



26 February 2025

Council Governance Team
Office of Local Government (OLG)
By email: olg@olg.nsw.gov.au

Dear OLG Council Governance Team,

Submission | Model Meeting Code amendments

I refer to the OLG Circular 24-23 *Consultation on reforms to council meeting practices* issued on 17 December 2024 and to your invitation in that Circular to make a submission on the proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code).

As requested, our submission responds to the questions posed in the discussion paper to the consultation draft of the Model Meeting Code. [REDACTED]

In summary:

1. there are a number of proposed amendments to the Model Meeting Code that we think will not achieve the stated policy outcomes, for example depoliticising the role of the general manager, and
2. we agree some of the proposed amendments to the Model Meeting Code should be undertaken to support the following stated policy outcomes:
 - promoting transparency, integrity and public participation,
 - promoting the dignity of the council chamber, and
 - simplifying the Model Meeting Code.

Our response to the discussion paper questions outlined below addresses our position. Additionally, and noting the discussion paper does not address all the proposed amendments to the Model Meeting Code, we also provide a Table, attached at Appendix A, that outlines our position in relation to all of the proposed amendments.

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

We provide a summary of our position in relation to this question, by reference to each of the proposed policy outcomes, as follows:

Promoting transparency, integrity and public participation

We don't consider the following proposed amendments will promote greater transparency, integrity and public participation:

- *Removal of the statement of ethical obligations (clause 3.23)*
Including the statement of ethical obligations in the Model Meeting Code was a recommendation from the ICAC following the investigation *Operation Dasha*¹. Removing this statement is in direct contradiction to the commitment given by the OLG to implement this recommendation.
- *Publication of confidential Council meeting information (clauses 14.19, 14.20, 20.20 and 20.21)*
Transparency does not automatically require that confidential Council meeting information be widely available. We believe the current pathway available to access such information, namely through an application under the *Government Information (Public Access) Act 2008*, is appropriate and remains available for interested parties to request access to such information. Additionally, these applications involve the public interest test, which ensures appropriate and balanced disclosure in each circumstance.

Further, should this amendment proceed, more information and guidance from the OLG is required with respect to the practical application of this requirement, as recommended from the ICAC following *Operation Tolosa*². For example; Will the public interest test need to be applied to such information to determine if/when it ceases to be confidential? Will this requirement apply retrospectively, or only to confidential matters considered following prescription of a Model Meeting Code that includes this requirement?

- *Removal of time limits on council meetings (clauses 18.1-18.3)*
Not allowing an enforceable time limit to be prescribed [REDACTED]
Practice creates a risk of council meetings continuing late.
This is not conducive to sound decision-making or public participation.

Councils maintain responsibility to provide a safe working environment for all councillors and visitors as a Person Conducting a Business or Undertaking under the Work Health and Safety Act 2011³. Removal of time limit options as an appropriate safety control measure is inconsistent with our WHS responsibilities.

Additionally, removing the time limits on council meetings does not protect staff or councillor wellbeing and increases the potential negative impacts of workplace fatigue, and does not align with the intent of the ten-hour break rules outlined in the Local Government (State) Award 2023⁴.

Additionally, in relation to this stated policy outcome, whilst we agree a level of transparency must exist to inform the community on topics discussed at closed briefing sessions, consistent with our position in response to the September 2024 discussion paper [Councillor conduct and meeting practices](#), we do not agree with the removal of closed briefing sessions (clauses 3.33-3.38).

Briefing sessions are a crucial platform for council officers and councillors to discuss in detail in a free, frank and confidential environment the matters about which councillors are required to make informed decisions on behalf of our community within a public Committee or Council Meeting environment.

Briefings are not used as a decision-making platform. They are a forum in which councillors can explore issues and speak and question freely to be better informed. They are particularly useful in discussions where strategies / proposals are still in the initial concept or early development stage. If such matters were to be discussed in a public council or committee meeting, there is a

¹ See recommendation 6 [Operation Dasha](#)

² See recommendation 3 [Operation Tolosa](#)

³ See Part 1 Division 2 3.1 (a) [Work Health and Safety Act 2011](#)

⁴ See clause 21A(v) [Local Government State Award 2023](#)

significant risk that such preliminary discussion may be misunderstood as a council commitment or policy intent, unnecessarily eroding trust in the elected body. As such, it is our submission that banning closed briefing sessions will stymie free discussion, which will ultimately lead to less informed decisions.

That said, to maintain transparency with the community as to what is covered in councillor briefings, we support introduction of requirements that allow closed pre-meeting briefings to occur so long as records used in these briefings are made public within a suitable timeframe post-briefing. For example, Sutherland Shire Council currently publishes list of topics discussed and any conflict-of-interest declarations to our website following a closed briefing.

See also further discussion on this issue in our responses to questions 3 and 4 below.

We agree that the following proposed amendments promote this policy outcome:

- tightening the timeframes for webcasts to be available,
- allowing councils to determine the processes for their public forums, and
- the changes regarding planning decisions (albeit this will not be applicable to our Council, as we have a Local Planning Panel).

Promoting the dignity of the council chamber

We don't consider that the following proposed amendments will contribute to enhanced dignity in the council chamber:

- *Removal of safeguards regarding questions with notice* [REDACTED]
We do not agree with removing the restriction on a question with notice to allow a councillor to ask a question comprising of a complaint against a staff member. A public council meeting is not the appropriate forum for such concerns to be raised and addressed.
- *Restrictions on the attendance of the general manager and other staff at meetings (clause 5.44)*
The general manager and council staff should be afforded the same options as councillors regarding attendance at meetings remotely, in exceptional circumstances. The current provisions require any remote attendance by staff to be approved by the general manager, which is an effective control mechanism to support in-person attendance as the preferred and expected mode of attendance.
- *Removal of restrictions relating to mayoral minutes (clause 9.6)*
The provisions requiring mayoral minutes to only contain subject matter that is within council jurisdiction or of which council has official knowledge should not be removed. Council meetings should only be used to consider matters that fall within these areas and that are of relevance to the local government area and operations of a council.
- *Removal of the requirement for respectful questions (clause 9.18)*
We do not agree with the removal of the word 'respectful' from this clause. It is appropriate when a councillor is asking a question of staff or fellow councillors, for such questions to be asked in a respectful manner.
- *Limiting acts of disorder (clause 15.11)*
Removing the requirement that a councillor must not say anything that brings the council into disrepute is not in keeping with promoting the dignity of the council chamber. It is possible, indeed expected, that a councillor is able to express disagreement with a policy outcome or decision without bringing council into disrepute.

We agree the following proposed amendments promote this policy outcome:

- clarification of extraordinary meeting requirements,
- attendance by councillors at meetings,
- attendance by councillors at meetings by audio-visual link,
- modes of address,
- limitations on the number and duration of speeches, and
- points of order.

Depoliticising the role of the general manager

We do not consider that it is appropriate to use the Model Code of Meeting Practice to address the stated policy outcome of “depoliticising” the role of the general manager.

Amongst other things, s335 of the *Local Government Act 1993*⁵ requires the general manager to:

- a. conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- b. advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council, and
- c. ensure that all councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions.

We consider the requirements of the current Model Meeting Code [REDACTED] manager support this legislative requirement and should remain in the Model Meeting Code.

Effective and efficient democracy requires that council officers (including the general manager) provide free, frank and impartial advice to councillors on financial matters, to ensure they are properly informed when making decisions. Removing the requirement for general managers to prepare reports on notices of motions with financial implications or to identify sources of funding where a notice of motion proposes expenditure that has not been budgeted for, does not support sound decision making, and undermines the entire premise of the Integrated Planning Framework enshrined in the Local Government Act.

Additionally, the general manager is legislatively responsible for the administration of council and to ensure that appropriate professional support is available to councillors and is therefore best placed to determine staff attendance. To remove this responsibility from a general manager effectively stymies their ability to fulfil their legislative obligations.

Further, if there are concerns as to the politicisation of the role of the general manager, these concerns are more appropriately managed through existing processes. For example, the legislative obligation under the *Local Government Act* for the mayor and governing body in relation to performance management of the general manager⁶, and processes under the current Model Code of Conduct for the management of inappropriate behaviour by the general manager.

Simplifying the Model Meeting Code

We don't consider the following proposed amendments will assist to simplify the Model Meeting Code:

- *Additional wording allowing councils to deliberately determine that business papers may not be distributed electronically (clauses 3.8 and 3.27)*

⁵ See section 335 [Local Government Act 1993 No 30 - NSW Legislation](#)

⁶ See section 223 and 226 [Local Government Act 1993 No 30 - NSW Legislation](#)

The current clause wording in the Model Meeting Code is sufficient regarding distribution of electronic agendas, should there be a council that is unable to distribute agendas electronically (i.e. Can only be distributed electronically if all councillors have facilities to access as such). The proposed addition is unnecessary, creating a risk that a council could make a decision not to distribute agendas and business papers electronically potentially impeding timely public access.

- *Increased and different urgent business requirements (clauses 3.29-3.31 and 9.3-9.5)*
Introducing two separate requirements for the consideration of urgent business that is dependent on whether councillors are all present or not is unnecessary and over complicated. Urgent business provisions in the current Model Meeting Code are sufficient.
- *Restrictions on attendance of the general manager and other staff at meetings (5.44)*
Notwithstanding the reasons outlined in the discussion paper regarding politicisation of the role of the general manager, introducing the proposed council staff attendance restrictions does not assist in simplifying the Model Meeting Code. They would require a council resolution each time they wish to determine staff requirements for a meeting, potentially leading to delays in determining matters at the meeting due to the unavailability of relevant staff to answer questions on business papers.
- *Loosening acts of disorder definition (clause 15.11)*
Reference to 'language, words or gestures that would be regarded as disorderly in the NSW Legislative Assembly' without amplification creates unnecessary ambiguity and complication. There are currently no publicly available [REDACTED] disorderly behaviour in the NSW Legislative Assembly [REDACTED] clearly prescribed in order for meeting chairs to be able to effectively identify and address unacceptable behaviour in meetings.

We agree the following proposed amendments promote this policy outcome:

- apologies and leave of absence,
- attendance by councillors at meetings by audio-visual link,
- withdrawing notices of motions, and
- foreshadowed motions.

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

Should the proposed reforms concerning the power of the mayor when dealing with acts of disorder be introduced, it is paramount there are be sufficient consequences should the Mayor misuse or abuse this power.

Consideration could be given to amending the Model Meeting Code to require that if an act of disorder has occurred at a meeting and the Mayor/Chairperson has had to issue a direction to a particular councillor(s) to maintain order, this direction should be recorded in an acts of disorder register, to be published to the council website, and include the direction outcome, councillors involved and reason for the direction. This will contribute to promoting transparency and integrity.

3. Will the proposed amendments have any unintended consequences?

As discussed in our response to question 1 and further detailed at Appendix A, we have concerns with a number of the proposed amendments. As outlined below, should these be introduced, they may lead to a number of unintended consequences:

Unintended consequence in removing closed pre-meeting briefing sessions

As we previously addressed in our November 2024 submission on the councillor conduct framework review, we believe there is a compelling need to maintain and enshrine closed councillor briefing sessions.

Closed briefing sessions are a crucial platform for council officers and councillors to discuss in detail in a free, frank and confidential environment the matters about which councillors are required to make informed decisions on behalf of our community within a public Committee or Council Meeting environment. Further, closed briefing sessions ensure a safe and supportive environment for staff to be able to provide frank information and advice. This same environment is not able to be achieved due to the formal, protocol-bound, open nature of council meetings. Having briefing sessions provides a forum that stimulates a healthy exchange of information and allows for the development of trusting, constructive working relationships between elected members and council officers.

Additionally, consistent with the philosophy to transform the local government conduct framework to align with the current parliamentary framework, it follows that councillors should be able to engage in confidential briefings in the same manner in which Ministers of the Crown receive departmental briefings which are not open to the public, and confer as a cabinet in confidence. These are necessary mechanisms to assist ministers to make informed decisions in the public interest.

The proposed banning of closed briefing sessions also directly contradicts the century old Chatham House Rule that is widely invoked by many public political bodies throughout the western world.⁷ This well recognised dialogue on public policy and current affairs. It enables individuals to express and debate controversial opinions without risking their professional standing and establishes a clear distinction between personal views and those of their organisation. It allows people to speak as individuals, and to express views that may not be those of their organisations, and therefore it encourages free discussion. It is particularly useful in discussions where the subject matter is politically sensitive or when projects are still in the development stage, which is why the rule is invoked by many local government organisations. It is our submission that banning closed briefing sessions will stymie free discussion, ultimately leading to less informed decisions.

Unintended consequence in restricting role of general manager

The proposed amendments to achieve the depoliticisation of the role of the general manager may actually create an unintended opposite effect by allowing councils to weaponise the Code of Meeting Practice against the general manager. If implemented, these proposed amendments invite opportunities for councils to resolve to deliberately not invite particular staff members to meetings or to ask questions that comprise of complaints about staff or imply wrongdoing. Allowing these practices to occur would lead to unnecessary involvement of staff in public political debate on the council floor.

Further, removing the requirement for the general manager to prepare reports on notices of motions with financial implications or to identify sources of funding where a notice of motion proposes expenditure that has not been budgeted for could lead to unintended financial consequences, with budgetary decisions having a cascading negative effect on a council's ongoing financial sustainability, in direct contravention of the requirements set out in [Section 8B](#) of the *Local Government Act 1993*, and completely at odds with the principles of integrated planning.

⁷ Institute of Directors <[What does the 'Chatham House rule' actually mean? | Blogs | IoD](#)> , 29 October 2024

Unintended consequence in promoting a disparity between role of mayor and role of the governing body

The discussion paper proposes that the mayor will not be subject to restrictions regarding the receipt of information. The role of the governing body and the role of the mayor are not dissimilar in the functions prescribed to them under the Local Government Act, particularly with regard to providing effective civic leadership and engagement with the community; the development and implementation of a council's strategic plans, programs and policies; and the performance of the general manager⁸.

Excluding the mayor from the proposed amendments to the Regulation regarding the receipt of information, thereby enabling the mayor to be privy to private briefings at the exclusion of the remainder of the governing body, promotes a disparity and imbalance in the roles of the mayor and governing body and individual councillors, in a manner inconsistent with the roles of each as set out in the Local Government Act (sections 223, 226 and 232)

4. Are there any other amendments the Government should consider?

We propose consideration of the following amendments which could assist with addressing some of the policy outcomes identified in the discussion paper without proceeding with the proposed amendments to the Model Meeting Code in their current form:

- Amend the *Environmental Planning and Assessment Act 1979*
- Require public records of matters discussed in closed pre-meeting briefings
- Clearly prescribe types of improper conduct
- Implement a robust lobbying framework

Amend the Environmental Planning and Assessment Act 1979

The September 2024 discussion paper on the councillor conduct framework used a development application example as a justification for banning closed pre-meeting briefings. The proposed amendments in this discussion paper to the Model Meeting Code are directly related.

At present, for all councils where local planning panels are constituted (of which our Council is one), section 4.8(2) of the *Environmental Planning and Assessment Act 1979* specifically states that functions of a council as a development consent authority are not exercisable by councillors. As such, there is no reason for planners to discuss individual development applications with councillors in closed pre-meeting briefings as development applications are not considered in the public forum of a council or committee meeting, thereby removing this risk from councils.

Therefore, rather than banning closed pre-meeting briefings, an efficient and effective way to ensure planning decisions are made in a robust, independent and transparent manner would be to amend the EP&A Act to make it uniform for all councils regarding the constitution of local planning panels.

Require public records of closed pre-meeting briefings

To ensure a level of transparency while still allowing free and frank discussion amongst councillors and staff, amendments to the Regulation could be prescribed that would allow closed pre-meeting briefings to occur so long as records used in these briefings are made public within a suitable timeframe post-briefing. Records could include the list of topics discussed, councillor, council officer and third-party attendance and declarations of conflicts of interest.

⁸ See section 223 and 226 [Local Government Act 1993 No 30 - NSW Legislation](#)

Clearly prescribe types of improper conduct

The inclusion of reference to conduct deemed to be improper in the NSW Legislative Assembly could be supported by specific guidelines outlining the types of behaviour deemed improper to ensure meeting chairs have sufficient knowledge to identify and determine what is an unacceptable behaviour under the Code that could lead to committing an act of disorder.

Further, publication of these guidelines would ensure the acceptable thresholds of expected behaviours for local government is easily and readily available for members of the public.

Implement a robust lobbying framework

As briefly flagged in the September 2024 discussion paper on the Model Code of Conduct, lobbying guidelines and an accompanying model policy are being developed by the OLG. We note these guidelines and model policy have been in development for a number of years, with the OLG first consulting with councils on the potential introduction of these documents in August/September 2022⁹.

The introduction of the lobbying guidelines and model policy should be given a high priority to provide councils with the necessary tools to implement a robust lobbying framework that requires transparent declarations of all lobbyist meetings/briefings with councillors to ensure public record of meetings prior to decision making. This will assist in addressing concerns surrounding councillor meetings and briefings that are held with lobbyists.

Thank you for the opportunity to make this submission. [REDACTED]

Yours sincerely,

[REDACTED]

[REDACTED]
Director Corporate

[REDACTED]

sutherlandshire.nsw.gov.au

⁹ See [OLG Circular 22-22 The development of guidelines and a model policy on the lobbying of councillors](#), 8 August 2022

Appendix A: Summary of Council's position on all proposed changes

Section of code	Proposed amendment	Sutherland Shire Council (SSC) position
Timing of ordinary council meetings	Remove option for councils to use either current clause 3.1 or 3.2, instead councils must use current clause 3.2 regarding council setting meeting timings by resolution	Accept this change, noting SSC already uses this provision.
Extraordinary meetings	New clause 3.3 allowing mayor to call extraordinary meeting	Accept this change, noting SSC already allows this practice.
Notice to councillors of ordinary meetings / Availability of the agenda and business papers to the public	Additional wording to clauses 3.8 and 3.27 allowing councils to determine that business papers may not be distributed electronically	<p>Do not agree with this change.</p> <p>This is not conducive with simplifying the model meeting code and is an unnecessary addition. The wording that already exists in the current Model Meeting Code is sufficient should there be a council that is unable to distribute agendas electronically (i.e. Can only be distributed electronically if all councillors have facilities to access as such).</p> <p>This addition also provides the option for a deliberate decision that may not be made in good faith to not distribute agendas electronically.</p> <p>Not allowing agendas to be distributed electronically would create a substantial administrative burden, incur unnecessary costs and is also not reflective of modern times.</p>
Giving notice of business to be considered at council meetings	Revised wording to clause 3.10 regarding timeframes for submitting notice of motion	Accept this change.
Giving notice of business to be considered at council meetings / Mayoral minutes	Removal of clauses 3.12, 3.13, 9.9 and 9.10 regarding general managers being required to prepare reports on notices of motions or mayoral minutes with financial implications or to identify sources of funding where proposed expenditure has not been budgeted for	<p>Do not agree with this change.</p> <p>Effective and efficient democracy requires that council officers (including the general manager) need to be able to provide free, frank and impartial advice on financial matters to councillors to ensure they are best informed when making decisions. Removal of these clauses could lead to unintended financial consequences, with uninformed budgetary decisions having a cascading negative effect on a council's ongoing financial sustainability.</p>
Questions with notice	Removal of clause 3.15 which prevents a councillor asking a question with notice regarding a complaint or that implies wrongdoing about a council staff member	<p>Do not agree with this change.</p> <p>A public council meeting is not the appropriate platform for such concerns to be raised and address and allowing questions in the form of complaints about staff members unnecessarily drags staff into political debate.</p>

Section of code	Proposed amendment	Sutherland Shire Council (SSC) position
Questions with notice	Removal of wording in clause 3.16 which allows a general manager to respond verbally to a question with notice	Accept this change on the proviso that there is a reasonable time frame for a report to be prepared to allow a response, and if not, the question can be deferred to the next council meeting alongside the written response.
Agenda and business papers for ordinary meetings	Addition of wording to 3.21 required the general manager to consult with the mayor prior to including confidential items	Accept this change.
Statement of ethical obligations	Removal of cause 3.23 regarding reminder of oath/affirmation of obligations	Do not agree with this change. It is appropriate to remind councillors of their oath before undertaking business at a council meeting, as a reminder of their ethical obligations.
Agenda and business papers for extraordinary meetings / Business that can be dealt with at a council meeting	Amendments to clauses regarding the process for considering urgent business at council meetings 3.29-3.31, 9.3-9.5	Do not agree with this change. This is not conducive with the policy outcome to simplify the model meeting code, as having two separate requirements dependent on if councillors are all present or not is unnecessary. If urgent business is required, the provisions in the current Model Meeting Code suffice and should remain for ease of decision making.
Pre-meeting briefing sessions	Removal of pre-meeting briefing clauses 3.33-3.38	Do not agree with this change Closed pre-meeting briefing sessions are a crucial platform for council officers and councillors to discuss in detail in a free, frank and confidential environment the matters about which councillors are required to make informed decisions on behalf of their community within a public Committee or Council Meeting environment.
Public Forums	Removal of non-mandatory public forum provisions (section 4)	Accept this change, noting SSC has a Public Forum Policy which prescribes how the public forum process applies.
Attendance by councillors at meetings	New clause 5.7 and removal of clause 5.8 simplifying the acceptance of apologies/leave of absence	Accept this change.
Attendance by councillors at meetings by audio-visual link	Amending clause 5.19 and 5.24 to only allow a councillor to attend remotely if they are ill/other medical reasons or they have unforeseen caring duties and not allowing a councillor to attend remotely for a mayoral election (new clause 5.20)	Accept this change, with the exception of the inclusion of [REDACTED] should be removed in recognition that caring duties may not be unforeseen but still required.
Webcasting of meetings	Amend clause 5.38 to require a meeting webcast to remain for the balance of a council term	Accept this change, noting SSC already allows this practice.
Attendance of the general manager and other staff at meetings	Amend clause 5.43 to require council to determine staff attendance at a meeting, not the general manager	Do not agree with this change. The general manager is legislatively responsible for the administration of council and to ensure that appropriate professional support is available to councillors and is therefore best placed to determine staff attendance. To remove this responsibility from a general manager effectively stymies their ability to fulfil their legislative obligations.

Section of code	Proposed amendment	Sutherland Shire Council (SSC) position
		Additionally, requiring council to determine staffing at council meetings may create inefficiency by leading to potential delays in determining matters as it would require a resolution of council each time they wish to determine staff requirements of a meeting.
Attendance of the general manager and other staff at meetings	Remove clause 5.44 which allows staff to attend meetings remotely if necessary	Do not agree with this change. The general manager and council staff should be afforded the same ability that is afforded to councillors regarding attendance at meetings remotely in exceptional circumstances.
Modes of address	New clause 7.1 requiring all attendees to stand when the mayor enters and when they are addressing the meeting	Accept this change, noting that SSC currently requires staff and councillors to stand if they are addressing a meeting (with the exception of the mayor).
Order of business for ordinary council meetings	Remove option for councils to use either current clause 8.1 or 8.2, instead councils must use current clause 8.1 regarding the general order of business of a meeting	Accept this change.
Order of business for ordinary council meetings / Recommitting resolutions to correct an error	Additional wording to clause 8.4 and 17.18 allowing the mayor to speak to a motion that is procedural (altering order of business, recommitting a resolution to correct an error)	Accept this change.
Mayoral minutes	Amend clause 9.6 removing restrictions on what can be the subject of a mayoral minute	Do not agree with this change. Council meetings should only be used to consider matters within the council's jurisdiction or that the council has official knowledge of. Removing the restrictions for mayoral minutes to not concern matters within the jurisdiction of the council or of which council has official knowledge has the potential to detract from the matters of relevance to the community and operations of council that should be considered at a council meeting and may unnecessarily politicise a meeting.
Questions	Amend clause 9.15 to require a councillor to direct a question through the mayor	Accept this change.
Questions	Removal of word 'respectfully' from clause 9.18	Do not agree with this change. It is appropriate that when a councillor is asking a question of staff or fellow councillors, that they continue to be required to be asked in a respectful manner.
Notices of motion	Amend clause 10.3 to allow a councillor to request withdrawal of a notice of motion at any time	Accept this change.
Foreshadowed motions	Removal of clause 10.17 and amend clause 10.19 to remove foreshadowed motions	Accept this change.
Limitations on the number and duration of speeches	Removal of clause 10.24 allowing council to reduce speech duration	Accept this change.

Section of code	Proposed amendment	Sutherland Shire Council (SSC) position
Voting on planning decisions	New clauses 11.12 and 11.13 requiring reports on planning decisions	Accept this change, noting this will not be applicable to SSC.
Representations by members of the public	New clause 14.11 allowing representations from the public in closed session about the closure of a meeting	Accept this change.
Representations by members of the public	Amend current clause 14.11 and removal of clauses 14.12-14.17 to allow council to determine process for allowing representations from the public	Accept this change.
Expulsion of non-councillors from meetings closed to the public / Expulsion from meetings / Use of mobile phones and the unauthorised recording of meetings	Amend current clause 14.19, 15.20 and 15.27 to include 'reasonably' when using force	Accept this change.
Resolutions passed at closed meetings to be made public / Closure of committee meetings to the public	New clauses 14.19-14.20 and 20.20-20.21 requiring general manager to publish confidential information once it ceases to be confidential	Do not agree with this change. Transparency does not automatically require that confidential Council meeting information be widely available. The current pathway available to access such information, namely through an application under the GIPA Act, is appropriate and remains available for interested parties to request access to information.
Points of order	Remove clause 15.2 which does not allow a point of order to be moved with respect to principles in clause 2.1	Accept this change.
Acts of disorder	Amend clause 15.11 to reference behaviour regarded as disorderly in the NSW Legislative Assembly and remove wording on bringing the council into disrepute	Do not agree with this change. Removing the requirement that a councillor must not say anything that brings the council into disrepute is not in keeping with the dignity of the council chamber. It is possible, indeed expected, that a councillor express disagreement with a policy outcome or decision without bringing council into disrepute. Further, reference to behaviours regarded as disorderly in the NSW Legislative Assembly without amplification creates unnecessary ambiguity and complication. As it currently stands, this is not conducive with simplifying the Model Meeting Code as the standards of expected behaviour are not clear.
Acts of disorder	New clauses 15.12-15.13 requiring failure to remedy an act of disorder	Accept this change.
Rescinding or altering council decisions	Amend clause 17.3 and 17.5 to allow a motion to alter or rescind or a motion with same effect as a motion lost to be given notice 'in accordance with this code'	Accept this change.

Section of code	Proposed amendment	Sutherland Shire Council (SSC) position
Rescinding or altering council decisions	Amend clauses 17.12 and 17.14 to simplify process for urgency in case of alter or rescind motions	Accept this change.
Time limits on council meetings	Amend clause 18.1-18.3 to allow council to determine finish time of meeting	Do not agree with this change. By not allowing a consistent and enforceable time limit to be stipulated in the Code, there is the potential for council meetings to go well beyond midnight and this would not be conducive to sound decision-making, public participation, duty of care to councillors and does not protect staff wellbeing and increases the potential negative impacts of workplace fatigue. The uncertainty of an end time could also result in deliberate inefficient meeting conduct and filibustering, neither of which would assist in simplifying the meeting process.
Attendance at committee meetings	Remove clauses 20.8 and 20.9 that determine a councillor ceases to be a member of a committee if they are absent from three consecutive meetings	Accept this change.

