



26 February 2025

Office of Local Government
Council Governance Team

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

Dear Council Governance Team	
Subject:	Reforms to the Model Code of Meeting Practice for Local Councils in NSW

Lake Macquarie City Council (Council) appreciates the opportunity to contribute to the review of the [new Model Code of Meeting Practice](#) (the Model Code).

Council supports having a Model Code, and by extension, the reputation and status of local government both in community standing – by demonstrating that decision-making is genuinely local – and as an important tier of government. Strong, effective and transparent local councils are at the heart of thriving communities across Australia. No level of government works closer to the issues and the people it represents, and this responsibility cannot be understated.

The attached submission provides two tables to address the questions raised in the accompanying paper, and proposed amendments included in the [draft Model Code](#).

Table 1 addresses the four key questions posed in the accompanying paper, including potential unintended consequences. Table 2 examines how the proposed amendments impact policy outcomes, the need for further clarification to achieve desired objectives, and offers suggestions for further amendments. Further commentary is also requested to clarify several proposed clauses.

Should you require further information or wish to follow up on any matters within this submission, please contact [REDACTED]

Thank you in advance for your consideration of this submission.

Yours faithfully,



Chief Executive Officer

Encl.

Lake Macquarie City Council submission

Table 1: Key questions for consideration

Key questions	Council's response
<p>Will the proposed amendments made in the consultation draft of the Model Meeting Code achieve the policy outcomes identified in this paper?</p>	<ul style="list-style-type: none"> • The proposed amendments target several policy outcomes. Council's response identifies areas that require clarity and flexibility to meet objectives. • It is crucial to address items that do not foster inclusivity, diversity or support informed decision-making. The proposed changes could potentially politicise an individual's ability to stand and invite scrutiny from other Councillors or members of the public regarding their motives if unable to stand (clause 12.2) • Allowing councils to set public forum rules (section 4) enhances participation and simplifies the Model Code, giving councils the freedom to adopt best practices for engagement with their local communities.
<p>Are there any other amendments you would suggest that will achieve these policy outcomes?</p>	<ul style="list-style-type: none"> • Clarification is required regarding the removal of pre-meeting briefing sessions (clause 3.33) and if this extends to general information sessions and workshops for strategy development and policy review. • Amendments to publicly available briefing sessions can achieve the desired outcome with clearer definitions on what subject and types of briefings should be public.
<p>Will the proposed amendments have any unintended consequences?</p>	<ul style="list-style-type: none"> • The removal of pre-meeting briefing sessions will limit the ability for Councillors to ask questions of technical experts. • Removing briefing sessions differs from standard practice in other levels of government. • Further amendments to the Model Code contradict the rationale for eliminating briefing sessions. Local councils are expected to conduct themselves with the same standards as State Government, yet they are not provided with equivalent opportunities for briefings on topics that support informed decision-making. • Amending the modes of address provision to mandate standing when the Mayor enters the chamber and when addressing the meeting may affect inclusion and diversity for Councillors and staff. It could also increase attention on any visible and invisible disabilities or medical conditions. • Removing briefings will not increase transparency of decisions for the community.

Key questions	Council's response
	<ul style="list-style-type: none"> • Lake Macquarie City Council promotes well-informed decision-making and achieves high community satisfaction through shared and collaborative policy development. Informed decision-making is facilitated by well-written and articulate Council reports, comprehensive community consultation, and briefing sessions with technical experts, where required. • Proposed changes to staff attendance at meetings (clause 5.7) will contradict section 335 of the <i>Local Government Act 1993</i> outlining functions of the general manager.
<p>Are there any other amendments the Government should consider?</p>	<ul style="list-style-type: none"> • Expanding the circumstances under which Councillors can attend meetings via audio-visual link (clause 5.19) will enhance Council's effectiveness by encouraging broader representation, accommodating both professional obligations and personal situations that necessitate remote participation.

Table 2: Council response to proposed amendments

Topic	Update	Council response
<p>Removed 3.33 - Pre-meeting briefing sessions</p>	<p>Removal of the ability to hold pre-meeting briefing sessions without public attendance.</p>	<p>Further clarification required</p> <ul style="list-style-type: none"> • Council seeks clarity on the types of pre-meeting briefing sessions being excluded from the Model Code. <p>Response</p> <ul style="list-style-type: none"> • It is current practice at Lake Macquarie City Council for the Mayor to open all briefing sessions and workshops with a call for declarations of interest and to remind Councillors that these sessions are to provide information on key matters relating to Council business. Any debate and decision-making must be left to the formal Council meeting. • Briefing sessions for upcoming reports are educational and informative, supporting well-informed decision-making within the public meetings.

Topic	Update	Council response
		<ul style="list-style-type: none"> • Briefing sessions support effective Council meetings that demonstrate good governance and transparent decision-making. • Briefing sessions allow for discussion and clarification without time limits for questions. • Briefing sessions are held at all other levels of government to ensure informed decision-making. These are held outside of public forums and scrutiny of the public. Council's view is that local government decisions require the same level of support from technical experts to ensure well-informed decision-making as other levels of government. • Removing briefings would hinder Council's ability to develop effective strategies and policies. Councillors have an obligation to determine, develop, endorse and review strategies and plans in accordance with the Integrated Planning and Reporting Framework (page 9, Integrated Planning and Reporting Handbook for Local Councils in NSW, September 2021).
4 - Public forums	Removal of provisions for councils to determine.	<p>Response</p> <ul style="list-style-type: none"> • Council supports the removal of clauses from the Model Code and the update allowing councils to determine appropriate rules around public forum.
5.19 - Attendance by Councillors at meetings by audio-visual link	Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee <i>where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.</i>	<p>Response</p> <ul style="list-style-type: none"> • Council supports defined reasons for audio visual (AV) attendance at Council meetings. • Council suggests the inclusion of family and professional reasons outside of the local government area. <ul style="list-style-type: none"> ○ Broader reference to family reasons enables Councillors to maintain a presence at meetings where personal reasons not related to caring mean they cannot attend in person (for example, attending a funeral outside of the Local Government Area (LGA). This is especially important for LGAs that cover a large area).

Topic	Update	Council response
		<ul style="list-style-type: none"> ○ Inclusion to participate via AV for professional reasons supports and allows Councillors to maintain professional commitments around civic duties, which may assist in attracting a broader range of candidates.
5.44 - Attendance of the general manager and other staff at meetings	<p>Update to previous clause 5.43 to remove reference to the general manger and amend the clause to reference council.</p> <p>The attendance of other council staff at a meeting, (other than as members of the public) <i>shall be as determined by the council from time to time.</i></p>	<p>Further clarification required</p> <ul style="list-style-type: none"> • Council seeks clarity on the intent of this proposed change. <p>Response</p> <ul style="list-style-type: none"> • This change contradicts the <i>Local Government Act 1993</i> where Council cannot direct staff. • At Lake Macquarie City Council, the current practice works well. The CEO and all members of Council's executive team (directors) attend every meeting. Managers with reports on the agenda also attend and where reports are technical in nature, the report author supports the manager if necessary. • Council suggests the clause be amended to reference consultation with the Mayor as below: The attendance of other Council staff at a meeting, (other than as members of the public) <i>to be determined by the general manger in consultation with the mayor.</i>
5.7 - Attendance by Councillors at meetings	Where a Councillor makes an apology, the council will be deemed to have accepted the apology and granted a leave of absence.	<p>Response</p> <ul style="list-style-type: none"> • Council supports this amendment.
7.1 - Modes of address and 12.2 - Committee of the whole	Updating modes of address to a mandatory provision including standing when addressing the meeting.	<p>Response</p> <ul style="list-style-type: none"> • Council does not support the inclusion of modes of address in the Model Code as a mandatory provision and suggests retaining as a non-mandatory provision. <ul style="list-style-type: none"> ○ The current wording reduces inclusivity and diversity in Councillor representation. ○ It does not adequately support neurodiversity, gender or cultural diversity and inclusion.

Topic	Update	Council response
		<ul style="list-style-type: none"> ○ Requiring Councillors to stand when addressing a meeting may highlight invisible disabilities, potentially pressuring individuals to disclose personal medical or health reasons for being unable to stand. ● This change increases the politicisation of meetings. Council supports clause 12.2 of the Model Code. However, the proposed amendment to the provision would not be required if the amendments to modes of address were not mandatory.
9.17 - Questions	<p>Removal of <i>respectfully</i> in the clause.</p> <p>Councillors must put questions directly, succinctly, and without argument.</p>	<p>Response</p> <ul style="list-style-type: none"> ● The removal of the requirement to be respectful when asking questions contradicts the desire to promote dignity in the Council Chamber. ● Respectful questioning upholds the integrity of meetings and is a core value at Lake Macquarie City Council. Mutual respect between staff and Council is a pillar of good governance and essential for maintaining public trust.
10.3 - Notices of motion	<p>'If a Councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it, they may request <i>its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Mayor is to note the withdrawal of the notice of motion at the meeting.</i>'</p>	<p>Further clarification required</p> <ul style="list-style-type: none"> ● Council requests that this clause be redrafted to provide clarity on when a notice of motion can be withdrawn. As it is currently drafted, it would be possible to infer that the motion can be withdrawn once the debate has commenced. <p>Response</p> <ul style="list-style-type: none"> ● A notice of motion should not be permitted to be withdrawn once it has been moved and seconded. This would ensure the motion cannot be politicised and withdrawn following any debate commencing. ● Councillors could use the ability to withdraw a notice of motion at any point instead of the vote being lost.
15.10(d) - Keeping order at meetings	<p>Removal of reference to code of conduct and referencing NSW Legislative Assembly.</p>	<p>Further clarification required</p> <ul style="list-style-type: none"> ● Clarify the intent behind using the NSW Legislative Assembly reference instead of the Code of Conduct. More information about the purpose of this proposed change is required.

Topic	Update	Council response
		<p>Response</p> <ul style="list-style-type: none"> • Council does not support the removal of the reference to the Code of Conduct. The reference to the NSW Legislative Assembly makes expected behaviours more ambiguous. • Conducting Council meetings based on the NSW Legislative Assembly's standards will politicise the Council Chambers and may lead Councillors to feel as though there is a governing party and an opposition. Council believes retaining the reference to the Code of Conduct in conjunction with the NSW Legislative Assembly supports a more collaborative and respectful standard of behaviour in Council meetings.