



ABN: 33 984 256 429

28 February 2025

Reference: 1297615

Office of Local Government  
Locked Bag 3015  
NOWRA NSW 2541

Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)

To Whom it May Concern

**Model Meeting Code amendments Submission**

Hilltops Council is a Regional Council in NSW. Please find attached Hilltops Council's submission regarding the 'Review into Council Code of Meeting Practice'.

This submission was endorsed by Council resolution (Resolution 25/31) at the Hilltops Ordinary Council Meeting held on 26 February 2025.

Should you have any further enquiries regarding this submission, please contact me directly

Yours faithfully

General Manager



**MAILING ADDRESS**

Locked Bag 5,  
Young NSW 2594  
[www.hilltops.nsw.gov.au](http://www.hilltops.nsw.gov.au)

**BOOROWA OFFICE**

6-8 Market Street,  
Boorowa NSW 2586  
**P 1300 445 586**

**HARDEN OFFICE**

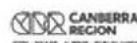
3 East Street,  
Harden NSW 2587

**YOUNG OFFICE**

189 Boorowa Street,  
Young NSW 2594



E [mail@hilltops.nsw.gov.au](mailto:mail@hilltops.nsw.gov.au)



## HILLTOPS COUNCIL SUBMISSION

### MODEL MEETING CODE AMENDMENTS

The submission responds to the key changes with a summary of Council's key positions on the overall proposals of the framework as follows:

- **De-politicising the role of the general manager by removing the requirement for them to prepare reports on councillors' notice of motion. (Clause 3.12 to 3.13 and 10.9 proposed removal)**

The General Manager can provide advice to the Mayor or Council but, does not make decisions on behalf or for Council.

The requirement to prepare reports on councillors notice of motion is consistent with the requirement to bring a report to a Briefing or to Council and to provide background information for Council on the notice of motion. This method does not put the General Manager in a political position where there is a distortion to the facts of the matter.

Following the principle of transparency where councillors should make their decisions transparently and be accountable for them, there is a justified reason to ensure councillors accept and abide by the policies and decisions of the council as a whole.

Also removal of the General Manager role, the ability to advise Councillors as to legal, statutory, financial or policy, matters and in particular the removal of the need for Councillors to state for a matter, if requiring funding, how it will be funded is detrimental to the governance process. This also applies to the mayor. (Clause 9.10)

Further the removal of the restriction concerning a conflict or allegations of wrongdoing against the General Manager or a member of staff is to not allow natural justice and exposes Councillors as they do not enjoy 'parliamentary privilege'.

- **Statement of ethical obligations (Clause 3.23)**

The Statement of ethical obligations does serve as a reminder to Councillors of their obligations, noting as Councillors make an Oath at the beginning of their term it may be considered superfluous.

- **Extraordinary Meetings (Clause 3.27)**

The ramifications of this amendment are not clear. If its intent is to only allow matters where all Councillors are given the opportunity to consider a matter, then that is supported.

- **Preventing councils from holding private councillor briefing sessions ie: Confidential briefings (Clause 3.33-3.38)**

There is a compelling need to maintain closed councillor pre-meeting briefing sessions.

Closed briefing sessions are a platform for council officers and councillors to discuss confidential matters about which councillors will be required to make informed decisions on behalf of our community within a public Committee or Council Meeting environment.

The General Manager has advised Councillors both at the induction and regularly at meetings that decisions cannot be made at the Briefing, they are a means of sharing information with Councillors. Public audio-visual broadcast of these briefing sessions will constrain much needed discussion on these matters and therefore limit councillor capacity to make fully informed decisions when called to do so in a council meeting. Further, closed briefing sessions ensure staff are able to provide frank information and advice, as the nature of formal, open council meetings are not conducive to the same environment. Having briefing sessions provides a forum that stimulates a healthy exchange of information and allows for the development of trusting relationships between elected members and council officers.

In addition, consistent with the philosophy to transform the local government conduct framework to align with the current parliamentary framework, it follows that councillors should be able to engage with confidential briefings in the same manner that Ministers of the Crown receive departmental briefings which are not open to the public and are a necessary mechanism which assists ministers to make informed decisions in the public interest.

The proposed banning of closed briefing sessions directly contradicts the century old Chatham House Rule that is widely invoked by many public and private organisations and political bodies throughout the western world. This well recognised Rule aims to foster open dialogue on public policy and current affairs. It enables individuals to express and debate controversial opinions without risking their professional standing and establishes a clear distinction between personal views and those of their organisation. It allows people to speak as individuals, and to express views that may not be those of their organisations, and therefore it encourages free discussion. It is particularly useful in discussions where the subject matter is politically sensitive or when projects are still in the development stage and are yet to be revealed to the public, which is why the rule is invoked by many local government organisations. It is our submission that banning closed briefing sessions and requiring all briefings to be open to the public will stymie free discussion that will lead to less informed decisions.

Further, the Discussion Paper uses a development application example as a justification for banning closed briefings noting:

- development applications should be considered in the public domain, and
- councillors receive private briefings from council planners before they are dealt with in the public forum of a council or committee meeting, thus creating a corruption risk as identified by the Independent Commission Against Corruption (ICAC) that can arise from this lack of transparency.

We note that for all Councils where local planning panels are constituted (of which our Council is one), section 4.8(2) of the *Environmental Planning and Assessment Act 1979* specifically states that functions of a Council as a development consent authority are not exercisable by councillors. As such, there is no reason for planners to discuss individual development applications with councillors in closed pre-meeting briefings as development applications are not considered in the public forum of a Council or committee meeting.

It is also unclear the difference of the allowance of the Mayor to meet formally with the General Manager in a private setting as opposed to all Councillors (inclusive of the Mayor) meeting with the General Manager in a private setting.



- **Public Forums (Section 4)**

The removal of a framework for the conduct of public forums is considered unnecessary, and may lead to material differences in the way in which the public interacts with Council across the local government areas. The current framework/clauses allow the public to address Councillors in open forum, allows Councillors to ask Questions of the speaker, and subject to Mayoral approval, allow staff to respond.

- **Coming together (Section 5)**

It is considered that this section now limits Councillors ability to request attendance by audio-visual means only to ill health or other needed reason or unforeseen carers responsibilities. It is unclear what benefit results from such stipulation.

The restriction of staff attending by audio-visual means is also not supported for the same reasons outlined at 'staff attendance' below.

- **Order of Business (Section 8)**

There appears to be no benefit in removing the framework for the order of business.

- **Staff attendance (Clause 5.44)**

The presence of staff at the public meeting enhances the ability of the General Manager to have Councillor questions answered at the meeting, in particular the questions that are technical in nature as pertaining to specialisation. It is unclear what benefit is made by removing this clause.

- **Questions (Clause 9.15 and 9.17)**

The General Manager cannot request staff to answer a question if they are not present for the meeting . This clause is potentially inconsistent with clause 5.44)

The removal of the stipulation 'respectfully' is concerning given the requirements of the work health and safety regime.

- **Foreshadowed motions/amendments (Clause 10.7 removal)**

The removal of the ability of Councillors to foreshadow a motion denies Council the ability to make an alternate decision to that being recommended by staff or proposed by a councillor.

As an amendment to a motion cannot contradict the original motion, council is restricted to only approving or refusing the motion as moved, albeit amended. This is not supported.

- **Motion regarding expenditure of funds (Clause 10.9 removal)**

The removal of this clause is for governance as it does not allow informed debate of how a motion will affect council's financial position.

- **Requiring councils to give reasons when making decisions on planning matters that depart from staff recommendations. (Clause 11.12 to 11.13)**

Council is agreeable to provide information on planning decisions that depart from staff recommendations.

There are already limitations in place that dictate what powers councillors have in the context of planning decisions. If a new model Code of Conduct is released, the existing rules and restrictions in place in relation to councillors' lack of involvement in the development assessment decision-making process should be enshrined.

- **Requiring councillors to stand when the mayor enters and when addressing the meeting. (Clause 12.2)**

This is not a practice enshrined in any Federal or State parliaments across the Commonwealth and is deemed unnecessary.

- **Dealing with Items by Exception (Section 13)**

This Section is practical and supported.

- **Representations by members of the public – closed session (Clause 14.11 to 14.17 removed)**

The benefit of removing the established framework for public representations in closed session is not evident.

- **Requiring information considered at closed meetings to be made public after it ceases to be confidential. (Clause 14.19 to 14.20; 20.20 and 20.21)**

Local council confidential meetings are held to discuss sensitive matters that could potentially harm individuals' privacy, compromise legal strategies, affect ongoing negotiations, or reveal commercially sensitive information, such as personnel issues, legal advice, property acquisitions, or details about potential development projects, where public disclosure could negatively impact the council's ability to effectively manage these situations; essentially, to protect privacy and allow for open and frank discussions without unnecessary public scrutiny.

This may be a moot issue as many of the matters identified above will remain confidential.

- **Expanding the powers of the mayor to expel councillors from meetings for acts of disorder. (Section 15)**

We support the notion that behavioural standards and expectations need to be clear and understood when a councillor takes office.

The current Model Code of Meeting Practice already includes powers for chairpersons of meetings to expel any person, including councillors, from a meeting. We support the need for the mayor as chairperson to maintain full control of a meeting and have appropriate authority to address serious acts of disorder, including the power to expel which currently exists as an appropriate mechanism in that context. The addition of the

power to deduct the sitting fee for the month in which the councillor is expelled from a meeting is because it directly stems from serious misconduct in that meeting context and is therefore also appropriate.

In addition, consideration could also be given to amending the Model Code of Meeting Practice to require that if an act of disorder has occurred at a meeting and the Mayor/Chairperson has had to issue a direction to a particular councillor(s) to maintain order, this direction should be recorded in an acts of disorder register, to be published to the council website, and include the direction outcome, councillors involved and reason for the direction.

- **Recission motion (Clause 17.12)**

The practical application of securing 3 signatures of councillors at the meeting to rescind a resolution just made is not explained.

- **Time limits on Council Meetings (Section 18)**

The removal of set time limits that are publicly advertised does not appear to be appropriate governance. The ability of the council to extend or change these times by resolution, and due to need, is supported.

- **Attendance at the Council Meeting (Clause 20.8 removed)**

The removal of the clause that if a committee member does not attend 3 consecutive meetings, they no longer are members does not appear to have any benefit.

- **General other conditions.**

These are marked up and council generally agrees with its intent.