

Yass Valley Council

Submission to the NSW Office of Local Government on Proposed Changes  
Model Code of Meeting Practice for Local Councils in NSW

<i>Proposed Change</i>	<i>Council Position</i>	<i>Comments</i>
<p><b>Removal of current clause 3.1</b> – Removal in favour of retaining existing Clause 3.2 as only option on Council responsibility for determining frequency, timing and location of ordinary meetings.</p>	<p><input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral</p>	<p>Removes option to capture specific scheduling details within body of Code. Reflects better practice preference to keep things simpler and more flexible. A separate scheduling instrument can be developed to hold and update specific scheduling details,</p>
<p><b>Clause 3.3</b> – New provision that provides option for the mayor to call an extraordinary meeting without needing 2 councillors as co-signatories</p>	<p><input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral</p>	<p>The current clause giving the option to the mayor to call a meeting with two councillors co-sign such a request is unaffected. The separate ability of the CEO under s367 of the LG Act to give notice of an extraordinary meeting is also unaffected. It can be argued that calling of such meetings at the behest of the mayor is consistent with the principle underlying the pre-eminence of the mayor in issuing mayoral minutes to introduce matters of urgency to ordinary meetings without notice. The minimum notice period of three days for extraordinary meetings remains unaffected.</p>
<p><b>Clause 3.8</b> – Minor modification that implies that the default position for generating notices of meetings and distributing agendas and business papers is electronic. Council will need to specifically determine if it will deviate from that position.</p>	<p><input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral</p>	<p>Assumes that electronic forms of communication and document distribution are default positions. This is a more efficient and environmentally sustainable approach than others, but still allows for some flexibility.</p>
<p><b>Clause 3.10</b> – Elimination of need to specify a standard notice period lodging notices of motion.</p>	<p><input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree</p>	<p>Appears to permit ad hoc decisions of council about lead times for submitting notices of motion. This has the potential for creating difficulties in scheduling agenda and business paper production. It also risks undue delays in final production and, thus, is not in the public interest re transparency and its timeliness. Where officers are not</p>

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	<input type="checkbox"/> Neutral	required to provide background responses in conjunction with the listings of notices of motion, the production difficulties would be less pronounced. (See also comments in next section in relation to proposed removal of current Clauses 3.12 and 3.13)
<b>Removal of current Clause 3.12</b> – Removes the option, but does not specifically prohibit, discretion to include officer feedback on notices of motion in conjunction with the listing of motions. The clause identified for deletion concerns circumstances where it may be prudent to highlight legal, strategic, financial or policy implications.	<input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree <input type="checkbox"/> Neutral	This goes to the heart of responsible and efficient handling of advice to support sound decision making. Removal of the clause is counter intuitive to principles of risk management concerning risk awareness and evaluation. If prohibition on officer feedback (rather than the option of not expecting it) is intended, this would need to be mandated in legislation if the clause change in the Code is to stand.
<b>Removal of current Clause 3.13</b> – Removes requirement to include in a notice of motion, a proposed funding source for any works or services sought by the motion where there is not already a source of funding in the adopted operational plan. Also removes the obligation for inclusion of an officer report on funding implications for unfunded proposals.	<input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree <input type="checkbox"/> Neutral	The existing requirements reinforce obligations for responsible fiscal management and commitment to undertakings to the community under adopted delivery programs and management plans. Their removal also increases risks of poor decision making in the absence of relevant insights. This tends to lead to poor budget control, failure to meet community expectations and missed opportunities.

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<p><b>Removal of current Clause 3.15 –</b> Removal of constraint that prohibits asking a question on notice that deals with a complaint against any member of staff or implies wrongdoing of same.</p>	<p><input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree <input type="checkbox"/> Neutral</p>	<p>Publication and public debate of such details are fraught with risks of wrongful reputational damage and improper use. They are also not conducive to maintaining good working relationships between councillors and officers. Speculating on conduct matters in such a public forum has the potential to undermine sound processes that exist for investigation of concerns, can compromise evidence and effectively deny individuals rights to a presumption of innocence or the ability to respond.</p>
<p><b>Removal of current Clause 3.23 –</b> Removal of requirement to include statements in council business papers to remind councillors of obligations of under their oaths or affirmations of office as well as their duty to under the Code of Conduct to disclose and appropriately manage conflicts of interest.</p>	<p><input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input checked="" type="checkbox"/> Neutral</p>	<p>There is a reasonable expectation that councillors should be mindful at all times of their obligations under the Local Government Act and the Code of Conduct. Use of reminder statements in business papers is a very passive approach to reinforce this message. Inclusion in business papers has the advantage of raising awareness among members of the community.</p>
<p><b>Clauses on “Agenda and business papers for extraordinary meetings” (commencing with Clause 3.25) –</b> Substantial reworking of section which permits additional items of business being considered without notice if they are deemed as matters of urgency. Only the mayor and mover of the motion (if the mover is not the mayor) may speak</p>	<p><input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input checked="" type="checkbox"/> Neutral</p>	<p>This approach is consistent with practices for introduction of matters of urgency at ordinary meetings of council. The rationale for limiting the number of speakers is not clear and seems to be at odds with standard practice for debate. There is a risk that only hearing one or two voices will make it difficult for councillors to reach a balanced decision unless the case is seen to be exceptionally compelling.</p>

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to it. Matter/s that originally gave rise to meeting must be dealt with first.		
<p><b>Elimination of all clauses in relation to “Pre-meeting briefing sessions” (commencing with Clause 3.33) –</b> Complete elimination of the provisions for conducting briefings on matters listed for the ensuing ordinary meeting of the council.</p>	<input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree <input type="checkbox"/> Neutral	<p>The implication – in line with public statements by the Minister for Local Government – is that such briefings are to be prohibited. The Code change falls short of explicitly stating prohibition of briefings so this would need to be separately addressed through statutory changes. The elimination of briefings is highly undesirable because these informal and ‘safe’ forums enable councillors to bring an informed mind to council meetings. The formal confines of council meeting structures limit the ability of councillors and officers to freely or easily:</p> <ul style="list-style-type: none"> <li>• Receive information (including confidential or highly sensitive information)</li> <li>• Ask diverse questions</li> <li>• Share ideas</li> <li>• Give information</li> <li>• Develop understanding</li> <li>• Identify the need for more information</li> <li>• Explore issues and concerns</li> </ul> <p>LGNSW and other key other industry bodies have clearly articulated strong views in support of retaining briefings. The LG Act makes it clear that decisions of councils are made at properly constituted meetings of Council. To reinforce this obligation, the OLG could develop a model policy under s23A of the LG Act to provide a framework for informal gatherings of councillors at briefings and workshops.</p>
<p><b>Major rework of section on “Public Forums” commencing with Clause 4.1</b> – Most clauses to be eliminated and replaced with a new Clause 4.2</p>	<input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree	<p>Given that that separation of public forums from meetings has been encouraged for sound probity reasons, detailed guidance on their operation should have no place within the Model Code of Meeting Practice. Councils need to reflect the needs and priorities of their local community on engagement methods and styles, so it makes</p>

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<p>permitting each council to determine its own rules under which the public forum is to be conducted. Clause 4.1 modified to include committees of councillors and not just ordinary council meetings before which public forums may be staged.</p>	<p><input type="checkbox"/> Neutral</p>	<p>sense to have flexibility around how they design this form of it. Council officers can gain access to various better practice tools to help guide them on how they might approach the management of public forums. Ideally, the OLG should develop and / identify better practice instruments to assist with this.</p>
<p><b>Clauses about attendance (change of Clause 5.4, inclusion of Clause 5.7 and removal of notice requirement change in plan to be absent</b> – Apology to be treated as a request for leave of absence from council meeting. Advance notice not required if circumstances change, and attendance proceeds despite advice of intention to be absent.</p>	<p><input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral</p>	<p>Councillors have traditionally been obliged to specifically seek a leave of absence if unable to attend a meeting. This tends to assume that they know well in advance and have the time to prepare a formal request. In practice, inability to attend is often unexpected and the need arises at short notice. Circumstances can change very quickly so the ability to apologise or attend despite an earlier apology or leave of absence request in a practical reality of modern living.</p>
<p><b>Changes to “Attendance by councillors at meetings by audio-visual link” section (commencing with Clause 5.19)</b> – Provisions tightened to limit reasons why remote access will be granted i.e. ill health or other medical reasons, or unforeseen caring responsibilities. Remote participation</p>	<p><input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree <input type="checkbox"/> Neutral</p>	<p>New provisions wind back most of the provisions made in response to the COVID19 pandemic. Prior to the pandemic there had always been a hard line on councillor attendance being only in person. The importance of being present in person is being is understandable but the level of compromise is unacceptable. The exceptionally tight restrictions are counter intuitive to the need to encourage participation and diversity in candidates standing for election to councils. They also unfairly discriminate against councils in rural and regional areas that must address tyrannies of distance that metropolitan regions do not face.</p>

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not permitted for meetings at which a mayoral election is to be held.		
<b>Current Clause 5.7</b> – Minimum retention requirements for recordings of meetings on council website strengthened. Includes requirement to hold recordings for the balance of the current term of council if this is more than 12 months. Otherwise, 12 months remains the minimum.	<input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral	Ideally, minimum retention requirements should be considered in conjunction with requirements under the State Records Act and be harmonised accordingly. Similarly, there should be harmonisation with GIPAA legislation regarding proactive release of this kind of open access material. In practice, there is often strong public interest in ready access to such records for more than the recommended minimum e.g. at least for the current and previous terms of council or administration. Many councils do keep proactive release going for much longer time frames but given the storage demands for audio-visual recordings it may be impractical or too expensive keep such files readily accessible for extended periods.
<b>Change to Clause 5.3 and elimination of Clause 5.4</b> – Proposal to take decisions about attendance of various staff (other than as members of the public) at meetings of Council and its Committees out of the hands of the CEO. Elimination of option for virtual staff attendance.	<input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree <input type="checkbox"/> Neutral	This proposal cuts across the rights and obligations of the CEO embedded in the LG Act to lead and manage the officers reporting to them. It is effectively a form of directing officers other than the CEO and, thus, inconsistent with a core principle of the Model Code of Conduct. The CEO is placed in a far better position to determine which officers can assist with certain matters – again a principle addressed in the Model Code of Conduct and its requirement for the CEO to determine which officers and on what matters councillors should be permitted to deal with. Allocation of officer resources is an operational matter under the authority of the CEO.
<b>New Clause 7.1 and modification of former Clause 7.2 on “Modes of Address”</b> – Requirement for councillors and staff to stand when the mayor enters	<input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree <input type="checkbox"/> Neutral	Some would view these requirements as antiquated and out-of-step with the modern and relatively relaxed culture of Australia. The gender neutral term of Chair should be referenced in Clause 7.2 as an appropriate form of address.

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the chamber and when addressing the meeting.		
<p><b>Changes to Section 8 on the order of business</b> – Current model structure which can be adapted completely removed. Provision for mayor to speak in relation to motion to change the order of business during a meeting (in addition to a mover if they are not the mover).</p>	<p><input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral</p>	<p>The proposed change acknowledges the pre-eminent role of the mayor as the person for guiding the conduct of the meeting. They often bring extra and more nuanced knowledge of matters of relevance to such motions. Given that the focus of these changes is about rulings to be made by the chair, it may be more appropriate to refer to the role of the chair rather than the mayor, to cover instances where another councillor is in that role.</p>
<p><b>Changes to clauses in Section 9 dealing with “Business that can be dealt with at a council meeting”</b> – Resolution to admit urgent motions in relation to matters not listed on the agenda must state reasons for the urgency. Only to the mover of the motion and the mayor (or just the mayor if they are the mover) can speak to motions dealing with matters of urgency.</p>	<p><input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral</p>	<p>Though wording is difficult to follow, an attempt has been made to ensure that councillors have the option to proceed with motions on matters of urgency irrespective of whether due notice of the meeting was achieved, or some councillors are absent. (Presumably, there is no intent to override quorum requirements.) The limitation on speakers on a proposal to proceed with consideration of a motion brought forward as a matter of urgency is consistent with the proposed changes to Section 8 about the order of business. Again, specific reference to the position of mayor rather the role of the chair should be considered.</p>
<p><b>Changes to clauses in Section 9 dealing with “Mayoral minutes”</b> – Current Clause 9.6 adjusted to remove qualifications around what sort of matters or topics should be the subject of mayoral minutes. Removal of current</p>	<p><input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree <input type="checkbox"/> Neutral</p>	<p>Council meetings are decision making forums, therefore removal of present requirements to confine mayoral minutes to matters within the jurisdiction of council or for matters of which it has official knowledge should be retained. Constraints on bringing matters that are routine, non-urgent or complex, or which do not genuinely need a decision before the next ordinary meeting should also be retained. If they are not retained this gives the mayor unreasonable powers that can be abused to</p>

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<p>Clauses 9.9 and 9.10 – Removal of constraints on certain types of matters that may be the subject of a mayoral minute. Removal of obligation to identify a funding source or obtain officer advice on funding implications where funding does not already exist to address the proposal in the mayoral minute.</p>		<p>manipulate and unduly politicise agendas and discussions. There is also a danger that valuable time and other resources will be consumed on matters in which council does not have a legitimate interest; this may be at the expense of giving proper attention to other matters.</p>
<p><b>Amendment of current Clause 9.13</b> – Ability to effectively ask questions without notice.</p>	<p><input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree <input type="checkbox"/> Neutral</p>	<p>This approach invites considerable difficulties for meeting chairs in determining whether questions may or may not be out of order. Setting up expectations that officers and others can properly respond effectively without notice and, potentially, without adequate access to relevant resources is unreasonable. The quality of advice subsequently delivered may not be conducive to good decision making. The former NSW Department of Local Government issued a practice note many years ago explaining diplomatically why questions without notice were not acceptable – this concern was recognised long before a model code of meeting practice was introduced.</p>
<p><b>Change to current Clause 9.5</b> – Councillors putting questions to officers through the mayor and not the CEO. CEO requesting another “council employee” to answer a question directed to the CEO.</p>	<p><input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input checked="" type="checkbox"/> Neutral</p>	<p>The convention of councillors asking questions of officers through the head of the administration rather than the mayor recognises that the head of the administration is responsible for the officers. This approach has been complemented by officers directing their response through the mayor (or other chairperson) to the councillors i.e. recognising the mayor or other sitting chair as the head of the body politic that is meeting. One could argue that everyone goes through the chairperson as the person charged with controlling the meeting. Current rewording of the Clause seems a bit</p>

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		duplicative and clumsy when mentioning referral of questions to the CEO to other officers to answer.
<p><b>Clause 10.3 on withdrawal of notices of motion</b> – Allows withdrawal of notice of motion at any time, including after publication, and simply have this fact reported by the chair at the relevant meeting.</p>	<p><input checked="" type="checkbox"/> Agree  <input type="checkbox"/> Disagree  <input type="checkbox"/> Neutral</p>	<p>Does away with need to wait until motion is presented at a meeting before it can be withdrawn. This is a more efficient and effective approach as long there is clear audit trail to confirm action.</p>
<p><b>Elimination of Clause 10.9</b> – Removal of obligation for motion or amendment of motion to identify a source of funding or else have consideration deferred until the CEO can provide a report to Council on funding implications. Relates to matters where funding source does not already exist in line with operational plan approved by council.</p>	<p><input type="checkbox"/> Agree  <input checked="" type="checkbox"/> Disagree  <input type="checkbox"/> Neutral</p>	<p>The existing requirements reinforce obligations for responsible fiscal management and commitment to undertakings to the community under adopted delivery programs and management plans. Removal also increases risks of poor decision making in the absence of relevant insights. This tends to lead to poor budget control, failure to meet community expectations and missed opportunities.</p>
<p><b>Clauses 10.17 and 10.19</b> – Removal of references to foreshadowed motions and their proposal.</p>	<p><input type="checkbox"/> Agree  <input checked="" type="checkbox"/> Disagree  <input type="checkbox"/> Neutral</p>	<p>There appears to be confusion about the difference between amendments and foreshadowed motions. There is value in allowing councillors to foreshadow a different motion in case the motion under consideration fails. Foreshadowed motions offer alternative proposals whereas amendments seek to improve or clarify the substance of a motion that is under consideration. Councillors may struggle with supporting a motion in its entirety if amendments proposed for it are rejected by the mover i.e. they are reluctant to vote down the entire motion where there are elements</p>

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		in it that they believe support a preferred position. The foreshadowing of a different motion can offer some prospect an alternative approach that seems likely to gain stronger consensus.
<b>Removal of current Clause 10.24 –</b> Elimination of option to shorten duration of speeches to expedite consideration of business.	<input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input checked="" type="checkbox"/> Neutral	Implication is that councillors can always speak for up to five minutes. This is unlikely to be a major time concern unless many amendment motions come forward and / or the number or complexity of matters for consideration at a meeting is great.
<b>Adding of new Clauses as 11.12 and 11.3 on voting on planning decisions –</b> Final planning decision not to be made in the absence of officer report containing an assessment and recommendation. Reasons for resolutions that are inconsistent with officer recommendations to be documented.	<input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral	It is well known that planning decisions can be high risk and have high impact and, thus, tend to attract high levels of public interest. Sound decision making can only be made with sufficient and relevant information. Following investigations of several Councils (e.g. Georges River, former Canterbury Council, and the City of Canda Bay) ICAC has raised concerns about lack of transparency in decision making that obscures corrupt behaviour or unethical behaviour affecting planning decisions.
<b>Change to Clause 12.2 – Requirement</b> for councillors and officers to stand when addressing meetings of Committees of Council.	<input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree <input type="checkbox"/> Neutral	Some would view these requirements as antiquated and out-of-step with the modern and relatively relaxed culture of Australia. The gender neutral term of Chair should be referenced in Clause 12.2 as an appropriate form of address.
<b>Revision of section on “Representations by members of the</b>	<input checked="" type="checkbox"/> Agree	Recognises that making of a representation on potential closure of a meeting to the public may involve divulging details which need to be addressed ‘in camera’. In the

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<b>public” which commences with Clause 14.9</b> – Option to close the meeting to the public to hear a representation on proposal for subsequent closure. Removal of prescriptive details about manner of receiving and dealing with representations about closure of meeting to the public.	<input type="checkbox"/> Disagree <input type="checkbox"/> Neutral	absence of specifics in the Code about receiving and dealing with representations, the OLG should develop and / identify separate better practice instruments on such handling.
<b>New Clauses 14.19 and 14.20</b> – Requirement to publicly publish business papers for confidential business items as soon as they cease to be confidential. CEO would be required to consult with the council before publishing such information.	<input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree <input type="checkbox"/> Neutral	This creates an unreasonable administrative burden on already stretched resources. Monitoring is not easy to do, and it seems unlikely that these provisions could be effectively monitored either. It is unclear what extra value is to be added by consulting elected council on before publication other than current awareness. It is hard to justify the proactive release of all such information when this competes with resources to proactively release high interest information that is not confidential. Many previously confidential pieces of information are not necessarily of high interest. There is nothing preventing release in response to a GIPAA application that meets relevant public interest tests. There is already provision in the GIPAA to encourage public notice of completion of requests for information if it is deemed details may be of broader public interest.
<b>Removal of current Clause 15.2</b> – Prohibition on making a point of order in relation to adherence to principles stated in Clause 2.1.	<input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral	It is not too difficult to identify certain unacceptable behaviours that are associated with underlying meeting principles. This is especially so with ensuring that conduct at meetings is respectful and orderly.

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<p><b>Modifications in section on “Acts of disorder” commencing at proposed Clause 15.11</b> – Adopting certain standards from NSW Legislative Assembly of NSW Parliament. No longer deeming that allegations of breaches under the Code of Conduct is an act of disorder. Failure to comply with direction from chair to remedy an act of disorder, then constitutes another act of disorder. Unmet compliance requirement re direction from chair carries over from one meeting to the next.</p>	<p> <input checked="" type="checkbox"/> Agree  <input type="checkbox"/> Disagree  <input type="checkbox"/> Neutral                 </p>	<p>Legislative Assembly standards may need to be published or at least hyper-linked on the OLG website for easy access. Whilst not desirable to have them raised in council meetings, it is hard to argue that allegations of breaches under the Code of Conduct are acts of disorder per se. New requirements on lack of compliance with directions from the chair give legitimacy to dealing with vexed situations such as the case at City of Parramatta in 2019 between the Lord Mayor (Andrew Wilson) and Councillor Benjamin Barrak that was ultimately considered in the NSW Court of Appeal.</p>
<p><b>Changes to non-mandatory clauses 17.2 and 17.4 on rescinding or altering council decisions</b> – Set the bar higher on testing for urgency (with obligation to include reasons) and council support to proceed with consideration at the same meeting that the resolution of interest was made.</p>	<p> <input checked="" type="checkbox"/> Agree  <input type="checkbox"/> Disagree  <input type="checkbox"/> Neutral                 </p>	<p>Places greater onus on proponents to act in an ethical and reasoned manner.</p>
<p><b>Change to Clause 17.8</b> – Permits only mayor and mover (if mover is not mayor) to speak on proposal to recommit</p>	<p> <input checked="" type="checkbox"/> Agree  <input type="checkbox"/> Disagree                 </p>	<p>Approach is consistent with other change recommendations in the Code that limit speakers on procedural motions and proposals to introduce matters of urgency.</p>

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resolution to correct an error or confirm voting.	<input type="checkbox"/> Neutral	
<b>Section 18 changes on “Time Limits on Council Meetings”</b> – Removes prompts for standard times for finishing or extending meetings.	<input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral	Potentially allows for greater flexibility according to context. Does not prevent council from separately determining standards. Practices need to be monitored carefully so that situations do not re-emerge where meetings run until well after midnight and officials are not able to have reasonable breaks. Exceptionally long and late meetings are not conducive to good decision making.
<b>Removal of Clauses 20.8 and 20.9</b> – Failures to attend 3 consecutive Committee meetings of Council without acceptable reasons no longer disqualifies a councillor from membership. Ditto if they miss more than half of the meetings in the preceding year.	<input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input checked="" type="checkbox"/> Neutral	YVC has no Committees of Council per se so there would be no direct impact for it. Could be an issue for other councils that are struggling to maintain quorums.
<b>Inclusion of Clauses 20.20 and 20.21</b> – Requirement to publicly publish business papers for confidential business items as soon as they cease to be confidential. CEO would be required to consult with the council before publishing such information. These clauses relate to Committees of Council and replicate the same kind of clauses	<input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree <input type="checkbox"/> Neutral	This creates an unreasonable administrative burden on already stretched resources. Monitoring is not easy to do, and it seems unlikely that these provisions would be actively monitored either. It is unclear what extra value is to be added by consulting elected council on before publication other than current awareness. It is hard to justify the proactive release of all such information when there are likely to be other high interest matters that should receive such attention, whilst many previously confidential pieces are not necessarily of high interest. There is nothing preventing release in response to a GIPAA application that meets relevant public interest tests – there is provision in the GIPAA to encourage public notice of completion of requests for information that may be of broader public interest.

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proposed for records of council meetings.		
<p><b>Removal of reference to “foreshadowed motion” in Section 22 containing definitions</b> – Removal predicated on removal of references to the term earlier in the document in Clauses 17.17 and 17.19.</p>	<p><input type="checkbox"/> Agree  <input checked="" type="checkbox"/> Disagree  <input type="checkbox"/> Neutral</p>	<p>There appears to be confusion about the difference between amendments and foreshadowed motions. There is value in allowing councillors to foreshadow a different motion in case the motion under consideration fails. Foreshadowed motions offer alternative proposals whereas amendments seek to improve or clarify the substance of a motion that is under consideration. [See also earlier comments in relation to this topic in relation to conduct of meetings of Council.]</p>
<p><b>Amendment to definition of “planning decision” in Section 22 containing definitions</b> – Includes reference to “a planning agreement” as being one of the several types of planning decisions that a council may make.</p>	<p><input checked="" type="checkbox"/> Agree  <input type="checkbox"/> Disagree  <input type="checkbox"/> Neutral</p>	<p>This addresses a significant gap in the definition of “a planning decision”. It is important to have this guidance so that proper attention is given to the statutory obligation of maintaining a public register of planning decisions.</p>