

Attachment A

**Office of Local Government Advice –
Meeting Code Disallowance Implications**

From: Amanda Beaumont <[REDACTED]> on behalf of Brett Whitworth
[REDACTED]

Sent: Thursday, May 28, 2026 7:05 am

Subject: Meeting Code disallowance implications

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Dear General Manager,

I am writing to inform you that the Local Government (General) Amendment (Model Code of Meeting Practice) Regulation 2025 (**Amendment Regulation**) which prescribed the 2025 Model Code of Meeting Practice for Local Councils in NSW (**2025 Model Meeting Code**) has been disallowed by the Legislative Council.

The decision by the Legislative Council to disallow the regulation raises two immediate issues: under what meeting code will the councils operate and, whether the Government will be progressing another regulation for the purposes of prescribing an updated meeting code.

The practical implications of the disallowance

Under section 41(4) of the *Interpretation Act 1987*, if a regulation ceases to have effect because of its disallowance, and the regulation amended a regulation that was in force immediately before the amending regulation took effect, the disallowance of the amending regulation has the effect of restoring or reviving the previous regulation as of the day of its disallowance.

The disallowance of the Amendment Regulation therefore means that the 2025 Model Meeting Code is no longer prescribed for the purposes of section 360 of the *Local Government Act 1993* (**LG Act**) and the previous 2021 version of the Model Meeting Code now becomes the prescribed version.

Under section 360 of the LG Act, councils' adopted codes of meeting practice must not contain provisions that are inconsistent with the mandatory provisions of the prescribed Model Meeting Code. This means that provisions of your council's adopted code of meeting practice based on the now disallowed 2025 Model Meeting Code that are inconsistent with the mandatory provisions of the previous 2021 Model Meeting Code are no longer permissible.

The disallowance of the 2025 Model Meeting Code also means that mandatory provisions of that Code that were not mandated in the previous 2021 Model Meeting Code, are no longer mandatory.

Actions councils should be considering at their next meeting

To minimise confusion about the applicable rules at future meetings and to ensure compliance with section 360 of the LG Act, as the first item of business at the next meeting, your council should rescind its resolution adopting the 2025 Model Meeting Code. This will have the effect of reinstating your council's previous adopted code of meeting practice containing the mandatory provisions of the 2021 Model Meeting Code. Because more than 3 months have passed since your council adopted its current meeting code, the signatures of 3 councillors are not required to rescind the resolution adopting the code.

Meetings of the council and committees comprising only of councillors should be conducted in accordance with the reinstated version of council's meeting code until such time as it is amended.

The disallowance of the Amendment Regulation does not prevent councils from including supplementary provisions in the reinstated version of their previous meeting code based on the provisions of the 2025 Model Meeting Code, provided they are not inconsistent with the mandatory provisions of the 2021 Model Meeting Code. If your council wishes to make amendments to the reinstated version of its previous meeting code, it will be required to prepare and exhibit a draft code in accordance with section 361 of the LG Act.

Next steps for the Government

The Government had been examining the feedback received from Dr Cohn MLC, the Country Mayors Association and Local Government NSW on the Model Meeting Code, with quite advanced drafting on an updated code. This work will be completed shortly.

Formal advice on a new code will be shared with you when the drafting is complete. In the interim, please share a copy of this email with the Mayor and councillors and your governance staff.

If you or your staff require further information or guidance, please feel free to contact the Office of Local Government's Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

Kind Regards,

Brett Whitworth PSM
Deputy Secretary
Local Government

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