

Submission Council Code of Meeting Practice Review February 2025



**CENTRAL NSW
JOINT ORGANISATION**

- Bathurst
- Blayney
- Cabonne
- Cowra
- Forbes
- Lachlan
- Lithgow
- Oberon
- Orange
- Parkes
- Weddin

24 February 2025

For the attention of OLG's Council Governance Team

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

Re: Model Meeting Code amendments

Central NSW Joint Organisation speaks with a unified voice for its collective priorities. This region has a proud history of working collaboratively, representing over 180,000 people covering an area of more than 53,000sq kms comprising the local government areas of its membership - Bathurst, Blayney, Cabonne, Cowra, Forbes, Lachlan, Lithgow, Oberon, Orange, Parkes and Weddin.

Tasked with intergovernmental cooperation, leadership and prioritisation, CNSWJO has consulted with its stakeholders to identify key strategic regional priorities. The CNSWJO Strategic Plan can be found here - www.centraljo.nsw.gov.au.

Thankyou for the opportunity to provide feedback to the Model Meeting Code amendments.

Firstly, this region would like to direct the OLG to the Regional Communities (Consultation Standards) Bill 2024. The objective of this Bill is to provide that the consultation of regional communities by government bodies and agencies must be carried out in a proper and effective manner. The Bill calls for Guidelines to be developed. The Guidelines are based on advice from the International Association for Public Participation (IAP2) and have been informed by a Premier's Dept listening tour.

Core to IAP2 principles is to be transparent about the extent to which those consulted are able to influence the outcomes of the consultation. Noting the feedback provided in November last year to the Code of Conduct Review has had little impact on the Model Code of Meeting Practice amendments, it is clear that the extent to which local government practitioners are able to influence Model Meeting Code amendments is small. This is disappointing.

However, Councils in this region have serious concerns about some of the suggested amendments, particularly around briefing sessions and the need to provide advice on financial and legal impacts of Notices of Motion.

Code clause	Impact	CNSWJO Comment
New 3.3	Extraordinary Meetings (Mayor)	Agreed.
Removal 3.12	Notice of Motions (General Manager)	Disagree and suggest amendment. The General Manager should have the ability to assess whether a notice of motion is likely to have legal implications for Council that may result in legal action. Any legal implication Notices of Motions should be consulted with the Mayor for determination of inclusion or exclusion.

Code clause	Impact	CNSWJO Comment
		Any other complying notice of motions can be tabled in accordance with the proposed changes.
Removal 3.15	Questions with Notice (Wrongdoing)	Disagree and suggest amendment. If considered with the above suggestion, any potential legal action that may arise should be assessed first before it is tabled.
New Clause 3.25/New Clause 9.5	Matters of Urgency	Agree.
Removal Pre-briefings	Pre-meeting briefings	Disagree. Removing this provision may lead to Councillors making decisions without having the full opportunity to clarify their understanding. They allow the meetings to run in a more efficient manner and everyone is clear on the matters to be discussed. The rules of debate is not a time for Councillors to ask questions on interpretation and clarification.
Section 4	Public Forums	Agree.
New Clause 5.4	Request for leave of absence	Agree.
Removal Clause 5.8	Request for attendance after leave of absence	Agree.
Clause 5.19	Audio-visual link	Disagree, suggest the original remains. There may be other reasons why Councillors are unable to attend in person that should be considered, for example, in the event of natural disasters or death of a family member etc. The clause appears to be rigid and focused on ill-health, medical reasons or unforeseen caring responsibilities. Suggest amending it back to the former.
Clause 5.37	Recording of a meeting	Agree.
Clause 5.44	Attendance of other council staff	Disagree. The General Manager should have the ultimate decision on which staff members attend the Council meeting. The Council cannot direct other staff members to attend council meetings without approval of the General Manager. Where applicable, the General Manager should be supported by the subject matter experts to provide clarification on their reports.
Removal Clause 5.44	Audi-visual link for staff	Disagree. Councils typically have had to rarely utilise this clause, however in the event of an unforeseen circumstance, each Council should have the ability to apply its own discretion and rules. It is understood that the NSW Government has given direction to the NSW Public Service to return to the office and scaling back on work from home. However, this is not an issue for our Councils.
Clause 7.1	Mode of address – standing	Disagree. Standing up and potentially over another Councillor or staff member may be seen as intimidation in moments of debate.
Removal 8.2	Order of Business	Disagree. The order of business should remain to provide Councils guidance on the development of their agenda.

Code clause	Impact	CNSWJO Comment
Removal 9.9 and 9.10	Mayoral Minute	<p>Suggest amending it back to the former. Removal of rules around Mayoral Minutes is welcomed, however some consideration needs to be provided for where a Mayoral Minute looks at expenditure of funds outside of the Operational Plan.</p> <p>Accountability and transparency are required in the decisions that Council are making and input from Council Officers who understand the day-to-day financial operations should be presented to the Council for consideration.</p> <p>The council may resolve to request a report for expenditure to be tabled at a later date, however, it would be more efficient for all parties involved that the information is provided at the time it is tabled.</p>
Clause 10.3	Withdrawal of Notice of Motion	Agree.
Removal of Clause 10.9	Motions requiring the expenditure of funds	<p>Disagree and suggest amending it back to the former.</p> <p>The Consultation Draft seems to remove all provisions around expenditure of funds whereby matters are deferred until a report is provided by staff on the expenditure of funds.</p> <p>When considered collectively with the Minister wishing to remove Pre-Meeting Briefings and transparent and accountable reports that provide information on expenditure of public money, it appears that Councillors will be forced to make decisions without detailed information and a lack of a forum to ask questions. The removal of this clause does not support accountable or transparent decision making.</p> <p>As per the above council may resolve to request a report for expenditure to be tabled at a later date, however, it would be more efficient for all parties involved that the information is provided at the time it is tabled.</p>
Removal Clause 10.17	Foreshadowed motion	Agree.
Removal of Clause 10.24	Limitations on the number and duration of speeches	<p>Disagree and suggest amending it back to the former.</p> <p>Councils should be able to exercise their ability to resolve to shorten the duration of speeches to expedite the consideration of business.</p>
Clause 11.12 and 11.13	Planning decisions	Agree.
Clause 12.2	Committee of the whole	<p>Disagree.</p> <p>Committee of the whole allows for extended debate and conversation. Standing may deter these discussions and debate. It is further noted above on concerns relating to standing over another councillor during a heated debate.</p>
Clause 14.11	Representations by members of the public	<p>Suggest amendment for clarification.</p> <p>The clause is confusing and should be clarified. It is assumed that the members of the public can address Council in Closed Council if Council determines so. More clarity is required.</p>
Removal Clauses 14.12 to 14.17	Representations by members of the public approvals by General Manager	<p>Clarification required – suggest amendment.</p> <p>If the clauses relating to the General Manager approving representations by the public are removed, please clarify <i>“in a manner determined by Council”</i>.</p>

Code clause	Impact	CNSWJO Comment
		If Council resolves that a General Manager is able to determine the representations similar to the current Code and it is maintaining status quo, does this comply? Please clarify.
Clause 14.19 and 14.20	Closed Council business items	Suggest amendment To ensure that the principles of Section 10A are upheld, we suggest there needs to be further guidance on treating tenders that may confer commercial information as confidential text. E.g. when contracts are uploaded onto state government contract registers but the supplier requests confidential text. However, the rest of the information is able to provided where the Council resolves to do so.
Removal Clause 15.2	Point or Order	Agree.
Clause 15.1(d)	Acts of Disorder	Disagree and suggest amendment The removal of the Council's Code of Conduct but instead replaced with <i>"uses any language, words or gestures that would be regarded as disorderly in the NSW Legislative Assembly"</i> seems confusing. The Council Chamber is not the NSW Legislatively Assembly? Furthermore, it seems to be open to interpretation on the level of 'disorderly.' The Council's Code of Conduct should be the policy that Councillors and staff need to adhere to.
Clause 15.12 and 15.13	Acts of Disorder (failure to comply)	Disagree and suggest amendment The Chairperson, predominantly the Mayor has the ability to take action against a Councillor to remedy an act of disorder. In the instance of interpersonal conflict between a Mayor and a Councillor, this could be weaponised. It is recommended that this is a collective decision by way of resolution of the Council who vote of a remedy of action for the act of disorder of the Councillor in question.
Clause 15.15	Expulsion from meetings	Disagree and suggest amendment As above, the Chairperson, predominantly the mayor has the ability to expel someone from a meeting. This could be weaponised where there is interpersonal conflict between the two people. It is recommended that this is a collective decision by way of resolution of the Council who vote of a remedy of action for the act of disorder of the Councillor in question.
Clause 17.10	Rescinding planning decisions	Agree.
Clause 18	Time limits on council meetings	Suggest amending it back to the former. The language provided is non-restrictive/non-committal, however appears to have the same intent. Therefore why does this need to be changed?
Removal Clause 20.8	Attendance at committee meetings	Disagree and suggest amending back to the former. If a Councillor fails to attend consecutive committee meetings without giving reasons acceptable to the Committee, what are the avenues afforded to the Committee to address the absenteeism issue? The Councillor's absenteeism may have potential implications for the ongoing business of Council.
Clause 20.20 and 20.21	Closed Committee business items	Suggest amendment. To ensure that the principles of Section 10A are upheld at the time that matters may be closed for business, we suggest there needs to be further guidance on treating tenders that may confer commercial information as confidential text. E.g. when contracts

Code clause	Impact	CNSWJO Comment
		are uploaded onto state government contract registers but the supplier requests confidential text.

Conclusion

Thank you for the opportunity to provide feedback to this discussion paper. If you require further information or clarification on comments in this submission, please do not hesitate to contact [REDACTED]

Yours sincerely,

[REDACTED]

Jenny Bennett
Executive Officer
Central NSW Joint Organisation (CNSWJO)