



information
and privacy
commission
new south wales



28 February 2025

Office of Local Government
Locked Bag 3015
Nowra NSW 2541

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

Attn: Council Governance Team

Consultation on Model Meeting Code amendments

Thank you for the opportunity to make a submission to the Office of Local Government on proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW.

Attached is the submission from the Information and Privacy Commission NSW (IPC). The IPC is content for this submission to be published in full on your website.

Please do not hesitate to contact the IPC if you require any further information.

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Yours sincerely

[Redacted signature block]

A/CEO, Information and Privacy Commission NSW
A/Information Commissioner

A/Privacy Commissioner

Encl.

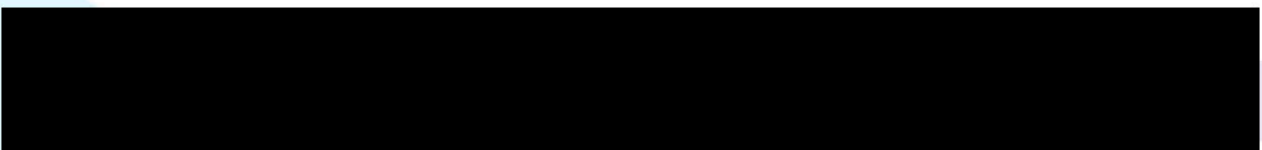


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Submission to Office of Local Government consultation on proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code)

Submission by the Information and Privacy Commission NSW

28 February 2025



Commissioners' signatures have not been included in this submission to facilitate public access to the submission, manage security risks and promote availability in accordance with the [Redacting signatures on public facing documents Practice Guide](#) published on the IPC website.

The Information and Privacy Commission NSW (IPC) welcomes the opportunity to provide a submission on proposed amendments to the Model Meeting Code.

About the IPC:

The Information and Privacy Commission NSW (IPC) is an independent integrity agency that supports the Information Commissioner and Privacy Commissioner to oversight the operation of privacy and information access laws in New South Wales.

The Information Commissioner is an independent statutory officeholder with responsibility for overseeing the information access rights and obligations established by the *Government Information (Public Access) Act 2009* (GIPA Act) and exercises functions under the *Government Information (Information Commissioner) Act 2009* (GIIC Act). The Information Commissioner is also the head of the IPC.

The Privacy Commissioner is an independent statutory officeholder with responsibility for overseeing and advising NSW public sector agencies on compliance with the *Privacy and Personal Information Protection Act 1998* (PPIP Act) and the *Health Records and Information Privacy Act 2002* (HRIP Act).

For further information about the IPC visit www.ipc.nsw.gov.au.

IPC Comments:

1. The IPC notes that amendments propose the requirement to publish information, such as business papers, resolutions and closure of committee meetings, on council's website as soon as practical after the information ceases to be confidential.
2. For example,
 - a. New section 14.19 of the Model Meeting Code (closed meetings): The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the

council's website as soon as practicable after the information contained in the business papers ceases to be confidential.

- b. New section 20.20 of the Model Meeting Code (closed committee meetings): The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
3. The IPC also notes that confidential pre-meeting briefing sessions (extant sections 3.33 – 3.38 of the Model Meeting Code) will no longer be permitted.
4. The amendments proposed, and grouped under the outcomes for '*Promote transparency, integrity, and public participation*', appear to support greater access to government information which is in alignment with the objects of the GIPA Act.
5. With respect to privacy, it is noted that re-numbered section 5.23 of the Model Meeting Code currently states: The council must comply with the [Health Privacy Principles](#) (HPPs) prescribed under the HRIP Act when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
6. In this regard, the IPC recommends that re-numbered section 5.23 should also refer to the *Privacy and Personal Information Protection Act 1998* (PPIP Act) and [Information Protection Principles](#) (IPPs), as whilst ill health may be a reason for absence, care responsibilities could be another and this will not necessarily be classified as health information in all instances.
7. The IPC notes that the re-numbered section 5.38 of the Model Meeting Code has been amended to provide that the recording of meetings is to be made publicly available for at least 12 months or for the balance of the council's term, whichever is the longer period.
8. In light of the proposed revision, consideration should be given to include details of the retention period for the webcast under the re-numbered section 5.36(a).
9. Additionally, while we note the inclusion of the authorisation to dispose of recordings in accordance with the *State Records Act 1998* at re-numbered section 5.40 of the Model Meeting Code, the retention periods generally prescribed are framed as minimum retention periods as distinct from maximum periods. In this regard the Code may benefit from the inclusion of additional requirements for regularised review of published recordings to ensure that such records are disposed of in a timely manner consistent with the *State Records Act*. Such regularised review will support Councils in their privacy governance to ensure that the retention of the recordings is not for longer than is necessary for the purposes it was collected under the PPIP Act.