



The General Manager  
Port Stephens Council  
[council@portstephens.nsw.gov.au](mailto:council@portstephens.nsw.gov.au)

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TRRA makes the following submission on the Code of Meeting Practice currently on exhibition. We have no objection to the unredacted publication of this submission.

### **Model Code of Meeting Practice**

This Revised Code is mostly mandatory content of a State Government template 'model Code'. But the template also includes some optional content, some of which Council is proposing to adopt – the agenda paper lists 13 instances. No indication is given as to what if any optional content has not been adopted, which we submit would have been helpful.

It also appears open to Council to 'enhance' the Code as long as any supplementary clauses are not inconsistent with the model, but there is no indication that any such 'enhancement' is proposed.

We have comments on a number of the provisions, including on missed opportunities to add value to the Code for the benefit of the community of Port Stephens.

### **Meeting schedules, notices etc.**

Clause 3.1 sets out Council's discretionary choice as to the frequency of meetings – normally every two weeks. Council could choose to return to the practice of holding alternate meetings as Committees of the Whole and Full Council respectively (the practice at PSC before 2012). We argued the case for alternate meetings in our submission dated 25 September 2017, before the first (26 September) meeting of Council which resolved to continue with the (in our view inferior) practice of the 2012-2017 Council.

Most significantly, the alternate Council-Committee meeting cycle gives greater opportunity for Councillors, and the Port Stephens Community to consider proposals and seek feedback and input. We strongly believe that this would lead to better decision making by Council. Councillors will be aware of numerous examples since 2017 of controversial agenda items which would have benefited from a longer period of consideration. On several occasions, controversial decisions have led to rescission motions – we submit that in at least some cases this messy process could have been avoided by a better meeting cycle.



We submit that Council should re-consider the option proposed by Cllrs Nell and Abbott at the 26/9/17 meeting (motion was lost with no record of the voting pattern). We attach our 25/9/17 submission in support of this option, which was regrettably not included in the table of options put to the meeting.

## Public Forums

Section 4 of the Code deals with public forums (which PSC refers to as 'Public Access'. Most of the clauses in this section are mandatory, with some discretion for Council to set limits and timeframes.

We note that while the Model Code provides for public access to be at the discretion of the Mayor, PSC has substituted the Mayor for the GM as the person who rules on order of speaking (Clause 4.11) – this is not given as an 'option' in the Model Code and we question whether PSC is able to make this change? PSC has also set a maximum no of speakers (12) for each 'Public Access' – again this departs from the Model Code which does not mention a maximum.

Clause 4.12 limits speaking time to 5 minutes, with no mention of a longer period for 'organisations', which have been allowed 10 minutes in the past. Does this change mean that speakers representing organisations will in future be limited to 5 minutes? This would be a significant, and in our view negative change.

## Webcast

When this Council re-introduced webcasting (resolution at Item 20 of the meeting on 12 December 2017), TRRA made a detailed submission by email on 14 November 2017. The Summary of this submission was:

'In conclusion, TRRA welcomes the re-introduction of webcasting and looks forward to its early implementation. We submit however that Council should expressly confirm:

- that the webcasts will include all proceedings that are open to the public gallery, and
- that recordings of the webcasts will continue to be publicly available online as a permanent record of Council proceedings'

We submit that experience of webcasting since 2017 has borne out our concerns about the limitations of Port Stephens minimalist approach.

The decision more recently to keep webcasts '*for a minimum of 12 months or to the limit of Council's IT storage capacity, whichever is greater*' (Clause 5.20) only partially addressed the second of our main issues, and we continue to call for indefinite retention – accountability may require a review of the discussion at Council meetings several years ago. The additional cost of indefinite retention should now be very low.



We are also aware that other NSW Councils have superior webcasting arrangements, including the provision of an online meeting agenda as part of the recorded webcast which allows interested parties to go straight to the part of the recording relevant to an item of interest. We submit that PSC should investigate this facility which would greatly enhance the value of the webcast as an 'after the event' resource. PSC should be in the vanguard of measures to increase transparency and accountability.

### **Record of voting**

We note that PSC has not adopted optional clauses 11.11 and 20.24 of the Model Code which provide for a public record of all votes. PSC has adopted the alternative clauses 11.6-11.9 which do not appear to require the same level of public reporting. We submit that clauses 11.11 and 20.24 should be included for reasons of transparency and accountability.

For the same reasons, the omission of a requirement for a public record of voting

### **Expulsion from meetings**

We welcome PSC's choice of the optional clause that requires a resolution of Council or a Committee to expel a Councillor (Clause 13.5 of the Model Code, Clause 15.4 of the PSC Code). This sanction clearly should not be at the sole discretion of the chairperson.

### **Rescission motions**

Clause 17.12 of the Model Code is an optional provision to allow rescission motions to be dealt with at the same meeting as the subject resolution. We note that PSC Code omits this provision, but adopts the 'optional' clause (17.15 in the Model Code – 17.12 in the draft PSC Code) providing for correction or re-commitment resolutions at the same meeting.

We submit that there are both pros and cons for allowing rescission motions at the same meeting, but submit that the reasons for choosing not to allow it should have been explained and debated before the Code is finalised.

We look forward to Council's response to our comments and suggestions before the Code is adopted.



Ben van der Wijngaart

**Acting President, Tomaree Ratepayers & Residents Association Inc.**