

28 February 2025

Office of Local Government
 Attention: Council Governance Team
 L12 28 Margaret Street
 Sydney, New South Wales, 2000
 olg@olg.nsw.gov.au

RE: Model Meeting Code amendments (submission)

Dear Council Governance Team,

We write to provide Strathfield Council's submission regarding the proposed changes to the Model Meeting Code.

Council appreciates the opportunity to contribute feedback on the Office of Local Government's proposed amendments to the *Code of Meeting Practice* (February 2025). While Council is supportive of the ideals of open and transparent government and accountability, there are several proposed changes that raise concerns for Council.

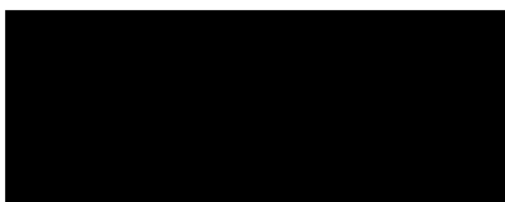
The table below outlines Council's responses to specific proposed changes, which we respectfully request the OLG to take into account in its final decision-making. Items for which Council has no feedback or concerns have not been included.

Please do not hesitate to contact us should you require any further clarification.

ITEM	CONSIDERATIONS
Extraordinary Meetings (3.2)	<p>We do not anticipate it would be an issue for Strathfield Council.</p> <p>However, this may impact Councillors if a Mayor was to continue to call extraordinary meetings in excess.</p>
Notices of Motion (3.12)	<p>Councillors often do not have formal financial training or business management training and experience.</p> <p>Restricting Management's ability to provide Councillors with critical information, especially regarding financial decision-making, may lead to substantial financial challenges and undermine informed governance.</p> <p>This raises concerns about resolutions with potential legal implications. Failure to properly consider these implications could expose Councils to legal errors, increasing the risk of claims and legal proceedings.</p> <p>While we appreciate that the Local Government Act requires that Councils are required to follow principles of sound financial management, having more robust rules and processes in place to support this is pertinent to ensuring Councillors</p>

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	are properly guided and ensuring the sustainability of Councils into the future.
Questions with Notice (3.13)	This could raise significant concerns regarding Workplace Health and Safety (WHS) and the wellbeing of both staff and the General Manager. Furthermore, it has the potential to compromise procedural fairness, particularly when the matter is already subject to a formal investigation, which is conducted under strict confidentiality.
Pre-meeting Briefing Sessions (3.33)	<p>This change will have a direct impact on Councillors, as it requires general workshopped meetings to be recorded and made available for public viewing. While this promotes transparency, it also introduces challenges. Councillors may need to ask detailed or exploratory questions to fully understand matters, but these inquiries would have to occur in a public forum. This could subject them to increased public scrutiny, potentially influencing the nature and dynamics of such discussions.</p> <p>Council opposes the proposed ban on pre-meeting briefing sessions in the absence of the public. Council appreciates that members of the public have a right to know what decisions are made by their elected representatives. However, briefing sessions are not a decision-making forum and are not where decisions are made.</p> <p>The decisions are made during council meetings, in full view of the public. Briefing sessions provide elected representatives an opportunity to ask questions of staff (some of whom may not attend council meetings) which may be too sensitive to ask or respond to in public. Banning these sessions will result in elected representatives being less informed, which will in turn lead to poorer decisions.</p> <p>It is acknowledged that Councils could use formal committee structures or to resolve to go into closed (confidential) sessions of formal council meetings, however these formats are for distinctly different purposes and are not substitutes for briefing sessions.</p> <p>The proposal also specifically allows for mayors to be provided with information that may affect or impact or be considered by the mayor in their deliberations or decisions, which is not also to be provided to other Councillors. All Councillors should continue to have a right to be provided with the same information that other Councillors receive from their council, which may affect or impact or be taken into account in their deliberations or decisions.</p>
Attendance by Councillors by Audio-Visual (5.19 & 5.20)	Impact would present if a Councillor genuinely could not attend in person to a Mayoral Election meeting. In these circumstances the change would impact the Councillor's ability to participate in a crucial democratic role for which they have been elected.
Attendance of General Manager and Staff at meetings (5.43 & 5.44)	Councillors do not typically know which staff they may need to engage with. Approaching attendance of staff in this way could slow down and/or impact the quality of decision making as Councillors will need to take additional steps to enable staff attendance at meetings.

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	<p>Our Staff typically do not attend by Audio Visual Link though this could present issues if a key Staff member i.e. Executive team was injured for a longer period etc. This may be better aligned to the above and how Council approved attendance by audio-visual link now.</p>
<p>Mayoral Minutes (9.7)</p>	<p>Councillors typically do not have formal financial training or experience in running businesses.</p> <p>Removing Management's ability to provide Councillors with the necessary information, particularly for financial decision-making, could result in significant financial challenges and hinder informed governance and decision making.</p> <p>This is also a concern for resolutions that may have legal implications where failure to consider these implications could lead Councils into legal error and lead to an increase in claims and legal proceedings against Councils.</p>
<p>Notices of Motion (10.9)</p>	<p>Councillors typically do not have formal financial training or experience in running businesses.</p> <p>Removing Management's ability to provide Councillors with the necessary information, particularly for financial decision-making, could result in significant financial challenges and hinder informed governance and decision making.</p> <p>This is also a concern for resolutions that may have legal implications where failure to consider these implications could lead councils into legal error and lead to an increase in claims and legal proceedings against Councils.</p>
<p>Changes to the Act</p>	<p>While these changes may not significantly impact Strathfield Council's general operations, they could potentially be leveraged for political purposes, which might disrupt the effective functioning of the Council. Determining equity and procedural fairness would be paramount to this working well. Without this, they pose a risk of creating health and safety concerns for Councillors.</p>



Director Corporate & Community