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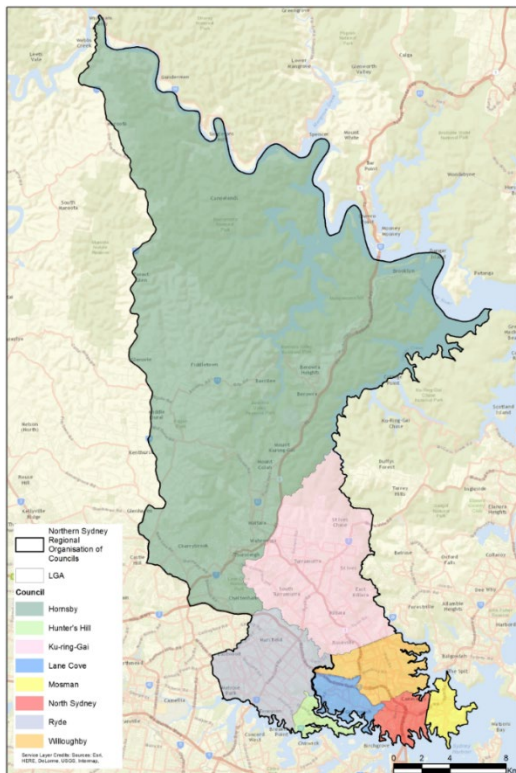
Lodged via email: councillorconduct@olg.nsw.gov.au

Re: Councillor Conduct and Meeting Practices – New Framework

The Northern Sydney Regional Organisation of Councils (NSROC) is pleased to respond to the Office of Local Government's discussion paper, *Councillor conduct and meeting practices – A new framework*. This submission has been prepared with the input and support of our member councils but should be considered draft until it is formally endorsed by the NSROC Board.

NSROC is a voluntary association of eight local government authorities in Sydney. NSROC assists member councils collaborate on key issues and activities, develops regional solutions and generates social, environmental and economic benefits – for local communities and the region overall.

NSROC member councils service an area of 639km² with a population of 651,000 extending from the Hawkesbury River in the north to Sydney Harbour in the south, west to Meadowbank on the Parramatta River, as shown in Map 1.



The eight NSROC member councils are:

- Hornsby Shire Council (HSC)
- Hunter's Hill Council (HHC)
- Ku-ring-gai Council (KMC)
- Lane Cove Council (LCC)
- North Sydney Council (NSC)
- Mosman Municipal Council (MMC)
- City of Ryde (CoR)
- Willoughby City Council (WCC)

Our member councils employ approximately 2,700 people, delivering a wide range of services across the region. NSROC hosts over 82,000 business and delivers over 11% of NSW Gross State Product.

Map 1: Northern Sydney Regional Organisation of Councils area

NSROC agrees there is a need to strengthen the existing councillor conduct framework and the discussion paper provides a comprehensive first step towards codesigning improvements. That said, there are several elements that would benefit from further clarity, consultation, and refinement.

Banning briefing sessions

NSROC member councils are committed to ensuring transparency and accountability in decision making. The debate and deliberation of notices of motion, Mayoral Minutes, recommendations and other matters that lead to a decision or resolution of council should be in the public domain.

This notwithstanding, the opportunity for Councillors to receive information, learning and support, as well as participate in strategic planning initiatives in closed session remains important. Workshops and briefing sessions are a forum for the dissemination and consideration of information that allows councillors to better understand an issue. Closed session briefings and workshops foster informed decision making and enhance the quality of debate that subsequently occurs at the public Council meeting.

Further, to suggest that all proceedings of a workshop can occur during a Council meeting is inconsistent with the objectives to make Council meetings accessible, streamlined and efficient.

NSROC suggests the framework allow workshops to be held and includes a mandated requirement to disclose in reports to Council when deciding a matter, that a workshop was held and its purpose.

Managing code of conduct complaints

NSROC supports streamlining the complaint process by referring matters directly to the OLG or Privileges Committee. It is understood that this will reduce administrative burden, ensure consistency of the application of the provisions and may prevent expenditure of time and resources on frivolous or vexatious complaints.

However, the process for the establishment and make-up of the Privileges Committee requires further scrutiny. Empanelling former and current Mayors to judge behaviour could result in conflicts of interest and partial behaviour. **The Committee would be better served by person/s independent of the political process such as retired judges, retired senior public servants or probity experts (such as current conduct reviewers).**

Financial and administrative burden

It will be important that the OLG and any panels/bodies have the capacity to handle matters efficiently, in a timely manner, and without a significant administrative and financial burden being redirected to councils.

There is inadequate detail in the discussion paper concerning the operation of the proposed Privileges Committee, and the responsibility for costs in conflicts of interest matters. It is not clear what administrative and financial requirements will be placed on Councillors or Councils. Greater clarity is required on payment of costs scenarios, the quantum of or contributions to these costs, and the right to contest unreasonable costs.

Further, there is no reference in the discussion paper to timelines or metrics under which the Privileges Committee would operate. It is suggested that a standard should be in place requiring the Privileges Committee to decide a matter – say within 90 days from referral. Any inefficiencies brought to the process by the bureaucratic structure of the Privileges Committee would be a retrograde step.

NSROC encourages the OLG to clearly identify and consult on what administrative and financial requirements are likely to be implemented under the new framework.

Powers of the Mayor or Chair of meeting

The proposed framework instils a large amount of responsibility and power to mayors. This may reduce their capacity to maintain positive working relationships with the elected council. It also introduces a potential inconsistency/risk that mayors may take a different perspective on expulsions and suspensions depending on whether they are popularly elected or elected by the governing body.

The unintended consequence of the proposed reforms is the creation of an environment that enables the perceived or actual abuse of power by some mayors. Safeguards to protect against this should be fully considered and implemented or this element of the reforms should not proceed.

NSROC would welcome the establishment of a working group to codesign the new framework for councillor conduct and meeting practices. Made up of experienced practitioners, including mayors, general managers, and the Office of local Government, the group would identify workable and efficient proposals that address the Minister’s stated aims.

If you require further information, please don’t hesitate to contact me by phone on 0401 640 823 or at mmontgomery@lanecove.nsw.gov.au.

Yours sincerely



Dr Meg Montgomery

Executive Director

Northern Sydney Regional Organisation of Councils