

28 February 2025

For the attention of Office of Local Government's Council Governance Team

olg@olg.nsw.gov.au

Draft Model Meeting Code Amendments

Thank you for the opportunity to provide feedback on the draft Model Meeting Code amendments.

The Lithgow Local Government area is located on the western ramparts of the Blue Mountains, 140 kilometres from Sydney. The Lithgow Local Government area totals 4,567 square kilometres from the Capertee and Wolgan Valleys in the north, Little Hartley in the east, Tarana in the south and Meadow Flat in the west. In addition to the major urban centre of Lithgow, the Lithgow local government area has 12 villages/ hamlets with mining or farming backgrounds and has a population of almost 21,000 people.

Council supports transparent, locally-led decision making within an framework that supports effectively held meetings that with respectful, robust discussion that enables well-informed decisions for our community.

While a range of the proposed amendments will assist with achieving this outcome, Council has some concerns about the unintended consequences of certain amendments, which are outlined in the table below.

Code Clause	Impact	Comment
Removal 3.12	Notice of Motions (General Manager)	Disagree and suggest amendment. 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.
Removal 3.15	Questions with Notice (Wrongdoing)	Disagree and suggest amendment. If considered with the above suggestion, any potential legal action that may arise should be assessed first before it is tabled.
Removal 3.23	Statement of Ethical Obligations	Disagree and suggest retention of current version. It is important that the public are aware of this requirement and a particular item on a Business Paper may be the only mechanism this occurs. Additionally, this seems to be a removal of a good governance stipulation.
Removal Pre-briefings	Pre-meeting briefings	Disagree. Removing this provision may lead to Councillors making decisions without having the full opportunity to clarify

		<p>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>
Clause 7.1	Mode of address – standing	<p>Disagree.</p> <p>Standing up may be seen as intimidation in moments of debate. Additionally, this will lead to issues with the technology currently used to record and live stream meetings. The camera and microphones will not support this requirement.</p>
Clause 7.12	Addressing the Mayor	<p>Suggest removing the stipulation regarding gender of Mr or Madam, as seems antiquated and not in line with societal expectations. Mayor or Chairperson should suffice and will support inclusivity.</p>
Removal 9.9 and 9.10	Mayoral Minute	<p>Suggest amending it back to the former. Removal of rules around Mayoral Minutes is welcomed, 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, it would be more efficient for all parties involved that the information is provided at the time it is tabled.</p>
Removal 10.9	Motions requiring the expenditure of funds	<p>Disagree and suggest amending it back to the former. The Consultation Draft seems to remove all provisions around expenditure of funds whereby matters are deferred until a report is provided by staff on the expenditure of funds.</p> <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 support accountable or transparent decision making.</p> <p>As per the above council may resolve to request a report for expenditure to be tabled later, however, it would be more efficient for all parties involved that the information is provided at the time it is tabled.</p>
Removal 10.24	Limitations on the number and duration of speeches	<p>Disagree and suggest amending it back to the former. Councils should be able to exercise their ability to resolve to shorten the duration of speeches to expedite the consideration of business.</p>
Clause 15.1(d)	Acts of Disorder	<p>Disagree and suggest amendment</p> <p>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 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>

Clause 15.12 and 15.13	Acts of Disorder (failure to comply)	Disagree and suggest amendment 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.
Clause 15.15	Expulsion from meetings	Disagree and suggest amendment 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.
Removal Clause 20.8	Attendance at committee meetings	Disagree and suggest amending back to the former. 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.

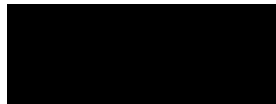
The major concern Council has relates to the removal of briefing sessions, at which no decisions are able to be made as there are no resolutions of Council. These sessions are used for open and efficient communication and provide a key mechanism for Councillors to be educated on the matters they are to make decisions upon.

There are nuances to information provided in reports to Council Meetings, that Councillors need to ask questions in a manner that supports open and informal questioning without the concern for public misinterpretation. The removal of these sessions may lead to inefficient Council Meetings that are centred on questions on the items, rather than effective and well-informed discussion.

Briefing Sessions are also a key mechanism for Councillors and staff to build the required relationship to drive optimal decision making for our community.

Thank you for the opportunity to provide feedback to this discussion paper. If you require further information or clarification on comments in this submission, please do not hesitate to contact [REDACTED]

Yours sincerely



Ross Gurney
GENERAL MANAGER