

[REDACTED]
Our Ref: 24/23465

Your Ref:



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REGIONAL COUNCIL

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28 February 2025

Office of Local Government

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

Dear Sir/Madam

Proposed reform to the code of meeting practice

Council considered the reforms being proposed to the meeting code of practice at its meeting on 20 February 2025. The position of the Council is as follows:

- A. Council supports the broad direction of the OLG's draft model code of meeting practice which seeks increasing transparency and robust and respectful debate.
- B. Council supports the minister's intent to decrease code of conduct complaints by setting a new balance between mayors, councillors and general managers.
- C. Council supports the intention of the Minister to depoliticise the role of general managers.
- D. Council supports an end to private councillor briefing sessions, which would now be open to the public.
- E. Council agrees that private councillor briefing sessions have the potential to have "a corrosive effect on the transparency of council decision making."

In reporting to the Council staff provided a range of comments on the reforms being proposed. The Council's position was that the issues raised by the staff be provided in addition to the Council's submission. These matters are in Attachment A.

[REDACTED]
Yours faithfully

[REDACTED]
Chief Executive Officer

Appendix A – Staff Feedback on the proposed reforms

- A. That to enact the desired change that information relating to upcoming council decisions is not to be provided in briefings, that a clause establishing this needs to be added into the model code.

Note: The current proposed changes to the code of meeting practice do not set out how the intent of the proposed changes will actually occur.

- B. That the requirement for the implications of proposed motions to be advised to the governing body before they determine a matter be retained as the governing body should be fully informed before it makes a decision.
- C. That the requirement for the public forum to be held before the start of the council meeting in clause 4.1 be removed.

Note: This is to allow councils the flexibility in how they include a public forum, such as by adjourning the meeting rather than having to have the forum before the meeting.

- D. That flexibility continues to be available for councillors to attend meetings by audio-visual link so as to make being a councillors more accessible to employed people and those with other responsibilities that limit their ability to always physically attend meetings.
- E. That the change to how staff attendance is determined not be undertaken due to the logistical problems this will create in having staff attend meetings to assist in providing information to councillors.
- F. That the Office of Local Government needs to clearly establish that should the requirements under the local government legislation and regulations result in a breach of workplace safety requirements, that the liability and costs resulting from compliance by Council rests with the Office of Local Government.
- G. That if the governing body is to be given the power to compel staff to attend council meetings that this be limited to those staff authorised for councillors to contact in any staff interaction policy.
- H. That the process of standing when the mayor enters the room and when talking is not in keeping with modern standards and will portray councils as organisations out of touch with modern society.
- I. That the requirement to address the Mayor in a Council Meeting as Mr Mayor or Madam Mayor be extended to include 'Mayor' consistent with the proposal to address a Chair who is not the Mayor as Mr Chairperson, Madam Chairperson or Chair.
- J. That the powers of mayors to put forward mayoral minutes not be expanded due to the corruption risks that this creates.

Note: Mayoral minutes present a corruption risk as the mayor could place matters before the governing body, so that they have no time to research potential issues before being required to decide a matter. The more appropriate approach in most instances is for the mayor to give notice of an extraordinary meeting, ensuring the required transparency and engagement around matters being considered occurs.