



**Bland Shire Council**  
**Business Paper**  
**Extraordinary Council Meeting**  
**15 June 2022**



# OUR VISION, MISSION AND VALUES



## **Affirmation of Office**

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Bland Shire and the Bland Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

**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**

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

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

3<sup>rd</sup> - 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	<a href="mailto:council@blandshire.nsw.gov.au">council@blandshire.nsw.gov.au</a>	<a href="http://www.blandshire.nsw.gov.au">www.blandshire.nsw.gov.au</a>
ICAC	8281 5999 Toll Free: 1800 463 909	<a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>	<a href="http://www.icac.nsw.gov.au">www.icac.nsw.gov.au</a>
Office of Local Government	4428 4100	<a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>
NSW Ombudsman	9286 1000 Toll Free: 1800 451 524	<a href="mailto:nswombo@ombo.nsw.gov.au">nswombo@ombo.nsw.gov.au</a>	<a href="http://www.ombo.nsw.gov.au">www.ombo.nsw.gov.au</a>



# Extraordinary Council Meeting Agenda

**15 June 2022 commencing at 3:30PM**

Council advises that an audio recording of the proceedings of this meeting will be taken and made publicly available on the website.

## **1.0 OPENING MEETING AND ACKNOWLEDGEMENT OF COUNTRY**

*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 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

### **2.1 Attendance**

#### **Councillors**

Cr Bruce Baker

Cr Monica Clark

Cr Rodney Crowe

Cr Jill Funnell

Cr Kerry Keatley

Cr Tony Lord

Cr Liz McGlynn

Mayor Brian Monaghan

Cr Roger Moore

#### **Staff**

General Manager – Ray Smith PSM

Executive Assistant – Julie Sharpe

### **2.2 Apologies**

Director Technical Services – Will Marsh

Director Corporate & Community Services – Alison Balind

### **2.3 Applications for a leave of absence by Councillors**

## **3.0 DISCLOSURES OF INTERESTS**

<b>Councillor/ Officer</b>	<b>Item</b>	<b>Nature of Interest</b>	<b>How Managed</b>
		<input type="radio"/> Non-Pecuniary <input type="radio"/> Pecuniary	<input type="radio"/> Verbal Disclosure <input type="radio"/> Written Disclosure <input type="radio"/> Left meeting

#### **4.0 MAYORAL MINUTE – CONFIDENTIAL - RECRUITMENT AND APPOINTMENT OF A GENERAL MANAGER**

#### **5.0 ITEM OF URGENT BUSINESS IN ACCORDANCE WITH 9.3 OF THE MODEL CODE OF MEETING PRACTICE – WATER RELIABILITY PROJECT**

*9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:*

- (a) a motion is passed to have the business considered at the meeting, and*
- (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.*

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If this recommendation is adopted the matter should be dealt with as a confidential item in accordance with Section 10A (2) of the Local Government Act 1993:

*The matters and information are the following:*

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,*

#### **Recommendation:**

**That the following report on the proposed Water Reliability Project be deemed as urgent and therefore dealt with at this meeting.**

#### **CONFIDENTIAL MATTERS**

*Closure of the meeting to discuss confidential business under the provisions of Section 10A(2) of the Local Government Act*

#### **4.0 Confidential Mayoral Minute – Recruitment and Appointment of a General Manager**

*Local Government Act 1993 (Section 10A (2))*

*The matters and information are the following:*

- (a) personnel matters concerning particular individuals (other than councillors),*
- (d) commercial information of a confidential nature that would, if disclosed:*
  - (i) prejudice the commercial position of the person who supplied it, or*

#### **5.0 Item of Urgent Business in Accordance with 9.3 of the Model Code of Meeting Practice – Water Reliability Project**

*Local Government Act 1993 (Section 10A (2))*

*The matters and information are the following:*

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,*

*Resumption of the meeting and consideration of recommendations of the Closed section of the meeting*

#### **6.0 CONCLUSION OF THE MEETING**