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*Date, 2023*

By email: olg@olg.nsw.gov.au

**SUBMISSION**

**Review of the Councillor Misconduct Framework - Consultation Guide**

I fully support the majority of recommendations in the Councillor Conduct Accountability Report and its objectives to have a clear framework to ensure the highest standards of integrity and probity in Councils.

**However, I do not support mandating that public forums be separated from the Order of Business of a council or committee meeting in the Model Code of Meeting Practice for Local Councils in NSW.** I have outlined the reasons for this below.

**Transparency**

Section 5 of Mr Kellar’s report calls for **Complete Transparency**. Having the Public Forum as part of the Order of Business for a Council Meeting is the best way to achieve **Complete Transparency**. What could be more transparent than the community voicing their concerns directly to Councillors, who will then debate the issues raised in full view of the resident, and be accountable for their decision made directly in front of the resident? This is not only complete transparency, it is also the principles of democracy where ‘people power’ can be fully exercised.

There is nothing more powerful than a Councillor being held to account for their decision in person. We saw during the Covid period that when decision-makers are hidden behind cameras, or not in the same room as residents, they are not held to the same level of account by the community for their decisions.

**Avoidance of risk - decisions on planning applications**

Section 5 of Mr Kellar’s report refers to **Avoidance of risk** *‘where a councillor has a duty to decide planning applications and where it is possible an application may involve persons known to them, the allure to find an excuse not to declare or remove oneself from the process can be intense.’*

Councillors take an oath/affirmation and attend training to understand their obligations relating to conflicts of interests. It is up to each Councillor to effectively manage their conflict of interest or bear the consequences accordingly.

This perceived risk on the few occasions that metropolitan councils consider a rezoning planning application does not outweigh the significant public benefit of the Public Forum being part of the order of business of a Council or Committee meeting on all other business.

**Avoidance of risk - Interacting with the public**

Section 5 of Mr Kellar’s report states that *‘a clear risk area is where councillors interact with members of the public during meetings. This can occur at any meeting where a gallery is present and is even more likely where the council incorporates a public forum session within the council business agenda. This only invites disorder where controversial issues are aired and makes it more difficult for the mayor/meeting chair to control.’*

Councillors do not interact with members of the public during meetings. The public are there as important participants in the public forum or as observers of the meeting debate and decision-making. I do not believe the attendance of the public during the meeting will invite disorder or make it more difficult for the mayor/chair to control a meeting.

Section 5 of Mr Kellar’s report also states that *‘The other risk is that, in the fervour of the moment the council moves to a formal resolution on a matter without due preparation, advice and deliberation.’*

Councillors are provided with Councillor briefings as well as extensive information in the Council Business Paper to inform their decision-making on a matter. A submission from a member of the public in the Public Forum of a Council or Committee meeting further informs the Councillor on the public opinion on a matter. If new information is raised by a member of the public during the Public Forum, Councillors have the ability during the debate to ask questions of the General Manager relating to that information. If the information is such that Council Officers are unable to provide an answer to any new information that has been provided, the Council always has the option to defer a matter so that Councillors can be fully informed on the new information that may have been raised in a Public Forum.

The instances of this occurring would be extremely rare and should not be a reason to remove the public’s democratic right to participate in the public forum of a Council or Committee Meeting.

In summary, I believe it is a vitally important part of democracy for the community to be able to voice their opinions and concerns directly to Councillors in a Public Forum as part of the Order of Business of a Council meeting.

I appreciate the time spent in preparation of this review and hope that the concerns I have outlined above are taken into consideration.

Kind Regards