



11 March 2025

The Hon. Ron Hoenig MP  
Office of Local Government  
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Dear Minister

## **MODEL MEETING CODE AMENDMENTS – SUBMISSION FROM CENTRAL COAST COUNCIL**

Central Coast Council appreciates the opportunity to provide a submission in response to the proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW (**Model Meeting Code**).

Council welcomes a reform of the current code and supporting legislation and supports a framework that will strengthen leadership, foster a culture of respect, integrity and accountability.

Council reviewed the Consultation Draft and at its Ordinary Meeting of 25 February 2025. At its Extraordinary Council Meeting on 11 March 2025, Council resolved to provide the following submission.

Council's feedback on the proposed changes will be made by responding to the key topics and headings included in the Consultation Draft provided by OLG.

### **Promoting transparency, integrity and public participation**

#### **Requiring information considered at closed meetings to be made public after it ceases to be confidential**

Certain information considered in closed session (in accordance with the provisions of section 10A of the *Local Government Act 1993*) will always be of a confidential nature, such as personnel matters, personal hardship of a resident or ratepayer, commercial information, information that would disclose places or items of Aboriginal significance. The passing of time may not alter such classification.

#### **Requiring recordings of meetings to be published on council websites for longer periods**

Council has no objection to this proposal.

#### **Providing that councils must not make final planning decisions without a staff report containing an assessment and recommendation**



Council fully supports this proposal.

**Requiring councils to give reasons where they make a decision on a planning matter that departs from the staff recommendation**

Council fully supports this proposal. The requirement to give reasons for decisions is consistent with the planning legislation.

**Promoting the dignity of the council chamber**

**Enhancing the authority of the mayor. The mayor will be permitted to call extraordinary meetings without request and the restrictions on mayoral minutes will be removed.**

Council does not support the removal of restrictions relating to mayoral minutes. Under the current Code, the mayor is able to call an extraordinary meeting upon receiving a request signed by at least two councillors (one of whom may be the mayor). This means the mayor requires the support of only one other councillor to call an extraordinary meeting. This is not an onerous or unreasonable requirement, and removing it will not appreciably enhance the mayor's authority.

The lifting of the current restrictions requiring only urgent matters to be the subject of a mayoral minute and deleting the requirement for appropriate funding sources to be identified (and if not, a report be called from the General Manager) would enable the Mayor to bring matters to the Council without due consideration of the effect that any decision may have on the Council's short term and possibly long term financial situation.

**Requiring councillors to stand when a councillor addresses the meeting, or when the mayor enters the chamber, as well by mandating modes of address at meetings.**

Council does not support the requirement for all in attendance at Council meetings (Councillors, staff and the public) to stand when the mayor enters the chamber, or the requirement for all Councillors to stand whilst addressing the meeting. These changes are unnecessary, and unlikely to be effective in the stated aim of enhancing the dignity of the Chamber. In addition, the positioning of microphones in the Chamber may mean sound and recording quality are detrimentally affected if Councillors and staff are required to stand to address the meeting.

**Removing the option for councils to reduce the duration of speeches, to ensure all councillors have their say on important community issues.**

Council does not support this proposal. The current arrangements provide flexibility, and an appropriate mechanism for ensuring more councillors can have their say without extending the length of the meeting.

**Making clear to the community that decisions are made in council meetings, and not in other forums that the community can't access, like briefing sessions.**



The adoption of appropriate publicly available policies or procedures that specifically disallow decision-making during briefings will assist. Such statements could also be provided in annual reports and on Council's webpage.

**Refining the definitions of disorder to remove phrases that could be weaponised to impede debate.**

Council supports this proposal.

**Providing as a default that councillors are to attend meetings in person. Councillors will only be permitted to attend meetings by audio visual link where they are prevented from attending a meeting in person because of ill health or another medical reason or unforeseen caring responsibilities. Councillors will not be permitted to participate in meetings at which a mayoral election is being held by audio visual link. To facilitate this, the rules governing attendance at meetings by audio visual link will be mandated.**

Council supports attendance in person as the default position but submits the grounds on which councillors will be permitted to attend via audio visual link (medical or caring responsibilities) are overly narrow. The proposed approach fails to take into account the likelihood that councillors have other responsibilities and obligations to manage, noting that the role of a councillor need not be a full-time occupation. It is Council's view that, at a minimum, the rules governing attendance by audio-visual link should be non-mandatory for committee meetings.

**Restricting the circumstances in which the council may withhold a leave of absence. Where a councillor gives an apology from attending a meeting, the council will be deemed to have accepted the apology and granted a leave of absence from the meeting unless the council resolves otherwise and gives reasons for its decision.**

Council supports this proposal.

**Removing the option for staff to attend meetings by audio visual link.**

Council does not support this proposal.

Council officers may not live within the local government area of the Council by which they are employed, potentially requiring considerable travel to and from Council meetings. With many Council meetings held outside normal working hours and given that most Councils have work from home provisions, it is not apparent why staff should not be provided with the opportunity to attend meetings by audio visual link (typically only for one or two items on the Council agenda).

**Strengthening the deterrence against disorder by codifying the common law position that allows councillors to be expelled from successive meetings where they fail to apologise for an act of disorder at an earlier meeting.**

Council supports this proposal.

**Depoliticising the role of the general manager**



**Removing the requirement for general managers to prepare reports for notices of motion. General managers will no longer be required to prepare reports on notices of motions with financial implications or to identify sources of funding where a notice of motion proposes expenditure that has not been budgeted for. These will be matters for the council to determine.**

Council does not support this proposal. The General Manager and their finance staff are best placed to provide Council with advice regarding budgetary implications. In addition, section 335(f) of the *Local Government Act 1993* provides one of the functions provided by legislation to the General Manager is to “ensure that the Mayor and other Councillors are given timely information and advice and the administrative support necessary to effectively discharge their functions”.

The Consultation Draft does not explain why the current requirements are unnecessary, particularly given their deletion is in direct opposition to the legislative function provided above.

**Providing that the mayor, not the general manager has discretion on whether council staff should respond to questions with notice. It will be open to the mayor to rule a question with notice out of order at the meeting if it breaches the disorder provisions of the council’s code of meeting practice.**

This proposal requires further clarification. If it is the intent that the Mayor will have the authority to direct a staff member to respond to a “question with notice” then this is in direct conflict with section 335(i) of the *Local Government Act 1993* which provides the General Manager with the legal responsibility for directing staff.

**Conferring responsibility on the council to determine staff attendance at meetings. As Councillors are best placed to determine what support they require from staff at meetings, it will be a matter for the council to determine which staff attend meetings.**

The Council supports this proposition. The principle that Councillors should have the necessary information to carry out effective decision making is fundamental to them carrying out their civic duties.

### **Simplifying the Model Meeting Code**

**Removing the non-mandatory rules governing public forums. Councils will be free to determine their own rules for public forums.**

The current Model Meeting Code provides the requirements for public forums as a non-mandatory provision with an opportunity for Councils to determine certain aspects to suit their circumstances, for example, the timing of meetings, speaker numbers, length of speaking times etc . Council can see no advantage in developing separate documentation and that such information should be included in the Code of Meeting Practice as it currently exists which makes it easier for members of the public to locate.



**Simplifying the rules governing public representations to the council on the closure of meetings to the public.**

Any amendment to simplify the procedure for closing meetings to the public is supported.

**Simplifying the rules of debate by removing the provisions allowing motions to be foreshadowed.**

The use of foreshadowed motions is a useful tool. The current Model Meeting Code does not allow an amendment to be a direct negative of a motion. However, foreshadowed motions may be a direct negative of a motion and provides an opportunity for a Councillor to bring forward a motion that is a direct negative thus simplifying the process of debating motions and amendments, defeating both and then moving an additional motion which may have been moved as a foreshadowed motion in the first place.

This is a simple process and should be maintained in the Model Meeting Code as an option for Councillors.

**Mandating some current non-mandatory provisions including those allowing meetings to be cancelled or held by audio visual link in the event of natural disasters and public health emergencies and those governing councillors' attendance at meetings by audio visual link.**

Council supports these proposals subject to the comments provided elsewhere in this submission relating to attendance by audio-visual link.

In closing, Council notes and supports the ongoing review of the Code of Meeting Practice and the review of the proposed provisions relating to Councillor misconduct. However, Council is concerned that the wording provided in the discussion paper alludes to the intention of the government to progress the proposed changes regardless of the many concerns raised by Councils.

Whilst Council is very appreciative of the opportunity to provide feedback on the proposed changes, and with the greatest of respect, Council is hopeful that any change only progresses with the majority support of all NSW Councils.

Yours sincerely,

  
Lawrie McKinna  
Mayor, Central Coast Council  
