

Submission: Draft Model Code of Meeting Practice

18 February 2025



Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

OVERVIEW OF THE LOCAL GOVERNMENT SECTOR



Local government in NSW employs
55,000 people



Local government in NSW is responsible for
about **90% of the state's roads and bridges**



Local government in NSW looks after more
than **\$177 billion** of community assets



NSW councils manage an estimated
4 million tonnes of waste each year



Local government in NSW spends more
than **\$2.2 billion** each year on caring for
the environment



NSW councils own and manage more than
**600 museums, galleries, theatres and art
centres**



NSW has more than **350 council-run
libraries** that attract tens of millions of
visits each year



NSW has more than **400 public swimming
and ocean pools**

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Opening

Local Government NSW ("LGNSW") welcomes the opportunity to provide a submission to the Office of Local Government ("OLG") on the *Draft Model Code of Meeting Practice for Local Councils in NSW* ("Draft Model Code"). The submission is informed by the policy positions of LGNSW and consultation with member councils, county councils and joint organisations.

Background

On 29 November 2024 LGNSW made a submission in response to the *Councillor Conduct and Meeting Practices: Discussion Paper* ("**Discussion Paper**"). That submission was endorsed by the LGNSW Board on 6 December 2024, and LGNSW continues to rely on its content.

This submission focuses on the proposed amendments to the Model Code of Meeting Practice that are highlighted in track changes in the Draft Model Code.

We are disappointed that the Government appears not to have listened to LGNSW and numerous councils across the state who expressed strong support for the retention of pre-meeting briefing sessions (this is evident from the proposed deletion of subclauses 3.33 to 3.38 in the Draft Model Code relating to pre-meeting briefing sessions). We understand that the Government's concern with pre-meeting briefing sessions relates primarily, albeit not solely, to planning matters and a perceived lack of transparency. If this is the case, then any restrictions on pre-meeting briefing sessions should apply only to the consideration of planning and/or other matters where they are on the corresponding business paper of council. Outside of that, councils should be trusted to understand their role and responsibility to continue to make decisions in public unless the matter is confidential in nature. We also make the point that the focus on development applications as a reason for the banning of briefings is misplaced as those decisions at many councils are now made by planning panels implemented by the NSW Government and that pre-meeting briefings are still permitted for these panels.

LGNSW Policy

As the OLG and Minister are aware, LGNSW Annual Conferences are the supreme policy-making body of LGNSW where mayors and councillors from across the state come together to share ideas and debate issues that shape the way LGNSW is governed and advocates on behalf of the local government sector.

The following Conference resolution is specifically relevant to the issues raised in the Draft Model Code:

2024 Annual Conference (Item 9)

"That Local Government NSW write to the Minister for Local Government to:

"...

- 4. Advocate that councils retain discretion to hold informal briefings and workshops with councillors as a supporting mechanism to formal meeting and committee structures; and*
- 5. Request that the Minister consult with the local government sector further on the powers proposed to be given to mayors to suspend councillors from council meetings, including implementing financial suspensions for similar periods."*

The Draft proposed amendments

The Draft Model Code proposes several amendments that were not previously raised in the Discussion Paper, which are problematic. Our comments in respect to these and other proposed amendments are discussed below.

Clause 3.12

Proposed amendment: (clause to be deleted)

~~3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.~~

LGNSW comment:

LGNSW opposes the deletion of clause 3.12.

Reports prepared pursuant to the existing clause 3.12 play an important role in providing councillors relevant information and may assist the council in making informed decisions. Councillors do not have to agree with the information contained in the reports and (subject to the

legislation) retain discretion to make decisions which they consider to be in the best interests of the council.

Removing clause 3.12 is likely to increase the risk of councils making decisions which cannot be implemented due to illegality or lack of finances, or which have unintended consequences. It is also unclear who (if anyone) will be responsible for informing councillors about potential adverse and/or illegal outcomes which may arise from a notice of motion, if clause 3.12 is removed.

Clauses 3.13, 9.10 and 10.9

Proposed amendment: (clauses to be deleted)

~~3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:~~

~~(a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or~~

~~(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.~~

...

~~9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.~~

...

~~10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted~~

LGNSW comment:

LGNSW is concerned that if clauses 3.13, 9.10 and 10.9 are deleted, it will increase the risk of councils making decisions which cannot be implemented due to a lack of funding.

LGNSW would welcome the opportunity for further consultation on this proposed amendment to gain a better understanding of why the amendment has been proposed.

It is appreciated that it is not the role of the General Manager or staff to enter into the debate, but it seems contrary to sensible practice to deny councillors access to information which will be required as part of the decision-making process.

Clause 3.15

Proposed amendment: (clause to be deleted)

~~3.153 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.~~

LGNSW comment:

LGNSW strongly opposes the deletion of clause 3.15. Consistent with the Australian Human Rights Commission's *Good practice guidelines for internal complaint processes*, information about a complaint against the general manager or a member of staff should only be provided to those people who need to know about it, in order for the complaint to be actioned properly. This view is also consistent with NSW Ombudsman's *Guideline on Confidentiality*.

Allowing complaints against the general manager or a member of staff (or questions to be asked which imply wrongdoing by the general manager or a member of staff) is likely to result in the "spreading of rumours" about the person(s) concerned, which can amount to workplace bullying under the Fair Work legislation and give rise to workers compensation claims for psychological injury under workers compensation legislation.

The removal of clause 3.15 may also lead to councillors breaching their health and safety duty under [section 29](#) of the *Work, Health and Safety Act 2011* ("WHS Act"). Section 29 requires a person at a workplace (which includes councillors) to take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons, and to comply, so far

as the person is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person conducting the business or undertaking to comply with the WHS Act.

Noting that councillors do not have the protection of parliamentary privilege afforded to other levels of government, clause 3.15 helps protect councillors from potential defamation claims. The removal of the clause may lead to an increase in defamation claims against councillors because the raising of unsubstantiated allegations in public (including questions that imply wrongdoing) can amount to defamation.

Natural justice, procedural fairness and privacy considerations also need to be considered.

Clause 3.27

Proposed amendment:

3.27 If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.25 and the mayor also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.

LGNSW comment:

The proposed new clause 3.27 is confusing. If “all councillors are not present” how can any resolutions be adopted? The confusion arises because the proposed clause 3.27 contemplates a resolution being adopted in accordance with clause 3.25 (which in turn requires all councillors being present).

Deletion of clauses 3.33 to 3.38

Proposed deletions:

Pre-meeting briefing sessions

~~3.33 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.~~

~~3.34 Pre-meeting briefing sessions are to be held in the absence of the public.~~

~~3.35 Pre-meeting briefing sessions may be held by audio-visual link.~~

~~3.36 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.~~

~~3.37 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.~~

~~3.38 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration~~

LGNSW comment:

Consistent with the resolution (item 9) from the 2024 LGNSW Annual Conference, LGNSW strongly opposes the proposed ban on pre-meeting briefing sessions and advocates that councils should retain the discretion to hold informal briefings and workshops with councillors as a supporting mechanism to formal meeting and committee structures.

LGNSW (and its members) appreciate that the public have a right to know what decisions are being made by elected representatives. However, briefing sessions are not a decision-making forum and are not where decisions are made. The decisions are made during council meetings, in full view of the public.

Once again LGNSW advises that briefing sessions provide elected representatives with the opportunity to ask questions of staff (some of whom may not attend council meetings). Banning briefing sessions will result in elected representatives being less informed and will in turn lead to poorer decisions.

LGNSW submits that elected representatives at local councils should be afforded the same opportunity and courtesy that is extended to Government, Opposition and Crossbench Members of Parliament who are briefed on draft legislation prior to bills being tabled in the relevant chamber. The private briefing afforded to Members of Parliament lead to informed debated and decisions once a piece of legislation comes to the public forum in either the Legislative Assembly or the Legislative Council.

As mentioned above, LGNSW understands that the Government's concern with pre-meeting briefing sessions relates primarily, albeit not solely, to planning matters and a perceived lack of transparency. If this is the case, then LGNSW proposes that the restrictions on pre-meeting briefing sessions be specified and articulate to apply only to planning and/or other matters where they are on the corresponding business paper of council. Outside of that, councils should be trusted to understand their role and responsibility to continue to make decisions in public unless the matter is confidential in nature. We also make the point that the focus on development applications as a reason for the banning of briefings is misplaced as those decisions at many councils are now made by planning panels implemented by the NSW Government and that pre-meeting briefings are still permitted for these panels.

It is acknowledged that the revised wording supplied in the draft Code seeks to exclude certain types of meetings from the prohibition that is set to apply to pre-meeting briefings, however, while these exceptions are supported as a minimum, we do not support a view that all occasions that might give rise to the need for a meeting, or the sharing of information, can or should be codified. Rather, it should remain left to the discretion of council to continue to operate appropriately under the Act.

Clause 5.7

Proposed amendment:

5.7 Clause 5.4 does not prevent a councillor from making an apology if they are unable to attend a meeting. Where a councillor makes an apology, the council will be deemed to have accepted the apology and granted them a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act unless the council resolves not to accept the apology or to grant a leave of absence for the meeting. Where the council resolves not to accept an apology and to grant a leave of absence it must state the reasons for its decision in its resolution

LGNSW comment:

LGNSW is concerned that deeming an "apology" to be the same as a "granted leave of absence" (unless determined otherwise by the council), may result in an increase in councillor absences at council meetings, which could impact on councils' ability to achieve quorum. If this amendment is implemented, we recommend that it be reviewed after 12 months to ensure it is operating effectively and as intended.

Clauses 5.19

Proposed amendment:

5.4919 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.

LGNSW comment:

LGNSW opposes the proposed amendment at clause 5.19.

LGNSW understands that under the proposed amendment to clause 5.19 the only circumstances in which councillors may participate in meetings of the council and committees of the council by audio-visual link (following the approval of the council or relevant committee) will be restricted to where councillors are prevented from attending the meeting in person due to either ill-health or other medical reasons, or because of unforeseen caring responsibilities.

The proposed amendment at clauses 5.19 fails to consider other circumstances where a council may wish to allow councillors to participate in meetings by audio-visual link, such as where councillors are unable to attend a meeting in person due to flooding, bushfire, inclement weather, caring responsibilities which are not unforeseen, employment obligations (e.g. a person's job may require them to travel outside of their local government area, interstate or overseas), or where it may simply be impracticable having regard to the anticipated duration of the meeting and travel time to get to the meeting venue.

The proposed amendment at clauses 5.19 is likely to disincentivise persons from standing for election, particularly in regional and remote councils where the distance between population centres in the same local government area can be up to 200km (approximately 2hrs travel time) in each direction.

Clause 5.20

Proposed amendment:

5.20 Clause 5.19 does not apply to meetings at which a mayoral election is to be held.

LGNSW comment:

LGNSW acknowledges that when it comes to mayoral elections it is important that the process is open and transparent. In this regard it is preferable that councillors attend in person meetings at which a mayoral election is to be held. However, LGNSW submits that the essential elements of representative democracy are offended should councillors be deprived of the opportunity to participate in a mayoral election because of ill-health or carer's responsibilities.

Clause 5.32

Proposed amendment:

5.3~~1~~² Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 5.3~~1~~² reflects section 10(1) of the Act.

LGNSW comment:

LGNSW suggests the following amendment to clause 5.32:

5.3~~1~~² Everyone (other than persons who are lawfully prohibited or expelled) ~~is~~ are entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

The above suggestion reflects that persons may be subject to a court order prohibiting their attendance at certain locations (e.g. AVO, ADVO, SafeWork order) or be lawfully expelled from attending council and committee meetings.

Clause 5.43

Proposed amendment:

5.4~~34~~ The attendance of other council staff at a meeting, (other than as members of the public) shall be ~~with the approval of the general manager~~ as determined by the council from time to time.

LGNSW comment:

LGNSW opposes the proposed amendment to clause 5.43 and suggests an alternative amendment (below).

The functions of a general manager are set out in section 335 of the Act and they include:

- "(a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, and*
- ...*
- (i) to direct and dismiss staff".*

Arising from the above, general managers (as distinct from councillors) are responsible for determining and directing which staff are required to attend council meetings. The proposed amendment is likely to lead to confusion over who is responsible for directing staff to attend council meetings.

The proposed amendment may also lead to workplace grievances and disputes if council is determining whether and when staff are required to work without due regard being given to the following:

- i) contractual terms and conditions of employment (e.g. contracted days and hours of work),
- ii) relevant award provisions (e.g. maximum ordinary hours of work per day/week, overtime, shift and penalty provisions, etc),
- iii) employment related legislation (e.g. *Industrial Relations Act 1996, Annual Holidays Act 1944, Long Service Leave Act 1955, Public Holidays Act 2010, Work Health and Safety Act 2011, Workplace Injury Management and Workers Compensation Act 1998*);
- iv) approved leave arrangements; and
- v) carers leave responsibilities.

LGNSW suggests the following alternative wording for clause 5.44:

“The attendance of other council staff at a meeting (other than as members of the public) shall be with the approval of the general manager. **The council may request that particular staff attend a meeting, provided that any such attendance shall be with the approval of the general manager.**”

Clause 5.44

Proposed amendment:

~~5.44 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.~~

LGNSW comment:

The proposed deletion of clause 5.44, does not expressly prevent or prohibit council staff from still being able to attend meetings of the council and committees of the council by audio-visual link with the approval of the general manager. However, if this assumption is incorrect, LGNSW opposes the deletion of the clause.

Allowing staff to attend meetings of the council and committees of the council by audio-visual link (with the approval of the general manager) allows for a greater number of staff to participate and be available when called upon to assist during the meeting.

Clause 7.1

Proposed amendment:

7.1 Where they can, councillors and staff must stand when the mayor enters the chamber and when addressing the meeting.

LGNSW comment:

LGNSW appreciates the intention of seeking to ensure the council chamber is a place of respectful engagement but is of the view that the proposed new clause 7.1 is unnecessary and that it should be left to each council to decide whether they wish to require councillors and staff to stand when the mayor enters the chamber and when addressing the meeting.

LGNSW is also concerned that the proposed amendment may result in hurt, humiliation, embarrassment or discomfort for persons who are unable to stand (e.g. persons with disabilities).

Clause 9.5

Proposed amendment:

9.5 If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the mayor also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.

LGNSW comment:

The proposed new clause 9.5 is confusing. If “all councillors are not present” how can any resolutions be adopted? The confusion arises because the proposed clause 9.5 contemplates a resolution being adopted in accordance with clause 9.3 (which in turn requires all councillors being present).

This provision, if passed, would appear also to have a direct bearing on clause 5.9 with respect to the necessary quorum for a meeting.

Clause 9.18

Proposed amendment:

~~9.18~~ Councillors must put questions directly, succinctly, ~~respectfully~~ and without argument.

LGNSW comment:

LGNSW opposes the deletion of the word “respectfully” from the clause. Removing the requirement to behave respectfully during council meetings appears to be inconsistent with one of the stated objectives of the reforms, which is to restore dignity to council meetings.

Clause 10.17 and the deletion of ‘foreshadowed motion’ in cl 22

Proposed amendment:

Foreshadowed ~~motions~~amendments

~~10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during the debate of the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed~~

~~motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.~~

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foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
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LGNSW comment:

LGNSW understands that the intended purpose of this amendment is to seek to simplify the rules of debate. The concern is that the opposite may result from the proposal to delete the references to foreshadowed motions. An amendment to a motion must not only relate to the matter being dealt with in the original motion but cannot be a direct negative of the original motion. Under the existing clause 10.17 a foreshadowed motion lapses if the original motion is carried and as such a safety net exists in limiting confusion associated with potential amendments being a direct negative of the original motion.

LGNSW also submits that foreshadowed motions have been successfully utilised councils and are an entrenched feature of existing meeting practices and as such clause 10.17 should remain along with the definition of foreshadowed motions.

Clause 10.18

Proposed amendment:

~~10.2018~~ A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

LGNSW comment:

In the interests of limiting the number and duration of speeches, promoting simplified rules of debate and removing possible sources of confusion, LGNSW submits that the new proposed clause 10.18 be enhanced with the addition of the following words "...however should not introduce new information in reply unless it is relevant to observations made in debate".

Clause 12.2

Proposed amendment:

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches and requiring councillors and staff to stand when addressing the meeting.

Note: Clauses 10.2018 – 10.3027 limit the number and duration of speeches.

Note: Clause 7.1 requires councillors and staff to stand when addressing the meeting where they can.

LGNSW comment:

LGNSW reiterates the views expressed above in relation to the proposed new clause 7.10. The proposed amendment to clause 12.2 is unnecessary and the matter of whether councillors and staff should stand when addressing the meeting should be determined by individual councils.

LGNSW is once again concerned that the proposed amendment may result in hurt, humiliation, embarrassment or discomfort for persons who are unable to stand.

New Clauses 14.19 – 14.20

Proposed amendments:

14.19 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.

14.20 The general manager must consult with the council before publishing information on the council's website under clause 14.19.

LGNSW comment:

LGNSW expresses concerns about when and how a confidential business paper is deemed or determined to no longer be confidential. Public Interest Disclosures (PIDs), information that is commercial in confidence and information pertaining to the personal circumstances of staff or councillors are all examples of information where confidentiality may not be extinguished. In this regard, LGNSW does not support the proposed amendments to clauses 14.19 and 14.20.

Clause 15.2

Proposed amendment:

~~15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.~~

LGNSW comment:

The consultation draft of the new Model Meeting Code referred to the proposed changes as a means by which community confidence in council's decision making could be promoted by ensuring that the forum in which decisions are made is conducted in a way befitting a democratic institution. Promoting transparency, integrity and public participation, promoting the dignity of the council chamber are all potentially compromised if points of order cannot be made in relation to key meeting principles such as transparency, respect and order. LGNSW does not support the removal of clause 15.2.

Clause 15.10(d) and Clause 15.10(e);

Proposed amendment:

15.140 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:

...

- (d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, ~~or alleges a breach of the council's code of conduct,~~ or uses any language, words or gestures that would be regarded as disorderly in the NSW Legislative Assembly, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting ~~or is likely to bring the council or the committee into disrepute.~~

LGNSW comment:

The conduct of councillors at a council meeting is referenced and canvassed in clauses 3.19 – 3.22 of the Model Code of Conduct for Local Councils. A reference to the standards of disorderly conduct as contemplated by the NSW Legislative Assembly LGNSW has the potential to create confusion and inconsistency with the conduct that is referred to in the Model Code of Conduct. Furthermore, LGNSW submits that as the local democratic institutions that are the closest to their constituents, councils in NSW aspire to a set of conduct standards that surpass those attributed to the NSW Legislative Assembly.

Clauses 15.15 to 15.17

Proposed amendment:

Expulsion from meetings

~~15.14~~15 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

~~15.15~~16 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

Note: Councils may use either clause 15.145 or clause 15.156.

~~15.16~~17 Clause [~~15.14~~5/~~15.15~~6] [**delete whichever is not applicable**], does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

LGNSW comment:

The proposed clause 15.15 is particularly problematic in that it expands the powers of the chairperson beyond that contemplated in section 10.2 of the *Local Government Act 1993* (NSW). As it is currently worded the proposed clause 15.15 authorises the chair of a council or committee meeting to expel any person including a councillor without a resolution of the meeting or without a resolution of the council authorising the person presiding to exercise the power of expulsion. Such a material change must be enacted in legislation so as to avoid confusion and legal challenges to an expulsion.

New clauses 20.20 and 20.21

Proposed amendment:

20.20 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.

20.21 The general manager must consult with the committee before publishing information on the council's website under clause 20.20.

LGNSW comment:

LGNSW submits that these changes would have the same effect as those mentioned in the proposed new clauses 14.19 – 14.20. That is, LGNSW expresses concerns about when and how a confidential business paper is deemed or determined to no longer be confidential. Public Interest Disclosures (PIDs), information that is commercial in confidence and information pertaining to the personal circumstances of staff or councillors are all examples of information where confidentiality may not be extinguished. In this regard, LGNSW does not support the proposed amendments to clauses 14.19 and 14.20.

Conclusion

Thank you for the opportunity to make this further submission. LGNSW would welcome the opportunity for ongoing dialogue on issues raised during the review. For further information in relation to this submission, please contact Michael Chillari, [REDACTED]
[REDACTED]