



CUMBERLAND  
CITY COUNCIL

28 February 2025



Mr Brett Whitworth  
Deputy Secretary, Local Government  
Office of Local Government  
Locked Bag 3015  
NOWRA NSW 2541

By email: [olq@olq.nsw.gov.au](mailto:olq@olq.nsw.gov.au)  
Attention: Governance Team

Dear Mr Whitworth

## **SUBMISSION ON THE CONSULTATION DRAFT OF THE NEW MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW**

Council welcomes the opportunity to provide feedback on the proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW (the "Model Code").

Council acknowledges the importance of ensuring meetings are conducted in an orderly, efficient, and transparent manner to promote good governance and public confidence in local government decision-making.

Council supports any proposed changes to the Model Code that strengthen the Mayor's authority as Chairperson to effectively manage meetings, maintain order, and uphold the dignity of proceedings. Disruptions and disorderly conduct can undermine meeting integrity and diminish public trust.

Additionally, Council supports changes that streamline procedural matters associated with Council meetings. Examples of this include the proposed clauses to streamline apology/leave of absence requests (Clause 5.7), the Mayor's ability to call an Extraordinary Council meeting without 2 Councillor signatures (Clause 3.3), as well as the withdrawal of notices of motion (Clause 10.3).

Council suggests that the order of business, whilst proposed to be deleted and instead be determined by Council resolution under proposed clause 8.2, remains within a Council's adopted Code of Meeting Practice. This provides transparency to the public as to how the order of a Council meeting generally follows when they wish to attend a meeting or watch the meeting online.

16 Memorial Avenue, PO Box 42, Merrylands NSW 2160  
T 02 8757 9000 E [council@cumberland.nsw.gov.au](mailto:council@cumberland.nsw.gov.au) W [cumberland.nsw.gov.au](http://cumberland.nsw.gov.au)  
ABN 22 798 563 329

Welcome *Belong* Succeed

Council raises concern regarding proposed changes removing the requirement for motions to identify a funding source when works or services fall outside the adopted Operational Plan (Current Model Code Clauses 3.13 & 10.9 – deleted). The removal of these clauses could compromise a Council's long-term financial sustainability by allowing motions for costly, unfunded initiatives to be placed on a Council meeting agenda without appropriate governance. During the meeting, Council is presently required to defer a Motion that does not identify a funding source. Council cautions against the removal of these clauses.

Currently, Councillors seek advice from the General Manager prior to lodging a Motion where there are budget implications, as it is an explicit requirement under the current *Model Code of Meeting Practice* to ensure that a Motion is appropriately funded. When a funding source is unclear, Councillors receive guidance to request a report outlining potential funding options and key considerations before proceeding. As the General Manager is responsible for the formation of the Council agenda, Council submits that this governance safeguard is retained.

Further, Council opposes the removal of the General Manager's ability to report to Council on motions with legal, strategic, financial, or policy implications which should be taken into consideration at the meeting (Current Model Code Clause 3.12 - deleted). Informed decision-making of the Council requires fiscal responsibility and alignment with regulatory frameworks. The General Manager should retain the ability to formally advise Council on motions with significant implications. Instead of requiring a report being prepared within the same Council agenda as the Motion, Council suggests adopting Cumberland City Council's practice of allowing the General Managers advice to be published on the Notice of Motion on the business paper. Council requests that the Office of Local Government consider re-inserting a clause to this effect.

In addition to the above feedback, Council resolved to publicly exhibit its own Draft *Code of Meeting Practice* on 13 November 2024. As advised in previous correspondence to your Office, Council has not exhibited its own Draft Code, given the Draft Consultation Paper released by your Office shortly after Council determined a Rescission Motion on that Council resolution.

A copy of Council's *Draft Code of Meeting Practice* is attached to this submission. Council believes that its *Draft Code of Meeting Practice* reflects good governance meeting protocols and addresses key challenges for elected Councils in the contemporary local government landscape, whilst empowering the role of the Mayor. In particular, Council recommends that its proposed Clause 3.20 demonstrates a significant opportunity for Councils to demonstrate strong leadership and good governance:

*The General Manager may elect not to include in the agenda for a meeting of the Council any business of which due notice has been given under clause 3.9 if, in the opinion of the General Manager, the business has the potential to cause:*

- a) significant community division, or*
- b) significant community offence, or*
- c) reputational damage to Council.*

In the event that the General Manager deemed that a Motion fell within the above parameters, then it would open for an individual Councillor to speak to the Mayor. If the Mayor deemed the business subject of the Motion was important or befitting for Council to consider at the Council meeting, then the Mayor could introduce the matter via a Mayoral minute. This is covered in Council's proposed Clause 9.9 in Cumberland City Council's Draft Code:

*A Mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this Clause, a matter will be urgent where it requires a decision by the Council before the next scheduled ordinary meeting of the Council. Councillors may raise potential matters for consideration of a Mayoral minute with the Mayor prior to the meeting, and with at least 72 hours notice.*

This allows any Councillor to discuss a potential Motion with the Mayor, if it ruled out by the General Manager under proposed clause 3.20. If the matter is of great importance, a Councillor could also raise the matter as a Matter of Urgency at the Council meeting. The Mayor as Chairperson, would ultimately have the final determination as to whether or not the matter is deemed of great urgency and requiring a decision prior to the next Council meeting, and could allow the matter to proceed following a vote on urgency of the Chamber under the proposed Code.

Council believes that its adopted *Draft Code of Meeting Practice* sets a high standard for good governance meeting protocols, whilst empowering and authorising the Mayor as the leader of the community to make important rulings during the meeting. Council recommends that your office consider adopting these good governance provisions into the finalised *Model Code of Meeting Practice*.

I appreciate the opportunity to provide this submission and look forward to the finalisation of the new *Model Code of Meeting Practice* for NSW Councils.

Should you wish to discuss this matter further, you are open to contact Council's Director Governance and Risk, [REDACTED]

Yours faithfully,

[REDACTED]