



WEDDIN SHIRE COUNCIL

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Office of the Mayor

27 February 2025

Office of Local Government
Attention: Council Governance Team
Locked Bag 3015
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Dear Council Governance Team

MODEL MEETING CODE AMENDMENTS

Thank you for the opportunity to provide feedback on the proposed amendments flagged by the Minister for Local Government in the discussion paper 'Councillor conduct and meeting practice: a new framework' and the consultation draft of the amended Model Meeting Code and accompanying paper.

On behalf of Weddin Shire Council, please find at [Attachment A](#), Weddin Shire Council's comments and feedback to the proposed consultation draft for your consideration.

Should you require any clarification or seek further information in relation to our feedback, please send [REDACTED]

Thank you again for considering our feedback.

Yours faithfully

[REDACTED]

MAYOR



**WEDDIN SHIRE COUNCIL SUBMISSION TO THE OFFICE OF LOCAL
GOVERNMENT IN RESPONSE TO THE DRAFT MODEL MEETING CODE**

CODE CLAUSE	AREA	WEDDIN SHIRE COUNCIL COMMENT	RESOLUTION 012/2025
New 3.3	Extraordinary Meetings (Mayor)	The Mayor should have powers to call for an extraordinary meeting without needing to obtain signatures of two Councillors.	Agreed
Removal 3.12	Notice of Motions (General Manager)	The General Manager should have the ability to assess whether a notice of motion is likely to have legal implications for Council that may result in legal action. Any legal implication Notices of Motions should be consulted with the Mayor for determination of inclusion or exclusion. Any other complying notice of motions can be tabled in accordance with the proposed changes.	Disagree and suggest amendment
Removal 3.15	Questions with Notice (Wrongdoing)	We disagree that Councillors can lodge questions with notice that comprises a complaint against the general manager or staff member that implies wrongdoing. If considered with the above suggestion, any potential legal action that may arise should be assessed first before it is tabled.	Disagree and suggest amendment
New Clause 3.25/New Clause 9.5	Matters of Urgency	Matters of urgency maybe tabled at the extraordinary meeting where all councillors are present. The Council must state the reason for the urgency.	Agree
Removal Pre-briefings	Pre-meeting briefings	We disagree with the removal of pre-meeting briefings. We run our pre-meeting briefings before our council meetings which allows for Councillors to do a page-turn with	Disagree



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		<p>staff and clarify any questions. The Minister is invited to watch our Council Meetings, you will see that robust debate occurs in relation to the matters tabled before a decision is made. We also welcome the Minister to attend a Councillor Pre-Meeting Briefing session.</p> <p>Pre-meeting briefings allows for Councillors, particularly those newly elected, to ask questions for understanding/clarification that they may not be comfortable asking in the Chamber. Removing this provision may lead to Councillors making decisions without having the full opportunity to clarify their understanding. They allow the meetings to run in a more efficient manner and everyone is clear on the matters to be discussed.</p> <p>The rules of debate is not a time for Councillors to ask questions on interpretation and clarification.</p>	
Section 4	Public Forums	The new code of Meeting Practice allows for council's to determine their own Public Forum rules. The public forum clauses previously afforded in the Model Code should be optional clauses to provide guidance on public forums.	Agreed but note an amendment
New Clause 5.4	Request for leave of absence	We agree that where council resolves not to accept an apology and to grant a leave of absence they must state the reasons for its decision in its resolution.	Agreed
Removal Clause 5.8	Request for attendance after leave of absence	Councillors who have prior approval for leave of absence and are able to attend should do so, without requiring notice to the General Manager.	Agreed



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Clause 5.19	Audio-visual link	There may be other reasons why Councillors are unable to attend in person that should be considered, for example, in the event of natural disasters or death of a family member etc. The clause appears to be rigid and focused on ill-health, medical reasons or unforeseen caring responsibilities. Suggest amending it back to the former.	Disagree, suggest the original remains
Clause 5.37	Recording of a meeting	We support the video recordings remaining for the balance of the Council's term.	Agreed
Removal Clause 5.44	Audi-visual link for staff	We disagree that council staff cannot attend via audio-visual link for meetings. We have had to rarely utilise this clause, however in the event of an unforeseen circumstance, each Council should have the ability to apply its own discretion and rules. We understand that the NSW Government has given direction to the NSW Public Service to return to the office and scaling back on work from home. However, this is not an issue for our Council.	Disagree
Clause 5.44	Attendance of other council staff	The General Manager should have the ultimate decision on which staff members attend the Council meeting. The Council cannot direct other staff members to attend council meetings without approval of the General Manager. Where applicable, the General Manager should be supported by the subject matter experts to provide clarification on their reports.	Disagree
Clause 7.1	Mode of address – standing	We do not agree that Councillors and staff must stand when addressing the meeting. We acknowledge that the Draft Code acknowledges people's ability to do so, with the reference to "where	Disagree



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		<i>they can</i> ”, however, standing up and potentially over another Councillor or staff member may be seen as intimidation in moments of debate.	
Removal 8.2	Order of Business	The order of business should remain to provide Councils guidance on the development of their agenda.	Suggest amendment
Removal 9.9 and 9.10	Mayoral Minute	<p>Removal of rules around Mayoral Minutes, however some consideration needs to be provided for where a Mayoral Minute looks at expenditure of funds outside of the Operational Plan.</p> <p>Accountability and transparency are required in the decisions that Council are making and input from Council Officers who understand the day-to-day financial operations should be presented to the Council for consideration.</p> <p>The council may resolve to request a report for expenditure to be tabled at a later date, however, we believe it would be more efficient for all parties involved that the information is provided at the time it is tabled.</p> <p>Suggest amending it back to the former.</p>	Suggest amendment
Clause 10.3	Withdrawal of Notice of Motion	We agree that Councillors can withdraw their notices of motion and Council noting it, without the Councillor putting in formal request for it to be withdrawn.	Agreed
Removal of Clause 10.9	Motions requiring the expenditure of funds	The Consultation Draft seems to remove all provisions around expenditure of fund whereby matters are deferred until a report is provided by staff on the expenditure of funds.	Disagree



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		<p>When considered collectively with the Minister wishing to remove Pre-Meeting Briefings and transparent and accountable reports that provide information on expenditure of public money, it appears that Councillors will be forced to make decisions without detailed information and a lack of a forum to ask questions. The removal of this clause does not lead to accountable or transparent decision making.</p> <p>As per the above council may resolve to request a report for expenditure to be tabled at a later date, however, we believe it would be more efficient for all parties involved that the information is provided at the time it is tabled.</p> <p>Suggest amending it back to the former.</p>	
Removal Clause 10.17	Foreshadowed motion	This appears to be duplication and therefore removal is warranted.	Agreed
Removal of Clause 10.24	Limitations on the number and duration of speeches	Councils should be able to exercise their ability to resolve to shorten the duration of speeches to expedite the consideration of business. Suggest amending it back to the former.	Disagree
Clause 11.12 and 11.13	Planning decisions	The proposed clauses ensure the integrity of planning assessments and planning decisions are considered for its merits and compliance with the planning laws.	Agreed
Clause 12.2	Committee of the whole	We object to requiring Councillors to stand when addressing the meeting during the committee of the whole. Committee of the whole allows for extended debate and conversation. Standing may deter these discussions and debate. It is	Disagree



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		further noted above on our concerns relating to standing over another councillor during a heated debate.	
Clause 14.11	Representations by members of the public	The clause is confusing and should be clarified. It is assumed that the members of the public can address Council in Closed Council if Council determines so. More clarity is required.	Suggest amendment
Removal Clauses 14.12 to 14.17	Representations by members of the public approvals by General Manager	If the clauses relating to the General Manager approving representations by the public are removed, please clarify <i>"in a manner determined by Council"</i> . If Council resolves that a General Manager is able to determine the representations similar to the current Code and it is maintaining status quo, does this comply? Please clarify.	Suggest amendment
Clause 14.19 and 14.20	Closed Council business items	To ensure that the principles of Section 10A are upheld, we suggest there needs to be further guidance on treating tenders that may confer commercial information as confidential text. E.g. when contracts are uploaded onto state government contract registers but the supplier requests confidential text. However the rest of the information is able to provided where the Council resolves to do so.	Suggest amendment
Removal Clause 15.2	Point or Order	Removal of the previous restriction on the point of order against the principles outlined in 2.1 is supported.	Agreed
Clause 15.1(d)	Acts of Disorder	The removal of the Council's Code of Conduct but instead replaced with <i>"uses any language, words or gestures that would be regarded as disorderly in the NSW Legislative"</i>	Disagree and suggest amendment



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		<p><i>Assembly</i>” seems confusing. The Council Chamber is not the NSW Legislatively Assembly? Furthermore, it seems to be open to interpretation on the level of disorderly. The Council’s Code of Conduct should be the policy that Councillors and staff need to adhere to.</p>	
<p>Clause 15.12 and 15.13</p>	<p>Acts of Disorder (failure to comply)</p>	<p>The Chairperson, predominantly the Mayor has the ability to take action against a Councillor to remedy an act of disorder. In the instance of interpersonal conflict between a Mayor and a Councillor, this could be weaponised. It is recommended that this is a collective decision by way of resolution of the Council who vote of a remedy of action for the act of disorder of the Councillor in question.</p>	<p>Disagree and suggest amendment</p>
<p>Clause 15.15</p>	<p>Expulsion from meetings</p>	<p>As above, the Chairperson, predominantly the mayor has the ability to expel someone from a meeting. This could be weaponised where there is interpersonal conflict between the two people. It is recommended that this is a collective decision by way of resolution of the Council who vote of a remedy of action for the act of disorder of the Councillor in question.</p>	<p>Disagree and suggest amendment</p>
<p>Clause 17.10</p>	<p>Rescinding planning decisions</p>	<p>We agree to the one-day timeframe to rescind a previous planning decision.</p>	<p>Agreed</p>
<p>Clause 18</p>	<p>Time limits on council meetings</p>	<p>The language provided is non-restrictive/non-committal, however appears to have the same intent. Therefore why does this need to be changed? Suggest amending it back to the former.</p>	<p>Suggest amendment</p>



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Removal Clause 20.8	Attendance at committee meetings	If a Councillor fails to attend consecutive committee meetings without giving reasons acceptable to the Committee, what are the avenues afforded to the Committee to address the absenteeism issue? The Councillor's absenteeism may have potential implications for the ongoing business of Council. Suggest amending back to the former.	Disagree
Clause 20.20 and 20.21	Closed Committee business items	To ensure that the principles of Section 10A are upheld at the time that matters may be closed for business, we suggest there needs to be further guidance on treating tenders that may confer commercial information as confidential text. E.g. when contracts are uploaded onto state government contract registers but the supplier requests confidential text.	Suggest amendment.