

8.2.1 DRAFT CODE OF MEETING PRACTICE 2025

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RELEVANCE TO COMMUNITY STRATEGIC PLAN	4. Collaborative and progressive leadership 4.1 A clear strategic direction that is delivered upon
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	Section 360 and 361 of the Local Government Act 1993.
POLICY IMPLICATIONS	Code of Meeting Practice to be in accordance with the Model Meeting Code prescribed by the Office of Local Government.
ATTACHMENTS	<ol style="list-style-type: none"> 1. Draft CGRC Code of Meeting Practice 2025 2. The Model Code of Meeting Practice prepared by the OLG 3. The OLG Frequently Asked Questions

RECOMMENDATION**That:**

1. Council endorses, for the purpose of public exhibition, the Draft Code of Meeting Practice 2025, which included both mandatory and non-mandatory provisions, consistent with the Office of Local Government's Model Code of Meeting Practice and 'supplementary provisions as outlined in this report.
2. The Draft Code of Meeting Practice, attached to the report be placed on Public Exhibition for 28 days and allow a period of 42 days for submissions to be received.
3. Council hold a Councillor Workshop to explore the changes to the Code.
4. Following the public exhibition period, the Draft Code of Meeting Practice, together with a report on any submissions received and any proposed amendments, be considered at the Council meeting to be held 9 December 2025.

Introduction

The NSW Office of Local Government released a new Model Code of Meeting Practice for Local Councils in NSW (2025 Model Meeting Code) on Friday, 29 August 2025, (NSW OLG Circular 25-20). The new 2025 Model Meeting Code has been published in the Government Gazette and is expected to be prescribed under the Local Government (General) Regulations 2021 (the Regulation) shortly.

The new Model Code of Meeting Practice comprises mandatory and non-mandatory provision.

Council must adopt the new Model Code of Meeting Practice that incorporates the mandatory provisions of the 2025 Model Meeting Code no later than 31 December 2025.

Under section 361 of the Local Government Act 1993 (the Act), before adopting the new code of meeting practice, councils must first exhibit the draft of the Code of Meeting Practice for at least 28

days and provide members of the community at least 42 days in which to comment on the draft code.

This report recommends that the Cootamundra-Gundagai Regional Council Draft Code of Meeting Practice which has been developed with regards to the new Model Code, be adopted for community consultation and that a further report addressing any submissions received and any proposed amendments to the Draft Code, be received by Council following the consultation period.

The new Draft code of Meeting Practice 2025 contains different coloured text to highlight the distinction between mandatory provision (black text) non-mandatory provisions (red text) and supplementary provisions (green text).

Discussion

The 2025 Model Meeting Code proposed a significant number of changes. A key focus of the changes made is to ensure meetings are conducted in a dignified and orderly way befitting to a chamber of democracy and to promote community confidence in councils and their decisions.

Mandatory Provisions

The following is a summary of the major changes to the 2025 Model Meeting Code noting that they are all '**mandatory provisions**' that cannot be altered (mandatory provisions are identified as **black text** in the Draft Code of Meeting Practice).

Prohibition on pre-meeting briefing sessions

- The 2025 Model Meeting Code prohibits briefing sessions being held to brief councillors on business listed on the agenda for meetings of the council or committees of the council.
- The prohibition on briefing sessions does not prevent a councillor from requesting information from the general manager about a matter to be considered at a meeting, provided the information is also available to the public. The information must be provided in a way that does not involve any discussions of the information.

Public forums

- The Public forum provisions are now mandatory but leave it to councils to determine whether to hold public forums before council and committee meetings.
- Councils are also free to determine the rules under which public forums are to be conducted and when they are to be held. OLG will be issuing model best practice public forum rules that councils can use if they choose to.
- Public forums must be livestreamed.

Dealing with disorder

- Councils will be required to determine on the adoption of the new code and at the commencement of each council term, whether to authorise the person presiding at a meeting to exercise a power of expulsion.
- The definition of acts of disorder by councillors have changed. The following constitute acts of disorder under the Regulation and the 2025 Model Meeting Code:
 - contravening the Act, the Regulation, or the council's code of meeting practice,
 - assaulting, or threatening to assault, another councillor or person present at the meeting,

- moving or attempting to move a motion or an amendment that has an unlawful purpose, or deals with a matter that is outside the jurisdiction of the council or committee or addressing or attempting to address the council or committee on or such a motion, amendment or matter,
- using offensive or disorderly words,
- making gestures or otherwise behaving in a way that is sexist, racist, homophobic or otherwise discriminatory, or if the behaviour occurred in the Legislative Assembly, would be considered disorderly,
- imputing improper motives, or unfavourably personally reflecting, on another council official or a person present at the meeting, or
- saying or doing anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.
- Where a councillor fails to remedy an act of disorder at the meeting at which it occurs, they can be required to do so at each subsequent meeting until they remedy the act of disorder. On each occasion the councillor fails to comply with a direction by the chairperson to remedy an act of disorder, they can be expelled from the meeting and each subsequent meeting until they comply.
- Members of the public can be expelled from meetings for engaging in disorderly conduct. Disorderly conduct includes:
 - speaking at meetings without being invited to, or bringing flags, signs or protest symbols to meetings,
 - disrupting meetings,
 - making unauthorised recordings of meetings.
- The 2025 Model Meeting Code notes that failure by a councillor or members of the public to leave a meeting when expelled is an offence under section 660 of the Act. Section 660 provides that a person who wilfully obstructs a council, councillor, employee of a council or a duly authorised person in the exercise of any function under the Act, or Regulation is guilty of an offence. An offence under section 660 carries a maximum fine of \$2,100.

Councillors' attendance at meetings by audio-visual link

- The provisions governing attendance by councillors at meetings by audio-visual link have been made mandatory and the option to attend meetings by audio-visual link has been restricted to where councillors are prevented from attending a meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.

New rules of etiquette at meetings

- Councils may determine standards of dress for councillors when attending meetings.
- Where physically able to, councillors and staff are encouraged to stand when the mayor enters the chamber and when addressing the meeting.
- The 2025 Model Meeting Code prescribes modes of address.

Making information considered at closed meetings public

- Consistent with ICAC's recommendation, the general manager must publish business papers for items of business considered during meetings that have been closed to public on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- Before publishing this information, the general manager must consult with the council and any other affected persons and provide reasons for why the information has ceased to be confidential.

Non-mandatory Provisions

The following is a summary of the major changes, noting they are all '**non-mandatory provisions**' (non-mandatory provisions are identified as **red text** in the draft Code of Meeting Practice) that can be altered, however it is recommended they be incorporated into the new Model Code.

Power of Expulsion

- On the adoption of the Code and the commencement of each council term, the council must determine whether to authorise the person presiding at a meeting to exercise a power of expulsion.
- If adopted, clauses 15.16 and 15.17 of the Model Code confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings.
- If adopted, clause 15.16 authorises chairpersons to expel any person, including a councillor from a council or committee meeting.
- Alternatively, if adopted, clause 15.17 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

In the previous versions of the CGRC Code of Meeting Practice, clause 15.16 was adopted.

Record of Voting

- All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment (including the use of the casting vote) being recorded (11.10).

Dealing with Items of Exception

- The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution where it considers it necessary to expedite the consideration of business at a meeting.
- Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

- The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.
- A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1.

Rescinding or Altering Council Decisions

- A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than 1 day after the meeting at which the resolution was adopted.
- Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
 - (a) a notice of motion signed by three councillors is submitted to the chairperson at the meeting, and
 - (b) the council resolves to deal with the motion at the meeting on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council.
- A motion moved under clause 17.12(b) can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 17.12(b) and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- A resolution adopted under clause 17.12(b) must state the reasons for the urgency.

Recommitting resolutions to correct an error

- Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
 - (a) to correct any error, ambiguity or imprecision in the council's resolution, or
 - (b) to confirm the voting on the resolution.
- In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.
- The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

- A motion moved under clause 17.15 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 17.15 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put
- A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

Time Limits on Council Meetings

- Meetings of the council and committees of the council are to conclude no later than 10pm.
- If the business of the meeting is unfinished at 10pm, the council or the committee may, by resolution, extend the time of the meeting.
- If the business of the meeting is unfinished at 11pm, and the council does not resolve to extend the meeting, the chairperson must either:
 - (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
 - (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - (b) 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.

Supplementary Provisions

The following is a summary of the 'supplementary provisions' which are non-mandatory provisions (supplementary provisions are identified as **green text** in the Draft Code of Meeting Practice).

Meeting Principles

- The inclusions of 'Respectful' to the Meeting Principles section of the Code (this is in the current code).

Giving notice of business to be considered at council meetings

- Notice of motions are to be submitted by 12pm on the Monday the week preceding the meeting (this is in the current code).

Statement of Ethical Obligations

- The inclusion of a statement of ethical obligations (this is in the current code).

Public Forums

- The rules under which the public forums are to be conducted (this is in the current code).

Order of business for ordinary council meetings

- The general order of business is included in the Draft Code (this is in the current code).

Chairperson's duties with respect to motions

- Clause 10.8, any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost (this is in the current code)

Motions requiring the expenditure of funds

- Motions requiring the expenditure of funds, clause 10.9, 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.

Representations by members of the public

- The inclusion of how to manage speakers who wish to speak before council goes into a Closed Session (this is in the current code).

Points of order

- A point of order cannot be made with respect to adherence to the principles contained in the Meeting Principles (this is in the current code).

Attendance to committee Meetings

- The inclusion of attendance provisions at Committee Meetings (this is in the current Code).

Financial

No financial implications associated with this purpose of this report.

OLG 23a Guideline consideration

Report purpose does not conflict with guidelines.