



# **AGENDA FOR EXTRA ORDINARY COUNCIL MEETING**

**Tuesday 4<sup>th</sup> April 2023**

**NOTICE IS HEREBY GIVEN** pursuant to clause 7 of Council's Code of Meeting Practice that the Extra Ordinary Council Meeting of Walgett Shire Council will be held on **4 April 2023** commencing at **9:00am** to discuss the items listed in the Agenda.

**Please Note: The Council Meetings are audio and visual recorded**

Jane Keir  
**MAYOR**

## CONFLICT OF INTERESTS

**What is a “Conflict of Interests”** – A conflict of interests can be two types:

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

**Non-Pecuniary** – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature.)

### **Remoteness**

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 the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

**Who has a Pecuniary Interest?** – A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- The person, or
- Another person with whom the person is associated (see below)

### **Relatives, Partners**

A person is taken to have a pecuniary interest in a matter if:

- The person’s spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter

N.B. “Relative”, in relation to a person means any of the following:

(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person’s spouse.

(b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

### **No Interest in the Matter**

However, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company of other body, or
- Just because the person is a member of, or is employed by, the Council
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

### **Disclosure and participation in meetings**

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
  - (a) At any time during which the matter is being considered or discussed by the Council or Committee, or
  - (b) At any time during which the Council or Committee is voting on any question in relation to the matter.

**No Knowledge** – A person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

**Non-Pecuniary Interest** – Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-Pecuniary conflicts of interest must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

### **Disclosure to be Recorded (S453 Act)**

A disclosure (and the reason/s for the disclosure) made at a meeting of the Council or Council Committee or Sub-Committee must be recorded in the minutes of the meeting.

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## **Local Government Act 1993**

### **Chapter 3 section 8A**

#### **GUIDING PRINCIPLES FOR COUNCILS**

##### **(1) Exercise of functions generally**

*The following general principles apply to the exercise of functions by councils:*

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.*
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.*
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.*
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.*
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.*
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.*
- (g) Councils should work with others to secure appropriate services for local community needs.*
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.*
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.*

##### **(2) Decision-making**

*The following principles apply to decision-making by councils (subject to any other applicable law):*

- (a) Councils should recognise diverse local community needs and interests.*
- (b) Councils should consider social justice principles.*
- (c) Councils should consider the long term and cumulative effects of actions on future generations.*
- (d) Councils should consider the principles of ecologically sustainable development.*
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.*

##### **(3) Community participation**

*Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.*

## **STATEMENT OF ETHICAL OBLIGATIONS**

### **Oath or Affirmation of Office**

In taking the Oath or Affirmation of Office, each Councillor has made a commitment to undertake the duties of the office of Councillor in the best interests of the people of Walgett Shire Local Government Area and Walgett Shire Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of their ability and judgment.

### **Conflicts of Interest**

A councillor who has a conflict of interest in any matter with which the council is concerned, and who is present at a meeting of the council when the matter is being considered, must disclose the interest and the nature of the interest to the meeting as soon as practicable. Both the disclosure and the nature of the interest must be recorded in the minutes of the Council meeting where the conflict of interest arises. Councillors should ensure that they are familiar with Parts 4 and 5 of the Code of Conduct in relation to their obligations to declare and manage conflicts of interests.

### **Meeting Recordings**

Council advises that this Meeting will be recorded the purpose of the of webcasting and made available on the Internet. As such, all those present should refrain from making any defamatory statements. It is requested that Councillors within the duration of the Meeting, limit discussions to only the business on the agenda and what is permissible under our Code of Meeting Practice.

## Table of Contents

|                                                                                                                 |    |
|-----------------------------------------------------------------------------------------------------------------|----|
| 1. OPENING OF MEETING .....                                                                                     | 6  |
| 2. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS.....                                                                   | 6  |
| 3. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE OR<br>ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS ..... | 6  |
| 4. DECLARATION OF PECUNIARY/NON PECUNIARY INTERESTS .....                                                       | 7  |
| 5. MAYORAL MINUTE.....                                                                                          | 8  |
| 6. CLOSE OF MEETING.....                                                                                        | 10 |

## 1. OPENING OF MEETING

*Proceedings of the meeting commenced at \_\_\_\_\_am*

## 2. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

*I would like to acknowledge the traditional owners of the lands within the Walgett Shire and I would also like to acknowledge the Aboriginal and Torres Strait Islander people who now reside within this Shire.*

## 3. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS

| Leave of Absence                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <ol style="list-style-type: none"><li>1. That the leave of absence received from _____ is accepted and leave of absence granted; and</li><li>2. That the request to attend this meeting of Council via audio-visual link received from _____ is accepted and approval granted.</li></ol> <p><b>Moved:</b><br/><b>Seconded:</b></p> |

## **4. DECLARATION OF PECUNIARY/NON PECUNIARY INTERESTS**

*Councillors and senior staff are reminded of their obligation to declare their interest in any matters listed before them.*

*In considering your interest you are reminded to include pecuniary, non-pecuniary and conflicts of interest as well as any other interest you perceive or may be perceived of you.*

*Councillors may declare an interest at the commencement of the meeting, or alternatively at any time during the meeting should any issue progress or arise that would warrant a declaration.*

*Councillors must state their reasons in declaring any type of interest.*

| <i>Councillor</i> | <i>Item No.</i> | <i>Pecuniary/Non-Pecuniary</i> | <i>Reason</i> |
|-------------------|-----------------|--------------------------------|---------------|
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## 5. MAYORAL MINUTE

### APPOINTMENT OF AN ACTING GENERAL MANAGER

**REPORTING SECTION:** Elected Member  
**AUTHOR:** Jane Keir - Mayor  
**FILE NUMBER:**

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#### MAYORAL MINUTE

Section 351 of the *Local Government Act 1993* holds that if the position of General Manager of the Council is vacant or the holder of such a position is suspended from duty, sick or absent, Council may appoint a person to the position temporarily.

Following the role of General Manager becoming vacant at the Ordinary Council Meeting held 28 March 2023, Council is now legislatively required to appoint someone to the position.

It is envisaged that the appointment of an Acting General Manager will be until the Ordinary Council Meeting held 26 April 2023, this will allow Council for addition time to consider its longer term needs and allow for a time to select an appropriate recruitment agency.

In the meantime, I believe Council should move forward with seeking expressions of interests from recruitment agencies wishing to undertake the recruitment for the next General Manager. I will then bring these expressions of interest back to Council at the next Council meeting to allow for Council to review them and make a decision on who will undertake recruitment and when that recruitment will commence.

#### Mayoral Minute

##### Recommendation:

1. That Council appoint an Acting General Manager of Walgett Shire Council.
2. That Council authorise the Mayor to negotiate and sign a contract of engagement with the Acting General Manager.
3. That Council delegate to the Acting General Manager the functions as described in the Instrument of Delegation attached to this Minute, pursuant to Section 377 of the Local Government Act 1993.
4. That Council authorise the Mayor to seek expressions of interest from recruitment agencies to undertake the recruitment of a new General Manager for Walgett Shire Council.
5. That all expressions of interest received from recruitment agencies wishing to undertake the recruitment of a new General Manager be referred to Council in at the April 2023 Ordinary Council Meeting for final selection.

**Moved: Cllr Keir**

##### Attachments:

Instrument of Delegation





**Shire of Walgett**

ABN 88 769 076 385

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## Instrument of Delegation

**Delegation From:** Walgett Shire Council  
**Delegation to:** General Manager

In accordance with Section 377 and 381 of the *Local Government Act 1993* (NSW) ('the Act'), Council hereby delegates to the person holding the position of General Manager from time-to-time Council's Functions under the Act and all other Acts and delegated legislation in force and as amended from time to time conferring functions on Council subject to any conditions or limitations below. This delegation shall remain in force until specifically altered or revoked by Council resolution and/or Legislation.

**Limitations:**

1. Limitations arising from the provisions of the Act and all other legislation relevant to this delegation of authority.
2. All resolutions from time to time of Council directing the General Manager in the exercise of any powers, authorities, duties, and functions.
3. The acceptance of tenders in excess of \$1,000,000.00 (excl. GST).

### ACCEPTANCE OF APPOINTMENT OF AUTHORISED OFFICER

I, \_\_\_\_\_ accept the appointment as an Authorised officer of Walgett Shire Council pursuant to Council policies, procedures and legislative authority and limitations set out in Annexure A.

## **6. CLOSE OF MEETING**

**Time: .....**