

# SUBMISSION

**Submission to:**  
**Model Meeting Code Amendments**

**Lodged on behalf of [Gunnedah Shire Council](#)**

**Address:** 63 Elgin Street, GUNNEDAH, NSW 2380

**Postal:** PO Box 63, GUNNEDAH, NSW 2380

**Website:** [www.gunnedah.nsw.gov.au](http://www.gunnedah.nsw.gov.au)

**Email:** [council@gunnedah.nsw.gov.au](mailto:council@gunnedah.nsw.gov.au)

**Phone:** (02) 6740 2100

**Council Resolution:** 5.2/25

**Meeting Date:** 19 February 2025

**Online submissions to:**

[olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)

**Submissions Close:** 28 February 2025



**Gunnedah**Shire  
Open New Horizons

## Introduction

Gunnedah Shire Council appreciates the opportunity to make a submission to the Model Meeting Code Amendments review. Please find our feedback below.

## General

In regional and rural communities, the role of councillor is conducted as a public service and way of giving back to community and is not a full-time paid role. The Code of Meeting Practice ('Code') should ensure that any new standards proposed take this into account and are not attempting to apply an unachievable standard to councillors and councils in smaller communities.

Council notes that the proposed amendments to the Model Meeting Code are designed to deliver the following outcomes:

- promoting transparency, integrity and public participation
- promoting the dignity of the council chamber
- depoliticising the role of the general manager
- simplifying the Model Meeting Code

Some of the proposed amendments will achieve the above policy outcomes; however, Council notes below where it does not agree this will be the case.

### Code Simplification

Removal of references to the following specific areas in the current Code may appear to simplify the Code but they may need to be replicated either in each council's amended Code or in an Appendix to the Code, or in other documents such as Council policies:

Current Code Clause	Description
3.10	Timeframe for submission of Notice of Motions
4.2 – 4.24	Public Forum rules
8.2	Order of Business
14.12 – 14.17	Representations by members of the public regarding closure of meetings

This will not have the effect of overall simplification as the details of how these processes should work will need to be documented somewhere. Currently, the Code acts as a point of truth for all information pertaining to the meeting process and these changes may lead to outcomes whereby the guidelines for meetings become more difficult for people to follow.

### Acts of Disorder

The amendments propose reference to the NSW Legislative Assembly behavioural standards regarding "language, words or gestures"; however, Council is of the view that conduct should not be defined by protocols that are otherwise irrelevant to the operation of councils, including council meetings. Expectations of behavioural standards should be written into the Code or referenced to the Code of Conduct.

### Subsequent Acts of Disorder

Council does not agree with the proposed changes until further information is provided. We feel that the existing provisions in the Code of Conduct adequately address acts of disorder at council meetings by councillors or members of the public.

### Unintended Financial Impacts

The proposed removal of current Code clauses 3.12, 3.13, 9.10, 10.9 pertaining to Notices of Motions, Mayoral Minutes and Amendments will result in unintended consequences. The effect of these provisions is to ensure that resolutions cannot be made that bind councils to actions requiring additional resources, financial or otherwise, that are not within the capacity or adopted budget of the council. The reason these provisions are specifically in the Code is to address the passing of council resolutions that cannot be carried out for this reason. This scenario may also lead to staff being blamed for not carrying out council resolutions that are beyond the availability of current resources and budget.

Council strongly disagrees with the proposed removal of these provisions from the Code, particularly in light of the current significant focus on local government financial sustainability.

### Removal of Pre-Meeting Briefing Sessions

Council strenuously objects to the removal of pre-meeting briefing sessions.

We believe that pre-meeting briefings provide the best opportunity to provide councillors with the frank and open information and advice at the same time.

There are already rules in place to manage briefings that councils should be applying, and the focus should instead be on whether this is occurring and appropriately managing non-compliance.

Briefings are an important mechanism in being able to provide councillors with information and for all councillors the opportunity to receive all information in a consistent manner to ensure councillors can make informed and timely decisions.

Implementing the proposed changes on briefings would take up a significant amount of councillor and staff time and would be a significant impost on smaller councils and another contributor to the ever-growing cost shifting burden that is experienced by local government.

### Amendments to Questions with Notice

The removal of clause 3.15 of the current Code restricting councillors from asking questions with notice that imply complaints or alleged wrongdoing by staff is likely to create unintended consequences. This provision protects staff from unfair criticism, airing of personal grievances and reputational damage and also protects councillors from complaints pertaining to the same. With psychosocial claims on the rise, it is not advisable to remove this restriction and retaining this clause supports the smooth running of meetings and effective relationships between councillors and staff.

### Restricting Meeting Attendance via Audio-Visual Link

The amendments propose to restrict attendance at Council meetings via Audio-Visual link to 'ill-health, other medical reasons or unforeseen caring responsibilities'. Council views this as a step backwards for the industry. Regional and rural councils cover large geographic areas and the ability to attend meetings by Audio-Visual link is important in this context. Restricting the ability of councillors to participate remotely in council meetings disadvantages those with work or carer commitments and may discourage them from running for office.

Additionally, the removal of the ability for staff to attend meetings by Audio-Visual link is similarly problematic. Regional and rural councils do not have many staff and often have one person as the technical expert on matters. With large geographical areas to cover, removal of this ability will create further challenges for smaller councils.

It is not clear how these proposed amendments contribute towards the policy outcomes identified and why changes are being proposed that would restrict councils further.

#### Attendance at Committee Meetings

The proposed amendments remove the provision that a committee member (other than the mayor) ceases to be a member due to being absent from meetings. Council is of the view that this provision should be retained.

#### Approval of Attendance of Staff at Meetings

Council does not support the proposed amendments that would shift responsibility for determining staff attendance at meetings to the council. This amendment undermines the statutory role of the General Manager in managing staff and the efficient and effective operation of the organisation. Council is of the view that this proposed amendment crosses the line between strategic and operational responsibilities and is likely to have unintended consequences.

#### Removal of Foreshadowed Motions

The proposed removal of foreshadowed motions concerns council. In accordance with current Code clause 10.11, amendments cannot be a direct negative of the original motion.

The ability to foreshadow a motion means that should an opposite determination be required on a motion being debated; a foreshadowed motion is the only mechanism whereby this can be achieved. Otherwise, there is a risk that the motion may lapse with no determination being made.

Council is of the view that foreshadowed motions should be retained in the Code. If it is not, then Council recommends that the Code would require further amendment, specifically current Code clauses 10.11 (to permit direct negatives of the original motion) and 17.6-17.7 (to permit a motion with the same effect as the motion that has been lost, to enable the business to be dealt with at a subsequent meeting).

#### Standing when Mayor enters Chamber and when Addressing the Meeting

Council does not agree with the proposal to stand when the mayor enters the chamber or when addressing the meeting. This will lead to a lot of unnecessary formality and require councils to spend money on reconfiguring the technical set up for meetings.

#### Removal of Council's ability to shorten the duration of speeches

The ability for Council to resolve to shorten the duration of speeches is proposed to be removed and Council is of the view that this should be retained.

#### Voting on planning decisions

The proposed new clause 11.13 requires Council to provide reasons for its decision and why it did not adopt the staff recommendation. In theory, this sounds reasonable; however, each councillor votes individually, and may have individual reasons for their vote, and it is unclear how collective reason for rejecting the officers recommendation would be determined. This new provision may be impractical where there are dissenting views.

#### Closed Business Papers to be Made Public

Council supports the principle of transparency and availability of business papers to the public but are concerned about how this would be implemented in practice. As written, this amendment imposes an unreasonable and open-ended duty on council to continually monitor all previous business papers on Council's website (regardless of when closed matters were determined) and determine whether all the

reasons for them being made confidential have lapsed, consult with the council and then publish them. Identifying the exact point at which information transitions from confidential to public domain is complex, and there are already adequate mechanisms under GIPA through which this information can be sought and obtained.

Council's view is that this new provision should be removed but if it was to remain as proposed, Council recommends that consultation be limited to the mayor rather than the council to eliminate unnecessary administration and reporting as far as possible.

For any further information regarding this submission please contact [REDACTED]  
[REDACTED]