

20 February 2025

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

By Email: olg@olg.nsw.gov.au

Dear Mr Whitworth

Model Meeting Code Amendments

We refer to the Office of Local Government's invitation for feedback on the proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code).

Hawkesbury City Council (Council) at its meeting of 18 February 2025 resolved to make a submission to the Office of Local Government and supports the overarching principles demonstrating leadership in decision making at a local level. Council's general responses to the principles of the change are outlined below, and specific responses to the proposed amendments to the Model Meeting Code is set out in the enclosure.

Council also notes that many provisions proposed to be removed from the Model Code would require specific policies and procedures to be developed in addition to separate decisions of Council to support the conduct of Council Meetings, which does not necessarily lead to good governance and transparency.

Promoting transparency, integrity and public participation

Council, as the governing body, fully understands the duties and responsibilities conferred upon it to ensure decisions are publicly made at Council Meetings in the interests of the community. Council strongly opposes the proposed restrictions of banning briefing sessions, where the sharing of information between the governing body and administrative arm of Council is considered best practice in ensuring collaboration, trust and respect to enable free and unrestricted information flow between the strategic decision makers and members of Council's staff.

Council values the ability for informal discussions pertaining to matters of Council business, as well as matters where input and/or guidance from Councillors is sought prior to making informed public decisions. Although Council is supportive of deregulating the way in which briefings may be conducted, Council does not support the blanket ban on briefings as proposed.

The attendance at and livestreaming of Council Meetings by members of the public is prescribed by legislation. However, the ability for public participation (limited to public address on matters on the business paper) at Council Meetings should be one determined by individual Councils.

Council supports the release of confidential information being made publicly available after it ceases to be confidential. This position supports the proactive release of government information under the Government Information (Public Access) Act 2009. Council additionally supports the extension of the time for records of meetings to be available on Council's website for longer than 12 months, including up to the balance of the current term of Council.



Council would also support the requirement for the governing body not to make final planning decisions without a staff report containing an assessment and recommendation to the proposal, as well as requiring the governing body to give reasons where they may make a decision on a planning matter that departs from the staff recommendation.

Promoting the dignity of the council chamber

Council supports the proposed amendments to promote the dignity of the Council Chamber including:

- The ability for the Mayor to call extraordinary meetings without the need for additional signature, to remove red tape
- Removing the ability of Councils to withhold the granting of leave of absence from Council meetings; and
- Requiring Councillors to resolve any previous acts of disorder at previous meetings prior to participation at future meetings.

Council does not support the following principles:

- Removing the option for staff to attend Council meetings via audio-visual link
- Removing the option of Councils to reduce the duration of speeches to facilitate the efficient and effective conduct at Council meetings
- The removal of certain principles within the Code that relate to disorder; and
- Removing the ability of Councillors to attend meetings via remote means (other than health reasons), noting this should be a matter for individual Councils.

Depoliticising the role of the general manager

Council has a mixed response to the principle of depoliticising the role of the general manager. Council does not feel the proposed changes to the Model Meeting Code genuinely achieves this principle.

Specifically:

- Council does not support the removal of the requirement to address financial, political, policy or legal implications associated with motions or questions as Council has a leadership and fiscal responsibility to ensure due consideration is given when proposing decisions or questions of the administration.
- Council does not support the proposed change for Council to determine the staff to attend Council meetings. The governing body plays a strategic role in the Council, whilst the general manager is responsible for the staff as a whole. The decision for staff to attend Council Meetings should remain with the general manager.

However, Council does support the proposed amendment to the Model Code which requires the Mayor, not the General Manager, to decide whether staff will respond to a question with notice.

Simplifying the Model Meeting Code

Council supports the proposed amendments to the Model Meeting Code which will streamline the ability for Councils to govern public forums and public representation. Council also supports the mandate of provisions to allow meetings to be cancelled in the event of natural disasters and public health emergencies.

However, Council would not support the removal of the provisions regarding foreshadowed motions.

Restricting councils from holding briefing sessions

As mentioned earlier in this submission, Council strongly disagrees with the proposed amendments to restrict Councils from holding briefing sessions. It is considered outdated to restrict the ability for Councillors, the General Manager and Executive Leadership from receiving informal briefings on matters being reported for decision, or of other industry matters that are of importance to the Council. Council meetings are for decision making purposes, and should remain so. Robust debate should also occur in the Chamber regarding decisions of the Council.

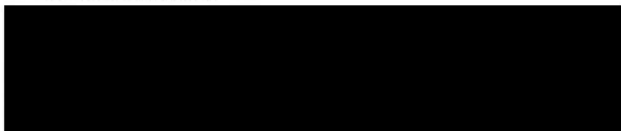


Council values the ability for briefings to take place to allow questions to be answered in a frank and informal manner. There remains the need to have informal discussions on matters where the Administration is seeking guidance or direction from the governing body, a distinct difference to where decisions are being made.

Further detailed comments on the individual proposed amendments to the Model Meeting Code can be found in the enclosure.

Thank you for allowing Hawkesbury City Council to make a submission on this matter. Please do not hesitate to contact me if you require any further information.

Yours faithfully



Elizabeth Richardon
General Manager | Hawkesbury City Council



Encl

Hawkesbury City Council Response to the Proposed Model Code of Meeting Practice for Local Councils in NSW

Clause	Page	Agree/Disagree	Comment
3.1 Timing of ordinary council meetings	5	Agree	Council supports the removal of this clause noting that Councils set the frequency, time, date and place of its ordinary meetings once a year by way of Council resolution. The removal provides flexibility to amend the meeting cycle to meet the need of Council, without having to exhibit the Code of Meeting Practice.
3.3 Extraordinary meetings	5	Agree	Council supports the ability for the Mayor to call Extraordinary Council Meetings without the need for two additional signatures.
3.8 Notice to councillors of ordinary council meetings	6	Neither agree nor disagree	No comment offered.
3.10 Giving notice of business to be considered at council meetings	6	Disagree	Council does not support the removal of these words to support a structured procedure regarding the preparation of a business paper for Council Meetings.
3.12-3.13 General manager required to submit a report in response to a Notice of Motion	6-7	Disagree	Council does not support the removal of the requirement to address any motion or question that has legal, strategic, financial or policy implications. These factors should be addressed in response to any motion or question submitted to Council.
3.13 Questions with notice	7	Disagree	Council does not support the removal of this clause, by making an informed decision to remove the restriction on Councils to ask questions that may comprise a complaint against the General Manager or staff. Staff matters do not belong in a public Council Meeting.
3.16 Questions with notice	7	Agree	Council supports the removal of the provision to answer Questions With Notice verbally at a Council meeting. All questions on notice should be responded to by way of a report to Council for transparent purposes.

3.18 Agenda and business papers for ordinary meetings	8	Disagree	Council does not support the proposed requirement to consult with the Mayor to include a report in Closed Session. The General Manager is responsible for the preparation of a business paper for Council Meetings. The General Manager is able to determine whether business should be conducted in closed session, in accordance with Clause 10(A)(2) of the Local Government Act 1993, without the need to consult with the Mayor. Councillors retain the ability to move Council reports from closed session into open session.
3.23 Statement of ethical obligations	8	Disagree	Council does not support the removal of this clause. The Statement of ethical obligations was introduced following the requirement for all Councillors to take an oath / affirmation prior to participation at their first Council Meeting.
3.23 Availability of the agenda and business papers to the public	9	Neither agree nor disagree	No comment offered.
3.25 Agenda and business papers for extraordinary meetings	9	Agree	Council supports the streamlined ability for urgent business to be considered. However, Council does not support the proposed changes to the Model Code that separate whether all Councillors are present at a meeting or not. In any event, the same rules would apply.
3.26 Agenda and business papers for extraordinary meetings	9	Agree	Council supports the inclusion of the Mayor as a speaker to a motion to consider urgent business.
3.37 Agenda and business papers for extraordinary meetings	9	Disagree	Refer comments above. Council does not support the proposed changes to the Model Code that separate whether all Councillors are present at a meeting or not. In any event, the same rules would apply.
3.30 Agenda and business papers for extraordinary meetings	9	Agree	Council supports the removal of this clause, noting proposed clause 3.26 addresses this matter.
3.28 Agenda and business papers for extraordinary meetings	9	Agree	Support the change of title from "great urgency" to "urgent". Urgent business is urgent business and should not matter whether its of great urgency, or just urgent. If a

				decision is required before the next Council Meeting, it is urgent.
Pre-Briefing Session		9-10	Agree and Disagree	Council supports the proposed deregulation of how briefings may be conducted, however does not support the ban on Councils to hold briefing sessions. Councillors as members of the governing body are aware of their obligations to ensure the decisions of Council are made in Council Meetings. The relationship between the governing body and administrative arm of Council should be based on collaboration, trust and respect, that enables a free and unrestricted information flow between the strategic decision makers and members of Council staff. It should be a matter for Councils to determine the structure and format on how information is shared between the governing body and administrative arm.
4. Public forums		10-12	Agree	Council supports the removal of these provisions, noting it is a matter for each Council to determine whether it will hold a separate public forum meeting to discuss matters of public interest. In addition, it is a matter for each Council to determine whether it will allow public address at Council Meetings.
5.4 Attendance by councillors at meetings		13	Agree	Council supports the streamlined proactive process to grant leave of absence with each apology tendered by Councillors .
5.7 Attendance by councillors at meetings		13	Agree	Council supports the streamlined proactive process to grant leave of absence with each apology tendered by Councillors .
5.8 Attendance by councillors at meetings		14	Agree	Council supports the removal of this clause noting that apologies can be tendered at any time before a Council Meeting.
5.15 The quorum for a meeting		15	Agree	Council supports the inclusion of the Mayor in this clause, aligning the proposed addition of clause 3.3

5.19 Attendance by councillors at meetings by audio-visual link	15	Disagree	Council would recommend the reasons for audio-visual attendance be expanded based on individual Council needs.
5.20 Attendance by councillors at meetings by audio-visual link	15-16	Agree	Council supports the in-person attendance by Councillors at meetings where the election of the Mayor / Deputy Mayor is being held, providing clause to Councils when these elections are being conducted.
5.25 Attendance by councillors at meetings by audio-visual link	16	Agree	Council supports the removal of the requirement to place the reason for attendance by audio-visual link in the minutes of the Council Meeting.
5.37 Webcasting of meetings	18	Agree	Council would support the retention of Council Meeting recordings published on Council's website for the term of the Council.
5.44 Attendance of the general manager and other staff at meetings	18	Disagree	Council does not support this proposed amendment, noting the General Manager, as the administrative arm of Council responsible for staff, should determine other Council staff attendance at Council Meetings.
5.44 Attendance of the general manager and other staff at meetings	18-19	Disagree	Council does not support the removal of this clause, noting this is a matter for individual Councils to determine.
7.1 Modes of address	20	Neither agree nor disagree	Council believes this is a matter for individual Councils to determine.
7.3 Modes of address	20	Agree	Council supports the adjustment to allow the Chairperson (when is not the Mayor) to be referred to as "Chair" at Council Meetings.
8.2 Order of business for ordinary council meetings	20	Agree	Council would support the removal of the default order of business to allow adjustments to be made from time to time, without the need to reexhibit the Code of Meeting Practice to accommodate the change.
9.2 Business that can be dealt with at a council meeting	21	Neither agree nor disagree	No comment offered.
9.3 Business that can be dealt with at a council meeting	21	Agree	Council supports the streamlined ability for urgent business to be considered. However, Council does not

				support the proposed changes to the Model Code that separate whether all Councilors are present at a meeting or not. In any event, the same rules would apply.
9.4 Business that can be dealt with at a council meeting	21		Agree	Council supports the inclusion of the Mayor as a speaker to a motion to consider urgent business.
9.5 Business that can be dealt with at a council meeting	21		Disagree	Refer comments above. Council does not support the proposed changes to the Model Code that separate whether all Councilors are present at a meeting or not. In any event, the same rules would apply.
9.7 Mayoral minutes	22		Disagree	Council does not support the proposed changes to this clause noting that notice should be given for business to be considered at a Council Meeting.
9.10 Mayoral minutes	22		Disagree	Council does not support the removal of the requirement to address any motion or question that has legal, strategic, financial or policy implications. These factors should be addressed in response to any motion or question submitted to Council.
9.13 Questions	22		Agree	Council supports the ability for questions to be asked where notice has not been given, subject to resolution of Council. However, Council does not support the requirement for the Mayor to also determine leading to double handling of this provision.
9.15 Questions	23		Agree	Council supports this amendment as it provides clarity on current practice.
9.18 Questions	23		Disagree	Council does not see the purpose for removing the word “respectfully” from this clause.
10.3 Notices of motion	23		Agree	Council would support the amendments to this clause to provide flexibility for Councilors to withdraw a notice of motion without notice.
10.9 Motions requiring the expenditure of funds	24		Disagree	Council does not support the removal of the requirement to address any motion or question that has legal, strategic, financial or policy implications. These factors

				should be addressed in response to any motion or question submitted to Council.
10.17 and 10.19 Foreshadowed motions	25		Disagree	Would recommend amending the heading to read “Foreshadowed motions and amendments” and to retain the original clause 10.17, and remove the proposed deletions from clause 10.19
10.24 Limitations on the number and duration of speeches	25		Disagree	Council does not support the removal of this clause, noting that Council should have the flexibility to reduce the duration of speech time to expedite the business of Council.
11.12 and 11.13 Voting on planning decisions	28		Agree	Council supports this proposed addition, noting a staff report should form the basis of consideration of any planning decision before Council, and any deviation from a proposed recommendation should include the reasons for the decision and the reason why the Council did not adopt the recommendation of staff.
12.2 Committee of the whole	28		Neither agree nor disagree	Council believes this is a matter for individual Councils to determine.
13.7 Dealing with items by exception	29		Disagree	Council does not support the removal of the reference to Council’s Code of Conduct, noting that the management of conflicts of interests are captured in that Code.
14.11 Representations by members of the public	31		Agree	Council would support the ability for a member of the public to address the Council in closed session where the disclosure of information may be confidential.
14.12-14.17 Representations by members of the public	32		Agree	Council would agree with the proposed changes regarding representations by members of the public on matters in closed session.
14.18 Resolutions passed at closed meetings to be made public	33		Agree	Council supports this amendment.
14.19 Resolutions passed at closed meetings to be made public	33		Agree	Council supports the ability for reports previously considered in closed session to be made publicly available once the information contained within the

				report is no longer considered confidential in accordance with Section 10A(2) of the Local Government Act.
14.20 Resolutions passed at closed meetings to be made public	33-34	Disagree		Council does not support the requirement to consult with Council prior to the release of confidential information, noting only information to be made publicly available would be tested against relevant provisions of the Government Information (Public Access) Act 2009 and Section 10A(2) of the Local Government Act 1993.
15.2 Points or order	34	Agree		Council supports the removal of this clause. The Meeting principles provide the fundamental expected behaviours for the conduct of Council Meetings, and points of orders should be able to be raised in relation to those principles.
15.10 Acts of disorder	35	Disagree		Council would disagree with the reference in sub-paragraph (d) that refers to the rules and policies of the NSW Legislative Assembly. Council's own Code of Conduct and policies should be referenced.
15.12 Acts of disorder	35	Agree		Council supports this change, noting this will provide further clarity to Chairpersons in the management of behaviour at Council Meetings.
15.13 Acts of disorder	35	Agree		Council supports this change, noting that Councillors are accountable for their behaviour at Council Meetings, and should be held to account if they fail to take direction from the Chairperson at the meeting.
15.01 Expulsion from meetings	36	Agree		Council supports the inclusion of the word "reasonably".
15.27 How disorder by councillors attending meetings by audio-visual link may be dealt with	37	Agree		Council supports the inclusion of the word "reasonably".
17.3 Rescinding or altering council decisions	38	Agree		Council supports the inclusion of the words "in accordance with this code".
17.5 Rescinding or altering council decisions	38	Agree		Council supports the inclusion of the words "this code".
17.10 Rescinding or altering council decisions	39	Agree		Council would support the inclusion of this clause, however altered as follows:

			<i>“A notice of motion to alter or rescind a resolution must be submitted to the general manager no later than 3 days after the meeting at which the resolution was adopted.”</i> The three day deadline has been included to ensure that any motion to alter or rescind a decision made at a council meeting is lodged before the minutes of the Council Meeting have been published on the Council's website (usually by the Friday after the meeting). It is best practice to include a note in the minutes that a rescission motion has been lodged, even if it was not provided at the meeting. This is to ensure correct and accurate decision making is recorded. Council would further support this clause being made a mandatory clause in the Code.
17.12 Rescinding or altering council decisions	39	Agree	Council would support the changes proposed to this clause as it provides clarity regarding dealing with urgent rescission motions.
17.14 Rescinding or altering council decisions	39	Agree	Council would support the changes proposed to this clause as it provides clarity regarding dealing with urgent rescission motions.
17.18 Recommitting resolutions to correct an error	39	Agree	Council would support the changes proposed to this clause and the inclusion of the Mayor to speak to motions seeking recommitment to correct an error.
18.1 – 18.3 Time limits on council meetings	40	Disagree	Council would strongly disagree with the proposed changes to the Code of Meeting Practice to remove the specified time that Council times would conclude. Council has a duty of care to ensure a safe workplace exists for both its Councillors and staff. A 10 hour break is required for any workplace, and many Councillors have paid employment along with their role as a Councillor. Removing the requirement for Council meetings to be concluded at a reasonable time (prior to midnight) poses a workplace and safety risk to Councillors and staff

20.8 Attendance at committee meetings	42	Agree	Council supports the proactive process to consider granting a leave of absence with each apology tendered.
20.20 and 20.21 Closure of committee meetings to the public	44	Agree	Council supports the ability for reports previously considered in closed session to be made publicly available once the information contained within the report is no longer considered confidential in accordance with Section 10A(2) of the Local Government Act.
20.21 Closure of committee meetings to the public	44	Disagree	Council does not support the requirement to consult with Council prior to the release of confidential information, noting only information to be made publicly available would be tested against relevant provisions of the Government Information (Public Access) Act 2009 and Section 10A(2) of the Local Government Act 1993.
22 Definitions	46	Disagree	Council would not support the removal of the definition of “foreshadowed motion” for the reasons outlined above
22 Definitions	46	Agree	Council supports the amendment to the definition of “planning decision” which will provide further clarity in relation to what a planning decision is