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Office of Local Government  
By Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)

To Whom It May Concern

### **A NEW MODEL CODE OF MEETING PRACTICE**

Please find **attached** City of Newcastle's (CN) feedback on the questions raised in the Office of Local Government's (OLG) 'A new model code of meeting practice' Consultation draft, December 2024.

CN has included detailed submissions on the key aspects of the proposal where we have concerns and do not support the changes or have suggestions for improvement (Table 1 – CN's response to OLG questions) as well as a summary of comments on all other proposed amendments (Table 2 - Summary of proposed changes and CN Comment).

If you require any further information, please contact [REDACTED]

Yours faithfully

[REDACTED]  
**CHIEF EXECUTIVE OFFICER**

**Table 1 - CN's response to OLG questions**

OLG Question	CN response to OLG proposed change
<p><b>Will the proposed amendments made in the consultation draft of the Model Meeting Code achieve the policy outcomes identified in this paper?</b></p>	<p>See feedback below.</p>
<p><b>Are there any other amendments you would suggest that will achieve these policy outcomes?</b></p>	<p>See feedback below.</p>
<p><b>Will the proposed amendments have any unintended consequences?</b></p>	<p><b>Removal of 3.12, 3.13, 9.10 and 10.9 - staff reports and information about the funding source, financial, legal strategic or policy implications of reports, NOMs and mayoral minutes</b>                      The proposal to delete the above-mentioned sections is not supported. It is important that all Councillors are aware of, and have the same information, about the financial, legal, financial, strategic, or policy implications before making a decision. The deletion of the above-mentioned sections has the potential to undermine the quality of decisions due to lack of information.</p> <p>Further, reports from Council staff (known as a Director's Comment at CN) promote transparency as all Councillors and the public have the same information and are fully informed as to the implications of decisions.</p> <p>The proposed changes could have the unintended impact of decisions being made without Councillors being fully informed or delaying decisions where Councillors seek advice from council staff, in the Council Chamber, who may not be able to fully answer questions without notice. Additionally, this may undermine the objective of transparency, should staff seek to utilise other communication options to provide the relevant information e.g. memos and emails which all Councillors and the public do not have access to.</p> <p><b>Removal of 3.15 - complaints or wrongdoing against council staff</b>                      The proposal to delete the above-mentioned section is not supported. The proposed deletion has the potential to increase psychosocial risks for the CEO and staff who may be the subject of unfounded accusations and public scrutiny in meetings as this conduct is no longer prohibited. Removal of this section could contradict principles of procedural fairness and confidentiality in the OLG's model Code of Conduct and Procedures for the Administration of the Code of Conduct. Retaining the clause supports respectful and effective communication between Councillors and staff.</p>

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	<p><b>Removal of 3.23 - statement of ethical obligations</b>  The proposal to delete the above-mentioned sections is not supported. The removal of the ethical obligations statement could be construed as the obligations no longer having importance in meetings.</p> <p><b>Addition of new 3.27 - Notice of agenda and business papers* for Extraordinary Meetings (incl addition of new clauses 9.4 and 9.5)</b>  CN does not support the additional step of the Chair ruling on urgency only in the case where not all Councillors are present. CN is of the view that the decision to deal with a late item should be determined by Council resolution only by the majority of Councillors at the meeting.</p> <p><b>Removal of 3.33-3.38 - Pre-meeting sessions</b>  The proposal to delete the above-mentioned sections is strongly not supported. This change is expected to significantly increase the number of information requests from Councillors (associated with business papers publication) and the number of communications to Councillors in response to questions (which in CN's case communication is via memo). This will have a significant impact on staff resourcing.</p> <p>In addition, without confidential pre-meeting sessions, it is expected that Councillors will ask more questions in meetings, resulting in longer meetings and responses may be taken on notice, leading to items potentially being deferred, and decisions of council delayed. Individual Councillors have the right to request information and advice from staff, but pre-meeting briefings provide the best and most efficient opportunity to provide all Councillors with the frank and open information and advice at the same time. Conversely, new or less confident Councillors may not ask questions in a public forum and be left to make decisions without all the information where they would have otherwise had the opportunity to ask in a pre-meeting session.</p> <p>CN currently holds what it calls Councillor Workshops which assist in part in CN in meeting their obligations under the Local Government Act in relation to professional development of Councillors, in addition to providing an opportunity for Councillors to ask questions and familiarise themselves with complex issues in an efficient way in advance of a formal council meeting. No decision making or deliberations are scheduled as part of these sessions. By having these sessions in private, Councillors who learn via an auditory learning style are accommodated for too. This is a more inclusive professional development strategy for Councillors.</p> <p><b>Amendments to Part 5 - Restricting attendance via audio-visual link</b>  The proposal to delete the above-mentioned sections is not supported. Being a Councillor is not a full-time role and there may be instances where Councillors may need to travel for work, professional development or other personal matters such as day to day caring responsibilities. Removing the ability for Councillors to attend via audio-visual link except in circumstances where there is illness, medical reason or unforeseen</p>

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	<p>carer's responsibilities disadvantages those with work or family commitments and may discourage them from running for office.</p> <p><b>Amendment of 5.43 - Staff attendance</b>  The CEO oversees the operation of CN staff, not the Council. A Council resolution should not be required to determine staff attendance. Council may not understand who the right people are to attend, should questions arise about Council reports. This is also not prescriptive enough – is a resolution required, is this required to be a NOM or a staff report?</p> <p><b>Addition of 7.1 - Standing when Lord Mayor enters the chamber</b>  The proposal to add in the above-mentioned section, in part, is not supported. CN does not support this from a practicality perspective and is of the view this requirement is unnecessary and outdated. Due to the layout of CN's chamber and the existence of a common entry door for all attendees, there is no signal for the Lord Mayor formally entering the room nor are all Councillors sitting in a formal setting prior to the Lord Mayor arrival. The Lord Mayor announces the commencement of the meeting and requests all to stand (where they can) for the Acknowledgment of Country and Prayer.</p> <p><b>Amendments to 3.10, 8.1 and 8.2 - NOM timeframes, general order of business</b>  CN does not support the proposal to remove the general order of business and NOM timeframes and have it determined by a separate resolution of Council. This is considered an unnecessary and inefficient change.</p> <p><b>Amendment of 9.7 and deletion of 9.9 - Mayoral Minutes</b>  CN does not support the changes. Items brought by the Lord Mayor should be within the jurisdiction or relevant to CN.</p> <p><b>Removal of 10.24 - Speech duration</b>  CM does not support the removal of this clause. While used infrequently, the ability to limit duration when there is a substantial meeting agenda can mitigate the potential for meetings going into the small hours of the morning. Suggest keep this, or alternatively, give the Lord Mayor/Chair the power to limit duration.</p> <p><b>Amendments and removals of sections 14.11-14.17 - Representations by Public</b>  CN does not support removal of these sections, noting it is difficult and inefficient to require separate resolutions. Additionally, the removal of sections outlining the process/requirements of a refusal is problematic. The general manager is the more appropriate party to determine an application.</p>

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	<p><b>Addition of 14.19 and 14.20 - Release of confidential business papers (incl additions of 20.20 and 20.21)</b>            CN supports the principle of transparency and availability of business papers to the public (in line with the ICAC recommendations) but is concerned about how this would be implemented in practice. As written, this amendment imposes an unreasonable and open-ended duty on council to continually monitor all previous business papers (all the way back to the beginning of Council), determine whether all the reasons for them being made confidential have lapsed, consult with Councillors and then publish them. Identifying the exact point at which information transitions from confidential to public domain is complex, and there are already adequate mechanisms under the Government Information Public Access (GIPA) Act to support access to information.</p> <p><b>Addition of 15.13 - Compliance with requirements set by the chair re: disorder</b>            CN understands the OLG is looking to uphold orderly conduct, however, is uncertain as to how this can be implemented in practice. Can the OLG please provide detail on the procedures and practical steps the chairperson should follow to address non-compliance in the subsequent meeting(s). In addition, if a Councillor is failing to follow a reasonable direction of the Chair, CN submits that there should be greater consequences.</p> <p><b>Amendment of 18.1 and removal of 18.2 - Time limits on Council meetings</b>            CN does not support these amendments. This could result in multiple separate resolutions across the meeting year which will result in slower meeting progress and confusion for Councillors, staff and the public. Consistency is preferred. This also removes the mechanism to extend the meeting time which may result in regular extraordinary meetings being called for items that are considered urgent but were not considered before meeting end. There is still the ability to adjourn the meeting in 18.4, should the Council resolve to extend the meeting time.</p>
<p><b>Are there any other amendments the Government should consider?</b></p>	<p><b>Addition of 3.3 - Extraordinary meetings (EOM)</b>            CN suggests adding the CEO as the CEO may need to call an EOM on operational matters.</p> <p><b>Addition of new 3.26 - Extraordinary Meetings</b>            CN suggests it is clarified that the motion moved under clause 3.25 is the motion to have business considered at a meeting, not the motion itself.</p> <p><b>Removal of 3.30 - 3.31 - Extraordinary Meetings</b>            CN supports this if new 3.26 is added (as suggested above) to provide clarification</p>

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	<p><b>Amendments to 7.2 - 7.5 - Modes of address</b>            CN suggests adopting <a href="#">The Diversity Council of Australia's</a> approach of not referring to individuals by titles that reflect gender, such as Mr, Mrs, Miss, and Ms. Referring to Mayor [Surname] or Lord Mayor, and Council Officers being addressed by their official designation is a more inclusive approach. Additionally, CN suggests referring to the chairperson as 'Chair' when a Councillor other than the Mayor (or Deputy Mayor) are acting as Chairperson.</p> <p><b>Amendment of 9.7, deletion of 9.9 - Mayoral Minutes</b>            CN suggests that there are some criteria for a Lord Mayoral Minute if there is also the deletion of 9.9</p> <p><b>Amendments to Part 15 - Disorderly conduct</b>            CN is of the view that adopting the definition of disorderly conduct based on the practices and expectations in the NSW Legislative Assembly creates ambiguity for meeting attendees. Expectations should be clearly written into the Code to provide clarity on behavioural expectations.</p>

## Table 2 - Summary of proposed changes and CN Comment

N.B. Summary items which are 'Not supported' are addressed in the above table as part of responses to the substantive questions.

Summary	CN Comment
Removal of 3.1 - Timing of OCMs	Supported. Consistent with current CN practice.
Addition of 3.3 - Extraordinary council meetings (ECM)	Supported with suggestion to add CEO.
Amendment of 3.10 - Notice of Motions	<b>Not supported.</b>
Removal of 3.12-3.13 - Director's Comments	<b>Not supported.</b>
Removal of 3.15 - Complaints against Staff of CEO	<b>Not supported.</b>
Removal of 3.23 - Statement of Ethical Obligations	<b>Not supported.</b>
Amendment of 3.23 - Electronic business papers	Supported.
Amendment of 3.29 (now 3.25) - Extraordinary Meetings	Supported. Provides simplification.
Addition of new 3.26 - Extraordinary Meetings	Supported, however suggest it is clarified that the motion moved under clause 3.25 is the motion to have business considered at a meeting, not the motion itself.
Addition of new 3.27 - Notice of agendas and business papers - Extraordinary Meetings*	<b>Not supported.</b> Refer to notes on Amendment of 9.3, Addition of new clauses 9.4 and 9.5*
Removal of 3.30 -3.31 - Extraordinary Meetings	Supported if 3.26 is amended to provide clarification. Incorporated into 3.25-3.26.
Removal of 3.33-3.38 - Pre-meeting Briefing Sessions	<b>Not supported.</b>
Amendment of section 4 – Public Forums	Supported. Clause 4.2 aligns with CN practice of having a separate policy for these forums.
Removal of 5.4 (second paragraph) - Leave of Absence	Supported. Apology and Leave of Absence used interchangeably at CN in practice as a request for leave of absence is put to the meeting when an apology is submitted.
Addition of 5.7 - Apology	Supported. Agree with need to have the reason for its decision in the resolution.
Removal of 5.8 - Attending a meeting following leave	Supported. There should be no obstacles in a Councillor attending a meeting, if they are able to do so.
Amendment of 5.15 - Cancelled meetings	Supported, however suggests adding the CEO consistent with the suggestion for clause 3.3 as the CEO may need to call an ECM on operational matters.
Amendment of 5.19 - Attendance by AV Link	<b>Not supported.</b>
Addition of 5.20 - Mayoral election	N/A CN's Lord Mayor is popularly elected.
Removal of point B of 5.24 - Attendance by AV Link	Supported. Personal information should not be in resolutions such as this.
Amendment of 5.38 - Timeframe for recordings of meetings	Supported. Provides clarity and aligns with many CN practices re: retaining information by Council term.
Amendment of 5.43 - Staff attendance	<b>Not supported.</b>
Removal of 5.44 - Staff attendance via AV Link	Supported. Staff are not relevant in the meeting recording as not formally in the meeting. CN staff are present in the Chamber or watch the public stream of the meeting.
Addition of new 7.1 - Modes of Address	<b>Not supported.</b>

<b>Removal of 8.2 - Set order of business</b>	<b>Not supported.</b>
<b>Amendment of 8.4 - Mayor to speak before motion put</b>	Supported. Clarifies the chair has a specific say in procedures of the meeting.
<b>Amendment of 9.3, Addition of new clauses 9.4 and 9.5*</b>	<b>Not supported.</b> Refer to comments on clause 3.27 - Notice of agendas and business papers - Extraordinary Meetings*
<b>Amendment of 9.7, deletion of clause 9.9 - Mayoral Minutes</b>	<b>Not supported.</b>
<b>Deletion 9.10 - Mayoral Minutes</b>	<b>Not supported.</b>
<b>Amendment to 9.14 - Questions</b>	<b>Not supported.</b>
<b>Amendment of 9.16 - Questions</b>	Supported. Consistent with current CN practice.
<b>Amendment of 10.3 - NOMs</b>	Supported. Consistent with current CN practice.
<b>Deletion of 10.9 - Expenditure of Funds</b>	<b>Not supported.</b>
<b>Removal of 10.17 and Amendment of 10.19 - Foreshadowed motions</b>	Supported.
<b>Removal of 10.24 - Speech duration</b>	<b>Not supported.</b>
<b>Addition of new 11.12 and 11.13 - Planning Decisions</b>	Supported. Consistent with current CN practice.
<b>Amendment of 12.2 - Committee of the Whole</b>	Supported. Change in current practice, however promotes consistency.
<b>Amendments and removals of sections 14.11-14.17 - Representations by Public</b>	<b>Not supported.</b>
<b>Addition of 14.19 and 14.20 - Confidential Resolutions</b>	<b>Not supported.</b>
<b>Removal of 15.2 - Points of Order</b>	Supported. This was confusing/contradictory given the principles underpin order at a meeting.
<b>Amendment to 15.10 - Acts of Disorder</b>	<b>Not supported.</b>
<b>Addition of new 15.12 and 15.13 - Acts of Disorder</b>	<b>Not supported.</b>
<b>Amendment to Clause 17.10 - Notice to alter/rescind a resolution re: Development Application</b>	Supported. Clarity provided by setting timeframe.
<b>Amendment of 17.12 (c) - Rescinding motions</b>	Supported. An unnecessary step for chair to rule if a council resolution was already passed.
<b>Amendment to 17.14 - Rescinding motions</b>	Supported.
<b>Amendment to 17.18 - Recommitting resolutions</b>	Supported. Clarifies the chair has a specific say in procedures of the meeting.
<b>Amendment of 18.1 and removal of 18.2 - time limits on Council meetings</b>	<b>Not supported.</b>
<b>Removal of 20.8 and 20.9 - Attendance at committee meetings</b>	Supported. Streamlines the COMP.
<b>Addition of 20.20 and 20.21 - Closure of Committees to public</b>	<b>Not supported.</b>