



BOGAN SHIRE COUNCIL

Late Report Ordinary Business Paper

28 May 2026

**Business not included in Council's Business Paper
proposed to be considered at Council Meeting – 28 May 2026**

Notes

Section 241 of the Local Government Regulations states that a Council must not transact business at a meeting unless due notice of the business has been given to all Councillors in writing at least 3 days before each meeting (Section 367 of the Local Government Act). A longer period may be determined by resolution of Council.

This provision does not apply in certain circumstances including when:

The business is a matter or topic put to the meeting by the chairperson who is entitled, by minute signed by the chairperson, to put to the meeting without notice any matter or topic that is within the jurisdiction of the council or of which the council has official knowledge.

Business may also be transacted by the Council if:

A motion is passed to have the business transacted at the meeting, and the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

	Item Description	Justification for inclusion
1	Code of Meeting Practice	Information received after preparation of Business Paper.

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 28 May 2026**

REPORT TO ORDINARY MEETING OF COUNCIL – GENERAL MANAGER'S REPORT

1 CODE OF MEETING PRACTICE

1.1 Introduction

The purpose of this report is to recommend to Council, in keeping with direction from the NSW Office of Local Government, that the resolution to adopt the current Bogan Shire Council Code of Meeting Practice be rescinded.

1.2 Background

At its meeting on 18 December 2025 Bogan Shire Council adopted a new Code of Meeting Practice in accordance with the NSW Government's Model Code of Meeting Practice.

Council has today (28 May 2026), been advised 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.

1.3 Discussion

Direction from the Office of Local Government, contained in the attached letter, means that Council should, as the first item of business at its next meeting, rescind its resolution adopting the 2025 Model Meeting Code. This will have the effect of reinstating Council's previous adopted code of meeting practice containing the mandatory provisions of the 2021 Model Meeting Code. (Attachment 3 refers).

Also attached is correspondence from Dr Amanda Cohn, Member of the NSW Legislative Council, and Mayor Darcy Byrne President LG NSW

1.4 Attachment

1. Email from Dr Amanda Cohn, Member of the NSW Legislative Council
2. Email from Mayor Darcy Byrne, President LG NSW
3. Email from Deputy Secretary Local Government

1.5 Recommendation

That Council rescind resolution 298/2025 adopting the Bogan Shire Council Code of Meeting Practice, thereby reinstating Council's previous Code of Meeting Practice.

Attachment 1. Email from Dr Amanda Cohn, Member of the NSW Legislative Council



Dr Amanda Cohn
Member of the NSW Legislative Council

26th May 2026

Dear Mayor and Councillors,

Re: Disallowance of the Local Government (General) Amendment (Model Code of Meeting Practice) Regulation 2025

It is very clear from what I have heard from the local government sector that the new Model Code is not fit for purpose. Amongst the myriad of issues that have been raised with me, the most salient are that the limitations on participation in meetings by audiovisual link are too restrictive, and that the requirements for public forums and attempted ban on private briefings have had unintended consequences.

I moved a motion in the Legislative Council on the 25th of November 2025 seeking to disallow the regulation underpinning the new Model Code of Meeting Practice for councils.

[You can read the debate here](#) and [here](#) (it was truncated by Question Time).

In response to my motion, and its majority support from the Opposition and Crossbench, the government indicated that it preferred to amend the Model Code to address these issues, rather than have the regulation disallowed entirely. To avoid creating uncertainty for councils about the status of their codes of meeting practice, and to avoid disallowing the parts of the regulation that the Greens do support, I accordingly deferred the vote on the disallowance.

Despite a subsequent constructive meeting with Minister Hoenig as well as follow up correspondence, six months has now passed without any amendment to the Model Code to address these issues. It is extremely disappointing that responding to feedback from the local government sector on this matter, and amending the Model Code accordingly has not been a priority for the Minister.

The regulation is expected to be disallowed today. I'm writing because it's so important for you to be immediately and directly informed.

If you have any questions or concerns about the rationale behind the disallowance, or its effect, please do not hesitate to reach out to my office.

Kind regards,

Dr Amanda Cohn BA BMed MD MPH MIPH FRACGP
Member of the NSW Legislative Council
Greens spokesperson for Local Government
Former Deputy Mayor of Albury

Office of Dr Amanda Cohn MLC

02 9230 2566 | amanda.cohn@parliament.nsw.gov.au
6 Macquarie St, Gadigal Land, Sydney NSW 2000

Attachment 2. Email from Mayor Darcy Byrne, President LG NSW

From: Local Government NSW <communications@lgnsw.org.au>

Sent: Thursday, 28 May 2026 10:51 AM

To: Derek Francis <[REDACTED]>

Subject: IMPORTANT MESSAGE: Model Code of Meeting Practice

Important Message: Model Code of Meeting Practice

Following this week's disallowance in Parliament of the Model Code of Meeting Practice, LGNSW is calling on the Government to provide clear guidance and direction as to how councils need to proceed with their meeting arrangements.

As we have asserted from the beginning, the new Model Code implemented in January had a number of flaws, including the ban on briefings by council staff and the prohibition on Councillors attending meetings via audio visual link, particularly in circumstances beyond their control.

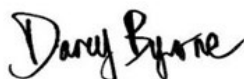
The reality is there is not a systemic problem with secretiveness in councils. Briefings from council staff are an integral part of councillors gathering information and performing their role under the Local Government Act.

While the Model Code was flawed, the disallowance in the Legislative Council on Tuesday night has resulted in widespread confusion and uncertainty for Mayors, Councillors and staff.

Every council in NSW will be adopting a budget over the next month and it's crucial that they hold their meetings in an orderly and lawful fashion. We need certainty and guidance from the Office of Local Government about how to do so.

If a new Regulation is now brought forward by the Minister, it must be done in close consultation with the Local Government sector and it needs to be workable and practical. It's important that the Government actually listen to the voice of Councillors on this matter.

Yours sincerely,



Mayor Darcy Byrne

President

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Local Government NSW
Level 8, 28 Margaret Street
Sydney NSW 2000
lgnsw.org.au

Attachment 3. Email from Deputy Secretary Local Government

From: Amanda Beaumont <[REDACTED]> **On Behalf Of** Brett Whitworth
To: Derek Francis
Sent: Thursday, May 28, 2026 9:05 AM
Subject: Meeting Code disallowance implications

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

Office of Local Government
Department of Planning, Housing and Infrastructure

T [REDACTED] | M [REDACTED] | E [REDACTED]

[REDACTED], NOWRA NSW 2541

www.olg.nsw.gov.au



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.