

Item 15**Public Exhibition - Code of Meeting Practice and Councillors' Expenses and Facilities Policy****File No: S051923****Summary****Code of Meeting Practice**

The City's current Code of Meeting Practice has been in place since August 2022. 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 Local Government (General) Regulation 2021 within 12 months of the election.

There are mandatory and non-mandatory provisions contained within the Model Code. Nonmandatory 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.

The City of Sydney's existing Code of Meeting Practice will remain in force until Council adopts an updated Code of Meeting Practice. Council is required to exhibit a draft of the Code of Meeting Practice for at least 28 days and provide at least 42 days for submissions.

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 for the public exhibition of the draft Code of Meeting Practice.

Councillors' Expenses and Facilities Policy

In accordance with the Local Government Act 1993, Councillors are entitled to be provided with the necessary resources and facilities and for expenses to be reimbursed in order for them to perform the role and undertake the duties of a Councillor.

To facilitate this, Council is required to adopt a policy, known as the Councillors' Expenses and Facilities Policy (Policy), for the payment of expenses incurred by, and the provision of facilities to, the Lord Mayor and Councillors.

In accordance with the Act, the Policy must be reviewed and adopted within the first 12 months of the commencement of each term of a council.

The adopted Policy must be consistent with the relevant provisions of the Act (sections 252 and 253) and the Local Government (General) Regulation 2021. These provisions are further informed by the “Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW” (the Guidelines) issued by the Office of Local Government (OLG) in 2009.

Council last adopted this Policy in November 2022 and a review of the existing Policy has been undertaken. The draft Policy does not propose the introduction of any new expense categories or facilities. It does propose an increase to the scope of some expenditure categories to better meet the needs of Councillors and an increase in the annual caps related to a number of categories.

Council is required to exhibit a draft of the Councillors' Expenses and Facilities Policy for at least 28 days and provide at least 42 days for submissions. The City of Sydney's existing Councillors' Expenses Policy will remain in force until Council adopts an updated Councillors' Expenses and Facilities Policy.

This report seeks Council approval for the public exhibition of the draft Councillors' Expenses and Facilities Policy.

Recommendation

It is resolved that:

- (A) Council approve the draft Code of Meeting Practice as shown at Attachment A to the subject report, for public exhibition for a period of 28 days and specifying a period of not less than 42 days during which submissions may be made;
- (B) Council note that the Code of Meeting Practice including any recommended changes, will be reported to Council for adoption following the exhibition period;
- (C) Council approve the draft Councillors' Expenses and Facilities Policy as shown at Attachment A to the subject report, for public exhibition for a period of 28 days and specifying a period of not less than 42 days during which submissions may be made;
- (D) Council note that the Councillors' Expenses and Facilities Policy including any recommended changes, will be reported to Council for adoption following the exhibition period; and
- (E) authority be delegated to the Chief Executive Officer to undertake minor editorial amendments for clarity or correction of drafting errors prior to the exhibition of the draft Code of Meeting Practice and draft Councillors' Expenses and Facilities Policy.

Attachments

Attachment A. Draft Code of Meeting Practice (with changes tracked)

Attachment B. Draft Councillors' Expenses and Facilities Policy (with changes tracked)

Background

Code of Meeting Practice

1. 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 Local Government (General) Regulation 2021 within 12 months of the election. (The local government election was held on 14 September 2024).
2. A council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions. 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.
3. 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.
4. The City's Code of Meeting Practice was last reviewed and revised in August 2022.

Objectives

5. 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

6. 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.
7. The revised draft Code (as shown at Attachment A) 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, includes the following amendments to the current Code:

Part/Clause(s)	Comment
Part 3 – Pre-meeting briefing sessions (clauses 3.59-3.64)	<p>Non-mandatory provision of the Model Code recommended for deletion in response to the release of the Office of Local Government discussion paper – Councillor conduct and meeting practices.</p> <p>It is anticipated that relevant Council briefings will now be held as part of Council Committees, which will be scheduled to commence earlier to accommodate this update.</p>

- 8. Further minor updates and amendments have also been made for clarity and consistency (and are largely administrative and procedural).
- 9. Following consideration by Council, the draft Code will be placed on public exhibition.
- 10. Any submissions received will be summarised and reported to Council for consideration together with the final Code recommended for adoption.

Councillors' Expenses and Facilities Policy

- 11. Council is required to adopt a Policy for the payment of expenses incurred by, and the provision of facilities to, the Lord Mayor, Deputy Lord Mayor and Councillors within the first 12 months of each council term.
- 12. Council is required to review its Policy and publicly exhibit the proposed Policy, even if the Policy remains the same as the existing Policy.

13. The current version of the Policy has been in place since November 2022. Following a review of the Policy in accordance with the provisions of the Local Government Act 1993 (the Act), the Local Government (General) Regulation 2021 and the Office of Local Government (OLG) Guidelines, some modifications and variations are recommended.
14. The draft Policy does not propose the introduction of any new expense categories or facilities. It does propose an increase to the scope of some expense categories and facilities to better meet the needs of Councillors and an increase in the annual caps related to a number of categories.
15. The revised draft Policy (as shown at Attachment A) includes the following amendments to the current Policy:

Section/Clause	Provision	Proposed Change
Chapter 3 – Payment of Expenses – Conferences Interstate (\$3,000 cap)	Provision for attendance at interstate conferences and seminars relevant to the functions of Council.	Administrative change – section renamed and updated to include civic events. Updated entitlement – cap increased from \$3,000 per year to \$5,000 per year.
Chapter 3 – Payment of Expenses – Conferences Intrastate (\$2,000 cap)	Provision for attendance at intrastate conferences and seminars relevant to the functions of Council.	Administrative change – section renamed and updated to include civic events. Updated entitlement – cap increased from \$2,000 per year to \$3,000 per year.
Chapter 3 – Payment of Expenses – Council Representation at Non-Council Functions and Other Events (\$2,000 cap)	Provision for attendance at non-council functions, community and corporate or industry events where Councillor representation would be expected.	Updated entitlement – cap increased from \$2,000 per year to \$4,000 per year.
Chapter 3 – Payment of Expenses – Spouse / Partner / Accompanying Person (\$600 cap)	Provision for the cost of a spouse, partner or accompanying person attending official Council functions of a formal and ceremonial nature is appropriate when accompanying a Councillor:	Updated entitlement – cap increased from \$600 per year to \$1,000 per year.

Section/Clause	Provision	Proposed Change
Chapter 3 – Payment of Expenses – Training, Educational and Professional Body Membership Expenses (\$50,000 total for all Councillors)	Provision for the training, education and ongoing professional development of Councillors to ensure that members of Council’s governing body are provided with the knowledge and skills required to undertake their roles and responsibilities effectively.	Updated entitlement – additional provision for all Councillors to undertake a company directors course (and ongoing membership costs) – with costs not included in the annual cap for Training, Educational and Professional Body Membership Expenses.
Chapter 4 – Provision of Facilities - Administrative and Other Support Services	Provision of administrative and other support services for Councillors	Updated entitlement – inclusion of an additional 0.5 FTE administration officer for all Councillors.
Chapter 4 – Provision of Facilities - Council Related Meeting Costs (\$6,000 cap)	Provision for food, beverages and further meeting requirements (catering, audio visual equipment or personnel) for Council Related Meetings	Updated entitlement – cap increased from \$6,000 per year to \$10,000 per year.

16. Further minor updates and amendments have also been made for clarity and consistency (and are largely administrative and procedural).
17. Following consideration by Council, the draft Policy will be placed on public exhibition.
18. Any submissions received will be summarised and reported to Council for consideration together with the final Policy recommended for adoption.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

19. 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 report 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.
 - (b) Direction 1 - Responsible Governance and Stewardship – The Councillors' Expenses and Facilities Policy has been designed to ensure Councillors have the appropriate tools and resources to meet the civic duties of their office and to ensure there is a transparent and well governed approach towards Councillor expenditure.

Financial Implications

20. 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.
21. The 2024/25 operating budget (and future years' forward estimates) includes funding for the ongoing provision of services and facilities to Councillors. The draft Policy proposes updates which will require additional funding. Any required budget adjustments will be reported to Council with the final Policy recommended for adoption.

Relevant Legislation

22. Local Government Act 1993.
23. Local Government (General) Regulation 2021.

Critical Dates / Time Frames

24. 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.
25. Council is required to review its Councillors' Expenses and Facilities Policy within the first 12 months of the current term of Council.

Public Consultation

26. Subject to Council approval, the draft Code and draft Policy will be exhibited for a period of 28 days, with public submissions sought over a concurrent 42 days as required under the Local Government Act 1993.

MONICA BARONE PSM

Chief Executive Officer

Erin Cashman, Manager OCEO