

Relevant Information for Council

FILE: S051923 **DATE:** 23 October 2025

TO: Lord Mayor and Councillors

FROM: Kirsten Morrin, Executive Director Legal and Governance

THROUGH: Monica Barone PSM, Chief Executive Officer

SUBJECT: Information Relevant To Item 6.6 – Public Exhibition - Draft Code of Meeting Practice

For Noting

This memo is for the information of the Lord Mayor and Councillors.

Purpose

To provide additional information on public forums, provisions for members of the public to address Committee and Council meetings and supplementary provisions contained within the draft Code of Meeting Practice.

Background

At the meeting of the Corporate, Finance, Properties and Tenders Committee on 20 October 2025 further information was sought on the following:

Public forums

The Office of Local Government (OLG) will provide rules and best practice guidance for public forums. The inclusion of the provisions in the Code is mandatory. As stated in the report, staff will advise and seek further guidance from Councillors once the OLG guidelines/guidance material on public forums is made available.

Rationale given for removing provisions regarding addressing Committee meetings

At briefing sessions held on 14 and 16 October 2025, the OLG made it clear that it is the Minister's position that Council and Committee meetings should be reserved for Councillors to deliberate and make decisions – without public participation.

The interpretation of the public forum provisions by the Minister and OLG is that this is the only time public forum type activities can be held (before or separate to meetings) – that the provisions effectively prevent the inclusion of public participation within the meeting itself.

This applies to Committees as well as Council.

As a result, the City has removed our existing provisions relating to public participation at Committees from the draft updated Code.

The City will provide further information and seek input from Councillors once the OLG guidelines are published. At this time, it is not recommended that any decisions be made other than adopting the draft Code for public exhibition ahead of the release of the foreshadowed Office of Local Government guidance. OLG has stated that rules related to public forums do not need to be included within the Code of Meeting Practice and can be adopted by Council separately.

From the time of the commencement of the new mandatory provisions that apply in January 2026, members of the public will not be able to address Council or Committees during the meetings. Whatever format the public forums eventually take they will need to be held before Committee or Council meetings, not as part of the meeting.

Supplementary provisions in the Code of Meeting Practice

Further information was requested on supplementary provisions included in the City's draft Code of Meeting Practice.

The OLG advises that councils can include 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.

As advised at the Committee meeting, previous provisions which are in conflict with the new mandatory provisions in the Model Code of Conduct have been removed. This includes the provisions relating to the City's current approach to public participation in Committees which is inconsistent with the OLG guidance as outlined above.

There are supplementary provisions included in the draft Code for a variety of reasons including the following:

- Clarification – for example clause 3.17 is a supplementary clause regarding the calculation of days to ensure there is no dispute.
- Inclusion of necessary details where permitted by mandatory clauses – for example, clause 3.19 provides for the time by which notices of motion are to be submitted for inclusion in the agenda, consistent with the model clause 3.18.
- Rules relating to audio-visual meetings – the draft Code retains the existing provisions regarding the implications and use of recordings of meeting for the purposes of ensuring the City has clear rules and adequate legal protections in relation to the use of audio visual material and the conduct of remote meetings.
- Disclosure of interests – provisions relating to the mechanisms for disclosures of interest are supplementary and reflect previous resolutions of Council regarding the preferred timing and mechanisms for disclosing, in particular, less than significant non-pecuniary interests.

- Additional matters – for example, the section on tabling of correspondence and petitions is supplementary in the City's Code. There are no model code provisions for tabling petitions or other correspondence at meetings. Similarly, the provisions relating to general procedural motions are supplementary in the City's Code but considered useful for clarity in the conduct of meetings.

Generally, the draft Model Code of Meeting Practice replicates the City's current meeting processes wherever possible. Matters which are considered not to be substantive have been removed or not made supplementary.

Non-mandatory and supplementary provisions are identified in the draft Code wherever they occur.

Memo from Kirsten Morrin, Executive Director Legal and Governance

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Approved

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