



BALRANALD SHIRE COUNCIL

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20 February 2025

The Hon. Ron Hoenig MP
Minister for Local Government
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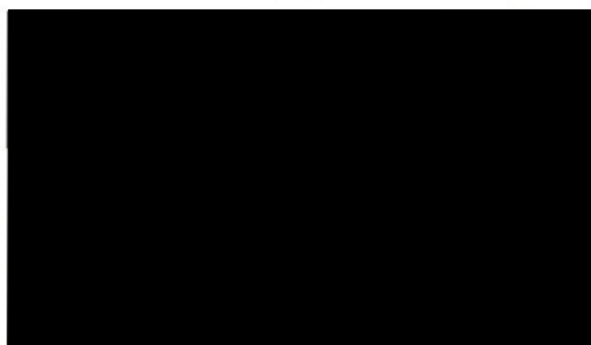
Dear Minister

Re: Draft Model Code of Meeting Practice.

At its meeting of 18 February 2025, Balranald Shire Council resolved to make the attached submission on the draft Code of Meeting Practice (CoMP).

Councillors were in support of the fundamental objectives of the changes to the model CoMP but believed that some of the proposed changes didn't match the objectives or were not practical, particularly for a small Council in the far southwest of the State.

If you would like any further clarification on the matters raised in the submission, please do not hesitate to contact me on [REDACTED]





Balranald Shire Council Submission

Consultation of the Code of Meeting Practice

Introduction

Balranald Shire Council acknowledges the need to modernise the Code of Meeting Practice and fully supports the objectives of the currently proposed changes, namely:

- promoting transparency, integrity and public participation
- promoting the dignity of the council chamber
- depoliticising the role of the general manager
- simplifying the Model Meeting Code.

Council also supports many of the draft changes but is concerned that a few appear to be inconsistent with the desired outcomes or are contradictory to other obligations of Council.

A primary concern is that the changes allow motions to be considered without adequate information, particularly the financial impacts of any proposed motion.

It is also noted that in several areas, detail process is deleted from the CoMP and replaced by phrases such as “as determined by Council”. It is acknowledged that this streamlines the CoMP but does obligate the Council to develop one or more additional policies.

Council therefore wishes to respectfully make the following observations, which need to be read in conjunction with the consultation draft CoMP.

Comments

Part 2 Meeting Principles

Council fully supports the meeting principles as outlined in **Clause 2.1** but believes some of the other draft changes contradict these, particularly the principle the decisions are made based on relevant, quality information. The specific changes that impact this are discussed in further detail below.

Part 3 Before the Meeting

The current **Clauses 3.12 and 3.13** ensure that decisions arising from notices of motion are based on relevant quality information. Council acknowledges that the removal of these two clauses addresses the desired outcome of “depoliticising the role of the general manager” but it potentially allows for expenditure decisions to be made without a full understanding of their implications. It would also undermine one of the key roles of a general manager, namely, to ensure that Councillors are fully informed on a matter prior to making a decision.

The current **Clause 3.15** prevents councillors from submitting a question with notice that comprises a complaint against, or implies wrongdoing by, the general manager or a member of staff. Its proposed removal could be interpreted as allowing such complaints or implications of wrongdoing, which would be contrary to the Code of Conduct.



Council is also disappointed at the removal of **briefing sessions**, which seems to be a reversal of previous OLG advice that briefing sessions were positive way to ensure that Councillors are fully informed. Council acknowledges that some Councils may have abused the process but eliminating it for all Councils again potentially means that not all Councillors are fully informed on the matters that will be before Council at its next meeting.

Part 5 Coming Together

The proposed change to **Clause 5.6** seems to make no actual change in outcome.

It is suggested that the proposed **Clause 5.19** be changed to offer greater clarity regarding disability being a valid reason for non-attendance.

Roads in in far southwest NSW can be closed after relatively little rain so being “flooded in” is a real possibility. Further, some Councillors need to make a 300+km round-trip to attend a Council meeting which at night can be difficult given the wildlife and feral animals present in the region. It is therefore suggested that consideration be given to allowing transport difficulties as another reason that may prevent Councillors from attending a Council meeting.

Councillors were also concerned as to what evidence they need to consider when a Councillor requests leave to attend by audio-visual link, particularly if the request covers multiple meetings, or is repeatedly requested. Some Councillors noted in workplaces a medical certificate would be needed for more than, say, two days leave.

Clause 5.27 (currently 5.26) has not had the same modification as clause 5.6.

The proposed changes to the current **Clause 5.43** (draft 5.44) are not consistent with the restriction on Council’s ability to direct staff other than general manager nor with the spirit of the Councillor and Staff Interaction Policy in which the general manager lists the staff that Councillors may interact with.

The deletion of the current **Clause 5.4** is unfairly limiting on Council staff who may face the same issues as Councillors, including transport difficulties.

Part 7 Modes of Address

The proposed **Clause 7.1** is considered antiquated and unnecessary.

Part 9 Consideration of Business at a Council Meeting

The proposed **Clause 9.7** allows a Mayor to move a Mayoral Minute that is outside a Council’s jurisdiction and of which the other councillors have no knowledge. This is at odds with the principles of transparent and informed decisions. The deletion of the current **Clauses 9.9 and 9.10** compound Council’s concern.

The proposed **Clause 9.17** removes the word “respectively, which seems contrary to the objective of seeking to restore dignity to the council chamber.

Part 10 Rules of Debate

The removal of the current **Clause 10.9** allows for motions that have a financial impact being considered even though a source of funds has not been identified.



Part 11 Voting

The proposed **Clause 11.11** makes the proposed Clause 11.15 redundant.

Part 15 Keeping Order at Meetings

In the proposed **Clause 15.13** the words “the chairperson may require” should be changed to “the chairperson will require”. If it remains “may” it allows the chairperson to choose which Councillors they ask at each subsequent Council meeting.

