



BUSINESS PAPER

EXTRAORDINARY MEETING OF COUNCIL

To be held on

Monday, 18 March 2024

4:00 PM

at

Armidale Council Chambers

Members

Councillor Sam Coupland (Mayor)
Councillor Todd Redwood (Deputy Mayor)
Councillor Paul Gaddes
Councillor Jon Galletly
Councillor Susan McMichael
Councillor Steven Mephram
Councillor Debra O'Brien
Councillor Margaret O'Connor
Councillor Paul Packham
Councillor Dorothy Robinson
Councillor Bradley Widders

AGENDA

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Ethical Decision Making and Conflicts of Interest

A guiding checklist for Councillors, officers and community committees

Oath or Affirmation of Office

Councillors are reminded of the Oath or Affirmation taken of office, made under section 233A of the *Local Government Act 1993* when elected.

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 [Disclosures and Declarations of Interest at Meetings](#).

Item: 11.1 **Ref:** AINT/2024/05095
Title: Security Guarantee for New England Weeds Authority Loan
Container: ARC16/0025-7
Responsible Officer: General Manager
Author: Dorothy Robinson, Councillor
Attachments: Nil

I hereby give notice of my intention to move the following motion at the Extraordinary Council to be held on 18 March 2024.

That Armidale Regional Council's security loan guarantee for loan funding by the Commonwealth Bank to the New England Weed Authority be increased to \$382,275.00.

.....

Cr Dorothy Robinson

13/03/2024

Background Supporting Information

After ARC approved the initial request for a loan guarantee of \$316,828.00, Glen Innes Severn Council and Uralla Shire Council approved their share plus contingencies in case one Council was unable to provide their share of the guarantee within the required time frame.

It is now clear that Walcha Council will be unable to provide its share within the required time frame, so it is necessary for ARC to hold an ECM to provide the additional security as a matter of urgency.

NEWA is currently suffering cash flow problems because of delays in Weeds Action Program funding. The audit office has assured our General Manager, Mr Tim Weeks, that the audited financial statements will be unqualified as long as the security guarantee is obtained as soon as possible.

Further information will be distributed prior to the meeting.