

20 February 2025

OLG Governance Team
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NOWRA NSW 2541



Dear Sir/Madam

Model Meeting Code Amendments

Thank you for providing Hornsby Council the opportunity to make a submission on the proposed amendments to the Model Code of Meeting Practice. This submission was formally endorsed by the Council at its meeting on 12 February 2025 subject to final review by the Mayor and myself.

We appreciate the provision of a fully edited version of the Model Code of Meeting Practice which shows the proposed deletions and additions. Our submission has focused on specific clauses within this draft Model document.

1. Current clauses 3.12 and 3.13

The current clauses 3.12 and 3.13, as set out below, are proposed to be removed. We support the retention of these clauses for the reason that they help maintain good fiscal discipline and alignment with the adopted budget of the Council. The use of notices of motion to promote new projects and initiatives without recognised funding sources could result in the undermining of the framework in the development of the annual Delivery Plan and Operational Plan. It is relevant to note in clause 3.12 that "*the general manager may prepare a report*". Accordingly it is not a mandatory requirement at the present time hence its removal from the Model Code is unnecessary.

3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either: (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or (b) by written notice sent to all councillors with the business papers for the meeting for which the

notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

2. Current clause 3.15

The current clause 3.15, as set out below, is proposed to be removed. We support the retention of this clause for the reason that matters concerning staff should be dealt with in accordance with appropriate internal processes and not in a public forum. Our view is that the removal of this clause increases the risk that the general manager and staff will be politicised and this is contrary to a core objective of the proposed changes.

3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of council.

3. Current clause 3.23 – Statement of ethical obligations

The current clause 3.23, as set out below, is proposed to be removed. We support the retention of this clause for the reason that it promotes best practice ethical conduct and its removal is not detrimental.

Statement of ethical obligations

3.23 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

4. Current clauses 3.33 to 3.38 – Pre-meeting briefing sessions

The current clauses 3.33 to 3.38, as set out below, are proposed to be removed. We support the retention of these clauses. It is our view that out-of-public briefings with councillors are not a forum where debate or decision-making occurs. Rather these sessions provide the best opportunity for staff to provide the substantial background needed (often several hours of content over an extended period) for councillors to make the most informed decision at the Council Meeting.

A likely downside of such a proposal is that senior management may be requested to provide individual briefings to individual councillors and this will be a substantial time burden.

Pre-meeting briefing sessions

3.33 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.

3.34 Pre-meeting briefing sessions are to be held in the absence of the public.

3.35 Pre-meeting briefing sessions may be held by audio-visual link.

3.36 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.

3.37 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.

3.38 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration

5. Current clause 5.43

The current clause 5.43, as set out below, is proposed to be amended and reworded as proposed clause 5.44 (also set out below). We support the retention of clause 5.43 because it reinforces the provisions of the Local Government Act 1993 and Model Code of Conduct whereby the governing body cannot direct any member of staff, other than the General Manager. Decisions on which staff are to attend Council meetings should remain solely with the General Manager.

5.43 *The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.*

5.44 *The attendance of other council staff at a meeting, (other than as members of the public) shall be as determined by the council from time to time.*

6. New clause 7.1

New clause 7.1 as set out below, is proposed to be added to the Model Code. While we acknowledge that standing when the Mayor enters, and when addressing a meeting, has been an historical practice in local government we do not believe it should be mandated given the more relaxed practices in our modern society. In our view the actual conduct of participants in a meeting is more important than their posture while speaking.

7.1 *Where they can, councillors and staff must stand when the mayor enters the chamber and when addressing the meeting.*

7. Existing clause 9.10

The current clause 9.10, as set out below, is proposed to be removed. We support the retention of this clause for the reason that it helps maintain good fiscal discipline and alignment with the adopted budget of the Council. The use of mayoral minutes to promote new projects and initiatives without recognised funding sources could result in the undermining of the framework in the development of the annual Delivery Plan and Operational Plan.

9.10 *Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.*

8. Existing clause 10.9 – Motions requiring the expenditure of funds

The current clause 10.9, as set out below, is proposed to be removed. We support the retention of this clause for the reason that it helps maintain good fiscal discipline and alignment with the adopted budget of the Council.

Motions requiring the expenditure of funds

10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

9. Existing clause 10.24

The current clause 10.24, as set out below, is proposed to be removed. We support the retention of this clause for the reason that it provides the council with the option to shorten the duration of speeches and expedite Council business, and only by way of resolution.

10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

We thank you for the opportunity to comment on the consultation draft and please do not hesitate to contact me if you have any further questions about our submission.

Yours sincerely



Steven Head
General Manager



Warren Waddell
Mayor

