



Friday, February 21, 2025

The Hon. Ron HOENIG, DipLaw (SAB) MP  
Member for Heffron  
Minister for Local Government  
Leader of the House, and Vice-President of the Executive Council  
Office of Local Government, Locked Bag 3015, NOWRA NSW 2541

Dear Minister,

**Re: Bellingen Shire Council Submission on Proposed Amendments to the Model Code of Meeting Practice**

Bellingen Shire Council acknowledges the objectives of the proposed amendments to the Model Code of Meeting Practice, particularly in promoting transparency, integrity, and public participation in local government decision-making. We thank you for the opportunity to provide our input in to the review currently being undertaken. However, we hold concerns regarding several aspects of the proposed changes, particularly those that may inadvertently limit the effectiveness of councillors in fulfilling their roles.

**Pre-Meeting Briefings, Workshops and Informed Decision-Making**

The removal of pre-meeting briefing sessions and workshops is a primary concern. These briefings are a crucial mechanism for councillors to engage in informed discussions on complex matters outside the formal constraints of a council meeting. While we support the principle of open and transparent governance, we believe that well-structured briefings and workshops, led by the General Manager and attended by key staff, contribute to better decision-making without diminishing transparency. In many cases, briefings and workshops enable councillors to seek clarification on technical matters or policy implications that they may be less familiar with. Without such opportunities, the risk of poor decision-making increases, particularly in rural and regional councils where councillors may not have regular access to expert advice outside of meetings. We strongly recommend that the ability to conduct these sessions be retained, with appropriate guidelines to ensure they remain distinct from formal decision-making processes.

Bellingen Shire Council recently made the decision to record and publish audio visual recordings of its non-confidential briefings and workshops to assist the community understand what is being discussed at these briefings and workshops and to demonstrate they are not decision making forums. It is also noted that this level of transparency to our community exceeds the level of transparency at which briefings are provided to our State

Government Elected Members and Ministers. The Ministers and Members of Parliament are not lacking in integrity nor transparency but merely ensuring that they make the best decision after weighing up information and competing priorities and it is believed that the same privilege should be afforded to Local Government Elected Members.

### **Governance and Respect in the Council Chamber**

We have reservations about the requirement for councillors to stand when addressing meetings or when the mayor enters the chamber. While maintaining decorum is important, this provision is unnecessarily prescriptive. Respect in council meetings is best fostered through cultural leadership and effective chairing rather than mandated physical gestures. Additionally, Council is concerned that this requirement may inadvertently discourage individuals with mobility impairments or other physical limitations from standing for election, creating an unnecessary barrier to community representation.

From a practical perspective, standing while speaking may compromise the audio and visual recordings as councillors will be much further away from their microphones and cameras have already been established to provide ultimate coverage of the meetings. This could be detrimental to those who wish to view the Council meetings remotely and thus reducing transparency to the community.

Likewise, the proposal to limit councillor attendance via audio-visual link to only health or caring responsibilities is too restrictive. In regional areas like Bellingen Shire, natural disasters, transport challenges, or urgent personal matters may prevent in-person attendance. We recommend that councils retain discretion to determine appropriate reasons for remote participation.

Similarly, the Council should have the ability to determine if a staff member is able to attend Via Audio Visual link. As stated above with regards to Councillor's attendance, Council decision making should not be constrained because a key staff member is not able to attend a meeting face to face due to natural disasters, transport challenges, or urgent personal matters.

### **Depoliticisation of the Role of the General Manager**

The proposed amendments seek to depoliticise the role of the General Manager by limiting their obligation to provide advice on notices of motion that require unbudgeted expenditure and by giving mayors greater discretion over whether staff should respond to questions with notice. While we acknowledge the intent to reinforce the separation between elected representatives and operational management, we are concerned that these changes could reduce the quality of decision-making and introduce unintended consequences.

General Managers play a critical role in ensuring that councillors receive impartial, professional advice on the financial and operational implications of their decisions. Removing the requirement for General Managers to provide reports on notices of motion with financial implications risks councillors making decisions without a clear understanding of budgetary constraints, funding availability, or the broader strategic and service delivery impacts. This is

particularly concerning in regional councils, where councillors may not have immediate access to financial expertise outside of council staff. We strongly recommend that, at a minimum, the General Manager retain the ability to provide reports where financial, strategic, or legal implications exist.

Further, the proposal to allow the mayor to decide whether council staff respond to questions with notice raises concerns about transparency and procedural fairness. The General Manager, as the head of the administration, is best placed to determine which staff should provide responses and to ensure councillors have access to accurate and unbiased information. Allowing a single elected official to control this process could lead to selective provision of information, undermining both the integrity of decision-making and the ability of councillors to perform their duties effectively. We recommend that the authority to determine staff attendance and responses remain with the General Manager, in line with their statutory responsibilities under the Local Government Act 1993.

Finally, we support measures that enhance public transparency, including the requirement to publish council meeting recordings for the duration of the council term and to provide reasons when departing from staff planning recommendations. However, we caution against a 'one-size-fits-all' approach that does not take into account the operational realities of councils in regional areas. Bellingen Shire Council urges the Office of Local Government to refine these proposals in consultation with councils to ensure that reforms genuinely improve governance without impeding the effective functioning of local government.

We appreciate the opportunity to contribute to this consultation and welcome further engagement on these critical issues.

Yours faithfully,



Mark Griffioen  
**General Manager**