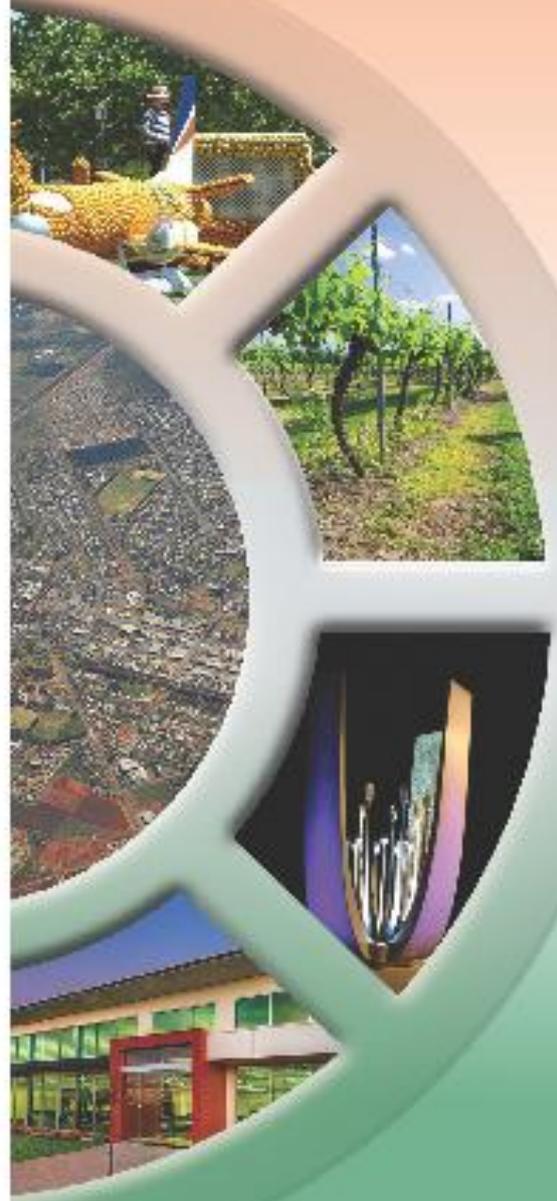




# Ordinary Meeting

**Tuesday, 10 March 2026**

**ATTACHMENTS  
UNDER SEPARATE  
COVER**



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## ATTACHMENTS UNDER SEPARATE COVER

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Department of Planning, Housing and Infrastructure  
Office of Local Government



## Circular to Councils

Subject/title	2025 Model Meeting Code –Supplementary guidance and updated FAQs
Circular Details	Circular No 26-02 / 22 January 2026 / Doc ID A980783
Previous Circular	<u><a href="#">Council Circular 25-20 2025 Model Meeting Code</a></u>
Who should read this	Mayors/ Councillors / General Managers / Joint Organisation Executive Officers/ Council governance staff
Contact	Council Governance Team / 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
Action required	Council to Implement

### What's new or changing?

- Supplementary guidance materials have been published on the Office of Local Government's (OLG) website to support the implementation of the 2025 Model Code of Meeting Practice for Local Councils in NSW (2025 Model Meeting Code).
- The supplementary guidance materials include:
  - Guidelines on the closure of council and committee meetings to the public (Closed Meetings Guidelines)
  - Livestreaming council and committee meetings and public forums: A Guide (Livestreaming Guidelines)
  - Model public forum rules (Public Forum Rules)
- The Frequently Asked Questions (FAQs) previously published with [Council Circular 25-20 2025 Model Meeting Code](#) have also been updated to reflect common questions and issues raised by the sector following the prescription of the 2025 Model Meeting Code.

### What will this mean for council?

- The Closed Meeting Guidelines have been issued under 10B(5) of the *Local Government Act 1993* (the Act). This provides that, in deciding whether part of a meeting is to be

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closed to the public, the council or committee concerned must have regard to any relevant guidelines issued by the 'Departmental Chief Executive' of OLG.

- The Livestreaming Guidelines is an updated version of the webcasting guidelines that were issued when councils were first required to webcast their meetings. As with the webcasting guidelines, these have been issued under section 23A of the Act meaning councils must take them into consideration when livestreaming their meetings and publishing recordings of them on their websites.
- The Model Public Forum Rules are based on the non-mandatory best practice public forum rules which were previously included in the Model Meeting Code but have now been omitted. Councils may adopt the best practice public forum rules as a standalone policy document or include them in their adopted code of meeting practice.

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### Key points

- The supplementary guidance materials have been designed to assist councils to understand and correctly apply the mandatory provisions of the 2025 Model Meeting Code and provide best practice guidance in areas that are no longer regulated under the Model Meeting Code.

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### Where to go for further information

- The supplementary guidance materials and updated FAQs are available on the Model Code of Meeting Practice for Local Councils in NSW webpage on OLG's website at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au).
- For more information, contact the Council Governance Team by telephone on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).

A handwritten signature in blue ink, appearing to read 'Brett Whitworth'.

Brett Whitworth  
Deputy Secretary, Office of Local Government

Department of Planning, Housing and Infrastructure

[dphi.nsw.gov.au](http://dphi.nsw.gov.au)



# Guidelines on the closure of council and committee meetings to the public

January 2026





## Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning, Housing and Infrastructure

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Guidelines on the closure of council and committee meetings to the public

First published: January 2026

### More information

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# Introduction

Meetings are the key forum in which councils make strategic and policy decisions on behalf of their communities. As elected institutions, councils are ultimately accountable to their communities for their decisions. Under the *Local Government Act 1993* (the Act), there are clear requirements for meetings of a council and committees of councillors to be open to the public so that they can be attended and viewed by members of the community.

However, there will be occasions where councils and committees of councillors are required to consider information which, by its nature, is confidential and ought not to be publicly disclosed. The Act recognises that on such occasions, where certain grounds exist, the public interest in protecting confidential information will outweigh the public interest in ensuring accountability through open meetings.

These guidelines offer practical guidance on how councils can appropriately weigh these competing public interests and ensure that they comply with their obligations under the Act when closing meetings to the public. They do this by addressing commonly asked questions that have been raised with the Office of Local Government (OLG) about the closure of meetings and provide best practice examples.

These guidelines are issued under section 10B(5) of the Act. It therefore constitutes a guideline that councils are required to consider when closing meetings to the public.

The phrase, 'committees of councillors' used in these guidelines refers to committees whose members are all councillors. The Act does not require meetings of other types of committees established by councils to be held in the presence of the public, though councils may choose to do so.

# Guidelines

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## Who can attend council or committee meetings?

Any person can attend a council meeting or a meeting of a committee of which all the members are councillors (a committee of councillors)<sup>1</sup>. However, the Act, the Local Government (General) Regulation 2021 (the Regulation) and the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) prescribed by the Regulation permit members of the public to be expelled from meetings where they engage in disorderly conduct.

Members of the public are not entitled to attend other types of meetings (e.g. committees comprising of councillors and non-councillors or entirely of non-councillors). However, councils can make these meetings open to the public if they choose to do so.

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## What are the grounds on which a meeting can be closed to the public?

Despite the right of members of the public to attend meetings of a council or a committee of councillors, section 10A of the Act permits a council or a committee of councillors to close parts of a meeting to the public that involve the discussion or receipt of any of the following matters or information:

- personnel matters concerning particular individuals (other than councillors)
- the personal hardship of any resident or ratepayer
- information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- commercial information of a confidential nature that would, if disclosed:
  - prejudice the commercial position of the person who supplied it, or
  - confer a commercial advantage on a competitor of the council, or
  - reveal a trade secret
- information that would, if disclosed, prejudice the maintenance of law
- matters affecting the security of the council, councillors, council staff or council property

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<sup>1</sup> see section 10 of the Act

- advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
- information concerning the nature and location of a place or an item of Aboriginal significance on community land
- alleged contraventions of the council's code of conduct<sup>2</sup>.

In order to close a meeting to the public, a council or committee of councillors must be satisfied that the matter or information being discussed or received falls within at least one of the above grounds.

It should be noted that the existence of any of these grounds does not place any obligation on a council or committee of councillors to close its meeting to consider a matter or information, (though in many cases, it would be appropriate for it to do so). It simply permits a council or committee of councillors to do so. As will be discussed below, in the case of most of these grounds, the council or committee of councillors will also need to demonstrate why it is in the public interest to close the meeting to discuss the matter or information.

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## When can a meeting be closed?

Section 10B(1)(b) of the Act permits a council or committee of councillors to close its meeting to the public without further discussion to consider three types of matters; personnel matters concerning particular individuals, matters involving the personal hardship of a resident or ratepayer or matters that would disclose a trade secret<sup>3</sup>.

However, in the case of the other grounds listed in section 10A(2) of the Act referred to above, the existence of these grounds on their own is not enough to allow the closure of a meeting. In such cases, the council or committee of councillors must also be satisfied that discussion of the matter in an open meeting would, **on balance, be contrary to the public interest**<sup>4</sup>.

This in effect creates a two-step process:

- first, the council must be satisfied that the matter falls within at least one of the grounds listed in section 10A(2)
- second, if the matter does not fall within one of the 3 grounds set out in section 10B(1)(b) referred to above, the council or committee of councillors must also be satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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<sup>2</sup> see section 10A(2) of the Act

<sup>3</sup> see section 10B(1)(b) of the Act

<sup>4</sup> see section 10B(1)(b) of the Act



To illustrate, consider a proposal to sell council-owned land by auction. The council would not be permitted to close the meeting to consider whether to sell the land or the reasons for the sale. These are not matters that fall within the grounds listed above.

However, where the discussion concerns the valuation of the land and the reserve price, this would potentially fall within one of the grounds for closure because the disclosure of the reserve price could confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The existence of this ground is not enough on its own to permit the closure of the meeting to the public. The council also needs to demonstrate why it would, on balance, be in the public interest for it to do so.

In such circumstances, it could be reasonably argued that the disclosure of the reserve price would, on balance be contrary to the public interest because it would put the council at a competitive disadvantage at the auction and in any subsequent negotiations preventing it from achieving a 'best value for money' outcome for the community.

---

## What matters should not be considered when determining the public interest?

The Act says that when determining whether the discussion of a matter in an open meeting would be contrary to the public interest, **it is irrelevant that:**

- a person may misinterpret or misunderstand the discussion, or
- the discussion of the matter may:
  - cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
  - cause a loss of confidence in the council or committee<sup>5</sup>.

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<sup>5</sup> see section 10B(4) of the Act

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## When can a meeting be closed to consider legal advice?

The Act says that a meeting is not to be closed for the receipt and consideration of information or advice concerning litigation or the subject of legal professional privilege unless the advice concerns legal matters that:

- are substantial issues relating to a matter in which the council or committee is involved, **and**
- are clearly identified in the advice, **and**
- are fully discussed in that advice<sup>6</sup>.

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## Can a meeting be closed to consider a code of conduct matter?

Yes. The Act specifically allows a meeting to be closed to the public to consider alleged contraventions of a council's code of conduct<sup>7</sup>. Clause 7.47 of the prescribed Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW states that a council is to close its meeting to the public to consider a final investigation report where it is permitted to do so under section 10A of the Act. However, in closing a meeting to consider a conduct reviewer's report, the council is still required to apply the public interest test under section 10B(1)(b) of the Act.

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## Do members of the public have any say on the closure of meetings?

Yes. A council, or a committee of councillors, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed<sup>8</sup>.

Model best practice rules for public representations on the closure of meetings of a council or a committee of councillors have been developed by OLG and are provided in Appendix A of these guidelines.

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<sup>6</sup> see section 10B(2) of the Act

<sup>7</sup> see section 10A(2)(i) of the Act

<sup>8</sup> see section 10A(4) of the Act

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## How long can a meeting remain closed?

The Act requires councils and committees of councillors to close their meeting for only so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security being protected<sup>9</sup>.



In the example of the proposal to auction council-owned land, the relevant confidentiality in relation to the proposed sale is limited to the valuation and the reserve price information. Discussion of the reasons justifying the sale should therefore occur while the meeting is open to the public. However, when the discussion turns to the valuation and reserve price, the meeting may then be closed to the public.

---

## What notice must be given of matters that are proposed to be considered in a closed meeting?

Where the general manager is of the opinion that the agenda includes the receipt of information or discussion of matters that are likely to take place when the meeting is closed to the public, the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item)<sup>10</sup>.

While section 9(2A) of the Act provides that the agenda must not give details of the relevant item of business, the item must still be sufficiently described in the agenda to allow the members of the public to identify the matter that is to be considered at the meeting.

It should be noted that the ultimate decision to close the meeting rests with the council. This means that the council is not under any obligation to close the meeting where the general manager identifies a matter in the agenda as being one that the council may close its meeting to discuss.

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<sup>9</sup> see section 10B(1)(a) of the Act

<sup>10</sup> see section 9(2A) of the Act



In the example of the proposed auction of council-owned land, the agenda for the meeting would identify the matter as one that is likely to be considered when the meeting is closed to the public, for example:

“Item 1 - Sale of 393 Smith Street, Jonestown by public auction.

This item involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business under section 10A(2)(c) of the Act.

On balance, the public interest in preserving the confidentiality of information about the reserve price outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would put the council at a competitive disadvantage at the auction and in any subsequent negotiations with prospective purchasers, preventing it from achieving a ‘best value for money’ outcome for the community.”

A best practice approach would be for the valuation and reserve price information to be included in a confidential attachment to the report that is not made available to the public. This would enable the report, including the reasons justifying the sale to be made public prior to the meeting and at the same time preserve the confidentiality of the valuation and reserve price information. This would also permit the publication of the information about the valuation and reserve price at a later time when that information has ceased to be confidential as is now required under the Model Meeting Code.

Conversely, where a matter has not been identified in the agenda for the meeting as one that is likely to be considered when the meeting is closed to the public, the council can still close the meeting to consider the item. However, it can only do so if:

- it becomes apparent during the discussion of a particular matter that the matter is one for which any of the grounds for closure exist (see above), **and**
- the council or committee, after considering any representations made by members of the public, resolves that further discussion of the matter:
  - should not be deferred (because of the urgency of the matter), **and**
  - should take place in a part of the meeting that is closed to the public<sup>11</sup>.

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<sup>11</sup> see section 10C of the Act

## What must be recorded in the minutes about the decision to close part of a meeting?

The Act requires that the grounds on which part of a meeting is closed to the public must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:

- the relevant grounds under section 10A(2) of the Act on which the meeting is being closed
- the matter that is to be discussed during the closed part of the meeting
- the reasons why the part of the meeting is being closed, including an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest (unless the matter relates to a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret)<sup>12</sup>.



The decision to close the meeting to consider the auction of a parcel of council-owned land may be recorded as follows:

“RESOLVED: Councillor XXXX/YYYY

That the meeting be closed to discuss “Item 1 - Sale of 393 Smith Street, Jonestown by public auction” in accordance with section 10A(2)(c) on the grounds that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

On balance, the public interest in preserving the confidentiality of information about the reserve price outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would put the Council at a competitive disadvantage at the auction and in any subsequent negotiations with a prospective purchaser, preventing it from achieving a ‘best value for money’ outcome for the community.”

<sup>12</sup> see section 10D of the Act

---

## Must a decision made during a closed part of a meeting be made public?

It is important to remember that the purpose of section 10A is to protect the confidentiality or privilege of information being considered by a council or committee of councillors. It does not allow councils and committees of councillors to make secret decisions.

This intention is reflected in clauses 14.17 and 20.19 of the Model Meeting Code. This requires that where a resolution is passed during a meeting or a part of a meeting that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting or the relevant part of the meeting has ended. This must occur during a part of the meeting that is livestreamed where practicable.

As discussed in more detail below, resolutions adopted in closed parts of meetings must also be published in the publicly available minutes of the meeting.

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## Do resolutions made during a closed part of a meeting have to be recorded in the publicly available minutes?

Yes. Under clauses 14.17 and 20.19 of the Model Meeting Code, resolutions passed during a closed part of a meeting must be recorded in the publicly available minutes. Resolutions passed during a closed part of a meeting are also prescribed as open access information under clause 1(2)(c) of Schedule 1 of the Government Information (Public Access) Regulation 2018 (GIPA Regulation) for the purposes of sections 6 and 18 of the *Government Information (Public Access) Act 2009* (GIPA Act).

It is also important to remember that under clause 9.10 of the Model Meeting Code, a recommendation made in a staff report is, so far as adopted by the council or committee, a resolution of the council or committee. As a result, where a council or committee resolves to adopt a recommendation contained in a staff report, that recommendation is deemed to be the resolution and must be made public as soon as practicable and recorded in the publicly available minutes of the meeting under clauses 14.17 and 20.19 of the Model Meeting Code.

This means that when framing a recommendation or motion relating to a matter being considered in a closed part of a meeting, councils need to be careful to ensure that the wording of the recommendation or motion does not disclose any confidential information.

However, the recommendation or motion should be sufficiently clearly framed to enable the public to identify the decision that has been made by the council if it is adopted.

A resolution to “adopt the recommendation contained in the staff report” for instance does not meet the requisite standards of accountability expected of council decision making.



The motion or staff recommendation on the proposed auction of council-owned land could be worded as follows:

1. That Council proceed with the sale of 393 Smith Street, Jonestown **(Note, clearly identify the parcel of land)** by way of public auction.
2. That the reserve price be set at the amount specified in the confidential attachment to the report.

---

## How can members of the public access confidential business papers?

The business papers and minutes of council meetings are deemed to be open access information under the GIPA Act and the GIPA Regulation. This means that they must be published on council websites and made publicly available for inspection by anyone free of charge. However, where a matter is considered in a closed part of a meeting, only the resolutions adopted at the meeting are open access information.

This does not necessarily mean that confidential reports and business papers cannot be otherwise accessed under the GIPA Act. Where a council receives a request for access to a confidential business paper under the GIPA Act, it must comply with the provisions of that Act. This means that it must be decided whether there is an overriding public interest against disclosure that outweighs the public interest in favour of disclosure.

Further information about councils' obligations under the GIPA Act is available on the NSW Information and Privacy Commission's website at [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au).



If the council receives a request for access to the confidential valuation and reserve price information after the sale of the land has been completed, the reason for confidentiality (i.e. putting council at a competitive disadvantage at the auction and in any subsequent negotiations with a prospective purchaser) no longer exists. Similarly, the relevant public interest consideration against disclosure for the purposes of the GIPA Act (see part 4 of the table to section 14 of the Act) no longer exists. In such circumstances, the council may be obliged to provide access to the report.

## When must the business papers for items of business considered in closed parts of meetings be made public?

Clauses 14.19 and 20.21 of the Model Meeting Code require general managers to cause business papers for items of business considered during closed parts of council or committee meetings, to be published on the council's website as soon as practicable after the information contained in them ceases to be confidential.

To facilitate compliance with this requirement, councils should routinely review the business papers of items considered in closed meetings to determine whether they have ceased to be confidential.

Before publishing business papers for items of business considered during closed parts of council or committee meetings on the council's website, the general manager must first consult with the council or committee and any other affected persons and provide reasons for why the information has ceased to be confidential<sup>13</sup>.



In the example of the proposed auction of council-owned land, it was suggested above that the valuation and reserve price information could be included in a confidential attachment to the staff report that was not made available to the public.

The council should routinely review confidential business papers to identify whether the information contained in them continues to be confidential. If such a review conducted following the sale of the council land at auction indicated that the information about the

<sup>13</sup> see clauses 14.20 and 20.22 of the 2025 Model Meeting Code

valuation and reserve price ceased to be confidential, the general manager would publish the confidential attachment to the staff report on council's website after consulting with the council or relevant committee and any other affected persons, (e.g. the person who provided the valuation advice and the purchaser).

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## What obligations do council officials have in relation to confidential information considered in closed parts of meetings?

Under the Model Code of Conduct for Local Councils in NSW, all council officials have an obligation to maintain the integrity and security of confidential information in their possession, including confidential business papers. All council officials must:

- protect confidential information
- only release confidential information if they have authority to do so
- only use confidential information for the purpose it is intended to be used
- not use confidential information for the purpose of securing a private benefit for themselves or for any other person
- not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- not disclose any information discussed during a closed part of a council meeting.

It is also an offence under section 664(1A) of the Act to disclose information about a matter that was considered in a meeting that was closed to the public under section 10A.

---

## What happens if a council official inappropriately discloses confidential information about a matter considered in a closed part of a meeting?

Where a council official fails to comply with their obligations in relation to the protection of confidential information they may face disciplinary action. This might include termination of employment for council staff or suspension or disqualification from civic office for a councillor.

A council official may also face prosecution under section 664 of the Act if they disclose information about a matter that was considered in a meeting that was closed to the public under section 10A.

The inappropriate disclosure of such information can also have broader ramifications for the trust and constructive working relationships between staff and councillors so necessary to the effective functioning of a council.

# Appendix A

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## Model best practice rules for public representations on the closure of council and committee meetings

### Introduction

Section 10A(4) of the Act allows a council or a committee of councillors to permit members of the public to make representations to a meeting before the meeting is closed to the public, on whether the meeting should be closed to the public.

OLG has developed these model best practice rules to assist councils to facilitate the making of public representations on the closure of council and committee meetings under section 10A(4). Councils can adapt these rules and include them as supplementary provisions in their adopted code of meeting practice. In doing so, councils will need to amend the clause numbers. The below rules use the same language used in the Model Meeting Code to allow them to be easily incorporated into councils' codes of meeting practice.

### Best practice rules

- 1.1 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed<sup>14</sup>.
- 1.2 A representation made under clause 1.1 is to be made after the motion to close the part of the meeting is moved and seconded.
- 1.3 The council or committee may resolve to close the meeting to the public in accordance with section 10A of the *Local Government Act 1993* to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in that section.
- 1.4 Where the matter has been identified in the agenda of the meeting as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations, members of the public must first make an application to the council in a manner determined by the council.

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<sup>14</sup> Section 10A(4) of the Act

- 1.5 An application under clause 1.4 is to be made to the general manager (or their delegate) in the approved form and must be received by **[date and time to be specified by the council]** before the meeting at which the matter is to be considered.
- 1.6 The general manager (or their delegate) may refuse an application made under clause 1.4. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 1.7 No more than **[number to be specified by the council]** speakers are to be permitted to make representations under clause 1.1.
- 1.8 If more than the permitted number of speakers apply to make representations under clause 1.4, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations, the general manager or their delegate is to determine who will make representations to the council or committee.
- 1.9 The general manager (or their delegate) is to determine the order of speakers. The order of speakers may be redetermined by the chairperson at the meeting.
- 1.10 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 1.1 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **[number to be specified by the council]** speakers to make representations in such order as determined by the chairperson.
- 1.11 Each speaker will be allowed **[number to be specified by the council]** minutes to make representations, and this time limit is to be strictly enforced by the chairperson.
- 1.12 Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Department of Planning, Housing and Infrastructure

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# Livestreaming council and committee meetings and public forums: A Guide

January 2026





## Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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# Introduction

The Local Government (General) Regulation 2021 (the Regulation) and the 2025 Model Code of Meeting Practice for Local Councils in NSW (the 2025 Model Meeting Code) require meetings of the council and committees of councillors and public forums to be livestreamed and require the recordings to be retained on councils' websites.

This Guide has been developed by the Office of Local Government (OLG) to assist councils to comply with these requirements and provides best practice guidance.

This Guide has been issued under section 23A of the *Local Government Act 1993* (the Act). Councils must take it into consideration when livestreaming their meetings and public forums and managing and publishing recordings.

OLG wishes to thank the NSW Information and Privacy Commission, and State Records NSW for their invaluable assistance in developing this Guide.

# Statutory Framework

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## Statutory context

The 2025 Model Meeting Code is prescribed under the Act<sup>1</sup> and the Regulation<sup>2</sup>.

Councils are required to adopt a code of meeting practice that incorporates the mandatory provisions of the 2025 Model Meeting Code<sup>3</sup>. A council's code of meeting practice sets out the rules governing how meetings of the council and committees of the council are to be conducted. Councils are required under the Act<sup>4</sup> to conduct their meetings in accordance with their adopted code.

From 1 January 2026, section 236 of the Regulation requires all councils (including county councils) to broadcast their meetings online by means of an audio-visual device at the same time as the meeting is taking place (i.e. via a livestream). The recording must remain publicly available on the council's website either for 12 months or until the end of the council term, whichever is the later date.

These requirements are reflected in the mandatory provisions of the 2025 Model Meeting Code which councils are required to include in their adopted code of meeting practice. The 2025 Model Meeting Code also applies the requirement to livestream meetings to public forums held before meetings to hear from members of the public on items on the agenda for meetings.

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## What is a livestream?

The 2025 Model Meeting Code<sup>5</sup> defines a livestream as:

*"a video broadcast of a meeting transmitted across the internet concurrently with the meeting".*

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<sup>1</sup> section 360(1) of the Act

<sup>2</sup> section 232 of the Regulation

<sup>3</sup> Section 360(3) of the Act

<sup>4</sup> section 360(5) of the Act

<sup>5</sup> see Definitions, page 45 of the 2025 Model Meeting Code

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## What meetings must be livestreamed?

Under the Regulation<sup>6</sup> and the 2025 Model Meeting Code<sup>7</sup>, the following meetings must be livestreamed on councils' websites:

- all council meetings - i.e. ordinary council meetings and extraordinary council meetings, and
- all meetings of council committees whose members are all councillors. These are referred to in this Guide as "committees of councillors". The requirement to livestream meetings does not apply to meetings of other types of committees, for example, those whose members include council staff or members of the community.

Under the 2025 Model Meeting Code all public forums held prior to council meetings or committees of the council must also be livestreamed<sup>8</sup>

This reflects the principle that, as democratically elected officials, councillors should be accountable to the community that elected them for the decisions they make. Council staff and members of the public who are members of a council committee are not answerable to the public in the same way and therefore are not subject to livestreaming requirements.

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## Must closed meetings be livestreamed?

The Regulation<sup>9</sup> and the 2025 Model Meeting Code do not require parts of a meeting that have been closed to the public under section 10A of the Act to be livestreamed.

More information about what parts of meetings can be closed to the public under section 10A of the Act can be found in the OLG's *Guidelines on the closure of council and committee meetings to the public* at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au).

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## Are joint organisations required to livestream meetings?

Under the Regulation and the 2025 Model Meeting Code, joint organisations are not required to livestream their meetings. However, a joint organisation may choose to do so by resolution<sup>10</sup>.

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<sup>6</sup> section 236 of the Regulation

<sup>7</sup> clause 5.38 of the 2025 Model Meeting Code

<sup>8</sup> clause 4.3 of the 2025 Model Meeting Code

<sup>9</sup> section 236(5)(a) of the Regulation

<sup>10</sup> section 236(5)(b) of the Regulation

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## What platform must meetings be livestreamed on?

The Regulation and the 2025 Model Meeting Code require that a recording of a meeting is to be made publicly available on the council's website at the same time as the meeting is taking place.

A 'council's website' can also include any internet platform on which a council can add or remove content. This could include, for example, third-party platforms such as the council's Facebook page, YouTube channel or other streaming platforms. Where these are used, a link should be provided to them on the council's website.

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## Do people need to know they are being livestreamed?

Livestreaming audio-visual content from a council meeting may pick up any words spoken or gestures, including content that may not be intended for public broadcast or to be kept on the public record.

This means that inappropriate comments or gestures made by a person at a council meeting may be recorded and broadcast to a larger audience. This could increase the potential impact of any breaches of privacy or defamation that occurs.

To manage this risk, the *Surveillance Devices Act 2007* requires that advice be provided to members of the public attending meetings that the meeting is being recorded and made publicly available. The NSW Information and Privacy Commission recommends including a notice on the council's website stating that meetings will be recorded and subsequently published on the council's website for public access.

Consistent with this, the Regulation and the 2025 Model Meeting Code require that the chairperson of a meeting inform the persons attending the meeting that

1. the meeting is being recorded and made publicly available on the council's website
2. persons attending the meeting should refrain from making any defamatory statements<sup>11</sup>.

A person's attendance at the meeting can be taken by the chairperson that the person has agreed to be included in any livestream.

If any person attending a meeting (including a member of the public) does not agree to being livestreamed, they can choose to leave the meeting.

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<sup>11</sup> clause 5.37 of the 2025 Model Meeting Code

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## How long should recordings of meetings be published on a council's website?

The Regulation<sup>12</sup> and the Model Meeting Code<sup>13</sup> require recordings to be made publicly available on council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period.

State Records NSW advises councils to include a statement on their websites advising users of how long the recordings will be available on the council's website.

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## Can a recording be altered before or after it is published on a council's website?

A livestream can be altered after it is recorded to remove any content that is not suitable for public broadcast or that may expose the council to a potential legal liability. Councils can decide how best to edit a recording. It can be simply muting the sound in the recording or removing portions of the recording.

The general manager is responsible for deciding if a livestream is to be altered. Before making such a decision, it may be appropriate for the general manager to seek legal advice and to consult with the mayor and the other councillors.

Councils should include a statement on their website where the recording can be accessed advising users that the livestream has been altered for legal reasons.

Councils should also monitor live broadcasts carefully. If guest participants are involved or the stream is interactive, councils should put in place moderation tools to filter out offensive language, hate speech or unlawful behaviour.

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## When can recordings be disposed of?

Online record keeping for councils is regulated under the *State Records Act 1998* (State Records Act). Consistent with this, the 2025 Model Meeting Code<sup>14</sup> provides that recordings of meetings may be disposed of in accordance with the State Records Act.

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<sup>12</sup> section 236(2)(b) of the Regulation

<sup>13</sup> clause 5.39 of the 2025 Model Meeting Code

<sup>14</sup> clause 5.41 of the 2025 Model Meeting Code

State Records NSW is responsible for authorising how government bodies, including councils, dispose of State records under the State Records Act. The *Functional retention and disposal authority: Local government (FA450)*<sup>15</sup> issued by State Records NSW, identifies livestream recordings as a 'record relating to administrative arrangements for meetings'.

FA450 requires councils to retain webcast recordings until their 'administrative or reference use ceases', after which they can be disposed of. Councils should determine how long recordings may have an administrative or reference use and therefore must be kept after they are removed from the council's website. This includes recordings that may not have been made publicly available (for example, original versions of edited recordings).

Until a recording is destroyed, it is available for access under the *Government Information (Public Access) Act 2009* as it is a record held by council.

State Records NSW's guidance on the disposal of livestream recordings can be accessed via its website at <https://www.nsw.gov.au/nsw-government/recordkeeping/guidance-and-resources/recordkeeping-for-local-government/web-recordkeeping-for-councils>.

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## What happens if there is no livestream available?

Despite a council's best efforts, there may be unavoidable circumstances where a meeting is not able to be livestreamed. For example, there may be a power outage, internet connectivity issues, equipment malfunctions, weather events or human error that result in a meeting not being successfully livestreamed.

If this occurs, councils should advise viewers on their website that the livestream is unavailable for that particular meeting and the reasons why.

Councils should also, as far as practicable, make reasonable efforts to put into place contingency plans to minimise the potential for similar disruptions occurring in the future.

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## Why are councils required to livestream their meetings?

Transparency and accountability are essential prerequisites for good governance, particularly in local government.

As councillors are elected by their communities to make decisions on their behalf, it is important that the community can see this decision-making in action and understand how and why decisions are made.

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<sup>15</sup> Item number 7.3; see [www.records.nsw.gov.au](http://www.records.nsw.gov.au)

Livestreaming of council meetings is an accessible and cost-effective way for people who are unable to physically attend a council meeting to be able to watch and listen to the decision-making process. It also promotes greater community confidence in the integrity of meeting practices, and the conduct of their elected representatives.

Other benefits of livestreaming include:

- it demonstrates a council's commitment to open and transparent decision-making
- it encourages people at council meetings to be accountable for their actions, behaviour and comments
- the ability to view the meeting can assist with the accuracy of minutes and other records
- it provides the opportunity for more people to watch a council meeting
- it provides higher levels of transparency and accountability
- it eliminates geographical and time barriers which may prevent people from attending meetings in person
- it reduces or stops the spread of incorrect information
- it allows people to access source material when needed, and
- communities expect their councils to be accessible online, and livestreaming goes some way towards meeting this expectation.

# Managing Risks

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## What are risks associated with livestreaming?

There always has been, and always will be legal, privacy and copyright risks associated with council meetings.

These risks are largely based on the potential that:

- a person's privacy may be breached through the disclosure or use of their personal information
- a person may make defamatory or inappropriate comments about another person, and/or
- a person may breach copyright.

Livestreaming does not increase the risk of these events occurring, but it could be seen to increase their impact (both on the people involved and the council) given the larger audience the livestream is broadcast to and the potential that it is shared immediately.

However, livestreaming meetings is also likely to motivate both councillors and members of the public who are speaking at council meetings to be on their best behaviour.

Any poor conduct they display will be seen and judged by a wider audience and may impact upon their reputation and standing in the community. It could also be used as evidence in any legal proceedings, code of conduct or OLG investigation that may result.

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## How can councils reduce risks?

There are a number of actions that councils can take to minimise these risks before, during and after meetings to address the consequences of an incident that occurred at a meeting that may leave the council legally exposed. Some specific risk mitigation strategies include:

### **Before the meeting**

- undertaking a privacy impact assessment of the council's livestreaming arrangements (see <https://www.ipc.nsw.gov.au/resources/guide-guide-privacy-impact-assessments-nsw> for guidance on undertaking privacy impact assessments<sup>16</sup>)

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<sup>16</sup> Note: If the use of livestreaming includes some form of AI system there is specific guidance on this which is available at <https://www.ipc.nsw.gov.au/resources/guide-guide-undertaking-privacy-impact-assessments-ai-systems-and-projects>

- ensuring the council has addressed the privacy risks associated with livestreaming meetings in its Privacy Management Plan (see <https://www.ipc.nsw.gov.au/resources/guide-guide-making-privacy-management-plans> for guidance on preparing privacy management plans)
- reviewing council's insurance policies for appropriate protection against liability for meeting risks
- including on council's website terms and conditions regarding the use of livestreams to ensure they are not used to misrepresent, ridicule or cause detriment to another person or for the purposes of satire or advertising<sup>17</sup>
- ensuring any training (including refresher training) given to councillors and staff on council's code of conduct or code of meeting practice includes meeting risks
- if council has a time delay on its livestream, training for any council staff or third parties responsible for livestreaming to ensure they can identify and mute any comments that may present a legal risk from the livestream before they are broadcast<sup>18</sup>
- including written disclaimers in meeting agendas, business papers, 'request to speak' application forms<sup>19</sup>, and on notices displayed at the entrance of the meeting room and in relevant meeting rooms advising attendees that:
  - the meeting is being livestreamed via council's website and a person's image and/or voice may be broadcast
  - a recording of the livestream will be published on the council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period
  - attendance at the meeting is to be taken as consent by a person to their image and/or voice being livestreamed
  - all speakers should refrain from making any defamatory comments or releasing any personal information about another individual without their consent
  - council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings –all liability will rest with the individual who made the comments

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<sup>17</sup> for example, see the NSW Parliament's terms and conditions at [www.parliament.nsw.gov.au/Pages/Copyright--Conditions-of-Use.aspx](http://www.parliament.nsw.gov.au/Pages/Copyright--Conditions-of-Use.aspx)

<sup>18</sup> Note: When engaging a third-party provider for livestreaming, ensure that the council's requirements regarding third-party responsibilities are addressed. This may include contractual arrangements and requirements for handling breaches by the third party. For further guidance on data breaches and contracted service providers, refer to <https://www.ipc.nsw.gov.au/resources/fact-sheet-data-breaches-and-contracted-service-providers>

<sup>19</sup> A request to speak application form must include all necessary requirements around the collection and use of personal information required under the *Privacy and Personal Information Protection Act 1998*

- the meeting must not be livestreamed or recorded by others without the prior written consent of the council in accordance with the council's code of meeting practice<sup>20</sup>. Any person who contravenes or attempts to contravene this requirement may be expelled from the meeting.
- for members of the public who wish to speak at a public forum:
  - obtaining their written consent prior to the public forum to broadcast their voice and/or image in the livestream (individuals who do not consent will be unable to address the public forum)
  - seeking their confirmation prior to the public forum that their address does not include any comments or information that may present a legal risk including defamatory comments or the disclosure of personal information of another person<sup>21</sup>
- putting procedures in place to minimise the showing of any copyrighted documents (for example, architectural plans, drawings, photographs, submissions etc.) in the livestream
- the chairperson or general manager confirming that the livestream has halted when a meeting goes into closed session

#### **During the meeting**

- the chairperson making a verbal statement at the start of the meeting advising attendees that:
  - the meeting is being livestreamed via council's website and a person's image and/or voice may be broadcast
  - attendance at the meeting is to be taken as consent by a person to their image and/or voice being livestreamed (time should be allowed by the chairperson for people to leave the meeting before it starts)
  - all speakers should refrain from making any defamatory comments or releasing any personal information about another individual without their consent
  - council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings –all liability will rest with the individual who made the comments
  - the recording must be published on the council's website for the balance of the council's term or 12 months, whichever is the longer period, and retained as a council record
  - individuals acting in a disorderly manner can be asked by the chairperson to leave the meeting under the council's code of meeting practice

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<sup>20</sup> clause 15.27 of the 2025 Model Meeting Code

<sup>21</sup> The requirements for applications to speak at public forums are outlined in OLG's *Model public forum rules* available at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)

- the meeting must not be recorded by others without the prior written consent of the council in accordance with the council's code of meeting practice<sup>19</sup>
- utilising a time delay to the livestream broadcast feed so that any comments that present a legal risk can be muted from the livestream before it is broadcast
- positioning cameras away from the public gallery and on councillors (where practical) so that members of the public are not in view on the livestream
- positioning microphones away from the public gallery (where practical) so that the personal conversations of members of the public are not included in the webcast.

**After the meeting**

- requiring recordings to be reviewed and authorised for broadcast prior to their availability for on-demand viewing on council's website
- seeking legal advice before publishing any comments that may present a legal risk
- enabling recordings to be edited to remove any comments that may present a legal risk before the recording is made available for on-demand viewing on council's website
- if livestreaming via social media, having a:
  - strong social media policy and/or tight social media terms of use to govern how council's social media can be used by staff and the community in relation to the livestream and recording
  - staff member moderate any comments made in reply to livestream posts on social media in case any comments that present a legal risk are posted by members of the public on the day of the livestream
- retaining an unedited recording of any livestream that contains comments that may present a legal risk for future use in possible code of conduct or legal proceedings
- accompanying recordings with:
  - a written disclaimer limiting liability and
  - instructions that the recording cannot be edited and/or shared in anyway, including on social media, without the prior written consent of the council
- storing recordings appropriately and securely in council's records management system in accordance with legislative requirements and the Information Protection Principles<sup>22</sup>.

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<sup>22</sup> <https://www.ipc.nsw.gov.au/information-protection-principles-ipp-agencies>

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## Do councillors have legal protection?

As with other members of the community, councils and councillors can be sued for defamation for comments made in public forums such as council and committee meetings, in the media and on social media.

Unlike members of Parliament, councillors do not enjoy absolute privilege in relation to what they say at council or committee meetings. Absolute privilege provides complete protection for statements made during parliamentary proceedings meaning that defamation proceedings cannot be brought with respect to such statements.

By contrast, councillors can be sued for defamation in relation to their statements at meetings. They are partially protected from defamation by the defence of 'qualified privilege', but only to enable them to speak freely and publicly in undertaking their duties at meetings. To be protected, any comment or statement a councillor makes at a meeting must be relevant to the council business, made in good faith and without malice.

Section 731 of the Act provides councillors with a level of protection from civil liability, including in relation to defamation, for undertaking council-related and council-endorsed activities as a councillor. Protection from civil liability is only provided where a councillor's actions are undertaken in good faith and for purposes related to council activities.

This protection against civil liability is given effect under council's councillor and expenses and facilities policies adopted under section 252 of the Act which allow councils to meet councillors' legal costs in defending proceedings in certain circumstances.

Consistent with section 731 of the Act, OLG's *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW*<sup>23</sup> state that councils' councillor expenses and facilities policies should only allow reasonable legal expenses to be reimbursed to councillors for defending an action in defamation, provided the outcome of the legal proceedings is favourable to the councillors. It is not permissible for councils to meet the cost of defamation proceeding initiated by councillors for seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

For more information, refer to *Free speech for local government in NSW: A guideline* on OLG's website<sup>24</sup>.

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<sup>23</sup> <https://www.olg.nsw.gov.au/wp-content/uploads/Guidelines-for-the-payment-of-expenses-and-the-provision-of-facilities-for-Mayors-and-Councillors-in-NSW-2009.pdf>

<sup>24</sup> <https://www.olg.nsw.gov.au/wp-content/uploads/2025/06/Free-speech-guidelines.pdf>

# Implementation

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## Checklist for councils

### Planning and procedures

- Establish robust procedures and checklists to ensure livestreaming goes smoothly.
- Develop contingency plans for recording meetings during outages and technical failures.
- If using a third-party provider to conduct livestreaming, ensure they also manage and maintain the equipment to support reliable updates and servicing.
- When engaging a third-party provider for livestreaming, ensure that the council's requirements regarding third-party responsibilities are addressed. This may include contractual arrangements and requirements for handling breaches by the third party. For further guidance on data breaches and contracted service providers, refer to <https://www.ipc.nsw.gov.au/resources/fact-sheet-data-breaches-and-contracted-service-providers>.

### Equipment and setup

- Use a fixed-position wide-angle camera that provides a clear image and accommodates the room's lighting conditions.
- Avoid pointing the camera at the public gallery unless necessary.
- Prefer 'push-to-talk' microphones to ensure speaker clarity and prevent overlapping speech.
- Avoid 'voice-activated' microphones, which may inadvertently broadcast private remarks.
- If council's WiFi is unreliable, consider hard-wired/fixed microphones that do not rely on internet connectivity.
- Check the acoustics of the meeting venue to confirm they are suitable.
- Ensure there is a good audio signal if council is going to rely on recording the audio externally (e.g. via a mobile phone or handycam).

- Conduct regular sound and video checks if the recording equipment is also used by others to record other meetings.
- Ensure any notices are clearly displayed at entrance of the meeting room and in the meeting room itself.

**Streaming platform and accessibility**

- Select a streaming platform that matches the bandwidth and resolution.
- If using a third-party platform, embed the video player on a dedicated page of the council's website (e.g. "Live Council Meetings")
- Ensure accessibility features such as autogenerated captions, screen reader compatibility and mobile-friendly layouts are enabled on the livestream page.

**Communication**

- Provide clear instructions for the public on how to watch live meetings and access past recordings.
- Promote livestreaming through multiple channels including council newsletters, websites, and social media to maximise public awareness.

**Department of Planning, Housing and Infrastructure**

Office of Local Government

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# Model public forum rules

January 2026





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The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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## Introduction

The 2025 Model Code of Meeting Practice for Local Councils in NSW (the 2025 Model Meeting Code) prescribes mandatory provisions for public forums. These permit councils to hold public forums prior to their meetings to hear oral submissions from members of the public on items of business to be considered at the meeting.

Public forums are a valuable way of giving members of the public an opportunity to provide input into council decision-making at meetings. However, they should not be the only means available to members of the public to engage with the council or operate in a way that displaces deliberation and decision making by the elected councillors at meetings.

Councils are free to determine the rules under which public forums are to be conducted and when they are to be held, subject to the requirement that they are held before meetings.

The Office of Local Government (OLG) has developed these model best practice public forum rules to assist councils in the administration of public forums.

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## Key considerations

The best practice public forum rules developed by OLG have been informed by the following considerations:

- Councils are required under section 402A of the *Local Government Act 1993* (the Act) to have a comprehensive community engagement strategy in place to ensure that the views of affected persons and (where relevant) the community as a whole are considered in council decision-making. Public forums at council and committee meetings are not an appropriate substitute for effective community consultation and engagement. Councils also need to be mindful that the views expressed at public forums will not necessarily be representative of the views of other affected parties or the broader community.
- Public forums should operate as an input into council decision-making at meetings. This means that they should be focussed on the matters under consideration at a council or committee meeting and not permit free ranging discussion of other matters that are not being dealt with at the meeting.

- In the interests of ensuring informed decision-making, there should be a gap between the public forum and the meeting to allow councillors the time to properly consider matters raised at the public forum and, if necessary, to seek further information from staff before being required to make a decision on those matters.
- Council and committee meetings should operate as a forum for debate and decision-making by the community's elected representatives. Public forums should not operate in a way that displaces this as the principal purpose of council and committee meetings nor operate as a platform for others to participate in debate with elected officials on matters under consideration at a meeting.
- Participation in a public forum is a privilege not a right. It should be within the discretion of a council to withdraw this privilege where a person fails to respect meeting rules or engages in disorderly conduct.

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## Best Practice Public Forum Rules



Councils can adapt these rules to develop a standalone policy or include them as supplementary provisions in their adopted code of meeting practice.

### 1 General

- 1.1 A public forum may be held prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting<sup>1</sup>.
- 1.2 Public forums may also be held prior to meetings of committees of the council<sup>2</sup>.
- 1.3 Public forums are to be chaired by the mayor or their nominee.

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<sup>1</sup> clause 4.1 of the 2025 Model Meeting Code

<sup>2</sup> Under the 2025 Model Meeting Code, a "committee of the council" is a committee that consists only of councillors

## 2 Application to speak

- 2.1 To speak at a public forum, a person must first make a written application to the council in the approved form<sup>3</sup>.
  - 2.2 Applications to speak at the public forum must be received by [***date and time to be specified by the council***] before the date on which the public forum is to be held
  - 2.3 Applications to speak must identify the item of business on the agenda of the meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
  - 2.4 A person may apply to speak on no more than [***number to be specified by the council***] items of business on the agenda of the meeting.
  - 2.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 

## 3 Refusal of applications

- 3.1 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 

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<sup>3</sup> An application form must comply with requirements relating to the collection and use of personal information under the *Privacy and Personal Information Protection Act 1998*

## 4 Limit on number of speakers

- 4.1 No more than **[number to be specified by the council]** speakers are to be permitted to speak per public forum, with no more than **[number to be specified by the council]** 'for' and no more than **[number to be specified by the council]** 'against' each item of business on the agenda for the meeting.
  - 4.2 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the public forum on the item of business. If the speakers are not able to agree on whom to nominate to address the public forum, the general manager or their delegate is to determine who will address the public forum.
  - 4.3 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
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## 5 Submission of supporting materials

- 5.1 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address at the public forum, and to identify any equipment needs no more than **[number to be specified by the council]** days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
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## 6 Order of speakers

- 6.1 The general manager or their delegate is to determine the order of speakers at the public forum. The order of speakers may be redetermined by the chairperson at the public forum.

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## 7 Speakers

- 7.1 Each speaker will be allowed [*number to be specified by the council*] minutes to address the public forum. This time is to be strictly enforced by the chairperson.
- 7.2 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the public forum on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

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## 8 Questions

- 8.1 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 8.2 Speakers are under no obligation to answer a question put to them. Answers by the speaker, to each question are to be limited to [*number to be specified by the council*] minutes.
- 8.3 Speakers at public forums cannot ask questions of the council, councillors, or council staff.
- 8.4 The general manager or their nominee may, with the concurrence of the chairperson, address the public forum for up to [*number to be specified by the council*] minutes in response to an address at a public forum after the address and any subsequent questions and answers have been finalised.

- 8.5 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
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## 9 Conduct at public forums

- 9.1 When addressing the public forum, speakers must refrain from engaging in disorderly or disrespectful conduct or making statements that impute improper motives to or unfavourably personally reflects upon anyone, or that are potentially defamatory.
- 9.2 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 9.1, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 9.3 Where a speaker engages in conduct of the type referred to in clause 9.1, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
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## 10 Conflict of interest

- 10.1 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting.
- 10.2 The council is to maintain a written record of all conflict-of-interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration meeting.
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## 11 Livestreaming of public forums

- 11.1 Public forums must be livestreamed<sup>4</sup> via the council's website or a link published on the council's website.
- 11.2 The chairperson must inform persons attending the public forum that:
- (a) the public forum is being recorded and livestreamed via the council's website, and
  - (b) person attending the public forum should refrain from making defamatory statements.
- 11.3 When applying to address the public forum, a person must provide their consent to broadcast their voice and image in the livestream and confirm that their address will not include any comments or information that may present legal risk.
- 11.4 A person's attendance at the public forum is to be taken by the chairperson that the person has agreed to be included in any livestream.
- 11.5 The recording of a public forum is to be made publicly available on the council's website for at least 12 months after the forum or for the balance of the council's term, whichever is the longer period<sup>5</sup>.

**Note:** For best practice guidance on livestreaming public forums, refer to OLG's *Livestreaming council and committee meetings and public forums: A Guide* available at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au).

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<sup>4</sup> clause 4.3 of the 2025 Model Meeting Code

<sup>5</sup> clause 5.39 of the 2025 Model Meeting Code

## 2025 Model Meeting Code - FAQ

### Implementation of the 2025 Model Meeting Code

#### 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

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- o **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

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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

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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.

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- 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

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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,

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- 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.