

## **Queanbeyan Ratepayers and Residents Association Inc.**

### **Submission 1**

The Interim General Manager  
Queanbeyan Palerang Regional Council  
256 Crawford Street  
QUEANBEYAN NSW 2620

#### **DRAFT CODE OF MEETING PRACTICE**

While the Draft Code of Meeting Practice is extremely comprehensive we believe two issues need further consideration; the first is related to the fact that the Council is in Administration and the second relates to Public Presentations.

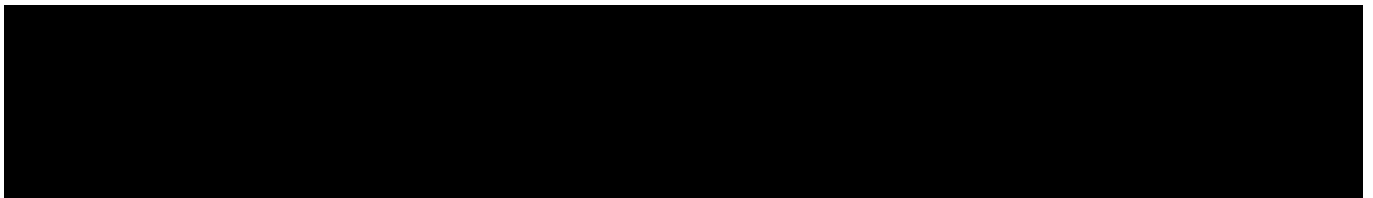
The draft makes no mention of the fact that the Council is in Administration; the whole document refers only to the Mayor and the Councillors. It seems somewhat disingenuous to be completely silent on the matter. We believe there needs to be some acknowledgement, perhaps in a preamble, to the fact that the Council is under administration and that references to the Mayor and Councillors should be read as meaning the Administrator.

Alternatively, the Draft code needs to be amended to refer only to the Administrator with an acknowledgement that this code is an interim one until Council elections in September 2017.

In relation to public presentations, Para 58.3 of the code states the agenda is to be available to the media and public and Para 64.2 provides for members of the gallery to make presentations relating to a specific item in the business paper. These presentations can only be made during the "Presentations from the Gallery" segment of the Order of Business. No comments can be made during the course of the meeting.

Were the council not in Administration, this approach is acceptable; any amendments to the recommendations published in the business paper would be debated between the Councilors at the meeting before a motion is voted on.

However, while the Council is in Administration, this opportunity does not arise. There is no debate and the public is not able to respond to any amendments made by the Administrator during the meeting. This was clearly evidenced during the course of the June 8 Council Meeting where amendments were made to two items of business, namely the list of Alcohol Free Zones and to the Draft Public Forum Policy. Had these amendments been known prior to the meeting they, no doubt, would have prompted comment from the gallery.



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In particular the amendments to the Draft Public Forum Policy are of concern. The draft policy published as part of the business paper was basically the policy of the former Queanbeyan City Council and as such was unremarkable. However, the changes made by the Administrator during the course of the meeting restricted the matters on which questions could be asked in the Public Form. While this matter may seem relatively minor, it does demonstrate the possibility for matters of considerable substance to be amended and decided without prior notification and without any opportunity for public input.

A process whereby the Administrator can change the published recommendations, thus denying the public the opportunity to comment, and then simply approve the changes is contrary to the public interest, the concept of transparency and democracy, indicates a disregard for the concerns/ interests of the public and could lead to government by decree.

We believe no changes should be permitted to the published business paper during the course of the meeting. If changes are made after the business paper is published but before the meeting, these changes should be highlighted and published well before the meeting to alert the public to the changes.

If unforeseen circumstances mean changes need to be made to the business paper during the course of the meeting, there should be an adjournment to allow the gallery to consider the changes and then an opportunity provided for the public to make comment on those changes. This approach is not ideal given that those who may have been interested in a particular item of business had the changes been published may not be present and therefore will be unaware of the changes. Preferably, the item of business should be deferred to a later Council Meeting to allow for full public consideration of the matter.

We believe the draft code should be amended to preclude any unpublished changes to the business paper.

[REDACTED]

[REDACTED]

President

Queanbeyan Ratepayers and Residents Association

[REDACTED]



## **Submission from Braidwood Greens on Draft Queanbeyan-Palerang Regional Council Code of Meeting Practice**

### **Introduction**

Thankyou for the opportunity to comment on the Draft Queanbeyan-Palerang Regional Council (QPRC) Code of Meeting Practice.

Braidwood Greens includes among its members three former Councillors of Palerang Council, with a combined 16 years experience on Council, between them spanning the whole of Palerang Council's existence.

Other Braidwood Greens members have been active participants in Palerang Council Meetings since the creation of Palerang Council in 2004.

Braidwood Greens (BGs) members are therefore extremely familiar with the way Palerang Council Meetings were run, and associated administration.

We understand that with the proclamation of QPRC, the Minister required the Administrator to operate to the Palerang Council Code of Meeting Practice, but compliance with this was immediately deficient at the first Extraordinary Meeting in Bungendore.

Although the unelected Administrator, holding the full powers of an elected Council, has the power to change the Code of Meeting Practice and any other Council Policy, it is clearly undemocratic and contemptuous to the community and to the Minister's direction for the Administrator to seek to do so. Any changes to the Code of Meeting Practice, or any other longstanding Council Policy, should be postponed until the election of a new Council.

### **Palerang Council Practice**

Palerang Council has a long and respected history of conducting its Council Meetings and Meetings of Committees of the Whole, in public and with a high degree of public participation and transparency. These practices reflected a literal interpretation of the Code of Meeting Practice, and in periodic reviews of the Code there was no desire to reduce this level of public participation and transparency. In fact, moves to increase transparency were almost inevitable just prior to the Council being dissolved (see below).

In brief this public participation and transparency took the form of:

#### *Ordinary Council Meetings*

- A member of the public may speak about any issue, near the start of the Meeting, for up to 3 minutes; this could be extended by a Resolution of Council;
- A member of the public may speak about any item on the Business Paper, just prior to Council debating that item, again for a maximum of 3 minutes unless extended;
- Note that in conjunction, the above two practices, laid down by the Policy, i.e. the

Code of Meeting Practice, allowed a member of the public to speak as many times as there were items on the Business Paper. To do otherwise would have been grossly unfair – a member of the public allowed to speak only once, but who had an interest in multiple items, would have had to divide up their 3 minutes allocation between each item.

- Despite claims since the abolition of Palerang Council, this was never discretionary, and was always complied with. Any claims to the contrary are disingenuous and false.

#### *Extraordinary Council Meetings*

- As there was no agenda item for Statements from the Gallery at Extraordinary Council Meetings, members of the public could only speak to an item on the agenda. As at Ordinary Council Meetings, a member of the public could speak as many times as there were items on the Business Paper.
- Despite claims since the abolition of Palerang Council, this was never discretionary, and was always complied with, even if it resulted in hours of public statements. Any claims to the contrary are disingenuous and false.

#### *Committees of the Whole*

- Members of the public could attend and observe Meetings of Committees of the Whole, but could not speak at those meetings.

#### *Recording of Meetings*

- Palerang Council Meetings and most Committees of the Whole were audio recorded. Audio recording were made available to any member of the public at Council offices, usually the first business day following the Meeting.
- With Council Meetings often lasting many hours, the recording was made available to members of the public to “take away” so that they could listen in their own time, or listen and listen again to just the parts they wished to listen to.
- Although on occasion recordings were placed on the internet by people or organisations other than Palerang Council, Council had already established that it had no objection to this.

Unfortunately it seems that some of the advice provided to the Administrator of QPRC about the operation of Palerang Council Meetings has been grossly misleading.

### **Your proposed changes**

Numbering is as per the summary:

2) Palerang Council specifically did not require Councillors to stand when speaking because of a recognition that a councillor with a physical disability, whether temporary or permanent, would be unable to. For the Administrator to be proposing to require Councillors to stand, when there are no Councillors, so that he is making rules that will only apply to the next elected Council, is presumptuous in the extreme. This proposed change should be rejected.

4) These changes represent a substantial change, a reduction in fact, to the public participation in Council Meetings. Mention of the “Act” (presumably the Local Government Act) is irrelevant – the Palerang policy and practice was compliant with the Act. When

externally reviewed some years ago, no issue of compliance with the Local Government Act was raised. If the Administrator has evidence or advice that the Palerang Code was not consistent with the Act, this should be published – a throwaway statement is not credible.

- As implied earlier, requiring presentations on specific items to be given at the start of the meeting, appears to mean that a person impacted by multiple items on the agenda gets just one opportunity to speak, and must divide up their allotted 5 minutes between those items.
- Requiring presentations on specific items to be given at the start of the meeting, rather than before the item as currently, is chaotic (this was already witnessed at the first Extraordinary Meeting of QPRC) – the first speaker may speak about one item, the next about another, then the third speaker may again speak about the same item as the first speaker. If it is the Administrator's intent to take no notice of statements by members of the public, then obviously this doesn't matter. If the Administrator is serious about hearing from the public, then such a chaotic and inefficient mode of hearing public statements is inappropriate. Any lottery system adopted for speakers' order compounds this chaos, as it does not even allow QPRC staff to schedule speakers as per their topic.

5) This section is grossly misleading in several ways:

- Palerang Council supplied copies of recordings to any member of the public (and that included Councillors and media representatives). The proposal to require people (whoever they are) to listen to the audio-recording of a Council Meeting on Council premises, during office hours, is a massive reduction in the transparency of operation of Council Meetings. Recordings should continue to be made available to "take away" – in fact, they should be placed on the Council website (but see below) so that people do not even have to visit a Council office to obtain a copy. This is now a large Council area, not a compact city, and Council practices need to reflect that, not change the practices of the rural council to those of the city council.
- No reason is given for the destruction of recordings after three months, and this is unjustifiable.
- The statement that "This is certainly not standard practice across the sector" is accurate, but not in the sense that it is meant. Several neighbouring and nearby Councils webcast live video streams of their Meetings, with the recorded video available on their websites in perpetuity, with some of these doing so for many years now, and others introducing it more recently. Palerang Council was on the verge of installing the same system prior to being abolished, and it was not a large cost. Now the QPRC Administrator proposes to go in the exact opposite direction from the direction elected Councils are going. Webcasting (and online archiving of the video) of Meetings should be introduced, then all policy regarding audio recording can be discarded.

7) Again it is incomprehensible why the Administrator would feel the need to make changes to the Code of Meeting Practice which have no practical effect at this point in time. Any such changes should be left to the next elected Council, should they see fit.

Additional:

The inclusion of Section 72 on the election of Mayor requires explanation. The Minister's Proclamation states that the QPRC Mayor will be elected by Councillors. Including reference to election of a Mayor by the electors is therefore irrelevant to QPRC and should be removed.

Given the Administrator's prior position, this could be interpreted as implying that the Administrator is considering trying to change that prior to the next Council election. Is this the case? Will the Administrator give a public commitment that he will not schedule a referendum to try to recreate the position of a Mayor elected by the electors? The Administrator, as former elector-elected Mayor of Queanbeyan City Council, holds a clear conflict of interest in any such decision.

Thank you again for the opportunity to make a comment on this,



Convenor, Braidwood Greens  
15<sup>th</sup> July 2016