

APRIL 30, 2025

**ORDINARY MEETING OF THE COUNCIL MEETING
TO BE HELD
WEDNESDAY, APRIL 30, 2025**

SUPPLEMENTARY AGENDA NO. 1

**JAY NANKIVELL
GENERAL MANAGER**

MAYORAL MINUTES

1. MAYORAL MINUTE NO. 4/25 - DATED APRIL 30, 2025 - WESTERN
DIVISION COUNCILS OF NSW (D25/18723) 3

ORDINARY MEETING OF THE COUNCIL

April 30, 2025

ITEM 1MAYORAL MINUTE NO. 4/25SUBJECT: WESTERN DIVISION COUNCILS OF NSW D25/18723**Summary**

The Western Division Councils of NSW was first formed on 21 October 1960 to bring representatives of Councils within the Western Division region of NSW together to form an association to function within the organisation of the Shires Association of NSW.

The Western Division Councils of NSW (WDC) has remained operational since this date, notwithstanding that the Shires Association of NSW and the NSW Local Government Association amalgamated on 1 March 2013 to become one association known as Local Government NSW (or LGNSW), and therefore the WDC no longer operates as part of the Shires Association of NSW, and as such there is no requirement for member Councils to be a financial member of LGNSW.

The objectives within the WDC's Constitution are:

- (i) *To identify and consider the needs of Local Government and of the communities within the Western Division and making known those needs together with potential solutions to the Commonwealth and New South Wales Governments.*
- (ii) *To submit to such governments requests for financial assistance, policy changes and additional resources for the region or member councils, individually or collectively.*
- (iii) *To strengthen the role of Local Government in regional affairs, particularly where the region may be adversely affected by the Commonwealth or New South Wales Government policy, guidelines, legislation and regulations.*
- (iv) *To encourage the councils within the region to work together and cooperate on projects of joint interest.*
- (v) *To advance the interests of the region and work for the economic and social development of the region.*
- (vi) *To encourage closer coordination among Local, State and Commonwealth Governments for the promotion and benefit of the region.*
- (vii) *To investigate opportunities and to share resources, skills, knowledge and procurement for the betterment of our individual Councils and communities.*
- (viii) *To respect the operational autonomy of each Local Government Council and their Local Government Area.*

The WDC hold a mid-year meeting and a Conference annually, with member Councils submitting motions and items of business that relate to the objectives of WDC, for endorsement for advocacy by the Association on behalf of its member Councils.

Membership of the WDC as per clause 3 of their Constitution includes:

- *Balranald Shire Council*
- *Bourke Shire Council*
- *Broken Hill City Council*
- *Central Darling Shire Council*
- *Cobar Shire Council*
- *Walgett Shire Council*
- *Wentworth Shire Council*

With Associate members:

- *Tibooburra Village Committee*
- *Silverton Village Committee*

Clause 3 of the Constitution currently states that:

“All members of the Western Division Councils shall be financial members of Local Government NSW. Requests by other Councils to join Western Division shall be considered at the first meeting following the receipt of any application to join and shall require approval of seventy five percent of all members present.”

Due to Council's withdrawal of membership of Local Government NSW, Council's membership of the WDC lapsed (as per the above clause 3 of the WDC Constitution). Council was an active member of the WDC, with the Late Councillor Dave Gallagher occupying the executive position of Chairperson over recent years, before his passing.

Council's General Manager has been contacted by the Administrator of Central Darling Shire Council, Mr Bob Stewart, and discussions were held regarding Council's position given that Council is no longer a financial member of Local Government NSW, and the need for the WDC to elect a new Chairperson due to the passing of Councillor Gallagher. Further conversations have occurred with the General Manager of Cobar, given the only remaining Officer Bearer is Mayor Jarrod Marsden of Cobar Shire Council for a special meeting to be called. The WDC Constitution's objectives were also discussed and that the membership clause within the Constitution should have been reviewed as part of the constitutional review that occurred at the 2021 AGM, due to the amalgamation of the NSW Local Government Association and the Shires Association of NSW occurring in previous years.

Given that Broken Hill is the largest City in the region, and the importance of the work of WDC as an advocacy body for regional Councils, myself and other members of WDC feel it is imperative that Broken Hill be represented at WDC. It has been suggested that the Constitution of WDC should be reviewed to allow all Councils of the region to hold membership, irrespective of their LGNSW membership status.

Attached is a copy of the current WDA Constitution.

Recommendation

1. That Mayoral Minute No. 4/25 dated April 30, 2025, be received.

2. That Council sends correspondence to the member Councils of the Western Division Councils of NSW requesting that they write to the remaining Officer Bearer, Mayor Jarred Marsden of Cobar Shire Council to request that a Special Meeting of the Association be held to elect a new Chairperson due to the passing of the Late Councillor Dave Gallagher; and that the correspondence also requests consideration of amendment of clause 3 of the Association's Constitution to allow for non-financial member Councils of LGNSW to join the Western Division Councils of NSW.

Attachments

1. [↓](#) Constitution - Western Division Councils of NSW

T. KENNEDY
MAYOR



Western Division Councils of NSW

CONSTITUTION

Reviewed May 2017

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WESTERN DIVISION COUNCILS OF NSW

History

1. The name of the organisation is the Western Division Councils of NSW

It was resolved at a meeting held at the RSL Hall, Hillston on Friday 21 October, 1960, of representatives of Shire Councils wholly or partly within the Western Division of the State of New South Wales to form an Association designated The Western Division Group of the Shires Association of New South Wales, to function within the organisation of the Shires Association of New South Wales.

A review of the rules of the Association and a shortening of the name was conducted and adopted at the Annual Conference on March 1, 2010.

Objects

2. Objectives of the Association –

- (i) To identify and consider the needs of Local Governments and of the communities within the Western Division and making known those needs together with potential solutions to the Commonwealth and New South Wales Governments.
- (ii) To submit to such governments requests for financial assistance, policy changes and additional resources for the region or member councils, individually or collectively.
- (iii) To strengthen the role of Local Government in regional affairs, particularly where the region may be adversely affected by the Commonwealth or New South Wales Government policy, guidelines, legislation and regulations.
- (iv) To encourage the councils within the region to work together and co-operate on projects of joint interest.
- (v) To advance the interests of the region and work for the economic and social development of the Region.
- (vi) To encourage closer co-ordination among Local, State and Commonwealth Governments for the promotion and benefit of the region.
- (vii) To investigate opportunities and to share resources, skills, knowledge and procurement for the betterment of our individual Councils and communities.
- (viii) To respect the operational autonomy of each Local Government Council and their Area.

Members

3. (i) The Association shall consist of the following member councils: –

WESTERN DIVISION COUNCILS OF NSW

- Balranald
- Bourke Shire Council
- Broken Hill
- Central Darling
- Cobar Shire Council

Western Division Councils of NSW Constitution

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- Walgett Shire Council
- Wentworth

Associates Tibooburra Village Committee
 Silverton Village Committee

All Member of the Western Division Councils shall be financial members of Local Government NSW.

Requests by other Councils to join Western Division shall be considered at the first meeting following the receipt of any application to join and shall require approval of seventy five percent of all members present.

Representation

4. Each member council will be represented by two (2) delegates who are entitled to one vote each..
 5. Associate members are entitled to one (1) voting delegate
- 5 Delegates shall be appointed by the Member Councils and notified to the Executive Officer
6. Where an appointed delegate of a council is unable to attend a meeting of the association, the council may be represented by an alternate delegate appointed by the member council..
 7. The General Manager or his nominee shall be entitled to be a representative and to vote where there are not (2) Councillors available
 8. Where there is only the one delegate in attendance the Council shall only be entitled to the one (1) vote
 9. Should a Council be in administration the appointed Administrator shall be entitled to one(1) vote and the General Manager or his nominee the other vote for that Council

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Executive of the Association

7. The Executive shall consist of the Chairman, Deputy Chairman and two (2) Executive members.
8. The Executive shall be elected from among the delegates each year at the Annual General Meeting (AGM). An election shall also be held for any casual vacancy occurring among the Executive and the Executive Members so elected shall hold their office until the next AGM.
9. Unless otherwise agreed to by the Executive, the Western Division Chairman's Council will be responsible for the financial management of the organisation with the General Manager of that Council or another employee appointed by the General Manager holding the position of Treasurer
10. The Association shall hold meetings at a time and place as determined by the Executive .The Chairman may convene a special meeting of the Association if deemed necessary or asked to do so by at least three (3) member Councils.. The Annual General Meeting of the Association will be held in either February or March each year.. The Association will also meet for a Mid –Year Meeting in June or July each year and if required an additional meeting during the Annual Conference of Local Government New South Wales.
11. Executive meetings will be held such times as determined by the Chairman in consultation with other members of the Executive.
12. The time location of each meeting will be determined by the Members at the previous meeting or by the Chairman in cases of emergency.
13. The Executive Officer shall notify each member council and delegates of meetings not less than seven (7) days before each meeting and the nature of the business to be dealt with at that meeting.
14. The Executive Officer shall forward the Minutes of each meeting to each member and delegate not more than one month after the meeting.
15. At every meeting of the Association the Chairman shall preside, but if the Chairman is not present or is unwilling to act then the Deputy Chairman shall preside, or if they are not present or unwilling to act, the members shall elect a Chairman from those delegates present to preside at that meeting, subject to a quorum being present.
16. Any elected Delegate of a member council may attend and speak at meetings of the Association. ~~The General Manager or his nominee of a council, which is a member, may also attend and speak at meetings of the Association with the permission of the member council.~~

Quorum

17. A quorum shall consist of a majority of member councils. A proxy cannot represent a delegate, nor can a single delegate hold the right of two votes.

Business of Meetings/ Conferences

18. The business conducted at a meeting of the association shall consist of:-

WESTERN DIVISION COUNCILS OF NSW

- (i) Minutes of previous meeting
- (ii) Matters of which notice has been given by a member council or delegate;
- (iii) Matters, which the Chairman thinks, fit to submit to the meeting;
- (iv) Consideration of any recommendations or reports by the Executive Officer
- (v) Matters of which verbal late notice is given by a member council or delegate at the commencement of business of the meeting only with the agreement of all delegates and on matters of urgency;
- (vi) matters of which written late notice has been given by the Executive Officer no later than close of business on the day preceding the meeting only with the agreement of all delegates and on matters of urgency; and
- (vii) Otherwise as the Association decides
- (viii) The Executive Committee shall, subject to any direction from the Association deal with any matters arising between meetings

19. Meetings shall be conducted in accordance with the provisions of the Local Government Act 1993 and Local Government (General) Regulation 2005 where those provisions do not conflict with this Constitution. The Chairman shall have both a vote as a delegate and in the event of an equality of votes, a casting vote at all meetings.

20. Any member council has the right to voluntarily withdraw from any particular issue or project for which the other member councils wish to proceed.

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21. (i) The Association shall for the mutual benefit of the areas of the member councils have power, in accordance with this Constitution, to:-

(a) Make submissions or representations to the Commonwealth and New South Wales governments or any departments of those governments in respect of the interests of the member councils;

(b) Carry out the objectives of the Association; and

(c) Receive funds in respect of:

- Expenses related to the employment of any Executive Officer of the Association,
 - The undertaking of projects or studies agreed to by the member councils.
- (ii) The above shall not affect the right of an individual member council acting in its own right on these matters, provided notice is given by the member council at the Association meeting at which the matter was discussed.
- (iii) If the member council was not present at the meeting then upon receipt of the minutes of that meeting, the members should advise the Executive Officer in writing of their position as soon as possible if it is contrary to the view adopted by the Association of a whole or they do not wish to support a stance taken by the Association and on the receipt of such notification any correspondence will clearly identify that view.
- (iv)
- (ix) The control, regulation, and maintenance of the exercise of these powers are vested in the meeting of delegates in accordance with this Constitution.

Year

22 The Association's year shall commence on 1st January and terminate on 31st December.

Finance

23. The Association may seek to levy each of the member councils for specific projects provided that consent of all the said councils in which case non-contributing councils shall be excluded from any special benefits, which may accrue to contributing councils.

21. The Association shall place all moneys received by it in a bank account held in trust at the Chairman's Council and it shall use such monies for the purpose of and subject to the terms of this Constitution.
22. The accounts of the Association shall be kept according to the same principles as the accounts of a member council and in such books and form as are approved by the auditors of the Chairman's Council.
23. The Executive shall appoint an independent auditor, who shall annually audit the accounts of the Association. The cost of the audit shall be borne by the Association and funded from member contributions and the levy be set at the Annual General Meeting.

Annual Report

25. The Chairman shall submit an Annual Report to each of the member councils with the notice of the Annual General Meeting.

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Co-operation

26. For the purpose of performing any powers, duties or functions, the Association may use the services of any employee of a member council if prior approval of the council is obtained.
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Termination of Membership

27. A council may withdraw from membership of the Association on giving written notice to the Association. When such a termination takes effect the Constitution remains in force among the remaining members of the Association. Notice to withdraw shall be given three (3) months in advance and all fees outstanding to that date are to be paid.

Alterations to Constitution

28. Alterations or amendments may only be made to this Constitution by the agreement three quarters or 75% of all member COUNCILS present and entitled to vote.

Termination of the Association

29. Upon the termination of the Association, any debts and liabilities of the Association shall be discharged out of the assets of the Association. The balance of the assets shall be given or transferred to the member councils remaining, immediately before the termination of the Association in the manner determined at the final meeting of the Association, or failing agreement, to be divided equally between all member councils.

Adopted Western Division Council Conference, Bourke, March 1, 2010



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