

**Office of Local Government  
Locked Bag 3015  
NOWRA NSW 2541**

25 February 2025

Dear Sir/Madam,

**AlburyCity Council's Submission on OLG's Model Code of Meeting Practice for Local Councils in NSW**

This submission provides feedback to the Office of Local Government (OLG) on the proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code).

The submission was considered and endorsed by Council at its meeting of 24 February 2025.

AlburyCity supports some of the OLG's amendments, which align with the Government's goal of enhancing the visibility and control of Councillors within their respective councils. We acknowledge that approach is intended to strengthen community trust by demonstrating that local decisions are made locally. There are however several proposed changes that present a level of risk to Councils and could negatively impact on openness, transparency and Council decision making.

AlburyCity reviewed both the consultation draft of the new Model Meeting Code and the proposed amendments with track changes, as published on the OLG website.

The proposed amendments address four key focus areas:

1. **Promoting transparency, integrity, and public participation.**
2. **Promoting the dignity of the council chamber.**
3. **Depoliticising the role of the general manager.**
4. **Simplifying the Model Meeting Code.**

This submission outlines Albury City Council's response to each of these focus areas in the table below.

Key Focus Areas	Proposed OLG Model Code	Proposed Amendments	Council Response
<b>Promoting Transparency, Integrity, and Public Participation:</b>	Removal of pre-meeting councillor briefing sessions	<b>Proposed removal of current Clauses 3.33 – 3.40 relating to pre-meeting councillor briefings.</b>	<p><b>Decision:</b> Do not support.</p> <p><b>Reasoning:</b> AlburyCity Council prioritises transparency, including open pre-meeting briefings. Councillor briefings and strategic workshops are crucial. These workshops allow for early input, aligning with community plans and fostering informed decision-making. They are not for debate or decisions but for gathering information and informing strategic direction. This approach avoids lengthy council meetings, unnecessary deferrals, and potential disruptions to operations and community service delivery.</p> <p>AlburyCity Council Councillor/CEO strategic workshops will continue.</p>
	Public disclosure of information from closed meetings once it is no longer confidential.	<b>Inclusion of new Clauses 14.19 and 14.20 requiring information considered at closed meetings to be published on Council's website after it ceases to be confidential.</b>	<p><b>Decision:</b> Support.</p> <p><b>Reasoning:</b> Inclusion of requirement for CEO consultation with council prior to release.</p>
	Extended availability of meeting recordings on council websites	<b>Amendment to current Clause 5.37 requiring recordings of meetings to be published on council websites for 12 months after the meeting or for the balance of the</b>	<p><b>Decision:</b> Support.</p> <p><b>Reasoning:</b> AlburyCity Council already provides extended availability of meeting recordings on Council's website, with all recordings displayed as of 2017.</p>

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		Council's term, whichever is longer.	
	Voting on Planning Decisions.	<p><b>Inclusion of two new clauses 11.12 &amp; 11.13 in consultation draft.</b></p> <p><b>Proposed inclusions state that the council must not make a final planning decision without a staff report and that councils must give reasons where a decision is inconsistent with the staff recommendation.</b></p>	<p><b>Decision:</b> Support.</p> <p><b>Reasoning:</b> As recommended by ICAC, Council are encouraged to support the two new clauses to not make final planning decisions without a staff report containing an assessment.</p> <p>11.12 - Requiring a staff report ensures that the decisions are based on expert analysis, and promotes informed and well considered outcomes.</p> <p>11.13 - Mandating that reasons be provided for decisions inconsistent with staff recommendations will:</p> <ul style="list-style-type: none"> <li>• increase transparency and accountability</li> <li>• promote public trust</li> <li>• demonstrate that decisions are grounded in expert advice.</li> </ul>
	Removing ability for Councils to resolve to shorten duration of speeches.	<p><b>Removal of existing Clause 10.24 so that councils no longer have the ability to shorten the duration of speeches to expedite the</b></p>	<p><b>Decision:</b> Support</p> <p><b>Reasoning:</b> It is important to ensure that all Councillors are provided with an opportunity to comment on important community issues. The proposed amendment simply removes the ability for Council resolve to shorten the duration of speeches, it does not impact on the ability of all Councillors to speak once on each motion and once on each amendment for up to 5 minutes each time.</p>

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		consideration of business at a meeting.	
Promoting the dignity of the council chamber.	Enhancing the authority of the Mayor.	<p><b>Inclusion of new Clause 3.3 allowing the Mayor to call an extraordinary meeting without the need to obtain the signature of two (2) councillors.</b></p> <p><b>Amendment to existing Clause 9.6 and removal of existing Clauses 9.9</b></p>	<p><b>Decision:</b> Support.</p> <p><b>Reasoning:</b> The inclusion of new clause 3.3 allowing the Mayor to call an extraordinary meeting without the need to obtain the signature of two Councillors could be seen as positive to:</p> <ul style="list-style-type: none"> <li>• Improve responsiveness in urgent situations where seeking signatures might cause delay; and</li> <li>• Streamline process and reduce administration</li> </ul> <p>However, the change could be seen as negative as there may be the potential for misuse without the need for other Councillor agreement. Meetings may be called unnecessarily reducing collaboration amongst councillors.</p> <p>It is recommended to establish a clear criteria and have regular reviews of how often and under what circumstances extraordinary meetings are called to ensure the power is not being misused.</p> <p>The amendment of clause 9.6 allows the Mayor to put a mayoral minute to a meeting without notice on any topic they determine should be considered at the meeting. The existing clauses 9.9 and 9.10 which place limitations/rules on matters</p>

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		and 9.10 formerly placing limitations / rules on matters that could be put to a meeting as a Mayoral minute.	<p>that could be put to a meeting as a Mayoral minute, are proposed for removal. The changes could be seen as a positive to Council meetings in that they;</p> <ul style="list-style-type: none"> <li>• increase flexibility;</li> <li>• enable Mayors to raise important, time-sensitive issues; and</li> <li>• strengthen leadership</li> </ul> <p>Though has some negatives;</p> <ul style="list-style-type: none"> <li>• Could be a risk of overreach or misuse of power without limitations;</li> <li>• There is a possibility that Mayoral minutes could be used for matters suited the broader debate; and</li> <li>• Councillors may feel excluded.</li> </ul> <p>Options could be to:</p> <ul style="list-style-type: none"> <li>• Define scope for Mayoral minutes.</li> <li>• Periodic review of meetings.</li> </ul>
	Mandating respectful behaviour, such as standing when the mayor enters.	<b>Inclusion of new Clause 7.1 and amendment of existing Clauses requiring councillors to stand when a councillor addresses the meeting, or when the mayor enters the chamber, as well as by mandating modes of address at meetings.</b>	<p><b>Decision:</b> Do not support.</p> <p><b>Reasoning:</b> AlburyCity Council does not support the requirement for Councillors to stand when addressing the meeting or when the Mayor enters the chamber. This practice is considered outdated, undermines the equal status of all Councillors, and is incompatible with modern meeting practice where the Mayor is considered first amongst equals.</p>

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	Empowering mayors to control meetings and enforce order.	<b>Amendment to existing Clause 15.11 whereby the definition of an act of disorder is expanded and linked to behaviours regarded as disorderly in the NSW Legislative Assembly.</b>	<p><b>Decision:</b> Support.</p> <p><b>Reasoning:</b> The proposed changes:</p> <ul style="list-style-type: none"> <li>• Align with the established standards, linking the definition to the NSW Legislative Assembly;</li> <li>• Create consistency;</li> <li>• Provide a clear, widely recognised framework for what is disorderly behaviour;</li> <li>• May deter disruptive behaviour; and</li> <li>• Strengthens Mayoral leadership.</li> </ul> <p>Other points to note;</p> <ul style="list-style-type: none"> <li>• The NSW Legislative Assembly can encounter ambiguity in the interpretation of words used in the legislation.</li> </ul>
	Restricting councillors' and staff attendance via audio-visual link to specific circumstances.	<b>Amendment to existing Clause 5.19 which proposes limiting participation of councillors in meetings by audiovisual link to circumstances where they are prevented from attending a meeting in person because of ill health or another medical</b>	<p><b>Decision:</b> Do not support.</p> <p><b>Reasoning:</b> The current Model Code of Meeting Practice allows attendance via audio visual link with the approval of the Council. This practice has provided significantly greater flexibility for Councillors that may be away from the LGA for work reasons or attending to Council related business activities elsewhere, to still participate in meetings and contribute to the discussion and decision. This is particularly relevant for regional Councils, where Councillors may be travelling significant distances for conferences, advocacy, or participating in a regional collaboration initiative or knowledge building/sharing activity. Many Councillors are employed in regional areas which can mean they are required to travel for work purposes. They should not be prohibited from participating simply because their employer requires them to be out of region from time to time.</p>

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		<p><b>reason or unforeseen caring responsibilities.</b></p> <p><b>Inclusion of new Clause 15.20 whereby councillors will not be permitted to participate in meetings at which a mayoral election is being held by audio visual link.</b></p> <p><b>Removal of existing Clause 5.44 whereby the general manager and other council staff were able attend meetings of</b></p>	<p>If the changes are to be implemented, then the reasons for participation by audio-visual link should be expanded to include personal work/employment commitments and Council related business activities.</p> <p>The potential positive impacts of the changes being:</p> <ul style="list-style-type: none"> <li>- increased in person attendance encourages Councillors to be engaged, focused and accountable during meetings;</li> <li>- fosters relationship building and connections between Councillors and staff; and</li> <li>- Councillors may find it easier to communicate and respond in person.</li> </ul> <p>While the Mayoral election is one of the most significant decisions of Council, there may be circumstances, such as illness, where the inability of a Councillor to attend in person for their own safety and that of others unreasonably delays the election.</p> <p>The current Model Code enables staff to participate in meetings with the approval of the General Manager. The proposed changes remove this opportunity and eliminates General Manager or staff attendance remotely. This does not consider that they may too be subject to illness, have caring responsibilities or be travelling on Council business (as is often the case in regional areas) and would otherwise be</p>

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		the council and committees of the council by audio-visual link.	able to attend by audio-visual to provide any information Councillors may require to assist in their decision making.
	Statement of ethical obligations	<b>Removal of existing Clause 3.23 whereby councils will no longer be required to include a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest in business papers for all ordinary and extraordinary meetings of the council and committees of the council.</b>	<p><b>Decision:</b> Do not support.</p> <p><b>Reasoning:</b> The proposed change would result in a minor reduction in administration, however the following matters should be considered;</p> <ul style="list-style-type: none"> <li>• This change implies that Councillors are already aware of their obligations;</li> <li>• Absence of reminders may lead to complacency, particularly for new or less experienced Councillors; and</li> <li>• Reminders enforce a culture of responsibility.</li> </ul>



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	Restricting circumstances where a council may withhold a leave of absence.	<b>Amendment to existing Clause 5.6 and inclusion of new Clause 5.7 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.</b>	<b>Decision:</b> Support. <b>Reasoning:</b> The changes simplify the procedures by reducing the need for formal resolutions for leave of absence/apologies. They may however be subject to abuse or reduce oversight of lax attendance, with Councillors less accountable for repeated unjustified absences.
<b>Depoliticising the role of the general manager</b>	General managers will no longer prepare reports for notices of motion with financial implications.	<b>Removal of existing Clauses 3.12 and 3.13 removing the requirement for general managers to prepare reports for notices of motion. It is proposed that General Managers will no longer be required to prepare reports on notices of motions with financial</b>	<b>Decision:</b> Support. <b>Reasoning:</b> We support not mandating the requirement for General Managers/CEO's to prepare reports for notices of motion with financial implications.  However, the impact on the Councillors preparedness to discuss and debate the matter at hand will be reduced if they are not provided with a CEO note with the business papers before meeting. It also decreases the ability of staff to be able to answer all queries depending on the complexity of matter and may result in more questions being taken on notice which could delay decision making.

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		<b>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.</b>	<p>AlburyCity's view is that it presents a risk if the source of funding is not identified and potential financial consequences of decisions of Council are not understood by all Councillors. It may also reduce transparency in how decisions impact Council's budget.</p> <p>Accordingly, while these provisions may no longer be mandated in the Model Code, AlburyCity anticipates that current practices will continue in the interest of openness, transparency and good governance.</p>
	Councillors will decide on staff attendance at meetings	<b>Amendment to existing Clause 5.43 whereby the attendance of staff at a meeting will be determined by the council from time to time rather than the general manager.</b>	<p><b>Decision:</b> Do not support.</p> <p><b>Reasoning:</b> AlburyCity Council recommend that the decision on staff attendance at meetings should remain flexible and at the discretion of the General Manager (CEO) in consultation with the Mayor.</p> <p>If the changes are implemented, guidance should be provided in regard to the process for council to determine and advise which staff will attend.</p>
	Questions from Councillors about a matter on the agenda are put through the Mayor to the General Manager, rather than through the General Manager to staff. The General Manager maintains	<b>Amendment to existing Clause 9.16 stating that a councillor may, through the mayor, put a question to the general manager about a matter on the agenda. The general</b>	<p><b>Decision:</b> Support</p> <p><b>Reasoning:</b> This change is considered minor and is in many ways consistent with current practices at AlburyCity, where the CEO determines which staff member is obliged to respond to the question. Formalising is considered positive in that:</p> <ul style="list-style-type: none"> <li>• Questions through the Mayor to the CEO ensures that staff communications remain organised.</li> </ul>

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	the authority to determine whether staff are obliged to respond.	<b>manager may request another council employee to answer the question. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.</b>	<ul style="list-style-type: none"> <li>• Maintains managerial oversight and ensures responses are accurate, consistent.</li> <li>• Allows the CEO to delegate responses and ensures that questions are answered by the most knowledgeable or relevant staff member.</li> </ul>
	Questions with notice	<b>Removal of existing Clause 3.15 which provided that a councillor is not permitted to ask a question with notice that comprises a complaint against the Chief Executive Officer or a member of staff of the council, or a question that implies wrongdoing by the Chief Executive Officer or a member of staff of the council.</b>	<p><b>Decision:</b> Do not support</p> <p><b>Reasoning:</b> The removal of this clause is not recommended as it could potentially impact Council operations, governance and workplace culture and Council obligations under WHS legislation, namely relating to psychosocial safety obligations.</p> <p>There are a range of avenues available to Councillors to raise complaints against the CEO or a member of staff.</p> <p>Negative implications include risks such as;</p> <ul style="list-style-type: none"> <li>• Misuse or defamation resulting in a legal challenge.</li> <li>• May lead to public airing of unsubstantial allegations harming reputations of individuals and/or the Council.</li> <li>• Undermining trust and respect between Councillors and employees</li> </ul>

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			<p>However, benefits of the proposed change could be seen as</p> <ul style="list-style-type: none"> <li>Enhancing transparency and accountability, allowing these questions to promote openness for Councillors to publicly raise queries.</li> </ul>
<b>Simplifying the Model Meeting Code.</b>	Allowing councils to set their own rules for public forums.	<b>Removal of existing Clauses 4.2 – 4.24 governing public forums and inclusion of new Clause 4.2 allowing councils to determine the rules under which public forums are to be conducted.</b>	<p><b>Decision:</b> Support.</p> <p><b>Reasoning:</b> AlburyCity Council supports the proposals that councils should have the flexibility to set their own rules for public forums. This is AlburyCity Council's current practice and would be reflected in any further update to the AlburyCity Code of Meeting Practice.</p>
	Consideration of business at council meetings and Extraordinary meetings	<b>Amendment to existing Clauses 9.3 and 3.25 stating that a matter of urgency without notice can be dealt with by resolution only where all councillors are present at the meeting / extraordinary meeting.</b>	<p><b>Decision:</b> Support.</p> <p><b>Reasoning:</b> The changes ensure that where urgent matters without notice are raised all Councillors will be present. In the event that they are not all present then the Council must resolve to consider the matter regardless and the Mayor make a ruling that the matter is urgent and requires consideration prior to the next ordinary meeting.</p>

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		<p><b>Inclusion of clauses 9.4 and 3.26 which specifies that only the mover of the motion and Mayor, if not the mover, can speak to a motion without notice.</b></p> <p><b>Inclusion of new Clauses 9.5 and 3.27 stating that matters or urgency raised at an ordinary meeting / extraordinary meeting where all councillors are NOT present requires resolution of council AND the Mayor ruling that the business is urgent and requires the decision to be made by the council.</b></p>	<p>The existing Model Code only enables the mover of the motion without notice to speak to the motion before it is put. The amendment allows the Mayor to also speak to the motion if they are not the mover.</p> <p>These changes reduce the likelihood of urgent matters being determined without consideration by all Councillors and, if it is required, that those present must agree to consider it in the absence of some of their peers.</p>
	Simplifying the rules of debate by removing the provisions allowing motions to be foreshadowed	<b>Removal of existing Clause 10.17 and amendments to existing Clause 10.19</b>	<p><b>Decision:</b> Do not support</p> <p>Reasoning: Council does not support the proposed amendment to remove clause 10.1 and 10.19 which enable Councillors to foreshadow motions and outlines how they are to be dealt with.</p>

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			<p>Foreshadowing a motion e.g. in the event the current motion is lost, provides an opportunity for the Council to resolve a direct negative where a motion is not supported by the majority and or alternative action is required. This is often an efficient and effective way to deal with the business before Council and eliminate the need for further reports and resource investment.</p> <p>Amendments to motions cannot be a direct negative of the original motion and it is unclear if the same would also apply to foreshadowed amendments. This same constraint does not current apply to foreshadowed motions.</p> <p>If the intention is not to constrain the nature of foreshadowed amendments i.e. they must relate to the matter being dealt with but there is no other restriction, then the change may in inconsequential.</p>
Other	Motions requiring the expenditure of funds	<b>Removal of existing Clauses 9.10 and 10.9 removing the requirement for motions / amendments and mayoral minutes to identify the source of funding where funds are not already provided for in the council's adopted operational plan.</b>	<p><b>Decision:</b> Supported</p> <p><b>Reasoning:</b> We support not mandating that Mayoral minutes and motions requiring expenditure of funds must identify the source of funding or be deferred pending a report from the General Manager.</p> <p>However, allowing this practice ensures that Councillors will be fully prepared to discuss and debate the matter at hand, which would be reduced if they are not provided with a CEO note with the business papers before meeting. Failure to provide such information also decreases the ability of staff to be able to answer all queries depending on the complexity of matter and may result in more questions being taken on notice which could delay decision making.</p>

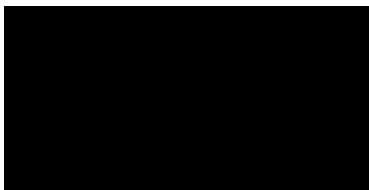
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			<p>This change is supported however AlburyCity's view is that it presents a risk if the source of funding is not identified and potential financial consequences of decisions of Council are not understood by all Councillors. It may also reduce transparency in how decisions impact Council's budget.</p> <p>While these provisions may no longer be mandated in the Model Code, AlburyCity anticipates that current practices will continue in the interest of openness, transparency and good governance.</p>

AlburyCity Council would welcome an opportunity to review a revised draft of the new Model Code of Meeting Practice if available.

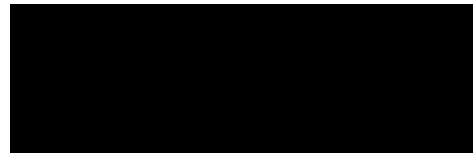
We thank you for the opportunity to provide feedback. Should you wish to discuss any aspect of our submission, or provide feedback on our submission, please contact Mayor Mack on [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED]

Yours sincerely,



**Mayor**



**Chief Executive Officer**