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**Subject:** Submission – Amendments to Model Code of Meeting Practice for Local Councils in NSW  
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**Attachments:** [REDACTED]

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Office of Local Government

Council Governance Team

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Attention: OLG Council Governance Team

Submission – Amendments to Model Code of Meeting Practice for Local Councils in NSW

Thank you for the opportunity to comment on the Office of Local Government's (OLG), *A new model code of meeting practice Consultation draft (December 2024)*.

The following comments are my own and do not necessarily reflect the views of MidCoast Council or its Councillors.

I provide the following comments:

**CLAUSE 3.12**

Removing the GM's discretion to advise Council that a NOM has legal, strategic, financial or policy implications that should be considered does not improve decision-making and I do not support it.

This would increase the probability of decisions which cannot be implemented or which have undesirable consequences.

**CLAUSE 3.13**

Removing the requirements for NOMs to identify sources of funds, where not already funded leads to uninformed and poor decision-making and I do not support it.

**CLAUSE 3.15**

Removing the restrictions on Councillors' QWNs that consist of a complaint against a GM or staff member is not supported.

Firstly, Councillors do not have Parliamentary privilege protections so there could be more defamation claims to deal with. Secondly, it is contrary to safeguards in the *Work, Health and Safety Act 2011* where Councillors must take reasonable care to not adversely affect the health and safety of staff. Presumably this is the reason why code of conduct complaints/allegations cannot be made in a public forum.

**CLAUSES 3.33 – 3.38**

Removing Pre-meeting Briefing sessions will lead to less informed decision-making and therefore poor outcomes. I do not support this.

These sessions are an important opportunity for Councillors to ask detailed and nuanced questions and to explore "what-if" scenarios. This cannot always be done effectively in an open meeting. Councils should retain the discretion to hold informal briefing sessions and workshops. The public are entitled to know what decisions are

~~being made by Councillors, but no decisions are made in the pre-meetings. These are~~  
made in the meeting proper. Staff who often answer questions of Councillors in pre-meeting briefings are not always available at Ordinary meetings. It is important to note that Members of Parliament at both the Federal and State level receive private briefings from their Departments.

With regard to other workshops and briefing sessions, Councils should be able to decide themselves what works best for them.

#### CLAUSE 5.19

In this day and age, the ability to attend a meeting via audio-visual link is important in encouraging participation where physical presence is not possible. As well as in obvious cases of communicable illnesses, this flexibility should be extended to cover Councillors with caring responsibilities, Councillors who have obligations to travel for work (remembering that Councillors must work as Council allowances do not replace salaries), or during periods of natural disaster where roads and bridges may be cut, as well as in other unforeseen circumstances. If changed, this provision could adversely affect women, who carry an uneven responsibility with respect to caring and people who live in remote areas of the LGA where there could be 2 hours or more to travel each way to Council. It is difficult to see any benefits in removing this flexibility. I do not support it.

#### CLAUSE 5.32

Need to continue to prevent persons who have been lawfully prohibited or expelled from meetings from attending. Not “everybody” should be allowed.

#### CLAUSE 5.44

It is not appropriate that Councillors decide which staff should attend meetings. Staff are not under the direction of Councillors, and this could lead to staff being required to be present during periods of approved leave or other approved absences or outside agreed hours of work. It could result in staff with inadequate knowledge or skills being required to attend. This should remain at the discretion of the GM who does manage staff.

#### CLAUSE 7.1

I do not support this. Currently, this Council requires Councillors to stand while debating or asking a question and this is a good practice that helps to ensure no two people are speaking at once. Staff do not stand as they are not “debating”. This Council does not stand when the Mayor enters. In fact, this might be confusing because it is common in this Chamber for Councillors and the Mayor to enter the Chamber early to greet residents in attendance. These arrangements should be determined by each Council.

#### CLAUSE 9.18

What? Why remove the word “respectfully”. This seems to run counter to many of the stated objectives. Respectful behaviour should always be required. Change not supported.

#### CLAUSE 10.17

Removal of foreshadowed motions could lead to Motions being rejected with no alternative in place. Relying only on an amendment will prevent sensible alternatives not being able to be progressed. This is because an amendment cannot be a direct negative of the original motion. If the first speaker moves to deny a DA, the remaining Councillors can vote this down, but have no way of resurrecting the process (only available through a foreshadowed motion) and moving to allow the DA. This would delay the remedy until the following meeting, introducing unnecessary delays. This seems counterproductive and I do not support it.

Clause 11.12 and 11.13

This is supported. Reasons for disagreeing with the staff recommendation should be given. This Council currently asks for reasons if a DA is recommended for approval but is refused by Council.

CLAUSES 14.19-14.20 AND CLAUSES 20.20 – 20.21

This will create an unnecessary administrative burden on Councils and is not supported. There would need to be constant tracking of past decisions to determine whether they are still confidential. This is better handled through the GIPA Process.

CLAUSE 15.10 (d) AND (e)

The document should stand alone for ease of implementation. Reference to the Legislative Council's practices introduces confusion. Relevant components of the Assembly's code should be inserted in full if this is required.

Thank you for the opportunity to comment on the Office of Local Government's (OLG), *A new model code of meeting practice Consultation draft (December 2024)*.

Claire Pontin

