



Cowra Council

Cowra Shire Council
116 Kendal Street
Private Bag 342
Cowra NSW 2794
Phone: 02 6340 2000
council@cowra.nsw.gov.au
www.cowracouncil.com.au

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Office of Local Government
ATTN OLG Council Governance team
Locked Bag 3015
NOWRA NSW 2541

E: olg@olg.nsw.gov.au

RE Submission – Model Meeting Code Amendments

Cowra Council welcomes the opportunity to provide feedback on the draft Model Code of Meeting Practice. The points below are made by reference to the marked up draft Code:

- **Current clauses 3.12 and 3.13** – Removal of these clauses is not considered in the best interests of responsible and sustainable use of council resources ie staff and finances. Nor is it considered a sound risk-based approach from a legal perspective. The General Manager and staff are well placed to provide advice to council on these matters and the clauses should be retained. This proposed change is **NOT SUPPORTED**.
- **Amended clause 3.18** – consultation with the mayor is not considered necessary and could only potentially delay preparation and distribution of business papers. This proposed change is **NOT SUPPORTED**.
- **Current clause 3.15** – Removal of this clause leaves any member of staff, open to potential unsubstantiated public vilification. There are adequate policies currently in place ie Code of Conduct and Internal Reporting Procedure that provide avenues for inappropriate conduct or complaints to be managed effectively. These policies incorporate principles of procedural fairness and accountability that the removal of this clause would see cast aside. This proposed change is **NOT SUPPORTED**.
- **Current clauses 3.33 – 3.38** – Removal of these clauses and the banning of briefing sessions/workshops is opposed and not considered to provide for best practice decision making. This change has the potential for major ramifications on how Cowra Council currently operates. By way of example it would appear the following meetings/workshops would be unable to be held outside of a public meeting:
 - Workshops designed to discuss the development of the Operational Plan, Revenue Policy and reviewing the Long-Term Financial Plan
 - Workshops designed to discuss the review of the Community Strategic Plan

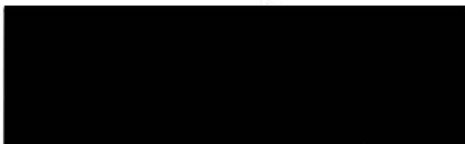
- Workshops to discuss the review and/or development of an environmental planning instrument
 - Workshops to discuss any draft policies that are to be presented to a council meeting
 - Councillors rely upon these workshops to have a full and frank exchange of ideas and questions amongst each other and with senior staff. Taking this opportunity away will likely lead to less rigour in the discussion of matters that will eventually be decided upon by council.
 - Council could understand the banning of briefing sessions on items included in a business paper, after the business paper has been published, however council is strongly opposed to the wider banning of briefing sessions/workshops that play a valuable role in robust decision making. This proposed change is **NOT SUPPORTED**.
- **Current Section 4** – The removal of the prescriptive clauses in this section and allowing Council's to determine the rules as to how public forums are to be conducted is welcomed. This proposed change is **SUPPORTED**.
 - **Current clause 5.19** – Changes to this clause will mean councillors will only be able to attend meetings by audio-visual means if they are prevented from attending because of ill-health or other medical reasons or because of unforeseen caring responsibilities. It is considered this change unnecessarily restricts a councillor's ability to participate in council meetings eg when out of town on business or for personal reasons. This proposed change is **NOT SUPPORTED**.
 - **Amendments to current clause 5.43** – Having council determine what staff attend a meeting conflicts with the intent of the act and the general manager being responsible for managing staff and may also conflict with the Award. This proposed change is **NOT SUPPORTED**.
 - **Current clause 5.44** – Removal of this clause prevents staff from participating in any meeting by audio-visual means. Why there is a different rule for staff and councillors is unclear. At the very least there should be an exception when a meeting is held in accordance with the provisions of clause 5.16. Think COVID. This proposed change is **NOT SUPPORTED**.
 - **New clause 7.1** – Councillors and staff will be required to stand when the mayor enters the chamber and when addressing the meeting, where able to. Whilst standing when addressing council may assist with the orderly conduct of the meeting, it is arguable whether the level of respectful debate in the NSW Parliament is enhanced by standing and whether that would be the outcome for local government. This proposed change is **NOT SUPPORTED**.
 - **Current clause 9.10** – The same argument for retention of this clause applies here as it does to clauses 3.12 and 3.13 above. This proposed change is **NOT SUPPORTED**.
 - **Amendment to new clause 9.15** – councillors may through the mayor put a question to the general manager only. The general manager may request a member

of staff present to answer the question. This change is considered reasonable. This proposed change is **SUPPORTED**.

- **Current clause 10.9** – The same argument for retention of this clause applies here as it does to clauses 3.12 and 3.13 above. This proposed change is **NOT SUPPORTED**.
- **New clause 11.12** – inclusion of this clause is logical and reflects long standing practice at Cowra Council. This proposed change is **SUPPORTED**.
- **New clause 11.13** – One would have thought the reasons for adopting a resolution that is inconsistent with the staff recommendation would be obvious by reading the resolution adopted. It is arguable this clause provides a greater level of understanding, information and transparency for those who are reading the reports/recommendations and minutes without the benefit of having seen the debate. This proposed change is **SUPPORTED**.
- **New clauses 14.19-14.20** – The difficult question will be what we should include in reports and what is confidential. Council can foresee a possible need to seek legal advice on these matters. This proposed change is **NOT SUPPORTED**.
- **Clause 15.10(d)** – The reference to the NSW Legislative Assembly seems odd and unnecessary. How is council supposed to monitor what is regarded as disorderly in the NSW parliament? This proposed change is **NOT SUPPORTED**.

Thankyou for the opportunity to provide feedback. Council looks forward to the feedback being properly considered in the ongoing review.

Yours faithfully



Paul Devery
General Manager