

CASTLEREAGH MACQUARIE COUNTY COUNCIL



MINUTES FOR

Ordinary Meeting of Council

held in Populars Motel Conference Room, Coonabarabran

on Wednesday, 20 June 2012

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.

Participation in Meetings despite Pecuniary Interest (S452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

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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**MINUTES OF THE MEETING OF THE CASTLEREAGH MACQUARIE COUNTY  
COUNCIL HELD AT THE POPULARS MOTEL CONFERENCE ROOM  
COONABARABRAN ON WEDNESDAY 20 JUNE 2012 AT 10:15AM**

**PRESENT:** N Kinsey (Chairman), J Collison, P Shinton, D Schieb, I. Woodcock, M. Webb and M Coe.

**Staff Members:** Don Ramsland and Ian Kelly.

**1. APOLOGIES:** J.Wright, R Azar, and R. Greenaway.

**12/06/ 1 Resolved:**

That apologies from Clrs J Wright, R. AZar and R Greenaway be accepted and leave of absence be granted.

**Moved:** Clr Webb

**Seconded:** Clr Shinton

**Carried**

**2. CONFIRMATION OF MINUTES**

**12/06/ 2 Resolved:**

That the minutes of the County Council meeting held Gilgandra on Wednesday 18 April 2012 be confirmed.

**Moved:** Clr Schieb

**Seconded:** Clr Woodcock

**Carried**

**3. BUSINESS ARISING FROM THE PREVIOUS MINUTES**

**3.1 Training – (27 March 2012)**

The meeting was advised that training assessments had been finalised and the paper work is currently being completed. Once submitted the certificates should be available presentation by February next year.

**5.4 Draft Budget**

Following a query from Clr Webb the situation with regards the Pear Control Programme around Lightning Ridge was explained in detail.

**4. CHAIRMAN'S REPORT**

The Chairman reported that he had attended the Annual Shires Conference in Sydney on 4 – 6 June, 2012. Council's motion on noxious weed control on all state controlled and crown land was not read out at the meeting but was referred to the Shires Association Executive for action. So too was Wellington's motion about adequate funding for the control of weeds on state controlled and crown land.

The conference only got to 89 out of 130 motions.

There was a host of interesting speakers including MR Bill Bristow the founder of Angel flight. There was also a lecture on the mouth of the Murray and more information provided in 30 minutes than you can get from the media in 12 months.

The Chairman had the opportunity to speak with Jeff Hudson (LGSA) who advised that the Native Vegetation Regulation review is back on and he had invited Clr Hudson to attend the next CMCC meeting if he is available.

**5. GENERAL MANAGER'S REPORT**

**Item 5.1 Bank Reconciliation as at 31 May 2012**

**Recommendation:** That the Statement of Bank Balances as 31 May, 2012 be received and adopted.

**12/06/ 3 Resolved:**  
That the Bank Reconciliation as at 31 May 2012 be received and adopted. Further that the amount of \$2,037.50 owing by Mount Mill, Coolah be written off subject to the Auditors' approval as the company has gone into liquidation and no dividend is to be paid.

**Moved:** Clr Woodcock

**Seconded:** Clr Webb

**Carried**

**Item 5.2 Budget Review to 31 May, 2012**

**Recommendation:** That the Budget Review for the period ended 31 May 2011 be carried forward as staff had been on leave.

**12/06/ 4 Resolved:**  
That the Budget Review for the period ended 31 May 2011 be deferred as staff have been on leave.

**Moved:** Clr Woodcock

**Seconded:** Clr Webb

**Carried**

**Item 5.3 Draft Budget for 2012/2013**

**Recommendation:** For Council's Consideration.

**Draft Budget for 2012/2013**

**12/06/ 5      Resolved:**

That the draft budget for 2012/2013, which provided for an increase of 10% in the contribution from constituent councils and 3.6% elsewhere, adopted in principle at the April, 2012 meeting be confirmed and adopted.

**Moved:**      Clr Woodcock

**Seconded:**      Clr Collison

**Carried**

**Review of Freight Operation**

**12/06/ 6      Resolved:**

That the matter of the freight operation be left in the hands of the General Manager to take appropriate action and advise further Council in this regard.

**Moved:**      Clr Collison

**Seconded:**      Clr Schieb

**Carried**

**Workshop to streamline operations**

**12/06/ 7      Resolved:**

That the after the elections a workshop be held to streamline CMCC operations with the focus on the following core business issues:

Wages and salaries

Chemical cost variations

Fuel costs and eligible rebates

Plant replacement programme

Private works

**Moved:**      Clr Collison

**Seconded:**      Clr Coe

**Carried**

**Item 5.4 Integrated Planning and Reporting Legislation**

**Recommendation:** The draft integrated planning and reporting documentation comprising:  
Business Activity Statement – 2012/2022  
Long Term Financial Plan – 2012/2022  
Asset Management Policy  
Asset Management Plan - 2012/2022  
Workforce Strategy – 2012/2016  
Delivery Programme – 2012/2016  
Operational Plan – 2012/2013  
Budget 2012/2013  
were again tabled for further review, consideration and adoption..

**12/06/ 8 Resolved:**

That the draft integrated planning and reporting documentation comprising:  
Business Activity Statement – 2012/2022  
Long Term Financial Plan – 2012/2022  
Asset Management Policy  
Asset Management Plan - 2012/2022  
Workforce Strategy – 2012/2016  
Delivery Programme – 2012/2016  
Operational Plan – 2012/2013  
Budget 2012/2013  
having been further reviewed be adoped.

**Moved:** Clr Shinton

**Seconded:** Clr Woodcock

**Carried**

**Item 5.5 Matters for Information or Brief Mention**

**Recommendation:** For Council's Information.

**12/06/ 9 Resolved:**

That the Chairman and General Manager be Council's representatives to any follow up meetings arising from the Destination 2036 process and address any issues arising by taking appropriate action and then report seeking endorsement for any action taken where necessary.

**Moved:** Clr Collison

**Seconded:** Clr Schieb

**Carried**

**6. CHIEF WEEDS OFFICER'S REPORT**

**6.1 Noxious Plant Reports**

**Gilgandra Noxious Plant Report**

**Recommendation:** That Council receive and note the Noxious Plant report for Gilgandra

**12/06/ 10      Resolved:**  
That Council receive and confirm Noxious Plant report for Gilgandra.

**Moved:**        Clr Woodcock

**Seconded:**    Clr Schieb

**Carried**

**Warrumbungle Noxious Plant Report**

**Recommendation:** That Council receive and note the Noxious Plant report for Warrumbungle

**12/06/ 11      Resolved:**  
That Council receive and confirm Noxious Plant report for Warrumbungle.

**Moved:**        Clr Woodcock

**Seconded:**    Clr Schieb

**Carried**

**Coonamble Noxious Plant Report**

**Recommendation:** That Council receive and note the Noxious Plant report for Coonamble

**12/06/ 12      Resolved:**  
That Council receive and confirm Noxious Plant report for Coonamble

**Moved:**        Clr Woodcock

**Seconded:**    Clr Schieb

**Carried**

**Walgett Noxious Plant Report**

**Recommendation:** That Council receive and note the Noxious Plant report for Walgett

**12/06/ 13      Resolved:**  
That Council receive and confirm Noxious Plant report for Walgett

**Moved:**        Clr Woodcock

**Seconded:**    Clr Schieb

**Carried**

**Warren Noxious Plant Report**

**Recommendation:** That Council receive and note the Noxious Plant report for Warren

**12/06/ 14      Resolved:**

That Council receive and confirm Noxious Plant report for Warren

**Moved:**        Clr Woodcock

**Seconded:**    Clr Schieb

**Carried**

**CONFIDENTIAL SESSION**

**1. Motion to move onto Confidential Session**

**12/06/ 15      Resolved:**

That at 12.10pm Council move into Confidential session and that the public be excluded from the meeting pursuant to Section 10A (2) (a) and (c) of the Local Government Act 1993 on the basis that the matters being considered are commercial in confidence.

**Moved:**        Clr Webb

**Seconded:**    Clr Coe

**Carried**

**2. Property Inspections Report**

**Recommendation:** That the Property Inspections Report be received and noted as a whole

**12/06/ 16      Recommendation:**

That Council receive and note all confidential Property Inspections report matters as a whole.

**Moved:**        Clr Webb

**Seconded:**    Clr Coe

**Carried**

**3. Motion to move out of Confidential Session**

**12/06/ 17      Resolved:**

That at 12.20pm Council move out of Confidential Session.

**Moved:**        Clr Woodcock

**Seconded:**    Clr Webb

**Carried**



**4. Adoption of Committee Recommendations**

**12/06/ 18      Resolved:**

That the following recommendation for the Confidential Committee be adopted:

1. That Council receive and note all confidential Property Inspections report matters as a whole.

**Moved:**        Clr Woodcock

**Seconded:**    Clr Webb

**Carried**

**General Business**

**1. Private Works – Review of Rates**

The General Manager and Chief Weeds Inspector are to revise Council's rates for private works.

**2. Website Update**

Council noted the General Manager's advice of a proposal to update the CMCC website.

**3. Solar Power**

Councillor Collison suggested that the savings which could be gained through reducing electricity costs by introducing solar power be investigated.

**NEXT MEETING**

The next meeting is scheduled for Wednesday, 22 August, 2012 at Coonamble.

**THERE BEING NO FURTHER BUSINESS, THE MEETING CONCLUDED AT 12.35 PM.**

**Confirmed as a true and accurate record at the Council Meeting held on 22 August, 2012**

**CHAIRMAN**

**GENERAL MANAGER**