



MID-WESTERN REGIONAL COUNCIL

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Attention: Office of Local Government's Council Governance Team  
Office of Local Government  
Locked Bag 3015  
NOWRA NSW 2541

Via Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)

**SUBJECT: MODEL MEETING CODE AMENDMENTS**

Mid-Western Regional Council wishes to make a submission on the proposed amendments to the Model Meeting Code of Practice.

Whilst we appreciate and support certain amendments, particularly those that reinforce the importance of staff reports and expertise in planning and other matters and the necessity for Councillors to provide justification when making decisions that are contrary to staff recommendations (something we already choose to do) as well as allowing for the Mayor to put a mayoral minute to a Council meeting on any matter or topic the Mayor determines should be considered, whether it is within the jurisdiction of Council or not, we have significant concerns regarding several other proposed changes.

- 1. Conferring the power on Mayors to expel Councillors for acts of disorder and to remove the Councillors entitlement to receive a fee for the month in which they have been expelled from a meeting. Councillors will be required to apologise for an act of disorder at a meeting at which it occurs and each subsequent meeting until they comply. Each failure to apologise becomes an act of disorder and will see the Councillor losing their entitlement to receive a fee for a further month.**

The proposal to empower Mayors to expel Councillors from meetings for acts of disorder, with the possibility of withholding their fees until an apology is provided is troubling.

Whilst maintaining order in meetings is essential, conferring such power to a single individual can lead to an imbalance in governance and a lack of harmony within the Council.

This approach could foster an atmosphere of mistrust and fear, where Councillors may feel reluctant to voice their opinions or engage in debate for fear of retribution.

Furthermore, the use of this power could escalate conflicts rather than resolve them which goes against the nature of having a collaborative local government.

**2. Allowing for Mayors to expel members of the public from the chamber for acts of disorder and enabling the issue of Penalty Infringement Notices (PINS) where members of the public refuse to leave a meeting after being expelled.**

Allowing for Mayors to expel members of the public from the Council Chambers and issue PINS if they refuse, for acts of disorder during Council meetings could be seen to target individuals or groups based on personal biases or political disagreements, leading to perceptions of unfair treatment and undermining public trust in local government. Such powers could lead to an environment where public participation is stifled, and residents may feel intimidated or discouraged from voicing their opinions.

Mid-Western Regional Council prides itself on public engagement and such changes may take away from our commitment to transparency and inclusivity.

**3. Banning of Closed Briefing Sessions**

Our most significant concern lies with the proposal to remove closed briefing sessions.

These sessions serve a critical purpose, providing Councillors with the opportunity to learn, ask questions and gain a deeper understanding of issues before they reach the Council meeting stage.

Briefing sessions facilitate open dialogue with staff, allowing for the clarification of complex matters and the development of informed decisions. By making these sessions open to the public, we risk withholding candid discussion and deterring staff from providing full and frank advice. Inadvertently, this places staff members into the public eye, becoming open to criticism and scrutiny.

As well as having a detrimental effect on staff, open briefing sessions disallow Councillors the opportunity to learn out of the spotlight. This may hinder the confidence of Councillors to ask questions and suppress debate during Council meetings for fear of appearing ignorant and unknowledgeable.

**4. Attendance at Council meeting by audio visual link will only be permitted where a Councillor cannot attend in person due to medical reasons or unforeseen caring responsibilities**

We do not agree with the proposal to remove Council's choice on how and when remote attendance at Council meetings will be allowed.

Removing the Council's discretion to approve a Councillor to attend a meeting by audio visual link in certain circumstances (as deemed appropriate by the Council) outside of health and unforeseen caring needs may reduce the participation of Councillors in meetings, resulting in a higher number of apologies and discourage future candidates from running for Council.

It should be recognised that the role of a Councillor, unlike that of parliamentary members, is not a full-time position and we should be trying to encourage people to stand for Council rather than making it harder to participate.

**5. The attendance of Council staff at Council meetings will be determined by Council rather than the General Manager**

We believe that Councillors determining which staff attend Council meetings, rather than leaving this decision to the General Manager undermines the operational integrity and position of the General Manager.

The General Manager is best positioned to assess which staff members are necessary for effective decision making. This change could lead to uninformed choices and exclusion of staff at meetings, impeding Council's ability to function efficiently and depriving Councillors and the public of the right expertise during Council meeting discussions.

- 6. Removing the need for a motion which would require the expenditure of funds not already accounted for in the budget to identify the source of funding for the expenditure. A motion that does not identify a funding source will no longer need to be deferred until a report can be provided by the General Manager on the availability of funds.**

Allowing Councillors to submit motions requiring the expenditure of funds without identifying a source for that funding could lead to financial mismanagement and the allocation of resources without consideration of Council's budgetary constraints and commitments, allowing for unplanned expenditure that jeopardises Council's financial stability and as a result, the services we are able to provide.

- 7. Allowing for a Councillor to ask a question with notice comprising of a complaint against the General Manager or a member of staff, or a question that implies wrongdoing by the General Manager or staff.**

Following on from point 5, we oppose the allowing of Councillors to make complaints about the General Manager or staff members during Council meetings or to imply wrongdoing during a Council meeting.

Such practices open staff up to receive disparaging comments and personal attacks, as well as the risk of personal reputation damage.

It is essential that any concerns regarding staff performance be addressed through the appropriate channels, ensuring that issues are dealt with appropriately and without a public audience.

- 8. Removal of Foreshadowed Motions**

Foreshadowing a motion allows a Councillor the opportunity to signal their intent to propose an alternative action or decision where an original motion is lost. It ensures that all Councillors and members of the public are aware of potential alternative actions when making a decision and may allow for more thoughtful consideration of matters raised.

Even though foreshadowed motions are rarely used, allowing for them provides an option for Councillors who may wish to express opposition or propose alternatives in relation to the matter of the subject of the original motion before the Council.

- 9. Council may resolve to close a Council meeting to the public to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation relates to a matter referred to in clause 14.1**

While the public interest is always at the forefront, allowing for Council to resolve to close a meeting to allow members of the public to address Council on whether they should open closed sessions of Council meetings based on their perceptions of confidentiality will only lead to unnecessary delays and pressure on Council to justify their decisions for closing a session rather than focusing on effective governance.

Section 10A of the *Local Government Act 1993* gives clear guidelines on the types of matters and information that may be discussed in a closed Council meeting session.

Where members of the public have concerns, these concerns should be submitted to Council in advance of a Council meeting and responded to accordingly.

**10. Business papers for items of business considered during a meeting, or part of a meeting that is closed to the public are to be published on Council's website by the General Manager as soon as practicable are the information contained in the business papers ceases to be confidential, following consultation with the Council.**

Lastly, we are against the requirement to publish confidential business paper reports once they are no longer confidential.

While we support transparency, the administrative burden of monitoring and ensuring consultation with Council on these items is onerous and could detract from our core responsibilities.

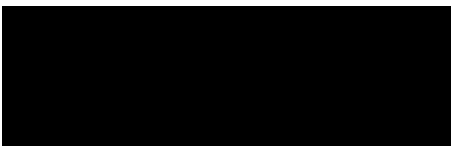
Council resolutions on confidential matters are published in the Council meeting minutes and the public are always kept informed on Council decision making.

There may be instances where a matter is no longer confidential, however the content contained within a report may need to remain withheld as it is not within the public interest to release. This would result in Council's Right to Information Officer needing to apply the public interest test to each confidential report and justifying why certain information is being withheld. This is not seen to be a good use of Council resources.

In conclusion, we urge the Office of Local Government to reconsider the above proposals. We believe that the Mayor should not be seen as a figure of enforcement, rather a leader and public face of the Council and advocate for the ability for Councillors to learn without observation as well as maintaining a clear distinction between public engagement and administrative functions.

Thank you for considering our submission on the proposed changes to the Model Code of Meeting Practice and we look forward to hearing the outcome following the consultation period.

Regards,



DES KENNEDY  
MAYOR