

From: [Michael Spence](#)
To: [OLG BS Office of Local Government Mailbox](#)
Subject: SUBMISSION- CONSULTATION DRAFT - A NEW MODEL CODE OF MEETING PRACTICE
Date: Wednesday, 26 February 2025 8:55:03 AM
Attachments: [image001.png](#)
[Council adopted recommendations to proposed changes to Code of Meeting Practice.pdf](#)
[SUBMISSION 1-CONSULTATION DRAFT THE OFFICE OF LOCAL GOVERNMENT - A NEW MODEL CODE OF MEETING PRACTICE REPORT.pdf](#)
[Draft Submission to OLG 26112024.pdf](#)

At the Ordinary meeting of Council held 25 February 2025 Council resolved as follows:
Council provides a submission to the Office of Local Government on the new Model Code of Meeting Practice to include:

1. The previous submission sent in November 2024 (attached).
2. This report.
3. The recommendations shown in this report.

Attached are the adopted recommendations, Council report and previous submission lodged in November 2024.

Should you require any further information please let me know.

Regards,



Michael Spence

Manager - Governance & Public Officer

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SUBMISSION TO OFFICE OF LOCAL GOVERNMENT – COUNCILLOR CONDUCT AND MEETING PRACTICES-A NEW FRAMEWORK

The entire report will be submitted including the following recommendations:

Recommendation 1

The Hills Shire Council holds effective, efficient Council meetings chaired by the Mayor who maintains respect, order and consistency with the adopted Code of Conduct and Code of Meeting Practice. The Council meets approximately 21 times a year and considers approximately 300 items of business with the vast majority being decided within open session of the meeting. The Council does not have a history of code of conduct complaints and does not receive complaints about the Chair or conduct of its meetings.

Recommendation 2

Different pathways and penalties should be established however in councils experience the current code of conduct itself is not a problem however the procedures for its administration are. There is an opportunity for complaints to be submitted in a prescribed format to identify vexatious and frivolous complaints early. There could also be improvement to definitions of what is considered vexatious and frivolous. Council supports any change to improve the resources for fast, fair independent complaint assessment.

Recommendation 3

The Hills Shire Council supports a review of the current processing framework for code of conduct complaints. Council supports better resourcing, an independent complaints assessment process that is fair to all parties resulting in timely and appropriate finalisation of complaints.

Recommendation 4

The Hills Shire Council wishes to make the OLG aware that the notion that the allowance provided to Councillors and Mayors as being “pay” or sitting fees is incorrect. The Hills Shire Council supports the proposal for the Council not to be the complaints handler for serious matters relating to gifts and benefits, pecuniary interests, donations, significant nonpecuniary interests and misuse of resources. Council also supports the penalties for these matters be determined by an appropriately resourced, skilled and independent structure.

Recommendation 5

The Hills Shire Council does not support the establishment of a Local Government Privileges committee as envisaged in the discussion paper. Instead, a panel of suitably qualified and independent persons should be formed to deal with Councillor mis behaviour that has not been addressed at the local level or where the behaviour is persistent.

Recommendation 6

The Hills Shire Council has no concerns about the existing Code of Conduct rather its concerns are primarily around the administrative procedures. Any new Code of Conduct for Councillors should not be so brief as to be open to broad interpretations and should be clear to all readers of the behaviour and conduct expected, clear about the pathways for a complaint and its resolution and instil accountability whilst being fair to all stakeholders. Out of the two codes of conduct relating to the NSW parliament, the Code of conduct for ministers seems a more appropriate model for Councillors.

Recommendation 7

The Hills Shire Council supports confidential briefing sessions and the current controls in the current model code of meeting practice in relation to confidential briefings is effective. It is clear that such briefing are not to be used for decision making or be a substitute for behind closed doors decision making. An improvement opportunity exists to make it a requirement that any resolution inconsistent to that in the printed business paper be supported with reasons and a division where the record of individual councillor votes is recorded.

Recommendation 8

The Hills Shire Council supports in principle the amendment to the Oath of Office to align with the code of conduct.

Recommendation 9

The Code of Conduct should set minimum standards of behaviour and conduct and should not be aspirational.

Recommendation 10

The key elements of a Code of Conduct are

- (a) A clear link to the principles for local government as laid out in Chapter 3 of the Local Government Act 1993.*
- (b) A clear expectation of the minimum standards of always acting ethically and honesty in the persons official capacity.*

- (c) *What are the minimum standards of behaviour.*
- (d) *Making a breach of the Oath of Office misconduct.*
- (e) *Misconduct being defined.*
- (f) *Setting a clear expectation that a Councils majority decision will be the one implemented with any public disapproval being clear that the decision is different.*
- (g) *Setting a clear expectation around the proactive identification and management of conflicts of interest, especially around pecuniary and significant nonpecuniary interests.*
- (h) *Clear expectations around gifts and benefits.*
- (i) *Consequences for not complying with Code of Conduct*
- (j) *Clear expectation around supporting any investigation into a code of conduct matter.*
- (k) *Recognising there are probably three streams of seriousness, behavioural breach, misconduct and corrupt conduct and setting the expectation that only the most serious matters will be considered for maximum penalties.*
- (l) *Making clear the Work, Health and safety obligations of Councillors*
- (m) *Making clear the responsibilities of the governing body as distinct from day-to-day management of the Councils operations.*
- (n) *Mayor and Councillors do not to give direction to staff.*

Recommendation 11

Better definition and annotation is required to give better clarity and understanding of pecuniary and non-pecuniary interests that are significant. Words such as “appreciable”, “perception” and “significant” are open to broad interpretation and should be better defined so as to reduce unnecessary complaints and to give clear indication to members of the public that conflicts of interest are inevitable and what is important is there is disclosure by the elected official and removal from the conflict where it is necessary.

Recommendation 12

The Hills Shire Council have no position on the banning of developers and real estate agents and that the question be a matter for the NSW Government to determine.

Recommendation 13

The Hills Shire Council supports managing behaviour in the first instance at the local level and that serious or repeat misbehaviour be assessed and determined by a panel that is qualified, experienced and independent and that can recommend remedy, sanction or penalty.

Recommendation 14

It would be important that any such policy is realistic, provides sufficient clear definitions and a clear process of how to identify, declaring record and release to the public any discussions that are captured by the policy. It needs to be clear as to what lobbying activity is captured and what isn't.

Recommendation 15

The Hills Shire Council supports different pathways of dealing with misconduct based on seriousness is sensible and that removal of the two-step process is supported. The handling of serious complaints by the OLG is supported providing it also deals with complaints that are serious but do not amount to conflicts of interest. Council supports an opportunity to manage poor behaviour at the local level in the first instance.

Recommendation 16

The Hills Shire Council supports the concept of a PIN for minor breaches as outlined in the discussion paper and makes no contribution as to the penalty amount other than it needs to be sufficient to act as a genuine deterrent and be such that the community accepts as reasonable penalty for the crime

Recommendation 17

Powers of Mayors/Chairs to expel Councillors and members of the public for acts of disorder should be enshrined in the Local Government Act. Mayors issuing PIN's is considered problematic and that authority/responsibility should be given to a suitably qualified person/body. It is also necessary for Mayors/Chairs to be trained in the responsibilities to manage and control the meeting and Mayors/Chairs fairly to do so should also be on an Act of Misconduct.

Recommendation 18

The Hills Shire Council does not support the proposal to ban confidential briefing sessions and considers the existing Code of Meeting Practise adequately deals with this issue.

ITEM **CONSULTATION DRAFT THE OFFICE OF LOCAL GOVERNMENT –
A NEW MODEL CODE OF MEETING PRACTICE**

THEME: Proactive Leadership

MEETING DATE: **25 FEBRUARY 2025**

COUNCIL MEETING

GROUP: **FINANCE AND CORPORATE STRATEGY**

AUTHOR: **MANAGER GOVERNANCE AND PUBLIC OFFICER**
MICHAEL SPENCE

RESPONSIBLE OFFICER: **GENERAL MANAGER**
MICHAEL EDGAR

PURPOSE

The purpose of this report is to consider the consultation draft released by the Office of Local Government titled “A new Model Code of Meeting Practice”. The Office of Local Government (OLG) is seeking input from Councils and others on the draft code with submissions required by the close of business 28th February 2025.

RECOMMENDATION

Council provides a submission to the Office of Local Government on the new Model Code of Meeting Practice to include:

1. The previous submission sent in November 2024 (attached).
2. This report.
3. The recommendations shown in this report.

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates. However, if adopted and this becomes the prescribed Code of Meeting practice, Council will need to amend its own code, procedures and resources to ensure consistency prior to September 2025.

Strategic Plan - Hills Future

This report demonstrates transparency in Local Government and ensures Council is accountable to the community and meets legislative requirements.

LINK TO HILLS SHIRE PLAN

Strategy:

3.3 Ensure Council is accountable to the community and meets legislative requirements and support Council's elected representatives for their role in the community.

Outcomes:

3 Sound governance that values and engages our customers and is based on transparency and accountability.

REPORT**INTRODUCTION**

Under section 360 of the Local Government Act 1993, all NSW Councils must within 12 months of a general election adopt a Code of Meeting Practice that incorporates the mandatory provisions of the model code prescribed by the Local Government (General) Regulation. A Council's Code of Meeting Practice can incorporate other provisions that are not inconsistent with the mandatory provisions of the prescribed model code.

The NSW Office of Local Government (OLG) issued a Consultation draft - "A New Model Code of Meeting Practice" in December 2024 and is attachment 2 to this report. The Minister for Local Government Mr Ron Hoenig (Minister) has foreshadowed the changes he believes will lead to more effective, robust, respectful debate resulting in actionable outcomes for communities. This work follows on from a discussion paper on Councillor conduct and meeting practices released in October 2024 which Council sent a submission as resolved at the Ordinary Council meeting held on 26 November 2024 which is attachment 3 of this report.

Council meetings are where the Mayor and Councillors, who comprise the governing body, make decisions on the policies and programs of Council. It is where the Mayor and Councillors come together, debate and decide on important matters and will involve the monitoring of the performance of the Council and its achievement of its strategic priorities and objectives.

Council meetings are also an important element in showing the community what a council does, the services it provides and gives the community the right to attend and witness the conduct of the meeting and the decision-making process. Given its importance to the function of Council, the Local Government Act sets out provisions about the requirement for Council meetings, grounds for closing meetings to the public, the role of the Mayor, Councillors and General Manager.

The conduct of the meeting is key to the Council's operation, reputation and governance. How meetings are conducted is very important as it must be respectful, professional, allow all decision makers to contribute and instil confidence in the decisions that are made. The governing body also needs to be clear in how Mayors and individual Councillors manage conflicts of interest. The Hills Shire Council has a demonstrated record in relation to the conduct of its meetings and has considerable experience and expertise to contribute to the draft changes.

Many of the proposed changes to the model code reflect Council's current operations or will leave it open for Council to determine its own process and procedures. There are some changes that will make significant changes to the operation of Council meetings including how staff participate, the role of Councillors and General Manager the role of Mayor and dealing with confidential items. Some of these changes need legislative change as it would appear to be inconsistent with the Act and Regulations. These changes in legislation are not available at this time and should be to enable the full context of the draft model code to be understood. There are concerns that some of the changes in the model code and the legislation will not deliver on the Ministers objectives and may not represent best governance practice.

The opportunity to contribute to the proposed changes is welcome. Council supports the objective to recognise and improve the status of local government and the role of the Mayor and Councillors. Rightly, local government is the level of government closest to our residents and provides a diverse range of services and facilities to support the quality of life for our residents. Effective, efficient and professional meetings where the public can see Councils decision making is of utmost importance and some of the proposed measures may be counter intuitive to that objective.

REPORT

The Local Government Act (the Act) and the Local Government General Regulation rightly contain provisions that relate to the decision making of Councils. Council meetings are of utmost importance and for many years the OLG has prescribed a Code of Meeting Practice for Councils to use in the development of their own Code of Meeting practice. The Council meeting is the decision-making forum for the Mayor and Councillors. It is where the governing body comes together to discuss, debate and decide on important matters relating to Council's strategic direction, policies, resourcing and operation. It is like that of a Board meeting in a company however it is different in that Council meetings are required to be open to the public to improve transparency and provide community oversight on the Council's decision making.

There are clearly many Councils that are performing at a level below community expectation and there are concerns that the Minister is setting a direction that would encourage a lesser level of behaviour under the new Code. It is concerning that some of the changes could move toward a more inefficient meeting process and provide an opportunity for significant disruption which will diminish the reputation of local councils. More detail discussion of the changes in contained in this report.

Restoring dignity to the Chamber

Under the local Government Act, Mayors are the Chair and the person responsible for the Council meeting. Councillors are to be an active and contributing member of the governing body making considered and informed decisions in the best interests of all in the local community. General Managers are responsible under the Local Government Act for the day-to-day management of the Council in accordance with the Council's strategic plans, programs, strategies and policies and have specific responsibilities in relation to meetings in ensuring Council resolutions are implemented by the organisation. Effective governance and a sign of a good council is one where there is collaboration, respect and a positive working relationship collectively between the General Manager, the Mayor and Councillors.

Meetings should set a clear tone of the highest standards of ethical decision making. Council meetings should be efficient and respectful of everyone's time, especially that of residents. Some of the suggested changes may be counter intuitive to this objective and should therefore be avoided so as to not be creating an impression that poor behaviour is leading to too many complaints so let's diminish the standards! This is an opportunity to enhance the standards.

The Ministers stated goal that there should be dignity in the Council chamber is supported. The Council chamber should have a presence and set a tone of respect, professionalism and good governance. It should be fair to all, and the Mayor and Councillors ought to feel safe, confident and able to perform their role without experiencing abuse or threats. This is a hallmark of the operation of The Hills Shire and the Council does not have a demonstrated history of complaints about the conduct of Council meetings. In recent memory, the only occasion where a Councillor has expressed a situation where they felt unable to speak was in an instance when a public gallery attended the meeting and were particularly hostile and chose to cheer, jeer and otherwise seek to intimidate Councillors expressing an alternate view to theirs. It is that kind of behaviour that if not properly addressed, can lead to Councillors choosing not to debate and instead just vote without explanation which is not the objective of the Chamber. Giving powers to the Mayor to manage such behaviour is welcome but in many ways impractical in real time. It is important that any Model Code of Meeting Practice promotes professionalism and leaves community participation to that of viewing the decisions being made.

The proposal under clause 7.1 to require (where they can) Councillors and staff to stand when entering the Chamber is supported. The proposal to require Councillors and staff to stand when addressing the meeting is not supported and this idea should be left to individual Councils to determine. In some Council chambers, the nature and configuration of the seating would mean that councillors and staff standing will look overbearing and, in some circumstances, will be a constant reminder of those who may be unable to stand, of their disability. It is recommended that the Model Code of Meeting Practice only mandate standing for the Mayor when he/she enters the Chamber.

The proposal to provide the Mayor the ability to call an extraordinary meeting without the need to obtain the signature of two (2) Councillors in clause 3.3 is supported. This should also mean that any Councillor wishing to bring a motion of urgency should be via this process. The Mayor should determine in confidence and urgency motion and only if determined to be urgent, it then be raised in the chamber. The two step process in the current model code and repeated in the draft code is cumbersome and can be open to abuse.

The proposal to give Mayors greater flexibility to bring Mayoral Minutes on any topic the Mayor sees fit is supported however consideration about the notice required should be considered in finalising these reforms. One of the most fundamental governance requirements is for Councillors to be ready for the meeting and to make informed decisions. They need time for the opportunity to read the agenda items, seek further information where necessary, to identify and then deal with conflicts of interest. It is important that a meeting isn't characterised by numerous mayoral minutes introducing topics and items of business where there has not been the opportunity for Councillors to consider, investigate and be able to contribute including, managing any conflicts of interest.

The proposal that by default is Councillors must attend the meeting in person is supported as remote attendance can make it more difficult for Mayors to chair meetings and can give rise to circumstances that diminish the importance of the Council Chamber. The Hills Shire would prefer the flexibility to be able to include a provision to not permit electronic meetings unless all participants are participating that way like what occurred during the Covid 19 pandemic. If a Councillor is ill, or has unforeseen carer duties, it is questionable as to whether it is appropriate for Councillors to be participating in the meeting at all and the changes to the leave of absence provisions support an apology. Most Councils have sufficient Councillors to maintain a quorum and hence the participation electronically should be a matter entirely for the Council to decide.

The proposed changes to the leave of absence and expulsion for disorder is supported. What needs to be made clear is the power of the Mayor (Chair) to do so and whether it requires a Council resolution.

Finally, removal of the statement of ethical obligations from the business paper is sending the wrong message. The oath of office is considered one of the most important things an elected official performs and the Act mandates it before participation in the first Council meeting. Removing it from the business paper diminishes its importance and sets a confusing tone for the behaviour and ethical obligations when making decisions that bind the Council. This should be retained as the mayor, Councillors and the Council Chamber should be setting the “tone from the top” and it should not be unreasonable to expect elected officials to adhere to clear and unambiguous behavioural standards toward each other, staff and residents.

Promoting transparency, integrity and public participation

The most controversial of the Minister’s reforms has been his thoughts on Councillor briefings. Initially it was thought he was referring to briefings and workshops however the Minister in his forward has seen value in workshops including strategic planning workshops which is a positive sign. There is widespread consensus and agreement that briefing sessions cannot and should not be the decision-making forum. However, briefings and workshops have provided effective, safe and meaningful ways to educate matters coming before the Council as a collective and enables Councillors to be active and contributing members of the governing body in the Council Chamber. Ironically, there are instances where Government Agencies wish to use Councillor briefing sessions to discuss key issues.

For the Hills Shire, the only pre meeting briefing akin to what the Minister seems to be most concerned about is our agenda review with the Mayor and Deputy Mayor. The Hills Shire Council has not used the provisions of the current Code of Meeting Practice that permits confidential pre meeting briefing sessions and hence may well be the reasons the corrosive effects the Minister speaks about, do not exist in The Hills. Material discussed in briefing reports to Councillor Workshops that at a future date come before Council, is reflected in the professional officer’s report as is appropriate.

The way the Minister wishes to implement his reform is in two parts. Firstly, through the deletion of pre meeting briefings on Council business papers as outlined in the attachment and secondly, to prevent a Council including it as a local provision, making changes to legislation to prohibit it. Providing the extent of the reform as outlined in the draft is the extent of the legislation, it will not affect the operation of The Hills Shire. It would appear that the Minister is not concerned with Councillor Workshops, strategic workshops, training and the like which are envisaged to continue. Our submission should observe that it is appropriate that agenda review be not only the Mayor, but the Deputy Mayor if the Council has chosen to elect a Deputy Mayor.

It is important that the Minister and the OLG hear our clear concerns about briefings to Councillors. The practice of briefing Councillors has been in place more many decades, so it is hard to support an assertion that this practice is recent and is the reason for the loss of dignity and integrity in Councils. Local government provides a wide array of services and facilities that can be complex, and it is important that Councillors are given the opportunity to obtain background information and advice before they make significant decisions in the public. Councillors do wish to be able to debate and make decisions in a way that shows they are informed, knowledgeable and professional. Briefings have assisted in this objective and having Councillors suitably briefed allows them to make better contributions in their debate and make better decisions overall which is the stated goal of the Minister.

There is broad agreement that Council should only be making important decisions in Council meetings based on properly authored reports with relevant supporting information. If the reform is limited only to briefing sessions for the business paper, then the reform is supported. Council’s current custom and practice is to brief the Mayor and Deputy Mayor in an “agenda review” process a few days ahead of business paper print and this has worked well.

Councillor strategic workshops, training, provisional development and the like cannot be practically and effectively held in public and to do so is not supported and considered unfair to the elected Councillors. Councils are major businesses in their own rights and the governing body needs to be able to strategise, look at its services and understand issues important to the sector in confidence. All Councillors should be briefed on these matters together and all Councillors as contributing members of the governing body should have access to all materials and information to support the role given to them under the Act.

In relation to the targeted consultation questions, it is Council's view that this proposal will not achieve the objective of promoting transparency, integrity and public participation and may have unintended consequences for the community and councils (we note that the consultation draft proposes to exclude the mayor from these restrictions).

Holding pre-meeting briefing sessions allows a council to balance confidentiality and transparent decision making by providing a forum where confidential matters can be discussed that may then prevent the need for part of meeting to be closed to the public should there be no pre-meeting briefing session. This does not corrode the transparency of Council decision making and can be effectively balanced with the overriding principle of open accountable decision making in government. Council's practice is to produce a confidential business paper for any pre-meeting briefing session, all of which may be subject to access applications under the Government Information (Public Access) Act 2009 (GIPA Act). Consideration of matters in a pre-meeting briefing session does not operate so as to quarantine them from the public domain.

To the extent that parts of a council meeting can be closed pursuant to the provisions in s10A Local Government Act 1993 (LG Act), the proposal to prohibit pre-meeting briefing sessions appears to be counter intuitive. The proposal may have the unintended consequence of requiring parts of meetings to be closed to the public if all material within a business paper (including confidential personal information or commercial in confidence information) is required to be disclosed because it was not subject to an earlier pre-meeting briefing session.

Further, the proposal to prohibit pre-meeting briefing sessions may undermine the ability of a council to conduct streamlined and efficient meetings. Without the opportunity to discuss confidential, preliminary matters in pre-meeting briefing sessions, the proposal may have the consequence of lengthening the time required to discuss matters and move between open to closed session in council meetings, likely diverting the focus of any debate away from the core issues that are important to the community.

As an alternative to the proposal but still achieving the same objective, a framework could be developed to guide councils in their consideration of what matters could appropriately be subject to pre-meeting briefing sessions, with the aim of encouraging councils to only hold pre-meeting briefing sessions where necessary.

The proposal to require a system and process to release confidential business paper items on Council's website once the material ceases to be confidential is well intentioned but problematic. The system will be prone to unintentional oversight and adds a complexity and process that is inefficient and unnecessary. Councils should be encouraged wherever possible to place as much business in the business paper in open session. The Hills uses confidential attachments to support Council public reports which has then seen very few matters in confidential session. However, from time to time for reasons outlined in section 10A of the Act, there are valid reasons where business must maintain confidentiality and there being no clear time where it ceases to be. Perhaps a better way forward would be to strengthen the requirement to make clear the reasons for confidentiality and consideration as to when it may be possible to be released which is then reflected in the resolution. It could be then left to a GIPA application and appeal process if a person wanted to test the confidentiality of certain information.

As OLG would be well aware, the matters that Council may consider in a meeting closed to the public can be many and varied, given the broad matters included at in cl14.1 of the Model Code (which reflect the matters listed in s10A(2) LG Act) that form the basis of a decision to close part of a meeting. By way of example, Council has in the past closed parts of meetings to deal with property related matters, organisational structure and general manager performance reviews.

The consultation draft does not propose the development of guidance material or other criteria to assist in determining when certain types of information may cease to be confidential, which will lead to subjective decision making and increased administrative burdens on councils. In the absence of any guidance material, or framework to govern decision making around confidentiality in this context, the proposal places an extraordinary burden on general managers and councils to put a timeframe on when the sensitivity of a person or organisation's information may cease to be confidential. In some ways, this is an almost impossible task. By way of example, how would a general manager be able to determine when an individual's personal information in a business paper about a personnel matter (cl14.1(a)) is no longer confidential? On balance, that information could remain confidential in perpetuity. Similarly, there is a strong argument that commercial in confidence information of local businesses (which might be discussed in a closed meeting pursuant to cl14.1(c) or (d)) would be severely compromised by this proposal. There are also risks to councils should they be required to make a decision to remove confidentiality, and the person to whom the information relates disputes council's decision (such as claims for breach of confidentiality). This may see an increase in litigation related to these decisions. In both commercial and personal matters, it may not be a straightforward exercise to determine whether information is or has ceased to be, confidential.

Recommendation 3 of the NSW ICAC Report, Investigation into the conduct of the City of Canada Bay Council Mayor and others is noted. What the consultation draft does not appear to address is dot point 2 of Recommendation 3, namely, that the Department of Planning and Environment "advises councils of an appropriate framework for considering the release of information previously considered confidential". This is at the core of our submission, that these amendments cannot be imposed without measures in place to guide councils in their decision making and minimise associated risks.

Council is also concerned that there does not appear to be a provision in the proposed amendments to the Regulation providing for a decision that information can remain confidential and therefore exempt certain business papers from this requirement. A blanket requirement as proposed will not only give rise to the scenarios outlined above but may undermine the confidence of the community when dealing with Council, for fear of publication of sensitive and confidential information (whether about an individual or a business).

There are other options available to a person who might wish to access a business paper considered at a part of a meeting closed to the public, for example by way of an application under the GIPA Act. The GIPA Act contains a presumption in favour of the disclosure of government information (s5 GIPA Act) but allows for the assessment of access applications by trained staff according to detailed considerations set out in the legislation and supported by well developed guidance material.

The provisions requiring meetings to be recorded and available on Council's website for the term and in the case of an election year, for twelve (12) months is supported. The provision allowing Council to choose whether it wishes to provide audio and visual recordings is supported. The proposal to prevent Councils from making final planning decisions without the benefit of a staff report is supported as well as the requirement to provide reasons a planning decision that is different to that of the Council staff recommendation.

Depoliticising the role of the General Manager

This is a well-intentioned objective however the proposed changes are counter intuitive to that objective. Providing strategic, financial or policy implications in relation to notices of motions do not politicise the role of General Manager. Councils are complex in the services and facilities they provide. They also procure significant materials and contracts in a competitive environment. The Integrated Planning and Reporting framework is complex.

The putting together of Council's financial plans through the Integrated Planning and Reporting requirements is time consuming. Council spends operationally 6 months preparing these plans and the long-term budgets. Councillors will typically consider draft budgets and plans over that period at least 4 times. These plans and budgets are not simply amended on the "fly" and the requirement to have the General Manager to provide comment on motions that have budget and operational impacts is considered good governance. Except there is time to identify and quantify the impact, it is no different to being asked about the implications in the chamber. Such advice provided with the business paper is to assist in the decision making rather than interfere with the process. The Act already puts an onus on the General Manager to ensure Council resolutions are implemented without undue delay.

A question with notice put to the General Manager should be answered and while the Mayor is the first among equals, it would appear to be contrary to good governance for the Mayor to have the ability to not permit an answer to a Councillor's question with notice. Questions without notice should be avoided and it should be a matter for the Mayor as Chair to rule that way. The General Manager ought to determine who and how to answer questions about items on the business paper however the ability for the Mayor (Chair) of the meeting to rule questions out of order is supported.

Removing the provision preventing questions comprising a complaint about staff or wrongdoing by staff is not supported. Complaints about the General Manager and staff should not be aired and managed in a council meeting and there are risks for doing so including defamation, reputational loss, psychological injury and that due process may not be afforded. The current provisions support the work of SafeWork NSW and do represent good governance practice for Council.

Staff attendance at meetings should be determined by the General Manager in consultation with the Mayor. It is custom and practice at The Hills for the General Manager, Group Managers CFO and specialist Managers with agenda items to attend Council meetings. This approach has served Council well and it is very rare that debate or a decision cannot be made due to the non-attendance of certain staff. The General Manager has the work health and safety responsibility for staff, has the best understanding of the skills of staff and is best placed to determine the staff attendance at Council meetings to support the decision making about agenda items. Further, Councillors do not have direct influence over staff under the Act. This proposed change is considered problematic and should not proceed in its current form.

Simplifying the Model Meeting Code

This objective is supported and so are the proposals around foreshadowed motions. However, the reform does not properly address urgent business. It still is a two-step process, and it should be a matter for the Chair to rule and be clearly only on a matter that would be detrimental to the Council's functioning if left to the next Council meeting. The simplification around the Mayor's ability to call an extraordinary meeting should make this provision almost exclusively only being required for a matter that is an emergency and the Mayor agrees. Council recommends there be no two-step process unless the Mayor has already agreed in confidence, the business is urgent.

Summary of the changes and suggested response.

The table below lists the proposed changes in the draft model code with draft recommendations many of which are already discussed in this report.

Clause	Draft Change	Recommendation
3.21	The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.	Agree. This represents our current practice.
3.3	The mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors	Agree and represents an efficient and important role for the Councils Mayor
3.8	The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, unless the council determines otherwise , but only if all councillors have facilities to access the notice, agenda and business papers in that form	Agree. This represents our current practice.
3.1	A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted [council to specify notice period required]within such reasonable time business days before the meeting is to be held as determined by the council.	Agree, Councils current Code requires NOM and QWN to be submitted 10 business days prior to the meeting.
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	Disagree. It is good governance for the General manager to provide such advice before the Council decides the matter.

3.13	<p>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</p>	<p>Disagree. Budgets are complex and changing them can already be achieved through a monthly budget cycle. Councillors should understand the impact of their proposals before making a decision.</p>
3.153	<p>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 the council</p>	<p>Disagree. This is considered fair and appropriate and should be in the mandatory code.</p>
3.18	<p>Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must, in consultation with the mayor, ensure that the agenda of the meeting: (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and (b) states the grounds under section 10A(2) of the Act relevant to the item of business</p>	<p>Agree. This reflects Councils current practice and could be improved by including a note as to when the information could be reclassified as an open document.</p>
3.23	<p>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</p>	<p>Disagree. The oath or affirmation is supposed to represent an important commitment the Mayor and Councillors make before assuming office. A reminder is considered appropriate and is not detrimental to the operation of Council meetings.</p>

3.25	Despite clause 3.284, business may be considered at an extraordinary meeting of the council at which all councillors are present , even though due notice of the business has not been given of the business, if: the council resolves to deal with the business on the grounds that it is urgent and (a) a motion is passed to have the business considered at the meeting, and (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency	Agree in principle so long as a quorum is present. Further improvements are outlined in body of report.
3.26	A motion moved under clause 3.25 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite clauses 10.18–10.27, only the mover of a motion moved under clause 3.25, and the mayor, if they are not the mover of the motion, can speak to the motion before it is put.	Agree in principal
3.27	If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.25 and the mayor also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting	Agree in principal and can be improved see main body of this report.
3.3	A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.	Agree, Delete as suggested
3.31	Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.	Agree. Delete as suggested
3.33-3.38	Pre-meeting briefing sessions	The body of the report deals with this matter, Councils custom has been not to conduct these in this format outlined in the code of meting practice as it is optional.

5.25	<p>A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state :</p> <p>(a) the meetings the resolution applies to, and (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.</p>	Agree.
5.38	<p>The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period</p>	Agree.
5.43	<p>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 as determined by the council from time to time. 5.44 The general manager and other council staff may attend meetings of the Model Code of Meeting Practice for Local Councils in NSW 19 council and committees of the council by audio-visual link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager</p>	Disagree. The General Manager is responsible for staff resources and as is the custom and practice over many years, should be determined by the General Manager in consultation with the Mayor.
7.1	<p>Where they can, councillors and staff must stand when the mayor enters the chamber and when addressing the meeting</p>	Partially agree, All should stand upon the entry to the Chamber by the Mayor. Councils should be free to determine whether councillors or staff should stand as that may be perceived as being disrespectful standing above the Mayor and Councillors.

<p>8.1</p> <p>8.2</p>	<p>At a meeting of the council, the general order of business is as fixed by resolution of the council.</p> <p>The general order of business for an ordinary meeting of the council shall be: [councils may adapt the following order of business to meet their needs] 01 Opening meeting 02 Acknowledgement of country 03 Apologies and applications for a leave of absence or attendance by audio-visual link by councillors 04 Confirmation of minutes 05 Disclosures of interests 06 Mayoral minute(s) 07 Reports of committees 08 Reports to council 09 Notices of motions/Questions with notice 10 Confidential matters 11 Conclusion of the meeting Note: Councils must use either clause 8.1 or 8.2.</p>	<p>Agree. The order of business should be determined by Council.</p>
<p>9.1-9.4</p>	<p>Despite clause 9.1, business may be considered at a meeting of the council at which all councillors are present even though due notice of the business has not been given of the business to the councillors , if: the council resolves to deal with (a) a motion is passed to have the business considered at the meeting, and (b) the business to be considered is ruled by the chairperson to be of great urgency the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency.</p> <p>9.4 A motion moved under clause 9.3 can be moved without notice. Despite clauses 10.18–10.27, only the mover of a motion referred to in clause 9.3 and the mayor, if they are not the mover of the motion, can speak to the motion before it is put.</p> <p>9.5 If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the mayor also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting. 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.</p>	<p>Agree with further suggested changes as outlined in main body of this report.</p>

9.7-9.10	<p>Subject to clause 9.9, If the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge the mayor determines should be considered at the meeting. 9.78 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded. 9.89 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.</p> <p>9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.</p> <p>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</p>	Agree however need to have some protections concerning notice so that Councillors can do their own research and if necessary, identify and manage conflicts of interest.
9.15	<p>A councillor may, through the mayor general manager, put a question to a council employee the general manager about a matter on the agenda. The general manager may request another council employee to answer the question. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager</p>	Partially agree. All questions to staff should be put through the General Manager who can then determine who is best placed to provide an answer.

10.3	If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, they councillor may request the its withdrawal of the motion when it is before the council at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the mayor is to note the withdrawal of the notice of motion at the meeting	Agree.
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.	Disagree. This should remain due to the complexities of IP and R significant changes may be required.
10.17	A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.	Agree
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.	Disagree, this should be a matter for Council to determine and is necessary to enable the meeting to run efficiently and give every Councillor an opportunity to speak without overly extending the meeting.
11.12	The council or a council committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.	Agree

11.13	Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.	Agree
12.2	All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches and requiring councillors and staff to stand when addressing the meeting.	Agree however Council to determine whether Councillors or staff stand when making a contribution to the meeting.
14.142	Where the matter has been identified in the agenda of the meeting under clause 3.21 18 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by [date and time to be specified by the council] before the meeting at which the matter is to be considered a manner determined by the council.	Agree.
14.12	The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.	Disagree, this should remain with the mayor in consultation with the general manager to decide.
14.13	No more than [number to be specified by the council] speakers are to be permitted to make representations under clause 14.9.	Disagree. A reasonable limit should be imposed to allow meetings to be progressed in a timely manner. This should be open for Councils to decide and incorporate into their codes of meeting practice as additional provisions.
14.15	The general manager (or their delegate) is to determine the order of speakers	Disagree, clause should remain but reworded to have the mayor in consultation with the general manager to decide.

14.16	Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than [number to be specified by the council] speakers to make representations in such order as determined by the chairperson.	Agree but only if this can be put into Council's own rules and procedures.
14.17	Each speaker will be allowed [number to be specified by the council] minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.	Agree but only if this can be put into Council's own rules and procedures.
14.19	The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential	Agree with the intent however not in the current form. This needs to be improved see body of report.
14.20	The general manager must consult with the council before publishing information on the council's website under clause 14.19.	Disagree, the provisions of GIPA could determine access to classified confidential information.
15.2	A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.	Agree it should be a point of order requiring a ruling.

	<p>A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:</p> <p>(a) contravenes the Act, the Regulation or this code, or</p> <p>(b) assaults or threatens to assault another councillor or person present at the meeting, or</p> <p>(c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or</p> <p>(d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or uses any language, words or gestures that would be regarded as disorderly in the NSW Legislative Assembly, or</p> <p>(e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.</p>	<p>Disagree and if the intent is to reduce the weaponisation of the code of conduct to stifle debate, this provision supports that. Further, the clause should be more prescriptive instead of referring to NSW Legislative Assembly. Also should refer to limited privilege in the Chamber</p>
17.10	<p>A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than [council to specify the period of time]1 day after the meeting at which the resolution was adopted.</p>	<p>Agree. The practicalities of holding back planning decisions indefinitely is problematic. Allows resolution to be acted on after 1 day.</p>
17.12	<p>Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:</p> <p>(a) a notice of motion signed by three councillors is submitted to the chairperson at the meeting, and</p> <p>(b) the council resolves to deal with the a motion at the meeting on the to have the motion considered at the meeting is passed, and</p> <p>(c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council.</p>	<p>Agree.</p>

17.14	A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c) resolution adopted under clause 17.12(b) must state the reasons for the urgency	Agree.
18.1-18.2	<p>Meetings of the council and committees of the council are to conclude at a time the council may from time to time determine no later than [council to specify the time].</p> <p>18.2 If the business of the meeting is unfinished at [council to specify the time], the council or the committee may, by resolution, extend the time of the meeting.</p> <p>18.32 If the business of the meeting is unfinished at [council to specify the time]the time the council has determined, and the council does not resolve to extend the meeting, the chairperson must either: (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or (b) adjourn the meeting to a time, date and place fixed by the chairperson</p>	Agree. This reflects Council's current custom and practice.
20.8-20.9	<p>A committee member (other than the mayor) ceases to be a member of a committee if the committee member: (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.</p> <p>20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.</p>	Agree.
20.2419	20.2119 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 18 during a part of the meeting that is webcast where practicable.	Agree and this is the current custom and practice of Council.

20.20	The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.	Agree with the intent but this clause and process is inefficient and problematic.
20.21	The general manager must consult with the committee before publishing information on the council's website under clause 20.20.	Disagree. Refer to body of the report.

Conclusion

Council is supportive of the overall objectives of the proposed reforms to the Model Code of Meeting Practice for Local Councils in NSW. Council supports the principles of openness, transparency and promoting community confidence in decision making but we hold concerns in relation to the implementation of the reforms imposing total prohibitions on pre-meeting briefing sessions (proposed deletion of cl3.33 – 3.38) and imposing a requirement to determine when information contained in business papers considered at a meeting closed to the public, ceases to be confidential (proposed clause 14.19).

ATTACHMENTS

1. The Hills Shire Council Code of Meeting Practice (44 pages)
2. Consultation draft- A new Model Code of Meeting Practice (59 pages)
3. Draft Submission to OLG as per resolution on 26 November 2024(4 pages)

Council adopted recommendations to proposed changes to Code of Meeting Practice

Clause	Draft Change	Recommendation
3.21	The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.	Agree. This represents our current practice.
3.3	The mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors	Agree and represents an efficient and important role for the Councils Mayor
3.8	The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form unless the council determines otherwise but only if all councillors have facilities to access the notice, agenda and business papers in that form	Agree. This represents our current practice.
3.1	A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted [council to specify notice period required]within such reasonable time business days before the meeting is to be held as determined by the council.	Agree, Councils current Code requires NOM and QWN to be submitted 10 business days prior to the meeting.
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	Disagree. It is good governance for the General manager to provide such advice before the Council decides the matter.

3.13	<p>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</p>	<p>Disagree. Budgets are complex and changing them can already be achieved through a monthly budget cycle. Councillors should understand the impact of their proposals before making a decision.</p>
3.5	<p>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 the council</p>	<p>Disagree. This is considered fair and appropriate and should be in the mandatory code.</p>
3.18	<p>Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must, in consultation with the mayor ensure that the agenda of the meeting: (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and (b) states the grounds under section 10A(2) of the Act relevant to the item of business</p>	<p>Agree. This reflects Councils current practice and could be improved by including a note as to when the information could be reclassified as an open document.</p>
3.23	<p>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</p>	<p>Disagree. The oath or affirmation is supposed to represent an important commitment the Mayor and Councillors make before assuming office. A reminder is considered appropriate and is not detrimental to the operation of Council meetings.</p>

3.25	<p>Despite clause 3.284, business may be considered at an extraordinary meeting of the council at which all councillors are present, even though due notice of the business has not been given of the business. if the council resolves to deal with the business on the grounds that it is urgent and (a) a motion is passed to have the business considered at the meeting, and (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency</p>	Agree in principle so long as a quorum is present. Further improvements are outlined in body of report.
3.26	<p>A motion moved under clause 3.25 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite clauses 10.18–10.27, only the mover of a motion moved under clause 3.25, and the mavor, if they are not the mover of the motion, can speak to the motion before it is put.</p>	Agree in principal
3.27	<p>If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.25 and the mavor also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting</p>	Agree in principal and can be improved see main body of this report.
3.3	<p>A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.</p>	Agree, Delete as suggested
3.31	<p>Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.</p>	Agree. Delete as suggested
3.33-3.38	<p>Pre-meeting briefing sessions</p>	The body of the report deals with this matter, Councils custom has been not to conduct these in this format outlined in the code of meting practice as it is optional.

5.25	<p>A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state :</p> <p>(a) the meetings the resolution applies to and (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.</p>	Agree.
5.38	<p>The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period</p>	Agree.
5.43	<p>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 as determined by the council from time to time. 5.44 The general manager and other council staff may attend meetings of the Model Code of Meeting Practice for Local Councils in NSW 19 council and committees of the council by audio-visual link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager</p>	Disagree. The General Manager is responsible for staff resources and as is the custom and practice over many years, should be determined by the General Manager in consultation with the Mayor.
7.1	<p>Where they can, councillors and staff must stand when the mayor enters the chamber and when addressing the meeting</p>	Partially agree, All should stand upon the entry to the Chamber by the Mayor. Councils should be free to determine whether councillors or staff should stand as that may be perceived as being disrespectful standing above the Mayor and Councillors.

<p>8.1</p> <p>8.2</p>	<p>At a meeting of the council, the general order of business is as fixed by resolution of the council.</p> <p>The general order of business for an ordinary meeting of the council shall be: [councils may adapt the following order of business to meet their needs] 01 Opening meeting 02 Acknowledgement of country 03 Apologies and applications for a leave of absence or attendance by audio-visual link by councillors 04 Confirmation of minutes 05 Disclosures of interests 06 Mayoral minute(s) 07 Reports of committees 08 Reports to council 09 Notices of motions/Questions with notice 10 Confidential matters 11 Conclusion of the meeting Note: Councils must use either clause 8.1 or 8.2.</p>	<p>Agree. The order of business should be determined by Council.</p>
<p>9.1-9.4</p>	<p>Despite clause 9.1, business may be considered at a meeting of the council at which all councillors are present even though due notice of the business has not been given of the business to the councillors . if: the council resolves to deal with (a) a motion is passed to have the business considered at the meeting, and (b) the business to be considered is ruled by the chairperson to be of great urgency the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency.</p> <p>9.4 A motion moved under clause 9.3 can be moved without notice. Despite clauses 10.18–10.27, only the mover of a motion referred to in clause 9.3 and the mavor, if they are not the mover of the motion, can speak to the motion before it is put.</p> <p>9.5 If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the mavor also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.</p> <p>9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.</p>	<p>Agree with further suggested changes as outlined in main body of this report.</p>

<p>9.7-9.10</p>	<p>Subject to clause 9.9. If the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge the mayor determines should be considered at the meeting. 9.78 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded. 9.89 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council. _____</p> <p>9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council. _____</p> <p>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. _____</p>	<p>Agree however need to have some protections concerning notice so that Councillors can do their own research and if necessary, identify and manage conflicts of interest.</p>
<p>9.15</p>	<p>A councillor may, through the mayor, general manager put a question to a council employee the general manager about a matter on the agenda. The general manager may request another council employee to answer the question council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager</p>	<p>Partially agree. All questions to staff should be put through the General Manager who can then determine who is best placed to provide an answer.</p>

10.3	<p>If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the mayor is to note the withdrawal of the notice of motion at the meeting.</p>	Agree.
10.9	<p>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.</p>	Disagree. This should remain due to the complexities of IP and R significant changes may be required.
10.17	<p>A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.</p>	Agree
10.24	<p>Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.</p>	Disagree, this should be a matter for Council to determine and is necessary to enable the meeting to run efficiently and give every Councillor an opportunity to speak without overly extending the meeting.
11.12	<p>The council or a council committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.</p>	Agree

11.13	Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.	Agree
12.2	All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches and requiring councillors and staff to stand when addressing the meeting.	Agree however Council to determine whether Councillors or staff stand when making a contribution to the meeting.
14.4	Where the matter has been identified in the agenda of the meeting under clause 3.21 18 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by [date and time to be specified by the council] before the meeting at which the matter is to be considered in a manner determined by the council.	Agree.
14.12	The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.	Disagree, this should remain with the mayor in consultation with the general manager to decide.
14.13	No more than [number to be specified by the council] speakers are to be permitted to make representations under clause 14.9.	Disagree. A reasonable limit should be imposed to allow meetings to be progressed in a timely manner. This should be open for Councils to decide and incorporate into their codes of meeting practice as additional provisions.
14.15	The general manager (or their delegate) is to determine the order of speakers	Disagree, clause should remain but reworded to have the mayor in consultation with the general manager to decide.

14.16	<p>Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than [number to be specified by the council] speakers to make representations in such order as determined by the chairperson.</p>	<p>Agree but only if this can be put into Council's own rules and procedures.</p>
14.17	<p>Each speaker will be allowed [number to be specified by the council] minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.</p>	<p>Agree but only if this can be put into Council's own rules and procedures.</p>
14.19	<p>The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential</p>	<p>Agree with the intent however not in the current form. This needs to be improved see body of report.</p>
14.20	<p>The general manager must consult with the council before publishing information on the council's website under clause 14.19.</p>	<p>Disagree, the provisions of GIPA could determine access to classified confidential information.</p>
15.2	<p>A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.</p>	<p>Agree it should be a point of order requiring a ruling.</p>

	<p>A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:</p> <p>(a) contravenes the Act, the Regulation or this code, or</p> <p>(b) assaults or threatens to assault another councillor or person present at the meeting, or</p> <p>(c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or</p> <p>(d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official or alleges a breach of the council's code of conduct or uses any language, words or gestures that would be regarded as disorderly in the NSW Legislative Assembly,</p> <p>(e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute</p>	<p>Disagree and if the intent is to reduce the weaponisation of the code of conduct to stifle debate, this provision supports that. Further, the clause should be more prescriptive instead of referring to NSW Legislative Assembly. Also should refer to limited privilege in the Chamber</p>
17.10	<p>A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than [council to specify the period of time] 1 day after the meeting at which the resolution was adopted.</p>	<p>Agree. The practicalities of holding back planning decisions indefinitely is problematic. Allows resolution to be acted on after 1 day.</p>

17.12	<p>Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:</p> <p>(a) a notice of motion signed by three councillors is submitted to the chairperson at the meeting, and</p> <p>(b) the council resolves to deal with the a motion at the meeting on the</p> <p>have the motion considered at the meeting is passed and</p> <p>(c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council.</p>	Agree.
17.14	<p>A motion of dissent cannot be moved against a ruling by the chairperson under </p> <p>clause 17.12(c) resolution adopted under clause 17.12(b) must state the reasons for the urgency </p>	Agree.
18.1-18.2	<p>Meetings of the council and committees of the council are to conclude at a time</p> <p>the council may from time to time determine</p> <p>rather than [council to specify the time].</p> <p>18.2 If the business of the meeting is unfinished at [council to specify the time], the council or the committee may, by resolution, extend the time of the meeting.</p> <p>18.32 If the business of the meeting is unfinished at [council to specify the time] the time the council has determined and the council does not resolve to extend the meeting, the chairperson must either:</p> <p>(a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or</p> <p>(b) adjourn the meeting to a time, date and place fixed by the chairperson</p>	Agree. This reflects Council's current custom and practice.

20.8-20.9	<p>A committee member (other than the mayor) ceases to be a member of a committee if the committee member:</p> <p>(a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or</p> <p>(b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.</p> <p>20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.</p>	Agree.
20.219	<p>20.219 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 18 during a part of the meeting that is webcast where practicable.</p>	Agree and this is the current custom and practice of Council.
20.20	<p>The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.</p>	Agree with the intent but this clause and process is inefficient and problematic.
20.21	<p>The general manager must consult with the committee before publishing information on the council's website under clause 20.20.</p>	Disagree. Refer to body of the report.