

Our Ref: D25/2207

Your Ref: Reforms to the Model Code of Meeting Practice

12 February 2025

Attn: Office of Local Government
NSW Department of Planning, Housing and Infrastructure
Locked Bag 3015
NOWRA NSW 2541

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

Dear Colleagues

PROPOSED REFORMS TO THE MODEL CODE OF MEETING PRACTICE

1. We refer to the review of the Model Code of Meeting Practice, and the associated discussion paper dated December 2024 published by the Office of Local Government (OLG).
2. As outlined in our submission to the review of the councillor conduct framework dated November 2024, we are supportive of reforms that would reduce the administrative costs of managing the conduct of, enhance procedural fairness for, and promote informed decision making of elected officials.
3. However, as we also noted, we are not supportive of proposals that have the potential to create further layers of bureaucracy or impede effective decision making, inclusion and equality. Our rationale for this is outlined in the feedback below.

Supporting effective decision making and efficient council meetings

- 3.1. In relation to the proposal to remove pre-briefing and workshop sessions for elected officials (clauses 3.33-3.38), educating and equipping councillors with information relevant to enable them to perform their role is critically important. Pre-meeting briefing sessions are not used to make decisions, rather share information. Removing the option of pre-meeting briefing sessions will result in the subject matter otherwise conveyed in the sessions, being conveyed in the council meetings. This will result in longer council meetings and therefore adversely impact time and efficiency for no tangible value.
- 3.2. We strongly oppose the proposal to introduce the practice of standing when addressing the council chambers or when the mayor enters the room (clauses 7.1 and 12.2). This proposal is in direct conflict with our objectives under our Disability Inclusion Action Plan and general principles of inclusion and equality. It would also result in a nonsensical outcome in Joint Organisation meetings where each Board Member is a mayor and at Rous' meetings where four out of eight Board Members are mayors. This proposed change is outdated and offers no value in a contemporary local government environment.

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- 3.3. The removal of clause 10.24, which would result in council being unable to shorten the duration of speeches, is not supported as its removal does not promote efficient meeting process and decision making.
- 3.4. We do not object to the principle of releasing information (clauses 14.19 and 14.20) but note that this is regulated by the GIPA Act. We also note that, in their current form, proposed clauses 14.19 and 14.20 would impose a significant administrative burden on councils. We suggest that further information be provided on how this can be achieved while minimising the burden on councils.
- 3.5. The proposal to remove clause 15.2, relating to making a point of order with respect to adherence to the principles contained in clause 2.1 is not supported. We believe that a point of order should be allowed in relation to the 'respectful' and 'orderly' elements of clause 2.1.
- 3.6. We are concerned the change to clause 9.17, that would remove the requirement that questions be put 'respectfully', combined with the removal of clause 15.2, is at odds with promoting and embedding the meeting principles contained in clause 2 and the ethos of Local Government generally.

Public participation in council meetings

- 3.7. The additions to clause 9.13 which would allow for questions to be asked of council that do not concern a matter on the agenda if approved by council by resolution or if the mayor determines otherwise, are counterproductive to ensuring that the business and discussion at a meeting only relate to matters listed on the agenda.

Transparency of meeting practices

- 3.8. We do not support the proposed deletion of clause 10.9. Where motions or amendments to motions are made that, if passed, would require the expenditure of funds, it is critically important to ensure that Council is fully appraised of the financial impact to ensure that decision making is informed.
- 3.9. We do not support the changes to clause 3.10. We believe that it is important to prescribe a notice period for the submission of a notice of motion, thus avoiding the need for the creation of a further document in addition to the agenda for readers to refer to. We also do not support the changes to item 14.12 for the same reasons.

Attendance at meetings via Audio Visual Link

- 3.10. We do not support the proposed changes to clause 5.19. For regional/rural councils and county councils with a large geographical footprint, diverse community and stakeholder-base, the availability of an audio-visual link for meeting participation enables it to attract a more diverse and representative pool of members and support efficient business operations.
- 3.11. The changes proposed in clause 5.19 are too restrictive and do not allow for other factors such as access to public transport to be taken into consideration. If these changes were to be implemented, a phased implementation period would be needed to manage the impacts of the change. If these changes were also to be taken to apply to Audit, Risk and Improvement Committees, this would significantly impact the efficacy of this body and result in vacancies that would be challenging to fill with the requisite skills and experience.

- 3.12. The proposal to remove clause 5.44, which allows staff to attend meetings by audio-visual link, lacks a rationale. We suggest that this clause is retained as its removal is contrary to the principles of inclusion. There is also no clear reason as to why councillors should be permitted to attend by audio-visual link, but staff may not.

The role of the general manager

- 3.13. The proposed changes to clause 5.43 which would require council, rather than the general manager, to determine the attendance of other staff at a council meeting offer limited value. Council staff are not subject to the direction of councillors, and therefore the general manager is the appropriate decision maker in relation to their attendance at meetings. We support the removal of this clause all together, as it offers limited value.

Suggestions for changes to existing clauses and the addition of new clauses

4. We also propose some further changes to existing clauses within the model code which have not been amended by the OLG as part of this review. These changes seek to ensure that the code is aligned with contemporary ways of working. For example -
- 4.1. It is unnecessary for the minutes of a council or committee meeting to be signed by the person presiding over the meeting (clauses 19.5, 20.27) given that they are confirmed by resolution.
- 4.2. To better support decision making on minor and inconsequential matters, councils should be enabled to use a 'circular resolution' method. This process is where a draft resolution (with supporting report) is circulated by electronic means, such as DocuSign, and Councillors are asked to 'vote' / 'endorse' the recommendation without the need for an in-person meeting. This would streamline meetings and allow for greater focus on more significant matters.
- 4.3. A new clause to enable the calling of an additional 'ordinary meeting' without the requirement to include all mandatory reports, such as Investments reports. This will allow for greater flexibility to enable matters, that may not necessarily be urgent, to be expediently dealt with (and support the efficient and effective operation of Local Government).

Supported proposed changes

5. There are several proposed changes in the draft model code that we support. These include:
- 5.1. Allowing the mayor to call an extraordinary meeting without the need to obtain the signature of two councillors (clause 3.3). We also recommend that the general manager be authorised to call a council meeting, specifically in a situation post-election where council has not met, and a chairperson has not yet been elected.
- 5.2. The new clause relating to public forums which allows council to determine their own rules for public forums (clause 4.2).
- 5.3. The addition of clauses dealing with items by exemption (13.1-13.7).

As a county council, we urge the OLG to consider the practicalities of implementing any proposals wholesale across a sector which is constituted of more than just general-purpose, metropolitan councils. The administrative costs required to navigate an already complex regulatory landscape is disproportionate to the costs of delivering infrastructure and services for smaller, less complex, Local Government entities.

Should you wish to discuss any of the matters raised in our submissions further, please contact me directly on 0427 073 440 or by email at phillip.rudd@rous.nsw.gov.au .

Yours faithfully

A handwritten signature in black ink, appearing to read 'Phillip Rudd', written in a cursive style.

Phillip Rudd
General Manager