



INVERELL
SHIRE COUNCIL

BUSINESS PAPER

Joint Committee Meeting
Wednesday, 12 April 2023

INVERELL SHIRE COUNCIL
NOTICE OF JOINT COMMITTEE MEETING

6 April, 2023

A Joint Committee Meeting will be held in the Council Chambers, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 12 April, 2023, commencing at the conclusion of the Civil and Environmental Services Committee meeting.

Your attendance at this Joint Committee Meeting would be appreciated.

Please Note: Under the provisions of the Code of Meeting Practice the proceedings of this meeting (including presentations, deputations and debate) will be recorded. The audio recording of the meeting will be uploaded on the Council's website at a later time. Your attendance at this meeting is taken as consent to the possibility that your voice may be recorded and broadcast to the public.

I would like to remind those present that an audio recording of the meeting will be uploaded on the Council's website at a later time and participants should be mindful not to make any defamatory or offensive statements.

P J HENRY PSM

GENERAL MANAGER

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DISCUSSION ITEMS

Dumaresq Solar Farm – MOU

Land Matters

- Oliver Street
- Angel Avenue

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 1993* and Office of Local Government
- **Non-pecuniary** – regulated by Codes of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only). If declaring a Non-Pecuniary Conflict of Interest, Councillors can choose to either disclose and vote, disclose and not vote or leave the Chamber.

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?

Local Government Act 1993 and Model Code of Conduct

For more detailed definitions refer to the *Local Government Act 1993*, Chapter 14 Honesty and Disclosure of Interest and Model Code of Conduct.

Disclosure of pecuniary interests / non-pecuniary interests

Under the provisions of Section 440AAA(3) of the *Local Government Act 1993* (pecuniary interests) and the Model Code of Conduct it is necessary for you to disclose the nature of the interest when making a disclosure of a pecuniary interest or a non-pecuniary conflict of interest at a meeting.

A Declaration form should be completed and handed to the General Manager as soon as practicable once the interest is identified. Declarations are made at Item 3 of the Agenda: Declarations - Pecuniary, Non-Pecuniary and Political Donation Disclosures, and prior to each Item being discussed: The Declaration Form can be downloaded at [Declaration Form](#)

1 APOLOGIES

2 DISCLOSURE OF CONFLICT OF INTERESTS/PECUNIARY AND NON-PECUNIARY INTERESTS

3 DESTINATION REPORTS

3.1 COUNCIL PORTFOLIO HOLDERS

File Number: S13.6.7 / 23/10523

Author: Paul Henry, General Manager

SUMMARY:

Councillors have indicated that they would like to consider the concept of allocating Councillors a 'portfolio' for the purpose of facilitating the operations of the governing body of Council. The following report is provided to assist Council in this regard.

RECOMMENDATION:

A matter for Councillors.

COMMENTARY:

In 2011, Councillors pondered on 'What is the role of a Councillor, and how best to carry out the role?'.

These discussions were promoted by a series of changes to various aspects of the Councillor's role (particularly in the development approval process). The changes emphasised that a Councillor's focus should be on strategy and policy and that operational decisions were the purvey of Council staff. During the discussions, the key points to emerge were:

- a) The role of the Councillor is set out in s.232 *Local Government Act 1993* – seven (7) specific tasks were mentioned and each could have a separate level of effort / commitment required to fulfil the role. The role is very broad and mirrors in some way the breadth of issues a Council may choose to address,
- b) The Act and Regulations prescribes the standards and behaviours required to be exhibited by Councillors when undertaking the role as 'a member of the governing body' (s.232(b) *Local Government Act*) ie Meeting Code and Code of Conduct.
- c) There is no guidance provided for Councillors in how to carry out other roles e.g. 'to be an active and contributing member of the governing body' (s.232(a)) or 'to facilitate the communication between the local community and the governing body' (s.232(e))
- d) Councillors will have to have a good understanding / knowledge of various aspects of 'community life' as a result of the normal activities in the community, however there may be some aspects of this 'community life' that they have less knowledge about.
- e) There is a broad range of issues that impact community life, and it is impossible for all Councillors to have an understanding of all these issues.

The outcome of the discussion was to trial a concept of allocating Councillors a 'portfolio' for the purpose of facilitating the operations of the 'Governing Body' of Council.

The following guidelines were set for this concept:

1. PORTFOLIO GUIDELINES

1.1 Purpose

The purpose of allocating 'policy areas' to Councillors was:

- a) Seek to engage with all sections of the community and thereby gain an insight into the issues being confronted by the community,
- b) Provide Councillors with a more detailed understanding of Council's capacity in the allocated portfolio area, and
- c) Provide an opportunity for the establishment of a professional relationship between portfolio holder and the relevant senior staff member (as determined by the General Manager).

1.2 Portfolio Holder Rights

As a Portfolio Holder, the following rights attach to the participants in the process:

- Proposals, initiatives and issues in the policy area may be discussed between the Councillor and Senior Staff members to assist in the development of reports for the consideration by the relevant Council Committee or full Council,
- Portfolio Holders may refer issues raised through contact with community groups to the senior staff member, General Manager or Council,
- May make contact with relevant community groups at a frequency determined by the portfolio holders.

1.3 Portfolio Holder Responsibilities

Portfolio Holders are expected to:

- Take particular interest in the policy area allocated to them, reporting to the Council when needed in relation to portfolio related matters.
- Represent the Council when needed in relation to portfolio related matters.
- As a Portfolio Holder, the responsible Councillor must ensure that they accurately represent the view of the whole of Council rather than their own personal view.
- The Mayor acts as spokesperson for the whole of Council and is therefore Council's primary media representative. Where the Mayor deems it appropriate, Portfolio Holders may also act as Council media representatives working closely with the General Manager and/or relevant Director to formulate appropriate media messages and responses.
- Councillors will be invited to represent Council at meetings and functions held by community, industry and professional groups in relation to strategic issues relevant to their assigned portfolio.
- Portfolio Holders must report back to Council any feedback received from the community deemed significant to strategic and/or future planning issues. This reporting back is undertaken during the advocacy session of Council and Committee Meetings.
- Portfolio Holders must direct operational enquiries received from the community through the appropriate Council channels.
- Portfolio Holders:
 - a) Cannot direct Council staff,
 - b) Have no specific delegation of authority,
 - c) Must abide by and promote Council decisions,
 - d) Must abide by Council policies.

2. ALIGNMENT OF PORTFOLIOS

The previous Councils set up portfolios that aligned with the key areas of Council's Strategic Plan. These were:

- Region Engagement and Leadership
- Transport
- Planning and Environment
- Environment Engineering

- Community / Social Services
- Communication
- Recreational Services

An alternative allocation, utilising the themes of the State Strategic Plan was considered. This was considered as the State Government specifically mentioned Local Government as a key partner in their plan. The State Strategic Plan themes were:

- Economic Development
- Transport
- Health
- Community Service
- Education
- Police and Justice

This matter was not pursued.

The division of responsibilities under a 'portfolio' system is not immutable and can be allocated by Council from time to time.

3. COUNCIL VILLAGES

An extension of the portfolio approach was adopted in order to develop a conduit to Council for the villages and an opportunity to understand local issues.

Most villages have one Committee that is recognised by the majority of that community as being a forum for all matter effecting that village. This is a truism for:

- Bonshaw (Hall Committee)
- Delungra (Delungra District Development Council)
- Tingha (Citizens & Progress Association)
- Yetman (Hall Committee)

As a result, a Councillor undertook responsibility for attending meetings of these organisations.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil

3.2 HEALTH ISSUES**File Number:** S24.20.5 / 23/10619**Author:** Paul Henry, General Manager**SUMMARY:**

At the March Ordinary Council meeting it was resolved that a Health Committee would be established. Council is being asked to consider the following report to progress this matter.

RECOMMENDATION:

A matter for Council.

COMMENTARY:

Suggested Motion:

1. That Council establish a 'Health and Wellbeing Taskforce' to prepare advice to Council on any matters effecting the provision of Health Services in the Shire and any relevant 'social determinant of health' issues.
2. That the Terms of Reference for the Taskforce (document attached) be adopted.

Note: Social Determinants of Health (SDOH)

Definition: The non-clinical factors that influence health outcomes.

Comments: Evidence supports the existence of a close relationship between a person's health and their living and working conditions (ie their social environment).

Some writers refer to there being five (5) determinants, other writers refer to there being four (4) determinants. For the purpose of this discussion, the four (4) factors used by the Australian Institute of Health and Welfare (Federal Government Organisation) will be used. The factors are:

1. Social Environment
2. Economic Environment
3. Physical Environment
4. An individual's personal characteristics and behaviour.

HEALTH AND WELLBEING TASKFORCE

TERMS OF REFERENCE

Purpose

The purpose of the Taskforce is to provide strategic advice to Council on matters impacting the provision of Health Services in the Shire and any relevant socioeconomic factor impacting the community need for health and allied services.

Objectives

The objectives of the Taskforce are:

- a) Provide a forum for complex or strategic issues to be discussed;
- b) Provide an opportunity for 'persons of knowledge' to address Taskforce members on matters within the scope of the Taskforce's responsibility; and
- c) Prepare advice and recommendations to Council on matters within the scope of the Taskforce responsibility.

Authority

The Taskforce MAY:

- a) Recommend a course of action to Council on Health Services and related matters; and
- b) Seek advice from persons with knowledge of a relevant issue.

The Taskforce MAY NOT:

- a) Conduct their deliberations in public;
- b) Hold public forums; or
- c) Commit Council to a particular course of action.

Membership

- a) The Taskforce shall comprise members;
- b) The membership will be appointed by Council; and
- c) The members will serve on the Taskforce for the term of the current Council.

Chairperson

Council shall appoint the Chairperson of the Taskforce.

Deputy Chairperson

- a) The Deputy Chairperson shall be appointed by the members of the Taskforce; and
- b) The Deputy Chairperson will be responsible to oversight the activities of the Taskforce in the absence of the Chairperson.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil