
Code of Meeting Practice

Responsible Officer: Group Manager People and Performance (Helen McNeil)

Recommendation

That Council:

1. Revoke the Code of Meeting Practice dated 19 June 2019 and any other document revived as a result of the revocation; and
2. Adopt the revised Code of Meeting Practice ([Attachment 1](#)).

Background

At its meeting on 15 June 2022, Council resolved to:

3. *Publicly exhibit the revised Code of Meeting Practice as **attached** for a period of 28 days and invite submissions on the same for a period of 42 days, concurrently, and:*
 - (a) *Should no submissions be received, the existing Code of Meeting Practice is revoked and the revised Code of Meeting Practice is adopted; or*
 - (b) *Should any submission be received, those submissions be considered by Council at its next meeting prior to revoking the existing Code of Meeting Practice and adopting the revised Code of Meeting Practice.*

A copy of the original Council report is provided at [Attachment 2](#).

Notice of the revised Code of Meeting Practice ('CoMP') was uploaded to Council's website on 16 June 2022. The 42-day period for the making of public submissions concluded on 28 July 2022.

On 27 July 2022, a submission in relation to the revised Code of Meeting Practice was received from the Ballina Environment Society ('BES') – see copy at [Attachment 3](#).

Staff comment

The submission received from the BES seeks an amendment to the revised Code of Meeting Practice to specify that the right to speak in support of a motion cannot be 'reserved' by the mover and must occur before debate commences or be waived completely.

The mandatory provisions of the Model Code of Meeting Practice issued by the Office of Local Government, which Council is obliged to adopt,¹ convey the following rights on the mover of the original motion:

- A right of general reply to all observations made during the debate before the motion, or amendment, is finally put – see clause 10.20 CoMP; and
- To speak more than once on the motion and each amendment to it – see clause 10.21 CoMP.

Other than the general right of reply, which is exercised "*at the conclusion of the debate before the motion (whether amended or not) is finally put*"², the mandatory provisions do not prescribe when the other right (or first right) of the original mover to speak to the motion arises.

¹ See section [360\(3\) Local Government Act 1993](#) (NSW)

² Clause 10.20 Model Code of Meeting Practice

In other words, as the CoMP currently stands, the mover of the original motion or amendment is not obliged to speak in support of the motion before debate commences.

While additional provisions may be incorporated into a council's CoMP, these cannot be inconsistent with the mandatory provisions.³

The amendment sought in the BES submission would have the effect of restricting the right conferred on the mover of the motion, so that if it is not exercised before debate commences it is lost altogether.

This is considered inconsistent with the mandatory provisions, which intend to confer a broad, rather than limited, right to speak in support of the motion on the mover. For these reasons, the amendment sought by the BES is not supported at this time.

Finance

Refer to 'finance' section of Attachment 2.

Legal

Contained in the body of the report.

Consultation

Public submissions on the revised Code of Meeting Practice were invited between 16 June 2022 and 28 July 2022, inclusive. Notice of the public exhibit of the revised Code of Meeting Practice was provided via Council's website and Facebook account.

As the amendment sought by the BES would impact a mandatory provision of the CoMP, verbal advice was sought and obtained from the Office of Local Government which confirmed the staff position outlined above.

Note - the Office of Local Government is the appropriate body to petition for a change to the mandatory provisions of the Model CoMP.

Conclusion

Council having undertaken the requisite public consultation of its revised CoMP and considered the single public submission received, should proceed to adopt the revised CoMP without amendment, as publicly exhibited.

Attachment

1. Revised Code of Meeting Practice (for **adoption**) (ATTACHMENT)
2. 15 June 2022 Council report – Revised Code of Conduct, Code of Conduct Procedures, and Code of Meeting Practice (**available via website**): <file:///C:/Users/nsmith/Downloads/rous-meeting-agenda-15-june-2022.pdf>
3. Submission received via email on 27 June 2022 at 3:24pm from Ballina Environment Society (ATTACHMENT)
4. [Code of Meeting Practice dated 19 June 2019](#) (for **revocation**) (via website).

³ Section 360(4) Ibid.