

## Item 2

### Post Exhibition - Code of Meeting Practice

**File No: S051923**

#### Summary

The City's current Code of Meeting Practice has been in place since May 2019 following the implementation of a Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) prescribed under the then Local Government (General) Regulation 2005. The current Code of Meeting Practice included temporary provisions adopted by Council May 2021 (and extended in November 2021) relating to meetings held by audio-visual link which need to be reviewed and incorporated into the Code of Meeting Practice.

In accordance with the Local Government Act 1993 councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) prescribed by the Regulation within 12 months of the election.

On 19 November 2021, a revised Model Code of Meeting Practice was prescribed under the Local Government (General) Regulation 2021.

There are mandatory and non-mandatory provisions contained within the Model Code. Non-mandatory provisions may be varied dependent on local circumstances and according to a council's requirements.

The adopted meeting code may incorporate non-mandatory provisions and any other supplementary provisions adopted by council. A council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.

Council endorsed the public exhibition of the City of Sydney's draft Code of Meeting Practice on 27 June 2022. The draft Code of Meeting Practice was on public exhibition for a period of 28 days, (28 June 2022 to 25 July 2022 with public submissions sought over a concurrent 42 days (28 June 2022 to 10 August 2022) as required under the Local Government Act 1993.

No submissions were received and only a minor administrative update to the Code of Meeting Practice is proposed following public exhibition.

The major changes proposed to the Code of Meeting Practice are the inclusion of non-mandatory provisions to allow meetings to be held by audio-visual link or to allow councillors to attend meetings by audio-visual link. These new provisions generally reflect the current Temporary Provisions adopted by Council in 2021.

Other changes are largely administrative to ensure compliance with the mandatory provisions of the Model Meeting Code.

The proposed City of Sydney Code of Meeting Practice incorporates the mandatory provisions of the Model Meeting Code, along with some of the non-mandatory provisions of the Model Meeting Code and supplementary provisions relevant to the City of Sydney.

This report seeks Council approval of the City of Sydney Code of Meeting Practice and the fixing of the order of business of council by resolution.

## Recommendation

It is resolved that:

- (A) Council adopt the City of Sydney Code of Meeting Practice as shown at Attachment A to the subject report;
- (B) Council fix the order of business of meetings of council as the following:
  - (i) opening of the meeting;
  - (ii) prayer and acknowledgement of country;
  - (iii) apologies and applications for a leave of absence by councillors;
  - (iv) confirmation of minutes;
  - (v) disclosures of interest;
  - (vi) minutes by the Lord Mayor;
  - (vii) memoranda by the Chief Executive Officer;
  - (viii) matters for tabling;
  - (ix) reports of committees;
  - (x) reports to council;
  - (xi) questions on notice;
  - (xii) supplementary answers to previous questions;
  - (xiii) notices of motion;
  - (xiv) confidential matters; and
  - (xv) conclusion of the meeting; and
- (C) authority be delegated to the Chief Executive Officer to make minor administrative amendments to the Code of Meeting Practice, as required from time to time, subject to all Councillors being informed of any such changes.

## Attachments

**Attachment A.** City of Sydney Code of Meeting Practice

## Background

1. On 19 November 2021, a revised Model Code of Meeting Practice was prescribed under the Local Government (General) Regulation 2021.
2. The Local Government (General) Regulation 2021 was amended to temporarily exempt councils from complying with the requirement under their codes of meeting practice for councillors to be personally present at meetings to participate in them. The exemption expired on 30 June 2022.
3. Councils are required to adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Meeting Code prescribed by the Regulation. A council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.
4. A council's adopted meeting code may also incorporate the non-mandatory provisions of the Model Code and any other supplementary provisions adopted by the council.
5. Councils and committees of councils of which all the members are councillors must conduct their meetings in accordance with the Code of Meeting Practice adopted by the council.
6. The City's Code of Meeting Practice was last reviewed and revised in May 2019. Temporary provisions relating to the conduct of meetings by audio-visual link have been in place since May 2021.
7. Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) prescribed by the Regulation within 12 months of the election. (The local government election was held on 3 December 2021).
8. Council endorsed the public exhibition of the City of Sydney's draft Code of Meeting Practice on 27 June 2022.
9. The draft Code of Meeting Practice was on public exhibition for a period of 28 days, (28 June 2022 to 25 July 2022) with public submissions sought over a concurrent 42 days (28 June 2022 to 10 August 2022) as required under the Local Government Act 1993.
10. The Sydney Your Say page was visited 52 times and the consultation document was downloaded 10 times.
11. The Public Exhibition was included in the July 2022 Sydney Your Say eNewsletter, sent on 7 July 2022 to 7,152 subscribers. Email notification of the public exhibition was also sent to key stakeholders (including residents action groups).
12. No submissions were received and only a minor administrative update to the Code of Meeting Practice is proposed following public exhibition.
13. In accordance with clause 7.1 of the Code, the general order of business is as fixed by a resolution of the council. Fixing the order of business by resolution of the council allows a future council to change the order of business by resolution of the council, without amending the Code.

**Objectives**

14. The Code of Meeting Practice has the following objectives, to ensure:
- (a) all meetings of Council and its Committees are conducted in an orderly, consistent and efficient manner;
  - (b) all meetings of Council and its Committees are conducted according to the principles of procedural fairness and due process;
  - (c) all Councillors have an equal opportunity to participate in the meeting to the fullest extent possible, with respect being accorded to the expression of differing views;
  - (d) all Councillors fully understand their rights and obligations as participants in meetings of Council; and
  - (e) proceedings are transparent and understandable to all persons participating in and observing meetings of Council and its Committees.

**Meeting Principles**

15. Council and committee meetings should be:
- (a) transparent: decisions are made in a way that is open and accountable;
  - (b) informed: decisions are made based on relevant, quality information;
  - (c) inclusive: decisions respect the diverse needs and interests of the local community;
  - (d) principled: decisions are informed by the principles prescribed under Chapter 3 of the Local Government Act 1993;
  - (e) trusted: the community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community;
  - (f) respectful: Councillors, staff and meeting attendees treat each other with respect;
  - (g) effective: meetings are well organised, effectively run and skilfully chaired; and
  - (h) orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

## Key Implications

16. The City of Sydney Code of Meeting Practice incorporates the mandatory provisions of the Model Meeting Code, along with non-mandatory provisions of the Model Meeting Code and supplementary provisions relevant to the City of Sydney. The City of Sydney Code of Meeting Practice is shown Attachment A to the subject report.
17. The major changes proposed to the Code of Meeting Practice are the inclusion of non-mandatory provisions to allow meetings to be held by audio-visual link or to allow councillors to attend meetings by audio-visual link. These new provisions generally reflect the current Temporary Provisions adopted by the Council in 2021.
18. Other changes are largely administrative to ensure compliance with the mandatory provisions of the Model Meeting Code.
19. Key proposed changes are as follows:

<b>Part/Clause(s)</b>	<b>Comment</b>
Guide to references in this Code	Recommended for deletion.  Part 20 - Definitions provides this information.
Giving notice of business to be considered at council meetings	Inclusion of non-mandatory provisions relating to financial/operational implications in notices of motion.  Consequential deletion of supplementary provisions to the same effect elsewhere in the Code.
Statement of ethical obligations	Mandatory provision.
Pre-meeting briefing sessions	Inclusion of non-mandatory provisions to formalise processes relating to pre-meeting briefing sessions.
Meetings held by audio-visual link	Non-mandatory provisions to allow meetings to be held by audio-visual link.  Generally reflects the previous Temporary Provisions adopted by Council.

<b>Part/Clause(s)</b>	<b>Comment</b>
Attendance by councillors at meetings by audio-visual link (hybrid meetings)	Non-mandatory provisions to allow councillors to attend meetings by audio-visual link.  Generally reflects the previous Temporary Provisions adopted by Council.
*Note – a number of consequential amendments (inclusions and deletions) relating to the inclusion of the meetings held by audio-visual link/attendance by councillors at meetings by audio-visual link provisions are also included throughout the Code	
Webcasting of meetings	A number of updates to reflect new mandatory provisions replacing previous supplementary provisions.
Variations to motions Variations by consent	Deletion of supplementary provisions that are inconsistent with mandatory provisions.
Disclosure of non-pecuniary interests	Deletion of supplementary provision to verbally disclose non-pecuniary interests by Councillors at meetings. Disclosures will be made only in writing but would still be included in full in the minutes of the Committee or Council meeting

20. Further minor updates and amendments have also been made for clarity and consistency.
21. Formatting/numbering updates have been made to comply with the City's updated template.
22. The following minor administrative update is recommended post exhibition:

<b>Part/Clause(s)</b>	<b>Comment</b>
Timing of ordinary council meetings.	Previous clause 3.7 (arising from a resolution of Council prior to the introduction of the Model Code) which outlined a delegation to call meetings is recommended for amendment as it is inconsistent with mandatory clause 3.1. Clause 3.7 as amended reflects the delegations to the Lord Mayor.

## Key Implications

### Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

23. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
- (a) Direction 1 - Responsible governance and stewardship - The Code of Meeting Practice has been designed to promote, as the principle object of meetings, the making of decisions by Council that are in the best interests of the Council and the community as a whole and to ensure all Council meetings are:
    - (i) consistent, orderly and efficient;
    - (ii) fair and respectful for all Councillors and other meeting participants; and
    - (iii) conducted with transparency and clearly defined rights and obligations for Councillors.

### Organisational Impact

24. The Code of Meeting Practice has been communicated to all Councillors and relevant City staff and further training will be provided where required to ensure it is understood.

### Financial Implications

25. Management of the webcasting and recordings of Council and committee meetings requires appropriate software licences. There are sufficient funds allocated within the current year's operating budget and future years' forward estimates for these services.

### Relevant Legislation

26. Local Government Act 1993.
27. Local Government (General) Regulation 2021.

### Critical Dates / Time Frames

28. In accordance with section 360 the Local Government Act 1993 councils, must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) prescribed by the Regulation within 12 months of the election.
29. An exhibited and adopted Code of Meeting Practice is required by December 2022.

30. The Local Government (General) Regulation 2021 was amended to temporarily exempt councils from complying with the requirement under their codes of meeting practice for councillors to be personally present at meetings to participate in them. The exemption expired on 30 June 2022.
31. In order to enable meetings by audio-visual link and/or attendance by councillors at meetings by audio-visual link, updates to the Code of Meeting Practice are required for meetings held post 30 June 2022.

### **Public Consultation**

32. Following Council endorsement on 27 June 2022 the draft Code was exhibited for a period of 28 days, (28 June 2022 to 25 July 2022) with public submissions sought over a concurrent 42 days (28 June 2022 to 10 August 2022) as required under the Local Government Act 1993.
33. The Sydney Your Say page was visited 52 times and the consultation document was downloaded 10 times.
34. The public exhibition was included in the July 2022 Sydney Your Say eNewsletter, sent on 7 July 2022 to 7,152 subscribers. Email notification of the public exhibition was also sent to key stakeholders (including residents action groups).
35. No submissions were received and only a minor administrative update to the Code of Meeting Practice is proposed following public exhibition.

### **MONICA BARONE**

Chief Executive Officer

Erin Cashman, Council Business Coordinator