



BLAND SHIRE COUNCIL
west wyalong

Bland Shire Council

Business Paper

Extra Ordinary Council Meeting

14 October 2014



OUR VISION, MISSION AND VALUES



ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST
A guiding checklist for Councillors, Officers and Advisory Committees

Ethical Decision Making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Could your possible conflict of interest lead to private gain or loss at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of Interest

- A conflict of interest is a clash between private interest and public duty. There are two types of conflict: Pecuniary – regulated by the Local Government Act and Office of Local Government and, Non-pecuniary – regulated by Codes of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only).

The test for conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest

Identifying Problems

1st - Do I have private interest affected by a matter I am officially involved in?

2nd - Is my official role one of influence or perceived influence over the matter?

3rd - Do my private interests conflict with my official role?

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

Agency Advice

Officers of the following agencies are available during office hours to discuss the obligations placed on Councillors, Officers and Advisory Committee members by various pieces of legislation, regulation and Codes.

Contact	Phone	Email	Website
Bland Shire Council	6972 2266	council@blandshire.nsw.gov.au	www.blandshire.nsw.gov.au
ICAC	8281 5999 Toll Free: 1800 463 909	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
Office of Local Government	4428 4100	dlg@dlg.nsw.gov.au	www.dlg.nsw.gov.au
NSW Ombudsman	9286 1000 Toll Free: 1800 451 524	nswombo@ombo.nsw.gov.au	www.ombo.nsw.gov.au



Extra Ordinary Council Meeting Agenda

14 October 2014

commencing at 6:30PM

1.0 INTRODUCTION

Let us acknowledge the Wiradjuri people, their elders past and present, traditional custodians of the land we now share.

Let us be inspired by the resilience, innovation and perseverance of past generations.

Let us honour those who protect this great land, may you draw strength from your God or Faith

so that we may, here today, on behalf of our community, - build a vibrant future together.

("Pause for Reflection").

2.0 ATTENDANCE

2.1 Councillors

Cr P Grellman

Cr L Hampton

Cr K Keatley

Cr T Lord

Cr L McGlynn

Cr B Monaghan

Cr L Pike

Cr N Pokoney

Cr P Templeton

2.2 Staff

General Manager – Ray Smith

Director Asset & Engineering Services – Will Marsh

Director Corporate, Community & Development Services – Adele Casey

Executive Assistant – Julie Sharpe

2.3 Apologies

3.0 DECLARATIONS OF INTEREST

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss the person or another person with whom the person is associated.

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision a person might make in relation to a matter.

Councillor/Officer	Item	Nature of Interest

4.0 PUBLIC FORUM

4.1 Cr Paul Braybrooks OAM, Cootamundra Shire Council & REROC Chairman

5.0 MAYORAL MINUTE

6.0 NOTICES OF MOTION

We the undersigned Councillors wish to submit the following rescission motion:

That the resolution of council of 16 September 2014 (25092014) be rescinded and that council adopt the following:

" That Bland Shire Council provide a letter of support for the submission of an Expression of Interest by REROC to become a pilot 'Joint Organisation' under the NSW State Government's Fit for the Future Program for NSW local government."

Comment: It is believed that by trying to exclude Wagga City Council from this process at this stage may well jeopardise the success of an EOI to become a pilot Joint Organisation. This could then possibly jeopardise our region from having vital input into the future structure of local government in NSW. Cr. Paul Braybrooks, the current Chairman of REROC has requested the opportunity of addressing council on this matter prior to consideration of this motion.

Signed: Cr 1. 
Cr2 
Cr 3 

7.0 STAFF REPORTS

That the Council receive the staff reports.

Section 1 – Office of the General Manager (*reports for decision*)

7.1	Fit for the Future – A Review of Local Government in NSW	1
7.2	Lake Cowal Gold Mine Closure Advisory Committee	3

8.0 CLOSE OF THE MEETING

SECTION 1 – OFFICE OF THE GENERAL MANAGER

7.1 Fit for the Future – A Review of Local Government in NSW

Our leadership

Setting a benchmark for community standards

Vision: A well run council acting as the voice of the community

DP14.1 Ensure councillors are provided with appropriate support and resources to carry out their civic duties.

Author: General Manager

Officer's Recommendation:

That the information contained in this report in respect to the future of Bland Shire Council as detailed in the Final Report of the Independent Review Panel be received and noted and that the General Manager continue to provide monthly progress reports to council on the Fit for the Future Program.

Introduction

I refer to my initial report on this matter to the September 2014 Council meeting and after being able to gather further information on the review process including a meeting in Wagga with representatives of the Office of Local Government and discussions with a number of general managers from neighbouring councils I believe that I am in a position to provide a more accurate picture of the future for Bland Shire Council.

In the Final Report of the Independent Review Panel Bland Shire Council has been placed in a group of councils that has 'potential' merger options or to become part of a Joint Organisation (JO). The potential for merger has been determined as 'medium' compared to a number of neighbouring councils that have been determined as having 'high' potential for merger.

Those neighbouring councils determined as having high potential for merger include Temora and Young.

In another grouping, the councils of Carrathool, Coolamon and Weddin have been identified as having potential to become a 'rural' council under a new model of local council.

Our remaining neighbours of Forbes, Lachlan and Narrandera are listed for further review by 2020.

I have taken the initiative of writing to each of our neighbouring councils to ascertain, at this early stage, their views on the recommendations arising from the Sansom Report with the following outcomes as at the time of preparation of this report.

MINUTES OF THE EXTRA ORDINARY MEETING OF THE COUNCIL OF BLAND HELD IN THE COUNCIL CHAMBERS WEST WYALONG ON TUESDAY 14 OCTOBER 2014

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MAYOR

Narrandera – Met with GM on 23.9.14. Looking towards Leeton
Forbes – Proposed meeting of adjoining councils in November
Carrathool – Phone call: Not looking towards Bland (possibly Hay)
Temora – Has no intention of supporting a merger
Coolamon – No response
Lachlan – No response
Weddin – No response
Young – No response (However media reports indicate a possible merger with Harden & Boorowa.

Consequently, it would appear at this stage that Bland Shire Council may stand alone but also become a member of a JO. REROC have submitted an expression of interest to become a pilot JO. If they are successful then Bland Shire Council will have the opportunity of having input into how a JO is structured and what responsibilities such an organisation should have.

Regardless of the above all NSW Councils will have to undergo a 'self assessment' process to determine if they are 'Fit for the Future'. The guidelines and templates for this self assessment are due to be released by late October 2014 and each council will have until 30 June 2015 to complete the process.

Councils will be judged on the following criteria:

- Scale and Strategic Capacity
- Financial Sustainability
- Effective Infrastructure and Service Management
- Efficiency

The specific details of each criterion are yet to be released but I expect that each council will be assessed by an independent body after 30 June 2015 with any NSW State Government recommendations being put in place prior to September 2016 as I do not believe that the government will allow NSW to go to a general local government election in our current structure.

Conclusion

There is little that council can do at this stage other than to wait for the release of the criterion for the Fit for the Future Program which will be the subject of a further report to Council.

Financial Implications

Nil to this report.

7.2 Lake Cowal Gold Mine Closure Advisory Committee

Our leadership

Setting a benchmark for community standards

Vision: A well run council acting as the voice of the community

DP14.1 Ensure councillors are provided with appropriate support and resources to carry out their civic duties.

Author: General Manager

Officer's Recommendation:

That the Terms of Reference and the minutes of the inaugural meeting of the Lake Cowal Gold Mine Closure Advisory Committee held on 18 September 2014 be received and noted.

Officer's Recommendation:

That the Barrick Cowal Gold Mine Social Impact Assessment Report 2013 be officially released to the public with an accompanying explanatory media release.

Officer's Recommendation:

That a representative of the Barrick Cowal Gold Mine be invited to address the November 2014 Council workshop on the likely implications for Council arising from the Report.

Introduction

In accordance with council's resolution of 19 August 2014 a select committee has been established to advise council on the implications of the recommendations contained in the Barrick Cowal Gold Mine Social Impact Assessment Report 2013.

A copy of the Terms of Reference for the committee, together with a copy of the minutes of the inaugural meeting of the committee, has been included as an attachment to this report.

A representative from Barrick will be invited to address the councillors at the November Workshop in relation to the Report and its implications for the Bland Shire. A MOU is also being prepared that will identify the role of Barrick on this committee.

MINUTES OF THE EXTRA ORDINARY MEETING OF THE COUNCIL OF BLAND HELD IN THE COUNCIL CHAMBERS WEST WYALONG ON TUESDAY 14 OCTOBER 2014

.....
MAYOR

Conclusion

The direction of this committee will be driven to a large extent by the list of future agenda items identified in the minutes and in my role as general manager I will continue to keep council informed of progress on a regular basis.

Financial Implications

It will be some time before there will be a clear indication of the financial implications on council.

**MINUTES OF THE LAKE COWAL GOLD MINE CLOSURE ADVISORY
COMMITTEE MEETING HELD IN THE BLAND SHIRE COUNCIL MEETING ROOM
ON 18 SEPTEMBER 2014 COMMENCING AT 10.20AM.**

Present: Ray Smith - General Manager, Neil Pokoney – Mayor, Shane Goodwin – Barrick Community Relations Manager and Julie Sharpe – Executive Assistant.

Apologies: Leeanne Hampton – Deputy Mayor, Will Marsh – Director Asset & Engineering Services and Adele Casey – Director Corporate, Community & Development Services

The General Manager welcomed those in attendance and invited nominations for a Chairperson. The General Manager was nominated as Chairperson of the Committee.

TERMS OF REFERENCE FOR THE COMMITTEE

The Committee reviewed and discussed the draft Terms of Reference and agreed with the changes. The Terms of Reference are to be updated and attached to the minutes.

MOU WITH BARRICK

The Committee discussed a proposed MOU with Barrick supporting participation in the Advisory Committee and its actions. S. Goodwin to prepare the draft MOU.

PUBLIC RELEASE OF THE SOCIAL IMPACT ASSESSMENT (SIA) REPORT

S. Goodwin provided an overview of the basis for the report and the Committee discussed the release options. It was agreed that a report be presented to the Extra Ordinary Council meeting scheduled for 14 October and the Social Impact Assessment Report be released at the meeting.

RECORDING OF COMMITTEE MEETING MINUTES

The Committee discussed the meeting format and process. It was agreed that the Executive Assistant provide corporate support to the Committee.

SCHEDULE OF MEETINGS

The Committee discussed the meeting frequency and agreed to bi-monthly meetings held on the last Thursday of the month commencing at 10am at Council. It was agreed to coordinate the Lake Cowal Gold Mine Closure Advisory Committee meetings to provide minutes through to the Economic Development Advisory Committee of the Whole. Executive Assistant is to prepare and distribute a meeting schedule.

FUTURE AGENDA ITEMS

- Identification of Council's role
- Real Estate - West Wyalong
- Land Surrounding Mine – Farmlands
- Economic and Workforce Impacts
- General Economic Impact
- Withdrawal of Contributions

It was agreed to invite Barrick representatives to the November Council Workshop to further discuss the Social Impact Assessment Report and its implications for Council.

NEXT MEETING

The next meeting will be held on Thursday 30 October 2014 commencing 10am at Council.

S. Goodwin advised that Barrick are currently working to establish an advisory committee for stakeholders in relation to land use and this will assist to further inform Barrick of local issues.

There being no further business the meeting then closed at 11.03am.

Terms of Reference

SCOPE

The Lake Cowal Gold Mine Closure Advisory Committee is an independent committee. It does not have any executive powers, functions or authority to implement actions or act on behalf of Bland Shire Council.

The Committee is a forum for the analysis of the Barrick Cowal Gold Impact Assessment Report and its implications for the Bland Shire community.

The Committee is to have an initial term of 24 months from the date of the first meeting.

MEMBERSHIP

Bland Shire Council:

- Mayor
- Deputy Mayor
- General Manager (Chair)
- Director Asset & Engineering Services
- Director Corporate, Community & Development Services
- Executive Assistant (Corporate Support)

Barrick Cowal Gold nominated representatives:

- Senior Community Relations Advisor

DECISION MAKING

The basis for decision making within the Committee is to make recommendations to the Council based on a general consensus. Consensus being defined as agreement of the recommendation made. When the Committee fails to achieve consensus a report will be put to Council for determination (where appropriate).

MEETING FREQUENCY

Meetings will be held on a bi-monthly basis on the last Thursday of the month commencing at 10am at Council. A schedule of meetings will be developed and agreed to by the Committee members. Additional meetings may be convened at the discretion of the Committee. Minutes of the Lake Cowal Gold Mine Closure Advisory Committee meetings are to be provided through Council's Economic Development Advisory Committee of the Whole to Council.

ROLES AND OBJECTIVES

The roles and objectives of the Lake Cowal Gold Mine Closure Advisory Committee are:

- To conduct an analysis and comparison of various scenarios to ascertain the probability of events and the likelihood of the consequences occurring
- To identify and develop strategies in response to the analysis findings
- To participate in the development of Council's response to the Barrick Impact Assessment Report for consideration by Council and the community