

EUROBODALLA SHIRE COUNCIL

PUBLIC FORUM

All members of the community who have registered have been advised that they have a **maximum of five minutes** to put their case.

Ordinary Meeting of Council on 13 March 2018

Name	Subject/Comments
Public Forum – 10.00am	
Trish Hellier	GMR18/005 Model Code of Meeting Practice Submission
Paul Bradstreet	GMR18/005 Model Code of Meeting Practice Submission
Peter Bernard	GMR18/005 Model Code of Meeting Practice Submission
Jim Bright	GMR18/005 Model Code of Meeting Practice Submission

Good morning Mayor Innes, Councillors, General Manager, Staff, Gallery and those comfortable Live Streaming at home my name is Patricia Hellier from North Batemans Bay.

Before I address my item today I would like to inform the Mayor that the Agenda papers for this meeting were not on display in the Batemans Bay Library on Friday 9th March or yesterday Monday 12th March and I believe they were not on display on the Narooma Library.

I wish to address Item No. GMR18/005 at this point in time I would like to acknowledge that I agree with a number of Councils comments in the Content section of Model Code of Meeting Practice Document.

Firstly I would like to draw Councillors to Page7 from the Model Code 2.1 and I note that Council supports Section 2 and I wish to highlight 3 of these points -

TRANSPARENT – Decisions are made in a way that is open and accountable

INCLUSIVE - Decisions respect the diverse needs and interest of the local community

TRUSTED - The community has confidence that councillors and staff act ethically and make decisions in the interest of the whole community.

Council Agenda it is stated by the General Manager the Focus Area 9.1.2 Provide strong leadership and work in partnership to strategically plan for the future and progress toward the community vision.

I NOW ask the question to you our elected Councillors when will the community be provided with a plan for a future progress towards a community vision?

Page 8 of the Agenda Contents 4.3 Outcome 2nd Line on Council Agenda– “Council does not agree with limiting the amount of speakers” this statement does not reflect on the Contents section 4.3 and needs clarifying and correcting as this is not contained in this Contents section 4.3?

Page 9 of the Agenda Contents 4.8, and 4.9- Has not been addressed in this Agenda Outcome should the statement in Outcome 2nd Line – 4.3 which states “Council does not agree with limiting the amount of speakers and the need to declare if they are for or against an item because a speaker may present the positives and negatives or a particular issue ” should this be placed in 4.8 and 4.9 and this needs clarifying and correcting

My view to place a limit of speakers on each of these items is a denial “Freedom of Speech”.

Page 9 of the Agenda Contents 4.10 Why is Council not supporting “audio visual material being played during a Council Meeting” and will this eliminate the Council Auditors during their presentation at Council meetings?

Page 9 Contents 4.13 – Speakers at Public Forum must not DIGRESS from the item – I note this item will be considered in the review of the Code of Meeting Practice BUT I believe it should be noted that whilst some may have the view that a speaker is digressing from an item on the Agenda the facts are that a number of times the speaker is using an ANALOGY which is partial likeness to, or agreement with another thing , reasoning from parallel cases. I believe I have witnessed some

Councillors within this chamber claiming the speaker has digressed I believe this is an endeavour just to stop that speakers address to the Councillors.

Page 26 8.2 - ORDER OF BUSINESS – I note this has not been covered in this AGENDA

On a number of occasions I have addressed the previous Council on items which I believe should be included on Councils Meeting Agendas and I have researched other Councils Agendas and I have suggested a Prayer or two in this Chamber would not go astray on many occasions, I firmly believe that Business Arising from the Minutes should be included and on the Agenda and business papers for and ordinary meeting on Page 11 of the OLG Code under the heading Agenda and business papers for Ordinary Meeting 3.20 - The general manager must cause the agenda for a ordinary meeting of the council states (a) all matters to be dealt with arising out of the proceedings of previous meeting of council this can only occur through a Business Arising provision on the Agenda. I also believe that there should be reinstatement of General Business instead of Urgent Business at the end of the meeting.

For the information of ALL the newer Councillors I researched the Councils previous Code of Meeting Practice when it was adopted at the end of 2014 there was over 20 addition pages included in this document which I believe placed a number of restrictions on Councillors in this chamber.

Thank you

ADDRESS BY PAUL BRADSTREET, 27 NEWTH PLACE, SURF BEACH, TO EUROBODALLA SHIRE COUNCIL
MEETING 13 MARCH 2018

Good morning councillors, I'm Paul Bradstreet, from Surf Beach and I would like to address some issues around today's report no GMR18/005 – Submission to Draft Consultation Model Code of Meeting Practice.

In this report the GM recommends that an attached submission be provided to the Office of Local Government as the council's position on the changes required to this code. It notes that councillors have had the opportunity to provide input at two closed briefing sessions and that there will be a further opportunity for councillors to specify the non-mandatory provisions following finalisation of the consultation draft later in the year. I propose to address the process followed to this point and some aspects of the submission.

The Code of Meeting Practice is a significant council policy, particularly for the way it gives expression to the formal relationships between councillors, council staff and the community in major decision making. More importantly, it has an impact on the way council's policy agenda is rolled out to the public and on the two way flow of information required for sound decisions. It is fair to say that over recent years the conduct of council meetings themselves has improved but that there remains in the community considerable concern about the degree of public consultation and transparency around the positions council takes on major issues. At the moment these concerns are focused on the MacKay Park redevelopment project but there are others, including Huntfest and sea level rise policy.

So many of us were looking to this report for evidence of a marked improvement in council's commitment to better relations with the community and in particular to a more open and constructive attitude to the public provision of written information currently over or wrongly classified and greater public access to forums such as briefings and council committee meetings, particularly when major issues are under consideration. Indeed, as I recall it, the CAA, green and CVE councillors here today stood on platforms of better public consultation and transparency. Here is your chance to give expression to these admirable objectives.

So it is disappointing that this report is so lame. There is no statement of principle, little discussion of the council's experience and neither analysis nor development of appropriate solutions to perceived problems. It does not much more than endorse those amendments which align the proposed draft with current ESC practices and make some suggestions to the OLG about some minor procedural matters. If one of my public policy students dished this sort of stuff up in an assignment I would return it unmarked with the comment "needs more work".

And, remembering that council has already sought public comment on this draft (I spent considerable time writing two submissions about the information that needs to be included in confidential agenda item notices to allow their identification) it seems to me that little, if any, account has been taken of public submissions received so far. Indeed, I notice that you have recently issued a press release reminding concerned community members to make submissions directly to the OLG. So am I wrong in assuming that the proposed submission fails to reflect community submissions to date?

As you know I'm not one to complain unnecessarily, but I must protest council's treatment of the second of the two submissions I made. In the first submission I set out my concerns with the narrow, legalistic and frankly weird reasons given by the GM for not identifying items to be discussed in the confidential section

of council's meeting back in June last year. Subsequently, when it was revealed that the OLG did not support her position, as she had previously claimed it did, I made another submission to council which drew attention to and sought an explanation for this discrepancy. Rather than accept this document as a valid submission as part of a routine public consultation it was shuffled off as a formal complaint to Cathy Fane, the council's complaints assessor. Shortly thereafter I received a letter from Ms Fane responding to "my complaint" which, needless to say, vigorously defended the GM. Of course I rang Ms Fane and told her that written submissions in response to requests for consultations were not complaints and it was certainly not my intention that my second submission be treated as such. I pointed out that had she spoken to me on receipt of the request from council I would have advised her of this and saved her a considerable amount of trouble and the shire ratepayers her fee. She was clearly embarrassed and when I asked her to amend her letter to me by not referring to "my complaint" she terminated abruptly our conversation. I have heard from neither her nor council since. So I ask you what's going on. Do you condone this sort of abuse of the complaints process?

I remain concerned with those mandatory provisions of the code which set out the ~~mandatory~~ rule for the identification of the subject matter of confidential items. My interest is further stirred by the fact that since June last year no item appears to have been listed for confidential consideration in a council meeting. Clearly, the relevant clause - 23(a) in Section 3 is open to a range of interpretations so clarification in the new code would be helpful.

So, naturally, I was interested in what today's submission has to say about it. **There is no mention of the difficulties with this clause at all.** So perhaps someone would be good enough to tell me what council's policy is on the meaning of the word "details" in the clause. I recall that the GM indicated that she would be willing to amend her contentious interpretation if required to do so by councillors.

Finally, let me say that while there remains enormous scope for more transparency in council's decision making this will not occur as long as the GM's attitude to its desirability remains unchanged. Consequently, the cultural change so long required in council's senior management is unlikely to happen any time soon. Unless, of course, there is a clear policy directive from a majority of councillors. A resolution that council supports, as a default position, that all council consultations and documents involving decision making are to be ~~held~~ in public would be a great start.

Thank you

open or note available to the

Address 13 Th March 2018 GMR/18/005 Submission to Draft Consultation model code of Meeting practice .

It is claimed that the NSW government is consulting with “ Council and other stakeholders on the new Model code of Meeting Practice “and that council submission is to be sent to the OLG by 16th March 2018 .

Madam Mayor-

Irrespective of what the local government has laid down I would have thought that this document and the Model code should have been place on exhibition for a period of say 28 days .

Both are documents that should have had community input as the rules of debate are the corner -stone of democratic rule .It is felt the original document from the OLG should have been placed on exhibition for public comment,as with this councils submission . I do not know whether the prime document was officially placed on exhibition .If not, it should have been !. Issuing a media statement by this council is insufficient !

The community is the prime stakeholder of the closest form of government to the people . It is these people that should determine its direction !

Freedom of speech not only applies to councillors but to any individual who wishes to become part of the debate . This should be acknowledged by the elected councillors who appear on many occasions fail to represent their community and oblivious of their feelings !

The bureaucracies of both Local and State Department have ignored the desired processes of achieving public consultation of the rules of debate .

Madam Mayor I have spoken to a number of people in government that have worked on this document . I have asked the a simple question! Have you ever been and spoken at meeting of your council . Not one person working on this document said “Yes” . The same would also apply to some elected to this council . The current code has many failings against individuals wishing to address this council . For example the refusal to officially acknowledge in writing acceptance of an address made by a speaker . The failure to live stream issues in public forum whether they be contentious or otherwise. The revelation by some individuals that many financial figures presented to councillors are questionable .

I am amazed that after 150 years of local government in NSW it has not got the rules of debate correct . Continual change is unjustified and is costly to the community resulting in continued employment of dozens of public servants The only innovation has been its live streaming . Adopt “Joske's Rules” of debate and be done with all the bulls “that surrounds this issue

Peter Bernard 14 - 3-2018

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13 MARCH 2018

COMMENTS ON E.S.C. SUBMISSION RE PROPOSED MODEL CODE OF MEETING PRACTICE

My name is Jim Bright. I'm a resident of Narooma.

I'm here today to provide some comments on one of the General Manager's recommendations to you about the submission that is proposed to be sent by this council to the Office of Local Government (OLG) on its draft Model Code of Meeting Practice.

The matter that I want to address can be found at the top of page 13 of today's agenda papers. It is the matter relating to clause 9.9 in OLG's draft model code. Clause 9.9 is one of four mandatory clauses, governing the use of 'mayoral minutes', that OLG is proposing should be contained in all council meeting codes in future.

This particular proposed provision (at the top left hand side of page 13) is -

“9.9 A mayoral minute must not be used to put, without notice, matters that are routine and not urgent, or matters for which proper notice should be given for their complexity.”

The GM is recommending (on the right hand side of the page) that you “do not support this inclusion as the Mayor should have the authority to include a matter on the agenda as per Section 243 of Local Government Regulation 2005”.

By way of background - the term “mayoral minute” is used to describe a motion that a mayor is allowed, under the provisions of regulation 243, to put to a council meeting without notice. That regulation places no limitations on the circumstances in which a mayor might choose to put such a motion.

What the GM is recommending in her report is that you oppose OLG's proposal to put some mandatory limitations around the use of mayoral minutes. The GM is recommending that a mayor should have an unfettered power to put any type of motion to councillors without notice.

I'd like to make the following couple points about this.

Firstly – a very relevant pertinent piece of information that the GM has not provided you with is to be found in the “Meetings Practice Note”. This practice note was originally issued by OLG in 2009 and you will find it still prominently displayed on the OLG website. This 70 page document is the principal source of policy advice on how council officials are expected to appropriately conduct council meetings in this State.

In part 2.7 (on page 14) of that note, you will find the following instruction.

“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 councillors before coming to a decision. These types of matters would be better placed on the agenda with the usual period of notice being given to the councillors”. (And, might I dare say, to the community as well!)

So, since at least 2009, the expectation has been that council officials would not be using the option

of a mayoral minute in inappropriate circumstances such as those set out in part 2.7.

All that OLG is now proposing through its new code, is to ensure that this long-standing (and completely appropriate) practice instruction should now become a mandatory feature of council meetings in future.

I think that we can safely assume that OLG's decision is most likely a reaction to the identification of too many instances of councils ignoring the government's policy advice and using the provisions of regulation 243 in an inappropriate and improper manner.

The second comment that I would like to make about this particular issue is that the staff report that is before us today provides no explanation whatsoever for the recommendation that you should reject this OLG proposal. It may be that councillors were given, and were convinced by, an explanation at one of your briefings – but that's not good enough in the world of transparency and accountability that is now supposed to prevail within this State.

For obvious transparency and accountability reasons, the community needs to know the reasons for why you don't support the OLG proposal, if that is what you decide here today.

Jim Bright