

# 2025 Model Meeting Code - FAQ

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## Implementation of the 2025 Model Meeting Code

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### When must the 2025 Model Meeting Code be adopted?

- Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the 2025 Model Meeting Code no later than 31 December 2025.

### What happens if the 2025 Model Meeting Code is not adopted by 31 December 2025?

- Transitional provisions in the Local Government (General) Regulation 2021 (the Regulation) provide that if a council does not adopt a code of meeting practice that incorporates the mandatory provisions of the 2025 Model Meeting Code by 31 December 2025, then from 1 January 2026, any provision of the council's code of meeting practice that is inconsistent with a mandatory provision of the 2025 Model Meeting Code will be automatically overridden by the relevant mandatory provision of the 2025 Model Meeting Code.

### What other decisions should councils make when adopting the 2025 Model Meeting Code?

- When adopting the 2025 Model Meeting Code, councils will also need to make decisions in relation to the following:
  - **Clause 3.1** – set the frequency, time, date and place of its ordinary meetings
  - **Clause 3.10** – determine the period for submission of notices of motion by councillors for consideration at an ordinary meeting
  - **Clause 4.2** – determine rules for the conduct of public forums if they propose to hold them
  - **Clause 5.35** – determine whether to authorise the person presiding at a meeting to exercise a power of expulsion
  - **Clause 8.1** – fix the order of business by resolution of council
  - **Clause 14.12** – determine the manner for making an application to make representations to the council on whether a matter should be considered in a closed part of a meeting

- **Clause 18.1** – if adopted – determine the time at which meetings are to conclude.

### **Are councils required to adopt the non-mandatory provisions of the 2025 Model Meeting Code?**

- No. The non-mandatory provisions of the 2025 Model Meeting Code cover areas of meeting practice that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions also operate to set a benchmark based on what OLG sees as best practice for the relevant area of practice.
- Councils are free to omit the non-mandatory provisions or to adapt them to meet their needs.

### **Can councils include supplementary provisions in their adopted code of meeting practice?**

- Yes. There is nothing to prevent councils from including supplementary provisions in their adopted code of meeting practice to meet their needs, provided the supplementary provisions are not inconsistent with the mandatory provisions of the 2025 Model Meeting Code.

### **Must supplementary provisions be consistent with the mandatory provisions of the 2025 Model Meeting Code?**

- Yes. Section 360(4) of the *Local Government Act 1993* (the Act) provides that a code adopted or amended by the council must not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code. A supplementary provision of a council's adopted code of meeting practice that alters the operation of a mandatory provision prescribed in the Model Meeting Code will be inconsistent with that provision.

### **What consultation must councils do before adopting a code of meeting practice?**

- Under section 361 of the Act, before adopting a new code of meeting practice, councils must first exhibit a 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 requirement does not apply to joint organisations.

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## What are the key changes?

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A key focus of the changes made to the 2025 Model Meeting Code 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.

The following is a summary of the key changes. It is not an exhaustive list of all the changes that have been made.

### **Extraordinary meetings**

- The mayor may now call an extraordinary meeting without the need to obtain the signature of two councillors.

### **Dealing with urgent business at meetings**

- The process for dealing with urgent business at both ordinary and extraordinary meetings has been simplified.
- Business may be considered at a meeting at which all councillors are present, even though due notice has not been given of the business, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. The resolution must state the reasons for the urgency.
- If all councillors are not present at the meeting, the chairperson must also rule that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.

### **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 pre-meeting briefing sessions cannot be avoided by holding a briefing session on matters to be considered at a meeting before the agenda has been issued. As the accompanying note in the Model Meeting Code observes, the prohibition on pre-meeting briefing sessions reflects the intent of Chapter 4, Part 1 of the Act which requires business of the council to be conducted openly and transparently at a formal meeting of which due notice has been given and to which the public has access. Councillors and Council staff have no legal power to make matters confidential under Chapter 4, Part 1 of the Act unless they are

properly constituted in a committee or Council meeting and have made an appropriate resolution.

- Pre-meeting briefing sessions, whether held before or after an agenda has been issued, are inconsistent with the principles of transparency, accountability and public participation and have the potential to undermine confidence in the proper and lawful decision-making processes of the council.
- The prohibition on briefing sessions does not prevent the following:
  - Councillors requesting information from the general manager about a matter to be considered at a meeting, provided the information is also available to the public. If the information is not publicly available at the time it is requested, it must be made public after it is provided to councillors, unless it is confidential information to be considered at a closed meeting (see Chapter 4, Part 1 of the Act, specifically section 9(2A)). The information must be provided in a way that does not involve any discussion of the information.
  - The mayor and general manager meeting prior to meetings for the purpose of preparing for a meeting.
  - Councillors gathering outside of meetings for purposes other than being briefed by staff on what is to be considered at formal council or committee meetings.
  - Councillors requesting and receiving information about constituent and other matters through the councillor request system or by way of a request made under the *Government Information (Public Access) Act 2009*.
  - Informal gatherings of Councillors without staff in attendance, like non-binding caucus or other meetings.
- A gathering of councillors will be a pre-meeting briefing session and prohibited if it is convened by staff for the purposes of informing councillors about a matter they will be required to make a decision on at a future council or committee meeting.
- A gathering of councillors is not a pre-meeting briefing session if it is convened by staff or the mayor for the purposes of seeking the views of councillors on a particular matter (eg to seek the views of councillors on community priorities in the early stages of the development of the community strategic plan). Such a gathering could properly be characterised as a ‘workshop’. However, workshops

should not be held for the purposes of deliberating on and making decisions on matters that should be considered at a formal council or committee meeting.

### **Public forums**

- The public forum provisions are now mandatory but leave it to councils to determine whether to hold public forums.
- Where councils hold a public forum:
  - it must be held for the purpose of hearing oral submissions from members of the public on items of business to be considered at the relevant council or committee meeting the public forum relates to, and
  - it must be held prior to the relevant meeting. Council meetings should be reserved for deliberations by the governing body, but councils may hold public forums prior to committee meetings.
- Councils are free to determine the rules under which public forums are to be conducted and when they are to be held. OLG has issued model best practice public forum rules that councils can use if they choose to.
- Public forums must be livestreamed.
- The rules governing public forums prescribed in the Model Meeting Code do not prevent councils from holding other forums for the purposes of hearing from members of the public on other matters. The rules governing public forums prescribed in the Model Meeting Code, do not apply to such forums.

### **Responses to questions with notice**

- Questions with notice can still be responded to either by way of a report or orally at relevant meeting.

### **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.
- Councils cannot adopt supplementary provisions in their adopted codes that permit councillors to attend meetings by audio-visual link outside the circumstances contemplated by the mandatory provisions of the 2025 Model Meeting Code. Because such provisions would alter the operation of the

mandatory provisions, they would be inconsistent with them and impermissible under section 360(4) of the Act.

- The 2025 Model Meeting Code continues to permit meetings to be held by audio-visual link where the mayor determines that the meeting should be held by these means because of a natural disaster or a public health emergency and is satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk.

### **Absences from council meetings**

- Changes have been made to the provisions governing absences from meetings.
- Where councillors are unable to attend one or more meetings of the council or committees of the council, the new provisions encourage them to:
  - submit an apology for the meetings they are unable to attend,
  - state the reasons for their absence from the meetings, and
  - request that the council grant them a leave of absence from the relevant meetings.
- Where a councillor makes an apology, the council must determine by resolution whether to grant the councillor a leave of absence for the meeting. Councils are required to act reasonably when deciding whether to grant a leave of absence to a councillor. To ensure accountability, if the council resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.

### **Staff attendance at meetings**

- The 2025 Model Meeting Code provides that the attendance of council staff at meetings, (other than as members of the public) is to be determined by the general manager. This reflects the function of the general manager prescribed under section 335 of the Act to direct staff.
- In making that determination, the general manager is required to consult with the mayor to ensure that the relevant staff necessary to answer questions and support councillors' decision making are present at the meeting.

### **Livestreaming meetings**

- As of 1 January 2026, councils are required to livestream their meetings using an audio-visual recording.

- Recordings of meetings must be published on the council's website for the balance of the council's term or for 12 months, whichever is the later date.
- OLG has issued updated guidance on the livestreaming of meetings and public forums.

### **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.

### **Mayoral minutes**

- The restrictions on mayoral minutes under the previous code have been removed. A mayoral minute may be put to a meeting without notice on any matter or topic that the mayor determines should be considered at the meeting.
- Only mayors can move a mayoral minute. Where the chairperson is not the mayor, they do not have this privilege.

### **Rules of debate**

- The rules of debate have been simplified and the rules governing the foreshadowing of motions and amendments have been removed. It remains open to councillors to foreshadow that they intend to move an amendment during the debate, but there are no longer formal rules governing this.
- An amendment has been made to clarify that there is nothing to prevent a further motion from being moved at a meeting on the same item of business where the original motion is lost, provided the motion is not substantially the same as the one that was lost. The second motion may be a direct negative of the first motion.
- Councils will no longer have the option of reducing the duration of speeches to less than 5 minutes. However, councils continue to have other options to expedite business at meetings such as moving that a motion be put where the necessary conditions have been satisfied and to resolve to deal with items by exception.

### **Voting on planning decisions**

- Consistent with the Independent Commission Against Corruption's (ICAC) recommendations, a council or a council committee must not make a final planning decision at a meeting without receiving a staff report containing an

assessment and recommendation in relation to the matter put before the council for a decision.

- A planning decision is any decision made in the exercise of a function under the *Environmental Planning and Assessment Act 1979*, including any decision relating to a development application, an environmental planning instrument, a development control plan, a planning agreement or a development contribution plan, but does not include the making of an order. A final planning decision is any decision in which a final determination is made by the council in relation to any of those matters.
- Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.

### **Representations by the public on the closure of meetings**

- In the interests of streamlining the code, the rules governing representations by the public on the closure of meetings have been simplified. However, there is nothing to prevent councils from adopting their own rules on this. OLG has issued model best practice rules for public representations that councils can use if they choose to.

### **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.
- Councils should put in place processes for identifying when information included in the business papers for items considered in closed meetings is likely to cease to be confidential at the time the business paper is prepared and for routinely reviewing matters considered in closed meetings for the purposes of determining whether the information in the business papers has ceased to be confidential and can be published. Councils are best placed to make their own judgement on whether the relevant information continues 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.

## 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.
- If the power of expulsion is conferred on chairpersons by the council, it can be exercised by any person who chairs a meeting, not just the mayor.
- 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,

- 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 \$2,200.

### **Committees**

- Meetings of committees of a council whose membership comprises only of councillors must be conducted in accordance with the council's adopted meeting code. Such committees will no longer have the option of determining that rules under the council's meeting code do not apply to them.
- While mayoral minutes can be moved at committee meetings, they must relate to topics that fall within the committee's terms of reference.