

28 February 2025

NSW Office of Local Government  
Council Governance Team  
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Dear NSW Office of Local Government's Council Governance Team,

### **Model Meeting Code amendments**

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Thank you for the opportunity to make a submission in response to the proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW.

While every effort has been made to be as specific as possible, the following submission by the Northern Rivers Joint Organisation (NRJO) is intended to apply as broadly as possible given the Model Meeting Code applies not only to meetings of the NRJO's board but also its:

- seven member councils (Ballina Shire, Byron Shire, Clarence Valley, Kyogle, Lismore City, Richmond Valley and Tweed Shire)
- two associate members Rous County Council and Tenterfield Shire Council.

From the outset, the NRJO would like to echo the disappointment of its members that much of the feedback provided by the local government sector as part of last year's Councillor Conduct Framework Review appears to have been disregarded in the consultation draft of the amended Model Meeting Code and accompanying paper issued by the Office of Local Government.

### **Will the proposed amendments made in the consultation draft of the Model Meeting Code achieve the policy outcomes identified in the paper?**

Desired policy outcomes identified in the consultation draft's paper are generally supported by the NRJO. However, the NRJO does not agree that all the proposed amendments to the Model Meeting Code will contribute to achieving these outcomes.

#### *Promoting transparency, integrity and public participation*

The NRJO considers the following proposed amendments will positively contribute to promoting transparency, integrity and public participation:

- requiring meeting recordings to be published on council websites for longer
- preventing councils from making final planning decisions without an appropriate staff report

- requiring councils to give reasons where its decision on a planning matter departs from the staff recommendation.

However, the same cannot be said for the proposal to remove pre-meeting councillor briefings. As the NRJO strongly advocated previously in its submission to last year's Councillor Conduct Framework Review, any proposal to no longer permit councils or joint organisations to hold pre-meeting briefing sessions is not supported at all.

Current Model Meeting Code requirements already ensure such briefing sessions do not function as a forum for debate or decision-making by councillors. Rather, these sessions enable more informed decision-making to occur at formal council meetings, which must be stressed is a key meeting principle of the Model Meeting Code. Pre-meeting briefings provide councillors an early opportunity to clarify matters to be considered by the council or joint organisation, receive legal and other advice on sensitive/contentious matters, and ask questions of senior staff and other subject matter experts to make sure they get the technical and other further information they need to inform their debate and decision-making during formal council meetings.

The existing right to access council information by members of the public under the *Government Information (Public Access) Act 2009* already does more to promote transparency, integrity and public participation than removing pre-meeting councillor briefings will ever do.

#### *Promoting the dignity of the council chamber*

It is the NRJO's view that the following proposed amendments especially will do little, if anything at all, to promote the dignity of the council chamber:

- **Requiring councillors and staff to stand when addressing a meeting and when the mayor enters the chamber**

Again, as the NRJO stressed in its previous submission to last year's Councillor Conduct Framework Review, introducing courtroom etiquette into the council chambers – such as standing when speaking and formal/reverent manners of address – is not supported.

Such practices/conventions are archaic and not befitting of a 'modern' model meeting code. The NRJO reiterates that such reforms will only serve as a barrier to diversity and inclusion and fail to recognise that elected officials are not required to have any formalised or specialist training to hold or discharge their duties of office. And again, introducing the practice of standing when a mayor enters the room will be especially problematic for NRJO meetings given each member of its governing body is a mayor.

- **Incorporating NSW Legislative Assembly standards into acts of disorder**

Given councillors are not members of the NSW Legislative Assembly, this proposed amendment will only serve to confuse and complicate the council chamber rather than promote its dignity. Councillors (along with council staff) are already familiar with the standards under local government codes of conduct, which the Model Meeting Code rightly refers to currently. Plus, the Legislative Assembly and a council chamber are 2 completely different environments – with the most glaring difference being that councillors are not afforded Parliamentary Privilege.

### *Depoliticising the role of the general manager*

Whether the proposed amendments will 'depoliticise' the general manager's role is unclear.

In any event, the NRJO is particularly concerned with the proposal to remove the requirement for general managers to prepare reports for notices of motion. Responding to notices of motion is considered good practice, ensuring councillors are openly and transparently provided with all the relevant information needed to inform their decision-making. This is especially crucial where a notice of motion may have significant implications (financial or otherwise) for delivery of a council's already adopted program of projects, works and other initiatives under the Integrated Planning and Reporting framework.

### *Simplifying the Model Meeting Code*

Generally speaking, the NRJO welcomes efforts to simplify the Model Meeting Code where appropriate. As always, any proposed amendments must either be accompanied by suitable safeguards or ensure existing checks and balances are not undermined.

Unfortunately, the proposal to remove the non-mandatory rules governing public forums is more likely to lead to unnecessary complication, confusion and contention as councils are left to formulate their own rules regarding public participation at meetings. The current Model Meeting Code already provides an ideal, balanced and consistent approach to this important issue (especially for the community), allowing councils the option to adapt the model rules where necessary to meet the needs of their local government area's different communities.

### **Are there any other amendments you would suggest that will achieve these policy outcomes?**

Two such amendments are suggested by the NRJO.

First, through its periodic attendance at council meetings and review of meeting recordings, the Office of Local Government ought to be required under the Model Meeting Code to take a greater role in promoting the dignity of the council chamber. Amendments should be considered that require Office of Local Government representatives to report instances of meeting behaviour that do not comply with the Model Meeting Code to the Minister, with the option to issue Performance Improvement Notices to one or more councillors. Such an amendment would also help depoliticise the general manager's role.

Second, simplifying the Model Meeting Code would benefit from ensuring its terms and language are used consistently throughout to improve understanding and application. For example, the Model Meeting Code currently refers inconsistently to both 'by resolution of Council' and 'as determined by Council'.

### **Will the proposed amendments have any unintended consequences?**

Consequences of the proposed amendments that are of particular concern to the NRJO include those that will more than likely:

- increase the costs of council meetings and associated requirements
- unfairly impact rural and regional councils.

For example, administrative costs will increase sharply if the use of more and more formal committees is to replace councillor briefing sessions, with councils needing to dedicate added financial, executive leadership, staff and other resources to support such committees. Resources will also need to be added or diverted if multiple staff members are required to continually respond to individual requests from councillors that would normally be raised via briefing sessions. Without additional funding to overcome this added cost burden, other council services will suffer.

The above alternatives to briefing sessions are also largely impractical and unworkable for many rural and regional councils, whose often small number of councillors makes it challenging to divide into multiple committees to cover the breadth of a council's operations. Without these briefing sessions, meeting times are also likely to increase significantly as to would the risk of staff feeling restrained from responding publicly especially if the matter is contentious.

Another example is the proposal whereby councillors will only be permitted to attend meetings by audio visual link in the event of ill health, other medical reasons or unforeseen caring responsibilities.

While the NRJO agrees that councillors should be encouraged to attend meetings in-person as much as possible, the proposed amendments restricting their access to remote attendance fails to properly appreciate the challenges faced by councillors in rural and regional areas. Many councillors in these areas have to travel significant distances to participate in council or joint organisation meetings. Many also juggle fulltime employment, run their own businesses or regularly have to travel away from their local government areas for various work and other commitments. These councillors should not be unfairly restricted from participating in council meetings when modern technology provides them the means to do so. It should be a matter for each council to decide based on its own circumstances the appropriate level of remote attendance at council meetings.

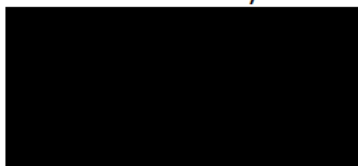
### Are there any other amendments the Government should consider?

Other amendments relevant to the Model Meeting Code that the NRJO recommends the NSW Government consider include guidance on:

- how petitions, submissions and other written representations received from the community in relation to matters to be considered at council meetings should be treated
- maintaining order in the public gallery and dealing with unauthorised recordings and other etiquette issues
- the use of periodic councillor workshops as opposed to councillor briefing sessions.

Should you need to discuss any of the above further, please do not hesitate to contact me directly.

Yours sincerely



**Executive Officer**  
**Northern Rivers Joint Organisation**