

26 February 2025

Office of Local Government  
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**Attention** – OLG Council Governance Team

To Whom It May Concern

**SUBMISSION - MODEL MEETING CODE AMENDMENTS**

Please find below my submission regarding the proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW.

**Timing of Ordinary Council Meetings**

Removal of original clause 3.1 is supported.

**Extraordinary Meetings**

The inclusion of Clause 3.3 is supported.

**Giving Notice/Motions Requiring the Expenditure of Funds**

The proposed amendment to clause 3.10 is not supported. The period for giving notice of any business to be considered should be specified in the Code of Meeting Practice. This allows one source of reference for a clear cut-off for preparation and publication of business papers.

The original clauses 3.12, 3.13, and 10.9 should remain. Councillors are required to consider what impact the decision will have on the community, the environment and on Council's finances both in the immediate and long-term, and how the decision fits in with the long-term direction of the Council etc. Removing the ability for the General Manager to prepare a report containing sufficient information to Councillors for Notices of Motion that have legal, strategic, financial or policy implications that should be taken into consideration will result in poorer decision making.

## **Questions with Notice**

Original clause 3.15 should remain. Council Meetings should be reserved for decisions about Council's strategic direction and development that benefit the Council and the whole community. Removing this clause provides the opportunity for using the decision-making process for "weaponizing" for political advantage, creating an unsafe workspace, bringing individuals into disrepute and damaging public trust in the organisation.

Original clause 3.16 – removal of the words "or orally at the meeting" is supported.

## **Agenda and Business Papers for Ordinary Meetings**

Renumbered clause 3.18 – insertion of the words "in consultation with the mayor" is not supported. In accordance with the Act, the General Manager should remain responsible for determining whether the information should be considered in Closed Meeting. Reasons for closure of the meeting are included in the business papers. Councillors vote on whether to close the meeting to the public, and members of the public are also allowed to make representations to or at the meeting, before any part of the meeting is closed.

## **Statement of Ethical Obligations**

Original clause 3.23 should remain. This succinctly outlines the behavioural expectations of Councillors to act ethically and in the public interest.

## **Notice to Councillors of Ordinary Meetings/Availability of the Agenda and Business Papers to the Public**

Clauses 3.8 and 3.23 – inclusion of the words "unless the Council determines otherwise" is not supported. A business paper is often over 300 pages, particularly when they include financial statements and IP&R documentation. Councillors have access to electronic and digital infrastructure and should be encouraged to reduce paper and printing costs as well as reduce waste.

## **Agenda and Business papers for Extraordinary Meetings**

The proposed amendments are supported.

## **Pre-Meeting Briefing Sessions**

The removal of pre-meeting briefing sessions is not supported. Councillors are required to make considered and well-informed decisions. This is particularly important for newly elected Councillors who are required to hit the ground running after elections. Briefing sessions provide Councillors with an opportunity to ask questions of staff which may be too sensitive to ask or respond to in a public meeting. Briefings also provide the time needed to explore more complex issues in detail. Formal decisions are not made at briefing sessions. Removing the opportunity for Councillors to ask for advice or explore complex matters in detail will result in less informed and poorer decision making.

## **Public Forums**

The proposed amendments are not supported. The rules under which public forum is to be conducted should remain in the Code of Meeting Practice. This provides clear guidance, and a standard approach, to the provision of public forums within the sector.

## **Attendance by Councillors at Meetings**

The proposed amendments are supported.

## **Attendance by Councillors at Meetings by Audio-Visual Link**

The proposed amendments are supported.

## **Webcasting of Meetings**

The proposed amendments are supported.

## **Attendance of the General Manager and Staff at Meetings**

Original clauses 5.43 and 5.44 should remain – in accordance with the Local Government Act, the General Manager is responsible for appointing, directing and dismissing staff. It is therefore the General Manager's responsibility to determine attendance of staff at meetings. This also accords with the renumbered clause 9.15 wherein the General Manager may request another Council employee to answer a question, and the employee is only obliged to answer at the direction of the General Manager. Blurring these roles is likely to result in relationship breakdowns and dysfunction.

## **Modes of Address**

Where they can, standing when the Mayor enters the Meeting is supported, however standing whenever addressing the meeting is viewed as onerous.

## **Order of Business For Ordinary Council Meetings**

The proposed amendments are supported.

## **Consideration of Business at Council Meetings**

The proposed amendments are supported.

## **Mayoral Minutes**

The proposed amendments to renumbered clause 9.7 are supported.

The removal of the original clauses 9.9 and 9.10 are not supported. Adequate notice of all business to be considered at the meeting should be provided, except in instances of urgency. In addition, the Mayor is required to consider what impact the decision will have on the community and the environment in the immediate and long term; what impact the decision will have on Council's finances both in the immediate and long term, how the decision fits in with the long-term direction of the Council etc.

## **Questions**

The proposed amendments to renumbered Clauses 9.13 and 9.15 are supported.

Renumbered clause 9.17 should retain the word "respectfully". This accords with the meeting principles to treat each with respect.

## **Notices of motion**

The proposed amendments to Clause 10.3 are supported.

## **Foreshadowed amendments**

The proposed amendments are supported.

## **Limitations on the number and duration of speeches**

The proposed amendments are supported.

## **Voting on Planning Decisions**

Clauses 11.12 and 11.13 are supported. Clause 11.13 could be expanded to include "where the council or council committee makes a planning decision that is inconsistent with the recommendation of staff, it must provide reasons for its decision, referring to the relevant merits criteria, and explaining why the decision is more meritorious than the staff recommendation".

## **Dealing with Items by Exception**

Clause 13.7 - the reference to “in accordance with the requirements of the Council’s Code of Conduct” should remain in this clause to accord with clause 16.1.

## **Representations by Members of the Public**

The inclusion of Clause 14.11 is supported.

The proposed amendments to renumbered clause 14.12 are not supported. The inclusion of this information in the Code of Meeting practice provides clear guidance to the public on the manner in which to make their representation.

The removal of original clauses 14.12 to 14.17 are supported.

## **Resolutions Passed at Closed Meetings to be Made Public**

Clause 14.20 – further information should be provided as to how the General Manager is to consult with Council.

## **Points of Order**

The removal of original clause 15.2 is supported.

## **Acts of Disorder**

The amendments to renumbered clause 15.10 (d) and (e) are not supported. There should be no allegations of a breach of Council’s Code of Conduct in Council Meetings. Councillors are not protected from defamation in the same manner as Members of Parliament for statements they make in the Council Chamber. Unlike a Member of Parliament, a Councillor’s privilege is qualified.

The inclusion of clauses 15.12 and 15.13 are supported.

## **Expulsion From Meetings/Use of Mobile Phones and the Unauthorised Recording of Meetings**

The removal of the word “only” and insertion of “reasonably” to renumbered clauses 15.21 and 15.27 are supported.

## **Rescinding or Altering Resolutions**

The proposed amendments are supported.

## **Recommitting Resolutions to Correct an Error**

The proposed amendments are supported.

### **Time limits on Council Meetings**

The proposed amendments are not supported. Time limits on Council Meetings should be included in the Code of Meeting Practice. This provides clear guidance to elected officials and members of the public of the maximum length of Council Meetings. Many Councillors, particularly in rural areas, are in full-time employment in addition to being elected representatives.

### **Attendance at Committee Meetings**

The proposed amendments to clauses 20.8 and 20.9 are supported.

### **Closure of Committee Meetings to the Public**

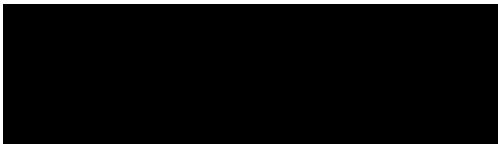
Clause 20.21 – further information should be provided as to how the General Manager is to consult with the committee.

### **Definitions**

The proposed amendments to the definitions are supported.

Should you require any clarification in relation to this submission, please do not hesitate to contact me.

Yours sincerely



**General Manager**