

Our Reference: S4.12.1

28 February 2025

Office of Local Government
Council Governance Team
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NOWRA NSW 2541
By Email: olg@olg.nsw.gov.au

Dear Council Governance Team

MODEL MEETING CODE AMENDMENTS

I write in relation to the Office of Local Government's invitation to provide feedback from the local government sector and others on proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code).

Following consideration of the matter at their meeting held on 26 February 2025, Council resolved to make a submission in response to the proposed amendments.

As a result, I wish to bring your attention to the following points whereby Council consider the proposed amendments may have an unintended consequence.

Notices of Motion (former Clause 3.12) - removing the obligations of the General Manager to prepare a report in regards to Notices of Motion that have potential legal, strategic, financial or policy implications is considered a retrograde step. Whilst the intent of depoliticising the role of General Manager is supported, it is important that Councillors are provided with all relevant information to facilitate informed decision-making. Consistent with the provisions of the Integrated Planning and Reporting Framework, Council has a responsibility to understand the budgetary and long term financial plan impact of their decisions.

Pre Meeting Briefings (former Clauses 3.33 - 3.38) - strenuous objection is put forward in response to the proposal to remove the opportunity to provide Councillors with pre-meeting briefings/workshops. Council has effectively used such briefing sessions to facilitate the exchange of information between the executive and the governing body, ensuring Councillors are kept well informed of emerging matters. These sessions are not a decision-making forum and do not impact upon the extent or transparency of debate at Council meetings. Instead, it provides a more informal and collegiate opportunity to exchange knowledge and workshop matters so Councillors are well equipped when setting the strategic direction of Council.

Removing this opportunity from Councils will only encourage a swathe of alternate approaches around the proposed Code of Meeting Practice to facilitate such discussion. Hence, the role of closed briefing sessions (just like Ministerial briefings from government departments) should be acknowledged and accepted as a legitimate component of the governance structure of Councils.

Attendance of Staff at Meetings (former Clause 5.44) - shifting the responsibility from the General Manager to the Council to determine staff attendance at Council meetings would be inconsistent with the current provisions of the *Local Government Act 1993* (General Manager is responsible for directing staff). The General Manager is considered best placed to determine which staff have the knowledge, expertise and involvement with matters to attend at Council meetings. The General Manager also takes into consideration the relevant human resource and WH & S factors in making such decisions.

Mayoral Minutes (former Clause 9.10) - similar to those proposed changes with Notices of Motion, the removal of the need to identify budgetary impacts for Mayoral Minutes, that if adopted would result in expenditure on works or services, is considered a retrograde step. It is important that Council has access to all relevant information when considering matters of business, whether it be a Mayoral Minute, Notice of Motion or a staff generated report.

Foreshadowed Motions (former Clause 10.17) - Clause 10.11 of the current Code prevents amendments that are a direct negative of the original motion. The ability to foreshadow a motion thus provides a mechanism where the opposite determination on a motion being debated can be achieved. This provides Council greater flexibility in decision making where an original motion is lost. Therefore, it is considered the ability to utilise foreshadowed motions should remain in the Code.

Publishing Confidential Business Papers (former Clauses 14.19 & 14.20) - whilst Council fully supports transparency and accountability, there are significant concerns around the process of publishing business papers that contain information that ceases to be considered confidential. This imposes a significant and open-ended duty on Council to continually monitor all historical business papers and determine whether the reasons for them being made confidential have lapsed, consult with Council and publish them. There are significant legal complexities in determining if and when confidential information would lose that status and can be published. This will place a further burden upon Council for potentially limited gain. Existing GIPA provisions are considered to provide an adequate mechanism to seek to obtain such information.

I thank you for providing Council with the opportunity to provide feedback in respect of the proposed new Model Code of Meeting Practice and would be available to discuss in further detail if required.



GENERAL MANAGER