Camden Residents' Action Group

Incorporated

Camden – Still a Country Town

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General Manager
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Dear General Manager,

Re: Amendments to the Code of Meeting Practice

It is with consternation that CRAG considers the draft amendments to the Code of Meeting Practice.

Council meetings are potentially a unique venue: constituents having easy local access to their elected representatives as they deal with matters of concern specific to their shared community. The comment was made at a recent Council meeting, when some of the amendments to the above code were being debated, that Camden Council has much more liberal provisions than many other Councils. Now it seems that far from Camden's code being democratically liberal, as applauded by the community, the amendments, some of which are draconian, signal a race to the bottom of democratic meeting practice.

A perusal of other Council's codes[1], which are based on the requirements of the Local Government Act, 1993 and the Local Government Regulation 2005, has established that some of the amended and added clauses to the Camden code, particularly those that devolve power to the Chairperson, are not common in other Council's codes of meeting practice, nor do they have any regulatory or legislative basis.

[1] For instance:
Penrith Council at https://www.penrithcity.nsw.gov.au/council/council-business/council-meetings/
Campbelltown Council at http://www2.campbelltown.nsw.gov.au/policies/codeofmeetingpractice.pdf

Indeed many of the draft amendments to the code are particularly outrageous in a first world democracy and would seem to be an attempt to stifle debate, exclude the community and concentrate power into the hands of the Chairperson, usually the Mayor.

The following clauses indicate erosion of democratic rights and require omission or revision.

2.4.5: This clause reads that Council or any majority voting bloc can exclude anyone from a meeting without given reason or recourse. A bloc (as currently operates in Camden Council) can authorise the person presiding (usually the Mayor) to expel anyone. There is no reference to any policy, procedure or legislation in support of this clause and it reads as an attempt to manipulate power. This clause must be omitted.

3.11.2: This clause, that notices of motion in absence of mover are to be in writing, to be delivered to the General Manager no less than 7 days prior to the meeting date, is unnecessarily restrictive and arbitrary. This clause should be removed or made reasonable.

3.11.4: This clause, for *the avoidance of doubt, the Mayor may also lodge a notice of motion in accordance with these provisions,* is unintelligible and redundant. The Mayor is by definition a Councillor.

3.13.2: This clause, to allow the Chairperson (usually the Mayor) to subjectively determine and have absolute discretion over what is allowed as a motion for amendment is undemocratic and a completely unacceptable concentration of power. This clause must be removed.

3.15.3: The inclusion that *Each Councillor is permitted a maximum of 1 minute per item to put questions or a series of related questions,* is unnecessarily restrictive. It presumes that all matters are of equal complexity which is clearly wrong. The time limit is unreasonable and there is no scope for additional time. This clause should be removed or made reasonable.

3.6: This clause amendment (as appended at Appendix C) reduces community access to the valuable Public Address Sessions by proposing that an Application Form must be completed and submitted "no later than 5pm on the working day prior to the day of the meeting", replacing the present arrangement of submitting a request to Council, including by phone, by 4pm on the day of the meeting. This change will reduce accessibility by making it harder to submit, prejudicing against those who are not computer literate or do not have easy access to a computer or alternatively cannot make their way in time to Council Offices (soon to be relocated to Oran Park) to hand deliver their form. As advice of matters to be addressed at Council meetings are commonly only available by Friday evening there is no option to post even were that to be a reliable method within the time frame (which it is not). It will also reduce accessibility by shaving a whole day off the time in which the public can be alerted to the fact that a matter of concern is to be discussed and to submit a request. What is the reason for changing the existing arrangement? This change reads as an attempt to constrain public participation and community engagement with Council.

4.1.1: This clause enhances the powers of the Chairperson (i.e. the Mayor) to call to order (and potentially silence) not only fellow Councillors but, as now proposed, “any other person present”. The addition of the phrase "any other person present" in relation to the Chairperson's discretion is not appropriate. No person in the public gallery is allowed to call to order the behaviour of the Chairperson or other Councillors, who are paid from public money and charged with serving in the community's best interest. Allowing the Chairperson absolute discretion in calling to order anyone other than the Councillors is undemocratic and encourages a lack of accountability. Only a resolution of the Council itself is appropriate.

4.2.4: This clause constrains Councillors, on pain of committing an “act of disorder”, from “introducing material irrelevant to the item under discussion”. It should be deleted because whether material is "irrelevant" or not is a matter of subjective opinion and therefore provides potential for skewing debate and restricting free speech. Irrelevance is a slippery term and easily high-jacked to shut down debate particularly, as is proposed in this instance, when the determination of what is irrelevant resides with one person. Significant related material, that perhaps annoyingly broadens the context of a discussion or introduces an inconvenient level of complexity or indeed an ‘inconvenient truth’, may be excluded merely by the Chairperson’s single-handed determination that it is ‘irrelevant’. What could possibly be the merit of introducing such an inherently concerning new clause into the Code? This clause must be deleted.

4.6.2: This clause is superfluous as behaviour is dealt with at 4.3, 4.4 and 4.6.1 and there is no explanation of what the possible "risk" could be. In that sense the clause is subjective, and it is unclear who makes the judgment about what and how big any risk is.

4.6.3: This clause is unnecessary as behaviour is dealt with at 4.3, 4.4 and 4.6.1. The best way for Council to ensure observance is for its members to listen to the community, respond to the community in a timely and respectful way, conduct themselves appropriately and refrain from using parliamentary privilege to make disparaging remarks about community groups, who are exercising their democratic rights.

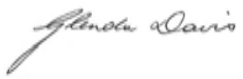
4.6.4: This clause would only be considered if it were changed to REQUIRE that the Chairperson DOES seek the advice of other Councillors in making a judgment call about disorderly conduct. However the clause is in any case superfluous as noted under 4.6.2 and 4.6.3.

Additionally CRAG wishes to convey its grave concerns to Councillors about the very recent change to the long standing convention of reliably extending a discretionary 2 minutes extra time to community members in the Public Address Session of Council meetings. This convention was greatly valued. It reflected good will on the part of Councillors toward those whom they are elected to represent, as well as appropriately according speakers the courtesy of being permitted to complete their thoughts and be heard on matters of concern. That this courtesy is now often NOT accorded to constituents regrettably diminishes the democratic and consultative spirit appropriate to Council meetings and, to their detriment, reflects an absence of this spirit in the Councillors who commonly vote against such extensions.

The proposed Amendments to the Code of Meeting Practice as examined above seem to raise more questions than they answer. If Councillors intend to pay more than lip-service to their commitment to serve community in a responsive and consultative manner, they will not pass them and seriously question why they were proposed. Certainly the amendments would not enhance Council's relationship with the community, which judging by media interest and exposure is not meeting community expectations and has deteriorated markedly from that engendered by previous independent, non-factional Councils.

CRAG suggests that Council attend to its reputation by not making decisions that affect the community behind closed doors and instituting, as in previous Camden and other Councils, community forums and other genuine means of listening and responding to the concerns of the electorate.

Yours sincerely,



Glenda Davis

President