

Post 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.

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 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.

Council endorsed the public exhibition of the City of Sydney's draft Code of Meeting Practice on 10 October 2024. The draft Code of Meeting Practice was on public exhibition for a period of 28 days (24 October 2024 to 21 November 2024 with public submissions sought over a concurrent 42 days (24 October 2024 to 5 December 2024) as required under the Local Government Act 1993. One submission was received with no further changes recommended to the exhibited Code of Meeting Practice.

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

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 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 endorsed the public exhibition of the City of Sydney's draft Councillors' Expenses and Facilities Policy on 10 October 2024. The draft Councillors' Expenses and Facilities Policy was on public exhibition for a period of 28 days (24 October 2024 to 21 November 2024) with public submissions sought over a concurrent 42 days (24 October 2024 to 5 December 2024) as required under the Local Government Act 1993. One submission was received, with no further changes recommended to the exhibited Councillors' Expenses and Facilities Policy.

This report seeks Council adoption of the revised City of Sydney Councillors' Expenses and Facilities Policy.

Recommendation

It is resolved that:

- (A) Council note the submission received from the community on the draft Code of Meeting Practice as outlined in the subject report;
- (B) Council adopt the revised City of Sydney Code of Meeting Practice as shown at Attachment A to the subject report;
- (C) 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; and
- (xiv) conclusion of the meeting;
- (D) authority be delegated to the Chief Executive Officer to make amendments to the Code of Meeting Practice in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication;
- (E) Council note the submission received from the community on the draft Councillors' Expenses and Facilities Policy as outlined in the subject report;
- (F) Council adopt the revised Councillors' Expenses and Facilities Policy as shown at Attachment B to the subject report; and
- (G) authority be delegated to the Chief Executive Officer to make amendments to the Councillors' Expenses and Facilities Policy in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

Attachments

Attachment A. Revised Code of Meeting Practice

Attachment B. Revised Councillors' Expenses and Facilities Policy

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.

Public Exhibition - Code of Meeting Practice

5. Council endorsed the public exhibition of the City of Sydney's draft Code of Meeting Practice on 10 October 2024.
6. The draft Code of Meeting Practice was on public exhibition for a period of 28 days (24 October 2024 to 21 November 2024) with public submissions sought over a concurrent 42 days (24 October 2024 to 5 December 2024) as required under the Local Government Act 1993.
7. The [webpage](#) was visited 55 times and the consultation document was downloaded 4 times. The public exhibition of the draft Code of Meeting Practice was included in the November 2024 Sydney Your Say e-news sent to 5,136 subscribers.
8. One submission was received requesting the inclusion of public question time and public tabling of submissions. The submission is noted, with members of the public able to address Committees on agenda items and contact Council via numerous methods.
9. No further changes recommended to the exhibited Code of Meeting Practice.
10. 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

11. 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

12. 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.
13. The revised 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, included the following amendment to the Code:

Part/Clause(s)	Comment
Part 3 – Pre-meeting briefing sessions (clauses 3.59-3.64)	Non-mandatory provision of the Model Code recommended for deletion.

14. This amendment was made in response to the release of the Office of Local Government discussion paper – Councillor conduct and meeting practices. The City has made a submission on this matter noting that the City of Sydney does not support the NSW Government’s proposal to ban Councillor briefing sessions. The proposal in the discussion paper to impose a blanket ban on the briefing of councillors is not adequately explained or supported, impractical to implement and will ultimately lead to a more inefficient and combative environment for councillors and staff.

15. Nevertheless, the amendment to remove the non-mandatory provisions around pre-meeting briefing sessions is recommended for adoption. Council can continue to hold Councillor briefing sessions without their formal inclusion in the Code of Meeting Practice.
16. Further minor updates and amendments were also been made for clarity and consistency (and are largely administrative and procedural).

Councillors' Expenses and Facilities Policy

17. 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.
18. Council is required to review its Policy and publicly exhibit the proposed Policy, even if the Policy remains the same as the existing Policy.
19. 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 were recommended.
20. The 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.

Public Exhibition - Councillors' Expenses and Facilities Policy

21. Council endorsed the public exhibition of the City of Sydney's draft Councillors' Expenses and Facilities Policy on 10 October 2024.
22. The draft Councillors' Expenses and Facilities Policy was on public exhibition for a period of 28 days (24 October 2024 to 21 November 2024 with public submissions sought over a concurrent 42 days (24 October 2024 to 5 December 2024) as required under the Local Government Act 1993.
23. The [webpage](#) was visited 94 times and the consultation document was downloaded 13 times. The public exhibition of the draft Councillors' Expenses and Facilities Policy was included in the November 2024 Sydney Your Say e-news sent to 5,136 subscribers.
24. One submission was received requesting clarification of staffing costs versus expenses plus some suggestions on modernisation. The submission is noted, with further detail provided (and broken down) via the annual budget and annual report.
25. No further changes recommended to the exhibited Councillors' Expenses and Facilities Policy.

26. The revised Policy (as shown at Attachment B) included the following amendments to the 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.

27. Further minor updates and amendments were also made for clarity and consistency (and are largely administrative and procedural).

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

28. 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

29. 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.
30. The 2024/25 budget already adopted by Council (and future years' forward estimates) includes funding for the ongoing provision of services and facilities to Councillors. The Policy proposes updates which will require additional funding, which will come from savings in the 2024/25 OCEO operating budget. If, as the current financial year progresses, sufficient savings are not available funding will be drawn from the CEO's Operating Contingency. Ongoing additional funding will be incorporated into future iterations of the Long Term Financial Plan as part of the annual budget process.

Relevant Legislation

31. Local Government Act 1993.
32. Local Government (General) Regulation 2021.

Critical Dates / Time Frames

33. 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.
34. Council is required to review its Councillors' Expenses and Facilities Policy within the first 12 months of the current term of Council.

MONICA BARONE PSM

Chief Executive Officer

Erin Cashman, Manager OCEO