



Call of Council

to be held at the Council Chambers, Coolah

on

**Thursday, 17 September 2009
commencing at 1.00 pm**

WARRUMBUNGLE SHIRE COUNCIL

SPECIAL MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17 SEPTEMBER 2009 COMMENCING AT 1.00PM

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY 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?
- Do you stand to gain personally 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 Department of Local Government
- Non-pecuniary – regulated by Codes of Conduct policy. ICAC, Ombudsman, Department 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 interests 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.

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Date: 10th September 2009

Councillor Peter Shinton
Mayor
Warrumbungle Shire Council
John Street
COONABARABRAN 2357

Mr Mayor

SPECIAL MEETING OF COUNCIL

I submit the following reports for Council's consideration at its special meeting to be held on Thursday, 17th September 2009 commencing at 1.00pm at the Council Chambers, Coolah.

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R J GERAGHTY
GENERAL MANAGER

WARRUMBUNGLE SHIRE COUNCIL

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CALL OF COUNCIL

NOTICE is hereby given that a special meeting of Warrumbungle Shire Council will be held on Thursday, 17th September 2009 commencing at 1.00 pm at the Council Chambers, Coolah. Your presence is required to determine the following business.

You should note the requirement of the Warrumbungle Shire Council's Code of Meeting Practice which provides:

5.1. A Councillor cannot participate in a meeting of a Council or Committee unless personally present at the meeting

The business to be transacted relates to the election of a Mayor and Deputy Mayor for the forthcoming year.

Special Meeting Business

The manner of operating the election of Mayor and Deputy Mayor comes under Schedule 7 (Election of Mayor by Councillors).

To assist Councillors understand the election process, I have forwarded a copy of Schedule 7 of the Regulations to each Councillor under separate cover.

The General Manager is the returning officer. While it is up to Council whether it has a position of Deputy Mayor this Council in the past has decided that it would have the position of Deputy Mayor.

1S) Election of Mayor and Deputy Mayor

Therefore, if Council determines to continue to have a Deputy Mayor the next item of the agenda will be to determine the method of voting for the positions of Mayor and Deputy Mayor

- i) Whether by secret **ballot**, if not a secret ballot the voting will be by way of open vote.
- ii) Whether the **voting system** shall be preferential voting, ordinary voting or open voting.
- iii) The **order that candidates** will appear on the ballot paper.

NOTE: Re Nominations

1. A Councillor may be nominated without notice for election as Mayor or Deputy Mayor.
2. The nomination is to be made in writing by 2 or more Councillors (one of who may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
3. The nomination is to be delivered to or sent to the General Manager.

This effectively means that a valid written nomination will be accepted up until the announcement of the nominations for each position separately. Therefore the

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nominations for Deputy Mayor will be open until after the Mayoral election is concluded.

4. The General Manager is to announce the names of the nominees at the Council meeting at which the election is to be held -
 - A) Election of Mayor for forthcoming period.
 - B) Election of Deputy Mayor for forthcoming period.

I am enclosing a separate nomination sheet for each position which is headed appropriately.

RECOMMENDATION

For Council's determination

2S) COUNCIL COMMITTEES

It is the practice that at the September Council meeting (the call of Council) the committees and representatives are reviewed.

At Council's meeting held on 29 September 2008 Council confirmed the following committees and Councillor representatives.

External Committees – Elected for the full term of Council

These committees are part of this Council's wider involvement in the region. The majority of these committees have legislative powers creating them or formal agreements between us and other Councils. It is essential that all of these committees have active elected representative involvement.

Castlereagh Macquarie County Council

(Two (2) Councillor representatives)

Councillors Shinton and Coe

Macquarie Regional Library

(Two (2) Councillor representatives)

Councillors Powell and Campbell

Traffic Advisory Committee

(One (1) Councillor representative)

Councillor Lewis

Warrumbungle Bushfire Management Committee

(One (1) Councillor representative)

Councillor Shinton

Local Emergency Management Committee

(One (1) Councillor representative)

Councillor Dissanayake

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The North West Weight of Loads Group

(One (1) Councillor representative and one (1) staff member)

Councillor Todd

Central West Explorer Country Tourism

1 Councillor representative being Councillor Schmidt

Police Accountability and Consultation

Mayor and General Manager represent Council

Central Ranges Natural Gas Association

Mayor and General Manager represent Council

Orana Regional Organisation of Councils

Mayor and General Manager represent Council

Golden Highway Consultative Committee

1 Councillor representative being Councillor Coe

Warrumbungle Shire Liquor Accord

1 Councillor representative being Councillor Schmidt

The second group of committees is those that are subject to annual decision as to membership and these are as follows.

Internal Committees

Plant Advisory Committee

(Plant (4) Councillor representatives and four (4) staff representatives)

Councillors Sullivan, Coe, Lewis and Powell

Occupational Health & Safety Advisory Committee

(One (1) Councillor representative and nine (9) staff representatives)

Councillor Schmidt

Consultative Advisory Committee

(One (1) Councillor representative - the General Manager also represents Council formally; and seven (7) staff representatives)

Councillor Schmidt and the establishment of a roster system to enable each Councillor to participate during their term of office

General Manager's Review Committee

All Councillors are representatives on this committee.

EEO Advisory Committee

(One (1) Councillor representative and four (4) staff representatives)

Councillor Sullivan

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Finance Committee

All Councillors are representatives on this committee.

Community Committees

These committees are made up either in part or in full of community members and are set out below.

Warrumbungle Shire Tourism and Economic Development Advisory Committee

(Representatives: Two Councillors, Team Leader Economic Development and Tourism, one member from each of the five smaller towns who is involved in a Progress Association or Development group. May or may not be the Community Development Coordinator (Coolah, Dunedoo, Mendooran, Baradine and Binnaway)

- Coonabarabran Chamber of Commerce
- NSW Farmers Association
- Warrumbungle Tourism Association Inc
- Department of Environment and Climate Change (NPWS)
- Indigenous Community Working Party)

Councillors Schmidt and Campbell

Medical Services Advisory Committee

(Two (2) Councillor representatives; one (1) staff representative and four (4) community representatives)

Councillors Dissanayake and Todd

Warrumbungle Aerodromes Advisory Committee

(Two (2) Councillor representative; two (2) staff representatives and community representatives including one from Baradine)

Councillors Powell and Campbell

Roads Review Committee

(All interested Councillors plus the Mayor; Director of Technical Services and General Manager)

All interested Councillors

Coolah Town Committee

(One (1) Councillor representative and General Manager to determine staff representative)

Councillor Powell

Dunedoo Town Committee

(One (1) Councillor representative and General Manager to determine staff representative)

Councillor Coe

Mendooran/Merrygoen Town Committee

(One (1) Councillor representative and General Manager to determine staff representative)

Councillor Lewis

Binnaway Town Committee

(One (1) Councillor representative and General Manager to determine staff representative)

Councillor Lewis

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Baradine Town Committee

(One (1) Councillor representative and General Manager to determine staff representative)

Councillor Campbell

Warrumbungle Shire Council Social Services Advisory Committee

(One (1) Councillor representative and staff)

Councillor Campbell

Council Representation

Membership of Central Orana Regional Arts Steering Committee

Director of Community Services to represent Council

Namoi Catchment Management Authority

(1 Councillor representative and the General Manager)

Councillor Sullivan

Central West Catchment Management Authority

(1 Councillor representative and the Director of Technical Services)

Councillor Sullivan

Inland Rail Committee

(1 Councillor representative)

Councillor Todd

RECOMMENDATION

For Council's determination.

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R J GERAGHTY
GENERAL MANAGER