

Appendix A

Code of Meeting Practice – Submissions

No	Draft Clause	Submission	Staff response	Workshop Outcome
P.6	Revision of the Code The Council authorises the General Manager to reissue the Code without public exhibition to incorporate any Amendments to the Act or Regulation, and where Council is of the opinion that any minor Amendments required are insubstantial.	This is an ambiguous and poorly drafted paragraph that will almost certainly need to be redrafted after some discussion of it at the proposed workshop.		Deferred.
1.1	Council and committee meetings should be: Transparent: Decisions are made in a way that is open and accountable. Informed: Decisions are made based on relevant, quality information. Inclusive: Decisions respect the diverse needs and interests of the local community. Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act. Trusted: The community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community. Respectful: Councillors, staff and meeting attendees treat each other with respect. Effective: Meetings are well organised, effectively run and skilfully chaired. Orderly: Councillors, staff and meeting attendees behave in a way that	I request that the requirement that meetings be “Informed” by decisions being based on “relevant, quality information” be enhanced to read “all reasonably available relevant, quality information”, to ensure that councillors are provided with not just information relevant to and supportive of staff’s preferred position, but all relevant information.	What is the definition of 'all'? It would encompass every available piece of information including the internet.	Amend 1.1: Council and committee meetings should be: Transparent: Decisions are made in a way that is open and accountable. Informed: Decisions are made based on comprehensive , relevant, quality information. Inclusive: Decisions respect the diverse needs and interests of the local community. Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act. Trusted: The community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community. Respectful: Councillors, staff and meeting attendees treat each other with respect. Effective: Meetings are well organised, effectively run and skilfully chaired. Orderly: Councillors, staff and meeting

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	contributes to the orderly conduct of the meeting.			attendees behave in a way that contributes to the orderly conduct of the meeting.
2.2	<p>Ordinary meetings of Council will be held on the following occasions:</p> <ol style="list-style-type: none"> 1. Council adopts an annual schedule of dates for Ordinary Council meetings. 2. 2nd and 4th Tuesday of each month unless otherwise resolved. 3. Meetings will commence at 12.30pm and conclude by 3.30pm, with the potential to extend by one hour to 4.30pm, if Council resolves. 4. This commencement time may vary for particular meetings if Council resolves. 5. Council will recess during January. 	<p>In relation to Ordinary Meetings - my view is "If an Ordinary Meeting is to be held after a Monday of a Long Weekend ie the recent June Long Weekend 2022 - the Ordinary Meetings should be held on the Wednesday after the Monday of the Long Weekend that way any resident wishing to speak can register to speak on the Tuesday after the Long Weekend.</p>	<p>This clause was resolved 28 May 2022: 22/114 MOTION Councillor Hatcher/Councillor Schutz THAT Council meetings are held on a Tuesday in accordance with the schedule of dates approved by Council and commence 12.30pm, and conclude within 3 hours of the commencement time, with a possible extension of 1 hour.</p>	<p>A media release will be issued when/if a meeting is scheduled the day after a public holiday.</p>
2.6	<p>For the purposes of clause 2.5, notice of a meeting of the Council and of a committee of Council is to be published before the meeting takes place. The notice will be published on the Council's website, and in the Customer Service Centre foyer, 89 Vulcan Street, Moruya.</p>	<p>This clause is a truncation of Model Code clause 3.5, which needs to be copied in full and added to with wording along the lines of "... including on social media". As well, part 5 of the resolution re MR 22/01 dated 8 February 2022, needs to be put into (full) effect: "Prominent notice of Public Forum and Public Access, including identification of the items to be presented on and the zoom link, be placed on Council's website and Facebook page, by 4 pm on the working day before the scheduled presentations. Media will also be advised."</p>	<p>Recommend amending 2.6: For the purposes of clause 2.5, notice of a meeting of the Council and of a committee of Council is to be published before the meeting takes place. The notice will be published on the Council's website, social media channels and in the Customer Service Centre foyer, 89 Vulcan Street, Moruya and the Batemans Bay and Narooma libraries.</p>	<p>Amend 2.6 For the purposes of clause 2.5, notice of a meeting of the Council and of a committee of Council is to be published before the meeting takes place. The notice will be published on the Council's website, social media channels and in the Customer Service Centre foyer, 89 Vulcan Street, Moruya and the Batemans Bay and Narooma libraries.</p>

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		To ensure a wider reach, notices should be published in a local paper with a broad distribution (similarly for 2.17 notices for extraordinary meeting).	Adding newspaper would incur a cost (including staff time) plus limited by the papers' deadlines.	
		I believe that notices of meetings of Council and of Committee of Council should also be displayed at the Foyer of the 3 Libraries - ie Batemans Bay, Moruya and Narooma.	See recommended amendment 2.6 above.	
2.9	The General Manager must send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.	This point needs to be qualified as to 'what meeting'? As 2.11 it seems to conflict with 2.9.	Recommend amending 2.11: Business papers for Ordinary Council meetings will be endeavoured to be distributed to Councillors by the Wednesday, but at least three (3) days, prior to the meeting day.	Amend 2.11: Business papers for Ordinary Council meetings will be endeavoured to be distributed to Councillors by the Wednesday, but at least three (3) days , prior to the meeting day.
2.14	Additional meetings of Council convened by resolution of Council are subject to five days' notice rule and must be advertised in accordance with Clause 2.6 of this Code of Meeting Practice.	I suggest that this clause be amended to read: "With the exception of extraordinary meetings, additional meetings ...". What is the "five days' notice rule"? (re cl 2.8?)	Five days is more transparent for the community and provides a greater timeframe for community members to make a submission/register for public forum.	Amend 2.14: With the exception of extraordinary meetings, additional meetings of Council convened by resolution of Council are subject to five (5) days' notice and must be advertised in accordance with Clause 2.6 of this Code of Meeting Practice.
	Practice 1. Business Papers for Ordinary Council meetings will be available on Council's website no later than the Wednesday prior to the meeting. 2. Copies of the agenda and business paper will also be available in the	Business papers for Ordinary Council Meeting should be made available in a folder at the 3 Libraries - Batemans Bay, Moruya and Narooma Library. Along with all items placed out for Submission.	Council can have copies available at the libraries. Recommend amending Practice: 2. Copies of the agenda and business paper will also be available at Batemans Bay and Narooma libraries	Amend Practice: 2. Copies of the agenda and business paper will also be available at Batemans Bay and Narooma libraries and in the public gallery prior to the meeting.

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	<p>public gallery prior to the meeting.</p> <p>3. Agendas for Extraordinary meetings will be made available as soon as is possible, and no later than 9.00am on the day of the meeting.</p> <p>4. Reports recommended by the General Manager to be confidential in nature (refer 13.1) (sect.10A (2) of the Act) will be included in the business paper and these reports shall be marked appropriately as “confidential” items.</p>		<p>and in the public gallery prior to the meeting.</p>	
2.17	<p>The notice will be published in the Customer Service Centre foyer, 89 Vulcan Street, Moruya and Council’s website.</p>	<p>I suggest this clause be amended to read: “Notice of an extraordinary meeting of Council will be published according to the requirements set out at clause 2.6”.</p>	<p>Recommend amending 2.17: The notice will be published in the Customer Service Centre foyer, 89 Vulcan Street, Moruya, Batemans Bay and Narooma libraries, Council's website and social media channels.</p>	<p>Amend 2.17: Notice of extraordinary meeting of Council will be published according to the requirements set out in clause 2.6.</p>
		<p>Again, I believe Extraordinary Meetings (Emergency) where possible should be advertised in the Foyer of the 3 Libraries - ie Batemans Bay, Moruya and Narooma.</p>	<p>See comment above.</p>	
	<p>Practice The General Manager, in consultation with the Mayor, can give notice of less than three days of an Extraordinary meeting called in an emergency. The Act does not define emergency. It could cover things other than natural disasters, states of emergency, or urgent deadlines that must be met. Initially, the General Manager will decide what an “emergency” is.</p>	<p>Practice. I request that it be the mayor and not the general manger who determines what an “emergency” is. Certainly, the mayor can and should consult with the general manger in such instances but should be the person who, as the elected leader of the council, is responsible for such a declaration.</p>	<p>The General Manager is always contactable whereas a Mayor/Deputy Mayor may not.</p>	<p>No change.</p>

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2.21	<p>A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:</p> <p>(a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or</p> <p>(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.</p>	<p>I request that the second sentence of this optional provision be amended to read: "If the notice of motion does not identify a funding source, the general manager must, in consultation with the Mayor, either:"</p>	<p>Opens the potential risk to politicise an issue. What if the motion is from the Mayor?</p>	<p>No change.</p>
		<p>Define threshold for requiring source of funding, e.g. how would an operational matter with low financial impact be considered.</p>		
2.23	<p>Urgent business regarding operational issues will not be accepted, as there are alternative channels available to deal with these issues outside of meetings.</p>	<p>I request that "... will not be accepted" be amended to read "will not be accepted unless resolved otherwise by Council, ..."</p> <p>Also, there needs to be a working</p>	<p>To be removed as it is covered in clause 8.3.</p>	<p>Remove clause 2.23.</p>

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		definition of “operational”. Too often it is thrown up as a blanket reason for not consulting Council: ‘none of your business’!		
		Need explanatory text here. What are the ‘alternative channels’ and can exceptions be considered/made?	See above	
2.28	Questions should not contain: (a) statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated; (b) argument; (c) inference; (d) imputation.	These conditions appear to remove any chance of contentious matters being the subject of questions asked. I suggest that councillors give careful attention to this clause.	Recommend including in practice note: Questions should not contain: (a) statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated; (b) argument; (c) inference; (d) imputation.	Amend and include in Practice: Questions should not contain: (a) statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated; (b) argumentative language ; (c) inference; (d) imputation.
		What does this mean? Questions will often need to contain statements of fact to justify the question and similarly may need an ‘argument’ to support the question.		
2.29	Questions should not ask for legal opinion to be provided at the Council meeting.	There will be occasions where it is appropriate for a legal opinion to be provided at a council meeting, to the public, and so I request that this clause be deleted.	Recommend including in the practice note.	Remove clause 2.29.
2.35	There is no guarantee that a response can be given to a Question with Notice for the next scheduled meeting, unless practical to do so. Some questions may require extra time to prepare a suitable response	Provide time frame for ‘extra time’ e.g., ‘by next scheduled meeting’.	Recommend including in the practice note.	Remove clause 2.35.

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2.41	<p>The General Manager must ensure that the details of any item of business which, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.</p>			
P 12	<p>Practice</p> <p>1. In accordance with Clause 2.36 above, the General Manager decides the business of which due notice is to be given and therefore included in the Agenda for a meeting of Council.</p> <p>2. The Mayor and Councillors are provided with business papers at the same time.</p> <p>3. Once the agenda for a meeting has been sent to Councillors, an item of business on the agenda cannot be removed from the agenda prior to the meeting.</p> <p>4. Any items determined as confidential by the General Manager will be marked "Confidential" and listed at the end of the business paper. This will form the confidential</p>	<p>Practice 1. I request that this be amended to read: "In accordance with Clause 2.36 above, the General Manager proposes the business of which due notice is to be given and therefore included in the Agenda for a meeting of Council, for the Mayor's approval.</p> <p>Practice 2 & 3. I request that both of these Practice notes be deleted. By the amended Practice note 1, above, the Mayor will be aware of the agenda at the time of its drafting and it should always be subject to 'last minute' changes by a majority of councillors, at the briefing the week before the meeting.</p> <p>Practice 4. Given that, by s10A of the LGA, it is only the governing body</p>	<p>The clauses that the practice 1-4 refers to are mandatory provisions of the Model Code (3.17 - 3.22). Recommend practice note 5 to be removed as it is covered in the Code of Conduct.</p>	<p>Remove practice note 5.</p>

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	business paper for the meeting. 5. Where a Councillor is (or in the opinion of the General Manager is likely to be) the subject of proceedings by or against the Council, any legal advice, reports or correspondence dealing with those proceedings or likely proceedings will, if the matter is of a kind of business referred to in Clause 13.1 (sect. 10A of the Act), be withheld from the business paper of that Councillor and will not be made available to that Councillor by any person.	which has the authority to determine a matter before council to be confidential, according to the criteria set out at s10A(2), I request that this Practice note be amended to read: “Any items recommended as confidential by the General Manager will be marked ...for the meeting.”		
2.51 (2)	Pre-meeting briefing sessions are to be held in the absence of the public.	I request that this clause be amended to read “Members of the public may attend pre-meeting briefing sessions, except for that part of a briefing session which deals with confidential matters.” There is no justification provided for this ‘closed meetings approach’ in the report to council dated 26 March 2019, except for the statement that “Staff support this optional rule”. There is surely nothing to hide from the public during these pre-meeting briefings – since that would make it confidential. As the clause reads, it would appear that every pre-briefing session deals with confidential information. These sessions involve the community’s representatives being briefed by staff. It is therefore not only appropriate	The pre-briefing is an extension of prior briefings that are closed to the public.	No change.

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		that the public be able to be present, but it is necessary, if council is to adopt best practice when it comes to transparently communicating with the community it is answerable to.		
		For transparency, how can the public access the briefing information provided to councillors, except in those case where there are agreed privacy implications.	See comment above.	
		With regard to the proposal to remove the prohibition on the public attending pre-meeting briefing sessions, I would stress that such a prohibition is not a mandatory aspect of OLG's Model Code.	See comment above.	
2.53	The General Manager or a member of staff nominated by the General Manager is to preside at pre-meeting briefing sessions.	I request that this clause be amended to read: "The General Manager or a member of staff ... is to preside at pre-meeting briefing sessions, subject to the authority of the Mayor, or in the absence of the Mayor, the Deputy Mayor, or in the absence of the Deputy Mayor, the majority of the councillors present. Or, alternatively, the wording could be: "The General Manager or a member of staff nominated by the General Manager is to facilitate pre-meeting briefing sessions." The verb "preside" means to "Occupy the seat of authority in an assembly or meeting" (Shorter OED). Whenever the members of the governing body are assembled at a	Not a mandatory provision but a suggested/recommended clause of the Model Code (3.36).	Submitter's comment withdrawn.

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		council-related meeting, it is they who are in authority.		
3.0	PART 3 – PUBLIC FORUMS	The title of 'PART 3 - PUBLIC FORUMS' might need to be changed to something like 'PART 3 - PUBLIC FORUM AND PUBLIC ACCESS SESSIONS' - to be immediately followed by a new sub-heading 'Public Forum'.	It's important to note that there is no provision of Public Access in the OLG's Model Code of Meeting Practice. The provisions governing public forums contained in the Model Meeting Code reflect what OLG view to be best practice. By way of background, Public Access was developed to enable the community to connect with Councillors. Since its implementation, the way we communicate has evolved and Councillors are now more connected with their community.	Amend 3.0: PART 3 - PUBLIC FORUMS AND PUBLIC ACCESS And include a subheading: <i>Public Forums</i>
3.2	Public forum will be live streamed.	I request that this clause be amended to read: "Public forum will be live streamed, with the means of a presentation by audio-visual link to be made available to presenters. Recordings of public forum presentations will be archived."	Potential to have IT implications such as licencing agreements.	Amend 3.2: Public forum will held via audio-visual link, webcast and archived.
		I agree that Public Forum should be Live Streamed.		

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3.4	<p>To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by Council, Executive Support (02 4474 1358 or council.meetings@esc.nsw.gov.au), no later than 12.00noon of the business day prior to the meeting, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and may state whether they wish to speak 'for' or 'against' the item.</p>	<p>I request that this clause be amended to read: "To speak at a public forum, a person must first make an application to the Council, which identifies the item(s) that the applicant wishes to speak on, by either phoning Council's Executive Support on 02 44741358 or emailing council.meetings@esc.nsw.gov.au, by 3 pm of the business day prior to the meeting. In the case of a public holiday occurring the day before a meeting day, Council will ensure that a suitable, timely media release is made and that its website prominently displays the need for making an application by 3 pm on the Friday prior to the long weekend.</p>	<p>Suggested amendment would not allow enough time for staff to receive and re-distribute to Councillors to receive prior to the scheduled session.</p>	<p>Submitter's comment withdrawn.</p>
		<p>My view is that the working "a person must make application to the Council in the approved form" - this need to be qualified 'what is the definition of approved form' - this could be simplified by stating the "a person wishing to speak in Public Forum must phone in or email in by 12 noon the business day prior to the meeting". I firmly believe that a new person wishing to address council may think they have it fill an approved application form.</p>	<p>Recommend amending 3.4: To speak at a public forum, a person must first make an application to the Council in the approved format. Applications to speak at the public forum must be received by Council, Executive Support (02 4474 1358 or council.meetings@esc.nsw.gov.au), no later than 12.00noon of the business day prior to the meeting, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and may state whether they wish to speak 'for' or 'against' the item.</p>	<p>Amend 3.4: To speak at a public forum, a person must first make an application to the Council in the approved format. Applications to speak at the public forum must be received by Council, Executive Support (02 4474 1358 or council.meetings@esc.nsw.gov.au), no later than 12.00noon of the business day prior to the meeting, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and may state whether they wish to speak 'for' or 'against' the item.</p>

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3.5	Approved speakers at the public forum are encouraged to provide a written copy of their address to the Council by 12.00 noon the business day prior to the meeting via email to council.meetings@esc.nsw.gov.au or hard copy at Council's main office in Moruya or Batemans Bay or Narooma libraries.	I request that this clause be amended to read: "Registered speakers for public forum are encouraged to provide a written copy of their address, which will be published on Council's website, together with any related audio-visual material to be relied upon, including by way of web links, to Council by 3 pm on the business day prior to the meeting via email to council.meetings@esc.nsw.gov.au or a hard copy at Councils main office in Moruya or Batemans Bay or Narooma libraries."	As above (3.4) would result in a significant increase in workload and not practical in the timeframe. By having the community member's presentation early, it assists Councillors to make decisions based on relevant, quality information.	No change.
		I believe that it should not be "mandatory" for public forum presenters have to provide a written copy of their presentation and that it only be "encourage".	Speakers are encouraged to provide a written copy of their address.	Noted.
3.7	One hour will be allocated to public forum prior to a Council meeting	I request that this clause be amended to read: "One hour will be allocated to public forum prior to a Council meeting but may be extended if at the Mayor's initiation, a majority of the governing body so votes.	Extension of time is covered in 3.9.	No change.
3.8	The General Manager or their delegate may refuse an application to speak at a public forum. The General Manager or their delegate must give reasons in writing, by 5.00pm the business day prior to the meeting, for a decision to refuse an application	I request that this clause be amended to read: "With the approval of the Mayor, the General Manager or their delegate ... for a decision to refuse an application."	The Mayor may not always be available to grant approval and in fairness to the speaker, they will be notified of any refusal in a timely manner.	Amend 3.8: The General Manager or their delegate, in consultation with the Mayor , may refuse an application to speak at a public forum. The General Manager or their delegate must give reasons in writing, by 5.00pm the business day prior to the meeting, for

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				a decision to refuse an application on grounds of potential defamation and otherwise unlawful.
		Assuming this advice is provided to the applicant, will Councillors be informed of this decision and what right of appeal exists?	Any refusal must be in writing. The General Manager must comply with Council's Code of Conduct. The letter would be sent to the person who has been refused as well as the Councillors. This letter would be sent prior to the meeting.	
3.9	If there are more speakers register than time permits, Council could resolve to extend the Public Forum session for 15 minutes only and potentially limit the number of speakers of up to three to speak 'for' or 'against' any item of business	I request that this clause be deleted. Amended clause 3.7 allows for an extended public forum.	Clause 3.7 not recommended for amendment (see above).	No change.
3.10	If more speakers apply, than can be dealt with in the allocated time, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the General Manager will draw the names from a ballot.	I request that this clause be deleted. Amended clause 3.7 allows for an extended public forum.	No amendment to Clause 3.7 recommended.	No change.
3.11	Each speaker will be allowed seven minutes to address the Council. This time is to be strictly enforced by the Chairperson.	Extensions to be considered/allowed if agreed to by Councillors, refer Appendix B which states 'Each speaker is permitted to address Public Forum for up to 7 minutes. No	Not practical due to timing constraints and potential to be politically influenced.	No change.

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		extensions will be granted'. This needs to be more flexible.		
3.15	A Councillor (including the Chairperson) may, through the Chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.	I request that this clause be amended to read: "A councillor may, through the Chairperson, ask questions of, and make relevant and appropriate comment to, a speaker following their address at public forum."	Public forum is not a forum for debate.	Amend 3.15: A Councillor (including the Chairperson) may, through the Chairperson, ask questions of a speaker or make relevant and appropriate comments to a speaker following their address at a public forum. Questions put to a speaker must be direct and succinct .
3.16	Speakers are under no obligation to answer a question put under clause 3.15. Answers by the speaker, to each question are to be direct, succinct and without argument.	I request that this clause be amended to read: "Speakers are under no obligation to ... under clause 3.15. Answers by a speaker, to each question, are to be relevant to the question and not be argumentative."	Recommend amending 3.16: Speakers are under no obligation to answer a question put under clause 3.15. Answers by the speaker, to each question are to be relevant to the question and not be argumentative.	Amend 3.16: Speakers are under no obligation to answer a question put under clause 3.15. Answers by the speaker, to each question are to be direct and succinct .
3.17	Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.	I request that this clause be amended to read: "Speakers at public forums may, through the Chairperson, ask questions of Council. Where possible, answers may be provided at the time, or taken on notice and subsequently answered in writing to the presenter and, also, publicly, within the next meeting's agenda, under the heading of Matters arising from Public Forum."	Will impact the time allocated to public forum and has the potential to significantly increase staff workload. Could also result in an endless cycle of questions on the agenda.	Deferred.
3.21	Where a speaker engages in conduct of the type referred to in clause 3.18, the General Manager or their delegate may refuse further applications from that person to speak at public forums for such a	I request that this clause be amended to read: "Where a speaker engages in conduct ...in clause 3.18, with the approval of the Mayor, the General Manager or their delegate ...provided in writing."	Potential to politicise the role of the Mayor.	Amend 3.21: Where a speaker engages in conduct of the type referred to in clause 3.18, the General Manager or their delegate in consultation with the Mayor , may refuse further

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	period as the General Manager or their delegate considers appropriate. This refusal must be provided in writing.			applications from that person to speak at public forums for such a period as the General Manager or their delegate in consultation with the Mayor considers appropriate. This refusal must be provided in writing.
		This decision should be taken by the Chairperson, possibly in consultation with the GM or delegate.	As above.	
3.23	In the unusual circumstance that Council is proposing a significant issue, a dedicated Public Forum session can be facilitated, should the need arise. The date and time of such a session will be at the determination of the General Manager.	I request that this clause be amended to read: "In the unusual circumstance that ... the need arise. With the approval of the Mayor, the date and time of such a session will be at the determination of the General Manager."	Potential to politicise the role of the Mayor.	Amend 3.23: In the unusual circumstance that Council is proposing a significant issue, a dedicated Public Forum session can be facilitated, should the need arise. The date and time of such a session will be at the determination of the General Manager in consultation with the Mayor.
		What constitutes a significant issue? How this arisen before and has Council run any dedicated Public Forum Sessions?	Examples of previous dedicated Public Forum session were held for the Rural Lands Strategy and Huntfest.	
3.24	A person (other than Council) must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of Public Forum.	I request that this clause be amended to read: "A person must not live stream or, except with the permission of the Chairperson, aue an audio recorder or video camera ... of Public Forum."	Potential to politicise the role of the Mayor and also not respectful to the presenter.	No change
3.26	As per clause 3.5, a written copy of the presentation is encouraged to be provided to Council by 12.00 noon the business day before the Council meeting and this will be published on Council's website.	I request that this clause be deleted, as it is unnecessary (refer to requested amended clause 3.5).	Public Access and Public Forum are two different processes.	Submitter's comment withdrawn.

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3.27	When a person is speaking on behalf of a person or group, Councillors are not permitted to ask questions, unless that speaker is a formal representative of the group.	I request that this clause be amended to read: "Unless permitted by the Chairperson, when a person is speaking on behalf of a person or group ...of the group."	Potential to politicise the role of the Mayor.	Remove clause 3.27.
		As per the previous presentation to Council, having been subject to confusing and inconsistent interpretations of this, or a similar ruling by Council, the submitter's view is that it is an unnecessary provision. Rather, Councillors should be able to ask any relevant questions and simply ask the presenter to identify whether she or he is responding as an individual or on behalf of their group. No definition is provided of 'formal representative'.		
		There could be some difficulties in establishing how a person, who is speaking on behalf of a group that is not formally constituted, would be appropriately recognised as a "formal representative of the group" for the purposes of this clause. Some discussion of this issue might need to occur at the proposed workshop.		
3.28	That Council will hold a public access session fortnightly, or whenever a Council meeting is scheduled, for member of the public to raise any Council related issues with Councillors, which have not been previously determined by Council.	I request that this clause be amended to read: "That Council will hold a public access session immediately prior to each public forum session, from 9.30 am to 10.30 am, at which a member of the public may raise any Council related issues with	This clause was resolved on 28 May 2022: 22/113 MOTION Councillor Hatcher/Councillor Grace THAT Council hold Public Access sessions fortnightly or whenever a Council meeting is scheduled, for a	No change.

No	Draft Clause	Submission	Staff response	Workshop Outcome
		Councillors, including those that have already been determined by Council.”	maximum of 1 hour and commence at 9.30am.	
		Public Access sessions held fortnightly, or prior to a Council meeting is scheduled.		
3.30	To speak at a public access, a person must first make an application to the Council in the approved form. Applications to speak at the public access must be received by Council, Executive Support (02 4474 1358 or council.meetings@esc.nsw.gov.au), no later than 12.00noon of the business day prior to the public access session, and may identify the issue they wish to raise with Councillors.	I request that this clause be amended to read: “ “To speak at a public access session, a person must first make an application to the Council, which identifies the item(s) that the applicant wishes to speak on, by either phoning Council’s Executive Support on 02 44741358 or emailing council.meetings@esc.nsw.gov.au, by 3 pm of the business day prior to the meeting. In the case of a public holiday occurring the day before a meeting day, Council will ensure that a suitable, timely media release is made and that its website prominently displays the need for making an application by 3 pm on the Friday prior to the long weekend.”	Recommend amending 3.30: To speak at a public access, a person must first make an application to the Council in the approved format. Applications to speak at the public access must be received by Council, Executive Support (02 4474 1358 or council.meetings@esc.nsw.gov.au), no later than 12.00 noon of the business day prior to the public access session, and may identify the issue they wish to raise with Councillors.	Amend 3.30: To speak at a public access, a person must first make an application to the Council in the approved format. Applications to speak at the public access must be received by Council, Executive Support (02 4474 1358 or council.meetings@esc.nsw.gov.au), no later than 12.00 noon of the business day prior to the public access session, and may identify the issue they wish to raise with Councillors.
		My view is that the wording "a person must first make an application to the Council in the approved form' I refer to my comment 3.4 in relation to Public Access.		

No	Draft Clause	Submission	Staff response	Workshop Outcome
3.31	Approved speakers at the public access are encouraged to provide a written copy of their address to the Council by 12.00 noon the business day prior to the session via email to council.meetings@esc.nsw.gov.au or hard copy at Council's main office in Moruya or Batemans Bay or Narooma libraries.	I request that this clause be amended to read: "Registered speakers for a public access session are encouraged to provide a written copy of their address, which will be published on Council's website, together with any related audio-visual material to be relied upon, including by way of web links, to Council by 3 pm on the business day prior to the meeting via email to council.meetings@esc.nsw.gove.au or a hard copy at Councils main office in Moruya or Batemans Bay or Narooma libraries." PC: Why differ from Public access?	Suggested amendment would not allow enough time for staff to receive and re-distribute to Councillors to receive prior to the scheduled session. By having the community member's presentation early, it assists Councillors to make decisions based on relevant, quality information.	Submitter's comment withdrawn.
3.32	One hour will be allocated to public access subject to clause 3.33.	If clause 3.28 is amended as requested, then clause 3.32 should be deleted.	This clause was resolved: 22/113 MOTION Councillor Hatcher/Councillor Grace THAT Council hold Public Access sessions fortnightly or whenever a Council meeting is scheduled, for a maximum of 1 hour and commence at 9.30am.	No change.
3.34	Clauses 3.2,3.3, 3.8, 3.11, 3.14, 3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.24, 3.25, 3.26 and 3.27 apply to Public Access sessions.	List all of the relevant public forum clauses, as amended, which apply to public access sessions.	Provides guidance to Public Access.	No change.

No	Draft Clause	Submission	Staff response	Workshop Outcome
4.4	Where a Councillor is unable to attend one or more Ordinary meetings of the Council, the Councillor should request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.	<p><u>Granting councillors leave of absence from meetings</u></p> <p>The code should be amended to clearly stipulate that councillors would be required to provide a good reason before leave of absence will be considered and granted to any councillor who advises that he or she will not be in attendance at a council meeting.</p> <p>Background/Comments</p> <p>Contrary to OLG's meetings guidelines, the previous council appeared to invariably grant leave of absence to any councillor who simply tendered an apology, regardless of any evidence of the existence of an acceptable explanation (eg illness, caring responsibilities, etc.) for their absence. An extreme example of this ESC practice occurred in 2017 when one of our councillors was granted a leave of absence for some months purely for the purpose of an overseas vacation.</p> <p>As stated in OLGs guidelines, there should be "good reasons" underpinning any decision by a council to grant a formal leave of absence to a councillor and, of course, in the case of paid public office, those reasons need to be "good" in the context of the public interest, not the personal interest of the councillor. (L)</p>	'Good reason' can be subjective.	Deferred.

No	Draft Clause	Submission	Staff response	Workshop Outcome
4.10	The tendering of an apology is an accepted convention by which those present at a meeting are notified that the Councillor tendering the apology will not be attending the meeting. It is a form of courtesy to those attending the meeting. Its purpose is also to aid the efficient conduct of meetings by informing the Chairperson as to who will not be attending. This avoids delaying the opening of a meeting pending the arrival of such persons.	I suggest that this clause needs to be reworded, to clarify just what an apology relates to: non-attendance or late attendance, and for there to be some reference to the obligation imposed by clause 4.8, concerning the consequences of a councillor being absent from 3 consecutive meetings without approved leave of absence.		Deferred.
4.20	A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.	When this draft Code of Meeting Practice recently went to a Council Meeting I spoke on the fact that "the wording community should be included in this" - at the time a Councillor stated to me that this had occurred during the bushfires - my reply was YES - but in reflection I should have added that there were many that did not have power and were not able to 'log into the audio-visual link" we were fortunate that we had a generator and I had a mobile internet device as we were without power for some 10 days.		Deferred.

No	Draft Clause	Submission	Staff response	Workshop Outcome
4.21	<p>Where the mayor determines under clause above that a meeting is to be held by audio-visual link, the general manager must:</p> <p>(a) give written notice to all councillors that the meeting is to be held by audio-visual link, and</p> <p>(b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and</p> <p>(c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.</p>	<p>When this draft Code of Meeting Practice recently went to a Council Meeting I spoke on the fact that "the wording community should be included in this" - at the time a Councillor stated to me that this had occurred during the bushfires - my reply was YES - but in reflection I should have added that there were many that did not have power and were not able to 'log into the audio-visual link" we were fortunate that we had a generator and I had a mobile internet device as we were without power for some 10 days.</p>		Deferred.
4.22	<p>This code applies to a meeting held by audio-visual link under clause 4.20 in the same way it would if the meeting was held in person.</p> <p>Note: Where a council holds a meeting by audio-visual link under clause 4.20, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.</p>	<p>When this draft Code of Meeting Practice recently went to a Council Meeting I spoke on the fact that "the wording community should be included in this" - at the time a Councillor stated to me that this had occurred during the bushfires - my reply was YES - but in reflection I should have added that there were many that did not have power and were not able to 'log into the audio-visual link" we were fortunate that we had a generator and I had a mobile internet device as we were without power for some 10 days.</p>		Deferred.

No	Draft Clause	Submission	Staff response	Workshop Outcome
4.24	A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.	I request that this clause be amended to read: "A request by a councillor for approval to attend ... to the General Manager, for the Mayor's approval, prior to the meeting ...in person."	Potential to politicise the role of the Mayor. Also, what happens if request is from the Mayor?	No change.
4.28	A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state: (a) the meetings the resolution applies to, and (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.	This clause raises the question of how a councillor might obtain prior approval to take part remotely. I suggest that there be provision for a decision by the Mayor, in consultation with the General manager, to consider and approve, or not approve, an application by a councillor, prior to the meeting.	Potential to politicise the role of the Mayor.	No change.
4.40	The recording of the meeting is to be made publicly available on the Council's website: (a) at the same time as the meeting is taking place, or b) as soon as practicable after the meeting. A recording of each meeting of the Council and committee of the Council is to be retained on the Council's website for a minimum period of 7 years, and then destroyed. Note: This surpasses the requirements of State	I request that the note below this clause be amended to read: "A recording of each meeting ... on Council's website indefinitely.", with the remainder of the (first) paragraph to be deleted; and for the second paragraph (being a single sentence) to read: "Full written transcriptions of proceedings, where they exist, shall be made available to the public, except where those transcripts concern meetings closed to the public."	Recommend amending 4.40: The recording of the meeting is to be made publicly available on the Council's website: (a) at the same time as the meeting is taking place, or b) as soon as practicable after the meeting. A recording of each meeting of the Council and committee of the Council is to be retained on the Council's website for as long as technically possible, and then destroyed. Note:	Amend 4.40: The recording of the meeting is to be made publicly available on the Council's website: (a) at the same time as the meeting is taking place, or b) as soon as practicable after the meeting. A recording of each meeting of the Council and committee of the Council is to be retained on the Council's website for as long as technically possible , and then destroyed. Note:

No	Draft Clause	Submission	Staff response	Workshop Outcome
	<p>Records Act 1998 'General Retention and Disposal Authority: Local Government Records GA39 (13.6.2) which are; 'to retain until minutes of meeting have been confirmed, then destroy'.</p> <p>Full written transcriptions of proceedings shall not be made available. Recordings are not to be used except in accordance with this Code.</p>		<p>This surpasses the requirements of State Records Act 1998 'General Retention and Disposal Authority: Local Government Records GA39 (13.6.2) which are; 'to retain until minutes of meeting have been confirmed, then destroy'.</p> <p>Full written transcriptions of proceedings are not available. Recordings are not to be used except in accordance with this Code.</p>	<p>This surpasses the requirements of State Records Act 1998 'General Retention and Disposal Authority: Local Government Records GA39 (13.6.2) which are; 'to retain until minutes of meeting have been confirmed, then destroy'.</p> <p>Full written transcriptions of proceedings are not available. Recordings are not to be used except in accordance with this Code.</p>
		<p><u>Retention of recordings of meeting webcasts</u></p> <p>The code should be amended to require the permanent retention of the webcasts of ESC meetings.</p> <p>Background/Comments</p> <p>Under the terms of the current ESC Meeting Code, webcasts of council meetings are required to be retained by the council for seven years. Like the earlier (now deleted) audio recordings, these webcast recordings are sometimes able to provide important clarifications and details about past debates and decisions – details that are often not available from an examination of the official minutes of those meetings. The recordings have also been known to subsequently reveal instances of where the minutes had seriously misrepresented what had actually been discussed and decided at council</p>	<p>The Council Minutes, not the webcast recordings, are regarded as the official recording of Council meetings.</p>	

No	Draft Clause	Submission	Staff response	Workshop Outcome
		<p>meetings. A direction to council staff to permanently retain these webcast recordings would not raise any obvious and genuine storage issues for the council.</p>		
4.43	<p>The General Manager may be excluded from a meeting of the Council or a committee while the Council or committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager.</p>	<p>If, for some reason, the General Manager was not to be excluded from a meeting “while the Council ... deals with a matter relating to the standard of performance of the General Manager or the terms of performance of the General Manager”, there would be potential for ‘conflict of interest’ issues to arise in some such situations. Some consideration and discussion might need to occur at the proposed workshop in relation to this particular issue.</p>	<p>The General Manager may be called upon to answer a question. Council makes the decision to exclude the General Manager from the meeting.</p>	Deferred.
8.9	<p>A Mayoral Minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled Ordinary meeting of the Council.</p>	<p><u>Appropriate use of the ‘Mayoral Minute’ facility</u> The code should be amended to require that, if a Mayor Minute is presented at a council meeting without the normal minimum notice period having been provided, an explanation must be given by the Mayor for the lack of appropriate notice. Background/Comments The Local Government regulations provide a discretion for a mayor to put a motion on the agenda without satisfying some of the normal</p>	<p>Clause 8.9 is a mandatory provision of the Model Code of Meeting Practice (9.9).</p>	Deferred.

No	Draft Clause	Submission	Staff response	Workshop Outcome
		<p>constraints that apply to other council motions, including the normal minimum notice period. Such motions are referred to as 'Mayoral Minutes'. However, the relevant OLG guidelines suggest that this option should not be misused by a Mayor and that the usual minimum period of notice should still apply, particularly where the subject matter - "is not urgent, would need time for research by the councillors, or would need a lot of consideration by the councillors." Although these considerations are alluded to in part 8.9 of the ESC's Meeting Code, it has not been without precedent in this Shire for OLG's advice not to be complied with – hence this proposal to require the Mayor to provide a clear explanation in any Mayoral Minute for how none of the above factors would be relevant to the contents of that Minute.</p> <p>It is fundamental to the transparency and efficacy of our local government processes that, in every possible situation, our community members and all of our elected representatives should be given an opportunity and sufficient time to examine, consider, discuss and comment on any matter that is to be presented to our councillors for a decision. Nothing</p>		

No	Draft Clause	Submission	Staff response	Workshop Outcome
		else should be acceptable or tolerated within this council.		
8.10	Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.	As per 2.21 comments, define threshold for requiring source of funding. e.g. how would an operational matter with low financial impact be considered.		Deferred.
8.11	A recommendation made in a staff report is, so far as it is adopted by the Council, a resolution of the Council.	Issues around the formatting of Staff Reports and the contents of those reports are crucial to the efficacy of the Council's decision-making outcomes. The current formatting is cumbersome and needs to be fully reviewed at the proposed workshop. The serious inadequacies in the information that is contained in many of the ESC's Staff Reports has been commented on in detail in at least three or four of the previous Meeting Code consultations - but completely ignored without explanation by council staff.	Clause 8.11 is a mandatory provision of the Model Code of Meeting Practice (9.11).	Deferred.

No	Draft Clause	Submission	Staff response	Workshop Outcome
		A serious consideration of this issue must occur on this occasion.		
		<p><u>Content and standard of Staff Reports</u> The code should be amended to require that Staff Reports must reasonably cover all the important 'for' and 'against' issues associated with any agenda item requiring a decision by the councillors. The appropriateness of the current template that is used in the preparation of Staff Reports should also be reviewed.</p> <p>Background/Comments It has been not at all unusual for Staff Reports in this council to cover only the arguments and facts that support the case for adopting the recommendations contained in those reports. This practice, of providing less than optimum advice to councillors, is contrary to the plethora of statutory, policy, contractual and professional commitments that a General Manager has to the community's elected decision-makers. It seriously undermines the efficacy of this council's decision-making processes</p>	The format of report is not included in the Model Code and can be discussed at a later date.	

No	Draft Clause	Submission	Staff response	Workshop Outcome
		<p>and should be rectified by the new councillors as a matter of urgency. It is also important that, through those Staff Reports, the community is able to see all relevant matters have been considered before final decisions are taken by their elected representatives.</p>		
		<p><u>Advice to be provided in Staff Reports about relevant government guidelines</u> The code should be amended to require (1) that reasonable steps are taken by the General Manager to ensure that the Staff Reports (a) advise councillors of the existence of any relevant guidelines, that have been issued by NSW government agencies, relating to matters that are on the agenda for decision, (b) identify any of the recommendations in those Staff Reports that are inconsistent with such guidelines and (c) provide an explanation or justification for any such inconsistencies, and (2) that, in the case of the 'mandatory' guidelines</p>	As above.	

No	Draft Clause	Submission	Staff response	Workshop Outcome
		<p>that have been issued by the Office of Local Government under the Local Government Act, the General Manager be required to include copies of (or links to) those guidelines in all relevant Staff Reports.</p> <p>Background/Comments</p> <p>These proposed changes are supported by the NSW Ombudsman's Guidelines which state as follows.</p> <p>"While there is usually no legally enforceable obligation to comply with government circulars, memoranda or generally accepted codes of practice, decision-makers should usually have regard to them and comply with their terms in the interests of fairness, equity and consistency. Decisions not to comply with circulars, memoranda and other similar codes should be justifiable, and reasons for taking another course of action should usually be documented." (The underlining has been added.)</p> <p>Even in the case of the 'mandatory' guidelines issued by OLG under section 23A and 10B(5) of the LG Act, the staff reports have almost always failed to bring the attention of councillors to the existence of those guidelines. (Guidelines issued by OLG under those sections of the Act are ones that councillors are legally required to take into consideration</p>		

No	Draft Clause	Submission	Staff response	Workshop Outcome
		before making decisions on certain types of matters.)		
9.10	A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.	As per 2.21 and 8.10 comments, define threshold for requiring source of funding. e.g. how would an operational matter with low financial impact be considered.	To be removed as it is a duplicate of clause 8.10.	Remove clause 9.10.
10.4	A Councillor who is present at a meeting of the Council but who fails to vote on a Motion put to the meeting is taken to have voted against the Motion.	Noting that this is a mandatory provision, is there no provision for a Councillor to abstain from voting?	No provision to abstain.	No change.

No	Draft Clause	Submission	Staff response	Workshop Outcome
10.5	The decision of the Chairperson as to the result of a vote is final.	I request that this clause be amended to read: "The decision of the Chairperson as to the result of a vote is final, provided that the Chairperson has not made a mistake in counting the votes for and against the motion in question."		Submitter's comment withdrawn.
13.7	In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.	I request that this clause be expanded to make specific reference to the OLG guideline titled The Closure of Council Meetings to the Public, issued pursuant to section 10B(5) of the LGA, and for it to be 'clickable' in the digital version of this Code of Meeting Practice. This guideline provides a very good, plain English explanation of the requirements, with examples.		Submitter's comment withdrawn.
13.11	Where the matter has been identified in the agenda of the meeting under clause 2.40 as a matter that is likely to be considered when the meeting is closed to the public, and the matter has been specified in accordance with s 10A(2) in order to make representations under clause 13.9, members of the public must first make an application to the Council in the approved form. Applications must be received by 12 noon the business day prior to the meeting which the matter is to be considered.	I request that this clause be amended to read: "Where the matter ... in the approved form. Applications must be received by 3 pm the business day prior to the meeting at which the matter is to be considered."	Suggested amendment would not allow for sufficient time before meeting.	No change.
13.12	The General Manager (or their delegate) may refuse an application made under clause 13.11. The General	Noting that this is a mandatory provision, assuming this advice is provided to the applicant, will	No provision for right of appeal.	No change.

No	Draft Clause	Submission	Staff response	Workshop Outcome
	Manager or their delegate must give reasons in writing for a decision to refuse an application.	Councillors be informed of this decision and what right of appeal exists?		
13.16	Where the Council or a committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 2.40 as a matter that is likely to be considered when the meeting is closed to the public, the Chairperson is to invite representations from the public under clause 13.9 after the Motion to close the part of the meeting is moved and seconded. No more than 10 speakers will make representations in such order as determined by the Chairperson.	Noting that this is a mandatory provision, how does this operate in practice? How is the public forewarned so that they are able to make representations?	Submission are called for on the day with a limit of 10 per day.	Submitter's comment withdrawn.
13.17	Each speaker will be allowed two (2) minutes to make representations, and this time limit is to be strictly enforced by the Chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard.	I request that this clause be amended to read: "Each speaker will be allowed three (3) minutes to makes representation ...will not be further heard."	Based on previous experience, 2 minutes is sufficient.	No change.

No	Draft Clause	Submission	Staff response	Workshop Outcome
14.25	Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and committees of the Council.	<p><u>Mobile phone usage by councillors during council meetings</u></p> <p>Consideration should be given to the imposition of restrictions on the use of electronic devices by councillors during council meetings (for other than specific approved purposes).</p> <p>Background/Comments</p> <p>At least one example of texting between councillors during formal council meetings was identified during the term of the previous council and some councillors appeared to regularly and intentionally focus on their phones during Public Forums in, what created the appearance of, a deliberate act of disrespect towards presenters with whom they might have disagreed with or disapproved of.</p> <p>It is noted that a Senate committee recently recommended banning such activities by elected members during sittings of the federal parliament. It is difficult to see that there would not be an even stronger case for such a ban to apply to councillors during the presentations that are being made by members of our local community to their elected representatives at council meetings.</p>		Amend 14.25: Councillors, Council staff and members of the public must ensure that electronic devices are turned to silent during meetings of the Council and committees of the Council.

No	Draft Clause	Submission	Staff response	Workshop Outcome
17.7	Where a meeting is adjourned under clause 17.3 or 17.6, the General Manager must individually notify each Councillor of the time, date and place at which the meeting will reconvene and must publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.	the public should also be notified by publication in a local paper with a broad distribution (see 2.5 above) and the reason for the adjournment should be included.	The deadlines for newspaper may not be practical.	No change.
18.11	The Council and committees of the Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.	Noting that this is a mandatory provision, this material should be made available for a specified period of time.		No change.
19.6	The General Manager must send to each Councillor, regardless of whether they a committee member, at least three (3) days before each meeting of the committee, a notice specifying: (a) the time, date and place of the meeting, and (b) the business proposed to be considered at the meeting.	Noting that this is a mandatory provision, provision of advice to the public specifying: (a) the time, date and place of the meeting, and (b) the business proposed to be considered at the meeting on Council website, possible on a calendar of upcoming meetings – Council, committees etc. to make information transparent and more easily available.	Eurobodalla shire Council does not currently have any active committees that this clause relates to.	Deferred.

No	Draft Clause	Submission	Staff response	Workshop Outcome
20.1	<p>Proceedings at a meeting of a Council or a Council committee are not invalidated because of:</p> <p>(a) a vacancy in a civic office, or</p> <p>(b) a failure to give notice of the meeting to any Councillor or committee member, or</p> <p>(c) any defect in the election or appointment of a Councillor or committee member, or</p> <p>(d) a failure of a Councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or committee meeting in accordance with the Council's Code of Conduct, or</p> <p>(e) a failure to comply with this code.</p>	<p>Noting that this is a mandatory provision, in the interests of transparency, accountability etc, what does invalidate proceedings and can any resolutions made at such a meeting be able to be reviewed?</p>	<p>Clauses 16.3 – 16.14 address the rescinding or altering of Council decisions</p>	<p>Deferred.</p>
21.1	<p>A person must not disclose any information obtained in connection with the administration or execution of the Act unless that disclosure is made: (a) with the consent of the person from whom the information was obtained, or (b) in connection with the administration or execution of the Act, or (c) for the purposes of any legal proceedings arising out of the Act or of any report of any such proceedings, or (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Government Information (Public</p>	<p>I request that at the proposed workshop on this code, these clauses be given close attention. For many in the community, the non-disclosure of council-related information, generally, is a major issue and one that has been a primary motivating factor for a number of councillors in standing for election.</p> <p>Clearly, confidential information is just that: confidential, and must not be released. But just what is and is not confidential can be a matter of debate. Sections 10A, B & D of the LGA make clear what is confidential</p>		<p>Amend 21.1: A person must not disclose confidential information obtained in connection with the administration or execution of the Act unless that disclosure is made: (a) with the consent of the person from whom the information was obtained, or (b) in connection with the administration or execution of the Act, or (c) for the purposes of any legal proceedings arising out of the Act or of any report of any such proceedings, or (d) in accordance with a requirement imposed under the Ombudsman Act</p>

No	Draft Clause	Submission	Staff response	Workshop Outcome
	Access) Act 2009, or (e) with other lawful excuse.	<p>information when it comes to matters before council: that is, council business; but there is other information that can too easily be subjectively described by staff as being confidential. There have been more than a few instances of council staff forming an opposing view to that of the Information and Privacy Commissioner on what is and is not confidential, to the point where staff have fought IPC recommendations at considerable expense to the ratepayer. I look forward to that practice coming to an end, as it must do.</p> <p>Clause 21.0, which, oddly, is not meeting-practice-specific, forbids the disclosure of “any information obtained in connection with the administration or execution of the Act”, following by exceptions. But it is only confidential information that should be kept confidential. And this requirement is made clear at clauses 8.10 and 8.11 of the Model Code of Conduct.</p>		1974 or the Government Information (Public Access) Act 2009, or (e) with other lawful excuse.
App D	If possible, a Motion should be qualified by referring to a timetable, financial implications, who is to take the necessary action, etc.	there is no mention of an absolute requirement to identify a source of funding, as outlined in 2.21 of the draft code.		Submitter’s comment withdrawn.

No	Draft Clause	Submission	Staff response	Workshop Outcome
App G	Order of business - Council meetings are chaired by the Mayor. Each item on the agenda is dealt with separately. Items in which there is general public interest may be dealt with first. The Public Forum for presentations by community members on agenda items will be held for one hour prior to the Council meeting. This will commence at 9.30am.	This appendix indicates that Public Forum begins at 9:30 AM, and has apparently not been updated to reflect the amended starting time of 10:30 AM for Public Forum (see 3.6 "Public forum will commence at 10.30am.")	Staff have amended: The Public Forum for presentations by community members on agenda items will be held for one hour prior to the Council meeting. This will commence at 10.30am.	Amend: The Public Forum for presentations by community members on agenda items will be held for one hour prior to the Council meeting. This will commence at 10.30am .
Gov (p 53)	The next general local government election is expected to be held in September 2020.	Note: p. 53 The next general local government election is expected to be held in September 2020.	Staff have amended: The next general local government election is expected to be held in September 2024.	Amend: The next general local government election is expected to be held in September 2024 .