

## MAYOR

Steve Krieg

Harper Dalton-Earls

Virginia Waters

Jeri Hall

Electra Jensen

Andrew Gordon



Andrew Bing

Gianpiero Battista

Adam Guise

Big Rob

Jasmine Knight-Smith

# Council

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An Ordinary Meeting of Lismore City Council will be held at the Council Chambers on Tuesday 15 October 2024 at 6.00pm

Members of Council are requested to attend.

*Lismore City Council acknowledges the Widjabul Wia-bal people of the Bundjalung nation, traditional custodians of the land on which we meet.*

**Jon Gibbons**  
General Manager

9 October 2024



## ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

### A guiding checklist for councillors, staff 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 – an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to yourself or another person or entity defined in part 4 of the Lismore City Council Code of Conduct with whom you are associated.
- Non-pecuniary – a private or personal interest that you have that does not amount to a pecuniary interest as defined in the Lismore City Council Code of Conduct. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

#### 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

- Do I have private interests affected by a matter I am officially involved in?
- Is my official role one of influence or perceived influence over the matter?
- Do my private interests' conflict with my official role?

#### 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 Interests** - 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 interests 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 of the provisions in the Code of Conduct (particularly if you have a significant non-pecuniary interest)

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

# Agenda

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# **Reports of the General Manager**

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# Report

<b>Subject</b>	<b>Additional Committee Delegates</b>
<b>TRIM Record No</b>	BP24/901:EF13/463-6
<b>Prepared by</b>	Executive Officer - General Manager and Mayor & Councillors
<b>Reason</b>	To elect councillors to the Australia Day Awards Committee
<b>Strategic Theme</b>	Leadership and participation
<b>Strategy</b>	We provide effective management and responsible governance.
<b>Action</b>	Ensure the efficient and effective operation of Council.

## Executive Summary

This report is supplementary to the Committee Delegates Report and contains details relating to the Australia Day Awards Committee.

## Recommendation

That:

1. the election of delegates be undertaken for Council's Australia Day Awards Committee
2. if the number of nominations exceeds the number of vacancies an open ballot show of hands process will run
3. if the number of nominations does not exceed the number of vacancies, then the nominees are elected
4. if there are no nominations for the committee a second round of nominations will be conducted. If positions still remain unfilled the committee be hibernated until the next election
5. Councillors Krieg, ..... and ..... be elected to the Committee

## Background

The role of the Australia Day Awards Committee is to assess and determine the winners of the Lismore City Council Australia Day Awards.

The membership consists of the Mayor (to preside as Chairperson) and at least two councillors.

## Comments

### Finance

Not required.

### Public consultation

Not required.

## **Conclusion**

The Council elect councillors to the Australia Day Awards Committee.

## **Attachment/s**

There are no attachments for this report.