



21 February 2025

Brett Whitworth
Deputy Secretary, Local Government
Office of Local Government
Locked Bag 3015
NOWRA NSW 2541

Dear Mr Whitworth,

RE: Submission to the proposed amendments to the Model Code of Meeting Practice

Bland Shire Council ('Council') thanks the Office of Local Government ('OLG') for its consultation period on the proposed changes to the Model Code of Meeting Practice. Bland Shire Council strongly believes that it is necessary for an effective relationship between the governing body and staff to have a clear, transparent and concise Code of Meeting Practice. An effective Code of Meeting Practice promotes sound decision-making and builds community trust through efficient and well-managed meetings.

On 18 February 2025, the Council of Bland Shire considered the following submission and endorsed Minute 08022025, the following details to be provided to you for consideration in the review of the Model Code of Meeting Practice.

Council hopes to work constructively to assist with drafting effective provisions for the Model Code and thanks the OLG for reviewing the Council's submission.



Grant Baker
General Manager

Introduction

Bland Shire Council is a Large Rural (OLG Group 10) Council covering 8557.7sq/km in the Riverina region. The LGA has a population of 5,547 (2021 census) and is the traditional land of the Wiradjuri People. The local economy has a long history of mining and agriculture, and is a key transport route, being in the north of the Riverina, at the crossroads of the Newell Hwy between Melbourne and Brisbane, the Mid-Western Hwy between Sydney and Adelaide.

General Comments

Council has not experienced the issues with the existing Code of Meeting Practice described in the Minister's foreword to the Consultation draft. Council is supportive of a uniform, clear and simplified Code of Meeting Practice that upholds the dignity of the chamber, promotes transparency and depoliticises the role of the General Manager.

The layout of this submission will respond to each question asked by the OLG in the Consultation Draft.

Question 1: Will the proposed amendments made in the consultation draft of the Model Meeting Code achieve the policy outcomes identified in this paper?

Council views that the proposed amendments will partially achieve the Policy outcomes identified in the paper. Council is **supportive** of the following changes to achieve these goals:

1. Planning Decisions being made with staff recommendations:

Council already complies with this practice. This will achieve the transparency outcomes sought by the OLG.

2. Clarification of apologies and leave of absences:

This will simplify this process in meeting practice.

3. Removal of foreshadowed motions:

This will simplify the rules of debate.

4. Simplifying the definition of an act of disorder:

Council supports simplification of the definition of disorder however the proposed changes to define disorder in accordance with the NSW Legislative Assembly does not adequately provide a definition. NSW Local Councils should not be defined by rules that have not been designed for the context of Local Government. The OLG may draw from the NSW Legislative Assembly in defining disorder but must clearly state a definition and not refer to another rule. Council suggests it would be more effective to base disorder in the Model Code of Meeting Practice section 15.10(d) on clause 3.1 of the Model Code of Conduct.

Council is **not supportive** of the following proposed amendments:

1. Removal of briefing sessions

Bland Shire Council has previously expressed concern regarding these changes in the November submission on the Code of Conduct. Bland Shire submits that well run briefings/workshops are not decision-making forums limiting transparency. Councillors need an environment which enables

information to be shared and explained in a less formal environment and provides opportunity to ask questions and "listen to understand" rather than "listen to respond" that may not be possible in a public forum. Council notes that if Councils are required to adopt this change, it may be likened to preventing ministerial briefings or cabinet meetings to occur without public attendance and the State Government should be leading by example and conducting itself with the same structure.

Alternatively, Council would support opening of workshops to the community and have these workshops conducted in accordance with the limitations in the Act for confidentiality (the Act, section 10A(2)).

It is noted that the policy driver for transparency is supported, however a blanket approach limiting briefing sessions is not the right approach to achieving this objective, as detailed further in this submission. Council believes that if there are Councils that are inappropriately utilising briefing sessions, where discussion on matters outside of public information is available, that these Councils be regulated specifically by the OLG and maintain the existing governance structure of other Councils.

2. Amendments to the role of the General Manager

The changes to the role of the General Manager and Mayor appear to only increase the ability of the Council to politicise the Code of Meeting Practice. For example, the removal of the General Manager to provide advice on Notices of Motion in the business paper limits the ability of the Council to understand the implications of the decision.

Council considers that the General Manager should determine which staff are present at meetings, as this maintains the operational functions being managed by the General Manager and is in accordance with prior improvements in the depoliticisation of staff (e.g. recent amendments to senior staff contracts).

3. Additional power allocated to the Mayor

The ability for the Mayor to expel Councillors or other individuals for acts of disorder risks further politicisation of the Code of Meeting Practice, and the protection of the need for a vote of the Council should be enshrined for all Councils. The further ability for the Mayor to continue to limit that person's attendance at future meetings furthers the risk that weaponisation of Meeting Practice in the sector. Bland Shire Council considers this to be low risk for this Council but is concerned that the changes will not achieve the policy objectives for the broader sector.

4. Changes to remote attendance at Council meetings

Councillors, particularly in rural areas are not full time Councillors, and have a wide range of responsibilities to support families and businesses. The remote attendance provisions have encouraged increased diversity of representation on Council. Council is concerned that the winding back of remote attendance capability will disincentivise members of the community from seeking election to Council and limit the ability of existing Councillors to engage in their role. These changes adversely affect those in the smaller towns in the Bland Shire, and those with caring responsibilities.

The proposed provisions limits the ability of sole traders and professionals in regional areas to manage their responsibilities as a result of the vast distances that are often required to be travelled by

workers in the regions. It is important not to limit the ability for diverse representatives to hold office and perform the duties of a Councillor.

This high threshold for unforeseen caring responsibilities may give rise to disputes and require Councillors to disclose sensitive personal information. It is recommended that the OLG produce additional guidance on what meets the threshold of illness or unforeseen caring responsibilities.

Question 2: Are there any other amendments you would suggest that will achieve these policy outcomes?

Council considers that the existing Model Code is appropriate for Council. Alongside the recent election of the new term of Council, the current Councillors (including 4 new Councillors) have stood for Council on the commitments of the existing meeting structures and schedules.

The proposed changes will require amendments to the meeting schedule and new training to be invested in by Council. Council requests that any proposed changes the meeting practices be implemented with the commencement of the next term of Council. This will allow Council to adequately prepare for and for Councillors to run for Council with the set expectations of meetings.

Question 3: Will the proposed amendments have any unintended consequences?

1. Ineffective provisions relating to limiting briefing sessions

Councillors require the ability to ask questions and receive advice from staff about their options as business papers are not a forum that effectively is able to convey all the options. Should Councillors not be able to do this, there are several issues:

- A. Councillors may resort to seek advice directly from staff, meaning that all Councillors do not receive the same information.
- B. Council Business Papers may exponentially increase in volume, impacting the ability of a Councillor to review the information and impact staff resourcing in preparing the papers.
- C. This amendment does not limit the ability of Councillors to caucus or meet separately, which does not achieve the root causes from the recent ICAC matters.
- D. The Consultation Draft covering notes on page 9 provides that Councillors will still can meet for strategic planning workshops, and while the detail of the legislation is not available, Council notes that the Policy objective to improve transparency may not be achieved if there are loopholes that better resources Councils can exploit to still hold, in effect, briefing sessions.

Council submits that recordings of all workshops and briefing sessions would satisfy the policy intent (see question 4).

2. Practicality of releasing confidential business papers

This amendment creates a requirement for Council to continually monitor all previous business papers, determine whether all the reasons for them being made confidential remain current, consult with the council and then publish them. It is anticipated that this is an impractical approach that Councils, particularly in rural areas that would be unable to complete this without significant resource

reallocation. Council agrees with the policy justification but requests this be amended to practical terms, such as:

As soon as practicable after 30 June each year, Council must review all business papers marked as confidential in the preceding financial year and publish any business papers on their website that no longer meet the requirements of the Local Government Act s 10A(2) reasons for confidentiality.

Before 31 December 2026, Councils must review all prior business papers marked as confidential and publish any business papers on their website that no longer meet the requirements of the Local Government Act s 10A(2) reasons for confidentiality.

3. Public Forums

Council submits that the sector would be best served by retaining the (optional) provisions under section 4 relating to the conduct of public forums or replace them with separate guidelines. The community must have a somewhat uniform experience of Local Government to ensure that there is consistency across the sector.

Question 4: Are there any other amendments the Government should consider?

In order to limit the potential loopholes of strategy sessions running effectively like briefing sessions, Council submits that a more efficient approach is that that briefing sessions will be permitted but must be audio-recorded and notes of workshops be reported to Council.