

26.06.2025

The Hon. Ron Hoenig MP
GPO Box 5341
Sydney NSW 2000

Email: [REDACTED]

Dear Minister,

On behalf of the Clarence Valley Council and following unanimous support for a resolution of Council (2025.1385), I am writing to make a submission to the draft Model Code of Meeting Practice.

[REDACTED]

That Council

- 1. make a submission to the draft Model Code of Meeting Practice in accordance with the points contained in the body of this report.**
 - 2. request the Minister for Local Government, the Hon Ron Hoenig MP, make public the submissions to the Councillor Conduct and Meeting Practices; a new framework received by the Office of Local Government in 2024.**
- [REDACTED]

Causley
Against: None

CARRIED

A list of Clarence Valley Council's suggested changes are detailed in the table below.

It is considered the following changes to the Model Code of Meeting Practice will have a negative impact on the efficiency and effectiveness of Council.

Section	Proposed change	Grounds for Objection
3 Before the Meeting	Clauses 3.12 - 3.13 NOM – 1. No requirement to identify funds/resourcing required.	Potential to undermine IP&R and decrease informed decision making where Councillors are unaware of budget or resource impact or impact on current planned activity.
	2. No obligation for GM to identify legal, strategic, financial or policy implications	Potential to delay implementation where there are legal, strategic, financial or policy implications as a subsequent report is required, creating inefficiencies in resourcing.
	Clause 3.13 Questions with Notice – Crs now permitted to ask QwN that comprises complaint or implies wrong doing.	Councillors are not afforded Parliamentary Privilege. Potential for litigation. Potential for CoC breach and complaint.
	Clause 3.33 - 3.38 Opportunity for Pre meeting briefings removed in favour of Mayor only being briefed.	No opportunity to ensure clarity of understanding. Potential impact on informed decision making. Potential to create confusion and inefficiency in meetings.
Section 5 Coming Together	Clause 5.19 Limiting attendance by audio-visual link to health, medical or carer responsibilities	Councillors may be on official duties at conferences and unable to attend in person. Council resolution is required to allow remote attendance and this is the control for individual councils
	Clause 5.44 Attendance by staff at meetings determined by Council.	In conflict with the Act in that Council cannot direct staff.
Section 9 Consideration of Business at Council Meetings	Clause 9.10 Mayoral Minutes – restrictions on urgent only removed, can be any matters whether it relates to Council or not and also not requirement to identify funding/resources required to implement.	Potential to undermine IP&R and decrease informed decision making. Potential to delay implementation where there are legal, strategic, financial or policy implications as a subsequent report is required, creating inefficiencies in resourcing.

Section 10 Rules of Debate	Clause 10.9 Removal of requirement to identify fund source	Potential to undermine IP&R and decrease informed decision making. Potential to delay implementation where there are legal, strategic, financial or policy implications as a subsequent report is required, creating inefficiencies in resourcing.
	Clause 10.17 Foreshadowed Motions removed.	Potential for delay in decision making and implementation of action when a Motion that is not the Officers Recommendation is lost and the Officers Recommendation or some other Motion cannot be foreshadowed.
Section 15 Keeping Order at Meetings	Clause 15.10 1. Removal of controls for allegations of breach of CoC. 2. Brings in acts of disorder in accordance with NSW Legislative Assembly behaviour.	Councillors are not afforded Parliamentary Privilege. Different environment and not easily referenced. Code of Conduct is the framework understood by the Local Government Sector. Potential for litigation. Potential for CoC breach and complaint.

The following changes to the Model Code of Meeting Practice are considered impractical or will cause inefficiency but are not strongly objected.

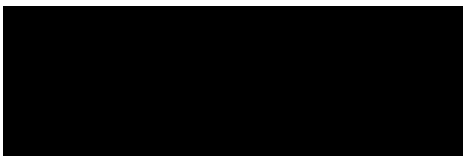
Section	Proposed change	Impact
3 Before the Meeting	Clause 3.1 Meeting frequency, date, time, place to be by resolution rather than through adoption as Clause in CoMP.	Adoption as a Clause in the COMP provides a Version controlled single source of truth that is easily located as a reference across the sector.
	Clause 3.10 NOMs to be submitted in reasonable time as determined by Council, rather than through adoption as Clause in CoMP.	Adoption as a Clause in the COMP provides a Version controlled single source of truth that is easily located as a reference across the sector.
	Clause 3.23 Statement of Ethical Obligations removed.	Inclusion provides timely reminder to Council, staff and gallery of obligations.
Section 4 Public Forum	Clause 4.2 - 4.24 Rules for Public Forums to be by way of resolution rather than	Adoption as a Clause in the COMP provides a Version controlled single source of truth that is easily located as a reference across the sector.

	through adoption as Clauses in CoMP.	
Section 7 Modes of Address	Clause 7.1 Stand when Mayor enters.	Presumes Mayor is always last to arrive and arrival time is a given. At Clarence Valley Council there is no clear vision of the Mayor's approach.
Section 10 Rules of Debate	Clause 10.24 Removed option to shorten duration of speeches (debate).	While used infrequently, may be more heavily relied upon where meetings times are extended due to increased questioning to gain understanding following removal of Pre Meeting Briefing.
Section 11 Voting	Clause 11.12 11.13 Strengthened requirements for reasons to determine a planning matter contrary to assessment officer's recommendation.	Silent on whether reasons need to comply with Environmental Planning & Assessment Act for determination, position would be strengthened if this was made clear. Without making clear, potential for increased litigation where development refused without planning grounds.
Section 14 Closure of Council Meetings to the Public	Clause 14.12 - 14.17 Rules for deputations to closure of meeting to be determined by Council rather than by adoption of Clause in CoMP.	Adoption as a Clause in the COMP provides a Version controlled single source of truth that is easily located as a reference across the sector.

In addition to the above matters, there is inconsistency of language throughout the draft Model Code. For example, references to 'by resolution of Council' and also 'as determined by Council'. Consistent language improves common understanding and application.

Clarence Valley Council urgently requests that the NSW Government make public the submissions to the Councillor Conduct and Meeting Practices; a new framework received by the Office of Local Government in 2024.

Kind Regards,



General Manager

Att – Business Paper Item 2025.1385