally placed on the Agenda. This time is required so that it can be included in the agenda and distributed to Councillors and the Community. To reduce this time would mean that it would not appear on the agenda. It should be noted that Councillors can ask questions of the GM and Directors at any time by contacting them and can ask questions at the meeting if they need clarification on issues.

3.17* - Questions that comprise a complaint about the GM (Clause 3.17) is a mandatory component of the OLG Model and cannot be altered. Whilst they are not permitted to be asked during the public meeting, there are other formal forums for a Councillor to submit those type of questions.

3.25* and 3.30* - Reasons for confidentiality are provided by staff in their reports. Staff will be trained to ensure the reasons are clear and justified.

3.30* - In accordance with section 9(3) of the Local Government Act, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors. Normally Agendas are available on the website Friday evening prior to the Meeting.

4.1* - Suggestions were received that the Public Forum be held within or immediately prior to the Meeting. Many submissions were also concerned with the time Councillors have to review the Agenda so they can ask questions and make informed decisions. For that reason, some Councillors have previously requested a few hours between the Public Forum and Council Meeting so any issues raised can be clarified, rather than having to defer matters more frequently.

4.9*, 4.11*, 4.14* - Many submissions were concerned with the 3 minute time limit for speakers at the Public Forum and felt that a longer timeframe was needed to ensure members of the public had appropriate time to articulate their message. It is recommended the timeframe be increased to 4 minutes per speaker. There was also concern that 3 speakers for and against were not enough. The wording has been changed to clarify that it is 3 speakers for and 3 speakers against. Since the current Code of Meeting Practice was adopted in 2019, if there were more than 3 speakers for and 3 speakers against, the discretion to allow additional speakers to speak has been exercised.

**** All reports are thoroughly researched and are often workshopped with Councillors prior to the report being prepared and/or discussed at the Pre-Meeting Briefing sessions where Councillors are encouraged to ask questions and seek answers.**

Following the considerations of the public submissions at the Workshop with Councillors on Wednesday 20 July 2022, additional amendments have been made to the draft version which was placed on public exhibition. Any changes made to the original draft have been highlighted in yellow in this final version presented to Council for review and adoption.

CONSULTATION

The Draft Code of Meeting Practice was workshopped with Councillors on Wednesday, 16 February 2022, Wednesday 6 April 2022 and again on Wednesday 20 July 2022. It was placed on public exhibition for 42 days ending 1 July 2022, calling for submissions from the public.

LIST OF ATTACHMENTS

The following attachments are available on the meeting page of Council's website under the 'Attachments to Agenda' heading

Attachment 1 - Draft Code of Meeting Practice

Attachment 2 - OLG Model Code of Meeting Practice

Attachment 3 - Petition

Attachment 4 - Submissions