

11.21 CODE OF MEETING PRACTICE

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RECOMMENDATION

That Council:

1. Pursuant to section 361 of the *Local Government Act 1993*, place the draft Code of Meeting Practice, contained at Attachment A, on public exhibition for 28 days and provide members of the public 42 days in which to comment.
2. Receive a further report following the public exhibition period.

BACKGROUND

Section 360(1) of the *Local Government Act 1993* ("the Act") provides that the Local Government (General) Regulation 2005 ("the Regulations") may prescribe a Model Code of Meeting Practice for the conduct of meetings of councils and committees of councils. Section 360(2) of the Act allows the Model Meeting Code to incorporate both mandatory and non-mandatory provisions, with section 360(3) requiring a council's adopted Code of Meeting Practice to incorporate all mandatory provisions of the Model Code of Meeting Practice.

On 14 December 2018, the *Model Code of Meeting Practice* ("the Model Meeting Code") was published in the NSW Government Gazette and prescribed under clause 232 of the Regulations.

The Office of Local Government ("the OLG") issued a circular on 18 December 2018 (18-45) advising that councils must adopt a Code of Meeting Practice incorporating the mandatory provisions of the Model Meeting Code no later than 12 months following the next ordinary elections. However, the OLG also advised that if a council fails to adopt a revised Code of Meeting Practice by 14 June 2019, any provision of that council's adopted Code of Meeting Practice which is inconsistent with a mandatory provision of the Model Meeting Code will automatically cease to have any effect.

Irrespective of when a council adopts a new Code of Meeting Practice; all councils will be required to webcast meetings of the council from 14 December 2019.

Under section 361 of the Act, a council must publicly exhibit its draft Code of Meeting Practice ("the draft Meeting Code") prior to adoption. The period of public exhibition must not be less than 28 days, and the public notice must specify a period of not less than 42 days after the date on which the draft Meeting Code is placed on public exhibition during which submissions may be made. Section 362 of the Act further requires a council to consider any public submissions received prior to adopting its draft Meeting Code.

ISSUE/DISCUSSION

Council adopted its current Code of Meeting Practice ("the adopted Meeting Code") at its Ordinary Meeting held 19 October 2017. The adopted Meeting Code was based on the then Model Meeting Code, which has since been retired through the prescription of the revised Model Meeting Code.

While Council has until 12 months following the 2020 ordinary elections to adopt a new Meeting Code incorporating the provisions of the Model Meeting Code; if Council fails to adopt a new Meeting Code by 14 June 2019, provisions of its existing Meeting Code will be invalid if they are inconsistent of the revised Model Meeting Code. Given the significant amendments contained in the revised Model Meeting Code, coupled with the requirement that Council webcast its meetings from December 2019, Council Officers are recommending that Council adopt a new Meeting Code alongside its new Code of Conduct.

The draft Meeting Code, contained at Attachment A, is based on the Model Meeting Code and incorporates all mandatory and non-mandatory provisions of that document. In reading the draft Meeting Code, Councillors should note:

- Non-mandatory provisions are indicated in red.
- ~~Strikethrough~~ has been used to indicate:
 - a. Non-mandatory provisions which Council is not being recommended to include in its draft Meeting Code; and
 - b. Provisions that apply to boards of joint organisations and which will not be included in Council's draft Meeting Code.
- Where Council is required to specify a timeframe in a mandatory or non-mandatory clause, proposed timeframes have been included in blue.
- Where Council is required to include supplementary provisions, options have been included in green.

Throughout the Model Meeting Code, various mandatory and non-mandatory provisions require Council to stipulate suitable timeframes. In preparing the draft Meeting Code, Council Officers have, where possible, inserted timeframes comparable to those in Council's adopted Meeting Code or that reflect current practice within the organisation.

As noted above, Council will be required to webcast its meetings from 14 December 2019, which is reflected in clause 5.19 of the draft Meeting Code. Council is required to include supplementary provisions in its adopted Meeting Code specifying whether meetings are to be livestreamed or recorded and uploaded to Council's website following the meeting. Additionally, Council must also include supplementary provisions specifying whether the webcast is to comprise an audio-visual recording of the meeting or an audio recording of the meeting. Council Officers are recommending that meetings be livestreamed and comprise an audio-visual recording of the meeting. This recommendation is reflected in clauses 5.20 and 5.21 of the draft Meeting Code.

In accordance with the statutory requirements outlined in sections 361 and 362 of the Act, Council Officers are recommending that Council publicly exhibit the draft Meeting Code prior to adoption, with a further report will be brought back to Council for its consideration following the conclusion of the exhibition period.

STRATEGIC IMPLICATIONS

Nil.

COMMUNITY STRATEGIC PLAN

- Outcome 5.3 – Our local government is efficient, innovative and financially sustainable

FINANCIAL IMPLICATIONS

There will be financial implications associated with implementing the new Code of Meeting Practice, including training for Councillors and members of Council's Executive team, and implementing the requirement for webcasting Council meetings. While the training program can be funded through Council's current 2018/19 Budget; the implementation of meeting webcasting has been budgeted for in Council's draft 2019/20 Operational Plan and Budget.

LEGISLATIVE IMPLICATIONS

Local Government Act 1993

- Section 360 – Conduct of meetings of councils and committees
- Section 361 – Preparation, public notice and exhibition of draft code
- Section 362 – Adoption of draft code
- Section 363 – Amendment of the code
- Section 364 – Publicly availability of the code

Local Government (General) Regulation 2005

- Clause 232 – Model code of meeting practice

ATTACHMENTS

- 1. Attachment A - Draft Code of Meeting Practice**