



**NAMOI UNLIMITED**

*Premier agricultural region in Australia*

## **Code of Meeting Practice**

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## 1. INTRODUCTION

### 1.1. CITATION

This Code may be cited as the Namoi Joint Organisation of Councils trading as Namoi Unlimited, Code of Meeting Practice.

### 1.2. JOINT ORGANISATIONS

In 2017, the NSW Government established joint organisations under the NSW Local Government Act 1993 (the Act).

Joint Organisations are new local government entities with legal powers to support Local Councils. Joint Organisations will enhance the way Local and State Governments work together to plan and deliver important regional infrastructure and investment.

### 1.3. JOINT ORGANISATIONS ARE SUBJECT TO SOME OF THE SAME OPERATING AND GOVERNANCE FRAMEWORKS THAT APPLY TO LOCAL COUNCILS REPRESENTATIVES

The Joint Organisation can comprise of Voting and Non-voting representatives.

Voting representatives are the Mayors of each of the Local Councils proclaimed under the Local Government (Regional Joint Organisations) Proclamation 2018.

Non-voting representatives include:

- any additional nominees of the Voting Representatives
- the Mayors and nominees of Local Councils in NSW having accepted the terms of Non-voting membership of the Joint Organisation;
- a NSW Government employee nominated by the Secretary of the Department of Premier and Cabinet;
- the Executive Officer of the Joint Organisation; and
- any other person or organisation invited by the Joint Organisation to join and having accepted the terms of Non-voting membership of the Joint Organisation.

The Chairperson of the Joint Organisation is elected by the Voting representatives from among the Voting representatives who are Mayors.

A Chairperson of a Joint Organisation may serve consecutive terms if re-elected by the Joint Organisation Voting representatives to be Chairperson. The Chairperson holds office for two years (unless a casual vacancy occurs).

Any person elected as Chairperson on the occurrence of a casual vacancy, holds the office for the remaining period of the two year term of office of the previous Chairperson.

If the Joint Organisation determines that the Chairperson is to be a Non-voting Chairperson, the relevant Local Council is able to nominate another Councillor to be their Voting representative for the period for which the Chairperson holds office. The Councillor nominated is to be the Deputy Mayor of the relevant Local Council, or another Councillor if there is no Deputy Mayor.

The role of the Chairperson is to preside at Meetings of the Joint Organisation. Chairpersons have the same functions and powers as Mayors of Local Councils with respect to the conduct of Meetings.

### 1.4. ACT, REGULATIONS AND CODE

This Code is made pursuant to Section 360 of the Act and the Local Government (General) Regulation 2005 (the Regulation) and Local Government (Regional Joint Organisations) Proclamation 2018.

In the event of any inconsistency between the Code and the Act or the Regulation, the Act or the Regulation (as the case may be) shall prevail to the extent of the inconsistency.

## 1.5. REVISION

This Code will be reviewed when the Model Code is changed or when the Joint Organisation identifies that the Code requires review to meet compliance levels.

## 2. MEETING PRINCIPLES

Joint Organisation Meetings should be:

- Transparent – decisions are made in a way that is open and accountable.
- Informed – decisions are made based on relevant, quality information.
- Inclusive – decisions respect the diverse needs and interests of the local community.
- Principled – decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted – the community has confidence that Local Council Councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful – Local Council Councillors, staff and meeting attendees treat each other with respect.
- Effective – Meetings are well organised, effectively run and skilfully chaired.
- Orderly – Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the Meeting.

## 3. BEFORE THE MEETING

### 3.1. TIMING OF ORDINARY MEETINGS

- 3.1.1 Ordinary Meetings of the Joint Organisation are to be held on the 1<sup>st</sup> Tuesday of the month, at least 10 times a year, with each Meeting being held in a different month.
- 3.1.2 The Joint Organisation may, by resolution, vary the time, date and place of Ordinary Meetings should circumstances exist to warrant the change in time, date or location.

### 3.2. EXTRAORDINARY MEETINGS

- 3.2.1 If the Chairperson receives a request in writing, signed by at least two voting representatives, the Chairperson must call an Extraordinary Meeting of the Joint Organisation to be held as soon as practicable, but in any event, no more than 14 days after receipt of the request. The Chairperson can be one of the two Voting representatives requesting the Meeting (s.366 of the Act).
- 3.2.2 The Chairperson or the Executive Officer, in consultation with the Chairperson, may call an Extraordinary Meeting without the need to obtain the signature of two Voting representatives to consider urgent business.
- 3.2.3 For the purpose of clause 3.2.2, urgent business is any matter that, in the opinion of the Chairperson or the Executive Officer, requires a decision by the Joint Organisation before the next scheduled Ordinary Meeting of the Joint Organisation.

### 3.3. NOTICE TO THE PUBLIC OF MEETINGS

- 3.3.1 The Joint Organisation must give notice to the public of the time, date and place of each of its Meetings, including Extraordinary Meetings and of any meeting of Committees of the Joint Organisation (s.9(1) of the Act).
- 3.3.2 For the purposes of clause 3.3.1, notice of a Meeting of the Joint Organisation is to be published before the Meeting takes place. The notice must be:
- a) published on the Joint's Organisation's website; and

- b) published in such other manner as is determined by the Joint Organisation with the object of bringing notice of the Meeting to the attention of as many people as possible.

3.3.3 For the purposes of clause 3.3.1, notice of more than one Meeting may be given in the same notice.

#### **3.4. NOTICE TO VOTING AND NON-VOTING REPRESENTATIVES OF ORDINARY MEETINGS**

3.4.1 The Executive Officer must send to each Voting and Non-voting representatives, at least three days before each Ordinary Meeting of the Joint Organisation, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting (s.367(1) of the Act).

3.4.2 The notice and the agenda for, and the business papers relating to, the Ordinary Meeting may be given to Voting and Non-voting representatives in electronic form, but only if all representatives have facilities to access the notice, agenda and business papers in that form (s.367(3) of the Act).

#### **3.5. NOTICE TO VOTING AND NON-VOTING REPRESENTATIVES OF EXTRAORDINARY MEETINGS**

3.5.1 Notice of less than three days may be given to Voting and Non-voting representatives of an Extraordinary Meeting of the Joint Organisation in cases of emergency (s.367(2) of the Act).

#### **3.6. GIVING NOTICE OF BUSINESS TO BE CONSIDERED AT MEETINGS**

3.6.1 A Voting representative may give notice of any business they wish to be considered by the Joint Organisation at its next Ordinary Meeting by way of a Notice of Motion, to be included on the agenda of the Meeting. The Notice of Motion must be in writing and must be submitted by 12.00pm on the Tuesday prior to the Meeting.

3.6.2 A Voting representative may, in writing to the Executive Officer, request the withdrawal of a Notice of Motion submitted by them, prior to its inclusion in the agenda and business paper for the Meeting at which the motion is to be considered.

3.6.3 If the Executive Officer considers that a Notice of Motion submitted by a Voting representative for consideration at an Ordinary Meeting of the Joint Organisation has legal, strategic, and financial or policy implications which should be taken into consideration by the Meeting, the Executive Officer may either:

- (a) prepare a report in relation to the Notice of Motion for inclusion with the business papers for the Meeting at which the Notice of Motion is to be considered by the Joint Organisation; or
- (b) by written notice sent to all Voting and Non-voting representatives with the business papers for the Meeting for which the Notice of Motion has been submitted, defer consideration of the matter by the Joint Organisation to such a date specified in the Notice, pending the preparation of a report.

3.6.4 A Notice of Motion for the expenditure of Funds on works and/or services other than those already provided for in the Joint Organisation's current adopted operational plan and budget, must identify the source of funding for the expenditure that is the subject of the Notice of Motion. If the Notice of Motion does not identify a funding source, the Executive Officer must either:

- (a) prepare a report on the availability of funds for implementing the Notice of Motion if adopted; or

- (b) by written notice sent to all Voting representatives with the business papers for the Meeting for which the Notice of Motion has been submitted, defer consideration of the matter by the Joint Organisation to such a date specified in the notice, pending the preparation of such a report.

### 3.7. QUESTIONS WITH NOTICE

- 3.7.1 A Voting representative may, by way of a Notice submitted under clause 3.6.1, ask a question for response by the Executive Officer about the performance or operations of the Joint Organisation.
- 3.7.2 A Voting representative is not permitted to ask a question with Notice under clause 3.7.1 that comprises a complaint against the Executive Officer or another member of staff employed by the Joint Organisation or any Local Council, or a question that implies wrongdoing by the Executive Officer or a member of staff employed by the Joint Organisation or any Local Council.
- 3.7.3 The Executive Officer or their nominee may respond to a question with Notice submitted under clause 3.7.1 by way of a report included in the business papers for the relevant meeting of the Joint Organisation or orally at the meeting.

### 3.8. AGENDA AND BUSINESS PAPERS FOR ORDINARY MEETINGS

- 3.8.1 The Executive Officer must cause the agenda for an Ordinary Meeting of the Joint Organisation or a Committee of the Joint Organisation to be prepared as soon as practicable before the meeting.
- 3.8.2 The Executive Officer must ensure that the agenda for an Ordinary Meeting of the Joint Organisation states:
  - (a) all matters to be dealt with arising out of the proceedings of previous Ordinary or Extraordinary Meetings of the Joint Organisation;
  - (b) any matter or topic that the Chairperson proposes at the time when the agenda is prepared, to put to the Meeting;
  - (c) all matters, including matters that are subject to staff reports and reports of Committees of the Joint Organisation, to be considered at the meeting; and
  - (d) any business of which due Notice has been given under clause 3.6.1.
- 3.8.3 Nothing in clause 3.8.2 limits the powers of the Chairperson to put a Minute to the meeting under clause 9.2.1.
- 3.8.4 The Executive Officer must not include in the agenda for an Ordinary or Extraordinary Meeting of the Joint Organisation any business of which due to the Notice has been given if, in the opinion of the Executive Officer, the business is, or the implementation of the business would be, unlawful. The Executive Officer must report, without giving details of the item of business, any such exclusion to the next Meeting of the Joint Organisation.
- 3.8.5 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the Executive Officer, is likely to take place when the Meeting is closed to the public, the Executive Officer must ensure that the agenda of the meeting:
  - (a) identifies the relevant item of business and indicates that, the matter is of such a nature (without disclosing details of the information to be considered when the Meeting is closed to the public); and
  - (b) states the grounds under section 10A(2) of the Act relevant to the item of business (s.9(2A)(a) of the Act).



- 3.8.6 The Executive Officer must ensure that the details of any item of business which, in the opinion of the Executive Officer, is likely to be considered when the Meeting is closed to the public, are included in a business paper provided to Voting and Non-voting representatives for the Meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a Voting or Non-voting representative or by any other person, to another person who is not authorised to have that information.

### **3.9. AVAILABILITY OF AGENDA AND BUSINESS PAPERS TO THE PUBLIC**

- 3.9.1 Copies of the agenda and the associated business papers, such as correspondence and reports for Meetings of the Joint Organisation and Committees of the Joint Organisation, are to be published on the Joint Organisation's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of Local Council's associated with the Joint Organisation, at the relevant Meeting and at other such venues determined by the Joint Organisation (S.9(2) and (4) of the Act).
- 3.9.2 Clause 3.9.1 does not apply to the business papers for items of business that the Executive Officer has identified under clause 3.8.5 as being likely to be considered when the Meeting is closed to the public (s.9(2A)(b) of the Act).
- 3.9.3 For the purposes of clause 3.9.1, copies of agendas and business papers must be published on the Joint Organisation's website and made available to the public at a time that is as close as possible to the time they are available to Voting and Non-voting representatives (s.9(3) of the Act).
- 3.9.4 A copy of an agenda, or of an associated business paper made available under clause 3.9.1, may in addition be given or made available in electronic form (s.9(5) of the Act).

### **3.10. AGENDA AND BUSINESS PAPERS FOR EXTRAORDINARY MEETINGS**

- 3.10.1 The Executive Officer must ensure that the agenda for an Extraordinary Meeting of the Joint Organisation deals only with the matters stated in the Notice of the Meeting.
- 3.10.2 Despite clause 3.10.1, business may be considered at an Extraordinary Meeting of the Joint Organisation, even though due notice of the business has not been given, if:
- (a) a Motion is passed to have the business considered at the Meeting; and
  - (b) the business to be considered is ruled by the Chairperson to be of great urgency.
- 3.10.3 A motion moved under clause 3.10.2(a) can be moved without Notice but only after the business notified in the agenda for the Extraordinary Meeting has been dealt with.
- 3.10.4 Despite Section 10.7, only the mover of a Motion moved under the clause 3.10.2(a) can speak to the Motion before it is put.
- 3.10.5 A motion of dissent cannot be made against a ruling of the Chairperson on a matter of urgency at an extraordinary meeting consistent with clause 3.33.

### **3.11. PRE-MEETING BRIEFING SESSIONS**

- 3.11.1 Prior to each ordinary meeting of the Joint Organisation, the Executive Officer may arrange a pre-meeting briefing session to brief Voting Members on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the Joint Organisation and meetings of committees of the Joint Organisation.
- 3.11.2 Pre-meeting briefing sessions are to be held in the absence of the public.

- 3.11.3 The Executive Officer or a member of staff nominated by the Executive Officer is to preside at pre-meeting briefing sessions.
- 3.11.4 Members must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Joint Organisation or committee of the Joint Organisation meeting at which the item of business is to be considered.
- 3.11.5 Members (including the Chair) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a Joint Organisation or Joint Organisation committee meeting. The Joint Organisation is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the Member who made the declaration.

## 4. PUBLIC FORUM

- 4.1 The Joint Organisation may hold a public forum prior to each Ordinary Meeting of the Joint Organisation for the purpose of hearing oral submissions from members of the public on items of business to be considered at the Ordinary Meeting. Public forums may also be held prior to Extraordinary Meetings and Meetings of Committees of the Joint Organisation.
- 4.2 Public forums are to be convened by the Chairperson.
- 4.3 To speak at a public forum, a person must first make an application to the Joint Organisation in the approved form. Applications to speak at the public forum must be received in writing by the Executive Officer by 5pm on the day before the public forum is to be held, and must identify the item of business on the agenda of the Joint Organisation Meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.4 Nominated candidates at Federal, State or Local Government elections and serving local councillors are not permitted to speak at a public forum.
- 4.5 Legal representatives acting on behalf of others are not permitted to speak at a public forum unless they identify their status as a legal representative and for whom they are acting on behalf of, when applying to speak at the public forum.
- 4.6 The Executive Officer or their delegate may refuse an application to speak at a public forum. The Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than 3 speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Joint Organisation.
- 4.8 If more than the permitted number of speakers applies to speak 'for' or 'against' any item of business, the Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to address the Joint Organisation on the item of business. If the speakers are not able to agree on whom to nominate to address the Joint Organisation, the Executive Officer or their delegate is to determine who will address the Joint Organisation at the public forum.
- 4.9 Approved speakers at the public forum are to register with the Joint Organisation any written, visual or audio material to be presented in support of their address to the Joint Organisation at the public forum, and to identify any equipment needs no more three days before the public forum. The Executive Officer or their delegate may refuse to allow such material to be presented.

- 4.10 The Executive Officer or their delegate is to determine the order of speakers at the public forum.
- 4.11 Each speaker will be allowed three minutes to address the Joint Organisation. This time is to be strictly enforced by the Chairperson.
- 4.12 Speakers at public forums must not digress from the item on the agenda of the Joint Organisation Meeting they have applied to address the Joint Organisation on. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to digress. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard.
- 4.13 A Voting representative (including the Chairperson) may, through the Chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.14 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to three minutes.
- 4.15 Speakers at public forums cannot ask questions of the Joint Organisation, Voting representatives, Non-voting representatives or staff.
- 4.16 The Executive Officer or their nominee may, with the concurrence of the Chairperson, address the Joint Organisation for up to five minutes in response to an address to the Joint Organisation at a public forum, after the address and after any subsequent questions and answers have been finalised.
- 4.17 Where an address made at a public forum raises matters that require further consideration by Joint Organisation staff, the Executive Officer may recommend that the Joint Organisation defer consideration of the matter pending the preparation of a further report on the matters.
- 4.18 When addressing the Joint Organisation, speakers at public forums must comply with this Code and all other relevant Joint Organisation Codes or Local Council Codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Joint Organisation's Code of Conduct or making other potentially defamatory statements.
- 4.19 If the Chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.18, the Chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the Chairperson's request, the Chairperson may immediately require the person to stop speaking.
- 4.20 Clause 4.19 does not limit the ability of the Chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this Code.
- 4.21 Where a speaker engages in conduct of the type referred to in clause 4.18, the Executive Officer or their delegate may refuse further applications from that person to speak at public forums for such a period as the Executive Officer or their delegate considers appropriate.
- 4.22 Voting and Non-voting representatives (including the Chairperson) must disclose and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do at a Joint Organisation, Local Council Meeting or Committee Meeting.
- 4.23 Public forums are not to be held as part of a committee Meeting. Committee meetings should be reserved for deliberations and preparation for decision-making by the Joint Organisation.

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## 5. COMING TOGETHER

### 5.1. ATTENDANCE BY VOTING REPRESENTATIVES AT MEETINGS

- 5.1.1 All Voting and Non-voting representatives must make reasonable efforts to attend Meetings of the Joint Organisation and of Committees of which they are nominated to be members.
- 5.1.2 A Voting and Non-voting representative can participate in a Meeting via video conference or teleconference as long as the connectivity of the representative can be assured. Assured means that the representative can be heard when talking and the representative can hear the proceedings being held.
- 5.1.3 Where a Voting representative is unable to attend one or more Ordinary Meetings of the Joint Organisation, the Voting representative should request that the Joint Organisation grant them a leave of absence from those Meetings. This clause does not prevent a Voting representative from making an apology if they are unable to attend a Meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of the Code and the Act.
- 5.1.4 A Voting representative's request for leave of absence from Joint Organisation Meetings should, if practicable, identify (by date) the Meetings from which the Voting representative intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.1.5 The Joint Organisation must act reasonably when considering whether to grant a Voting representative's request for a leave of absence.
- 5.1.6 A Voting representative who intends to attend a meeting of the Joint Organisation despite having been granted a leave of absence should, if practicable, give the Executive Officer at least two day's notice of their intention to attend.

### 5.2. THE QUORUM FOR A MEETING

- 5.2.1 The quorum for a Meeting of the Joint Organisation is a majority of the Voting representatives of the Joint Organisation at the time and are not suspended from office (s.400T(7) of the Act).
- 5.2.2 Clause 5.2.1 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Joint Organisation (s.368(2) of the Act).
- 5.2.3 A Meeting of the Joint Organisation must be adjourned if a quorum is not present:
  - (a) Within half an hour after the time designated for the holding of the Meeting; or
  - (b) At any time during the Meeting.
- 5.2.4 In either case, the Meeting must be adjourned to a time, date and place fixed:
  - (a) by the Chairperson; or
  - (b) in the Chairperson's absence, by the majority of the Voting representatives present; or
  - (c) failing that, by the Executive Officer.
- 5.2.5 The Executive Officer must record in the Minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a Meeting of the Joint Organisation, together with the names of the Voting and Non-voting representatives present.
- 5.2.6 Where, prior to the commencement of a Meeting, it becomes apparent that a quorum may not be present at the Meeting, or that the safety and welfare of representatives, staff and members of the public may be put at risk by attending the Meeting because of a natural

disaster (such as, but not limited to flood or bushfire), the Chairperson may, in consultation with the Executive Officer and, as far as is practicable, with Voting representative, cancel the Meeting. Where a Meeting is cancelled, notice of the cancellation must be published on the Joint Organisation's website and using such other means as will bring notice of the cancellation to the attention of as many people as possible.

- 5.2.7 Where a meeting is cancelled under clause 5.2.6, the business to be considered at the Meeting may instead be considered at an Extraordinary Meeting called under clause 3.2.2.

### **5.3. ENTITLEMENT OF THE PUBLIC TO ATTEND JOINT ORGANISATION MEETINGS**

- 5.3.1 Any member of the public is entitled to attend an Ordinary Meeting of the Joint Organisation. The Joint Organisation must ensure that all Meetings of Joint Organisation are open to the public (s.10(1) of the Act).
- 5.3.2 Clause 5.3.1 does not apply to parts of Meetings that have been closed to the public under section 10A of the Act.
- 5.3.3 A person (whether a representative or another person) is not entitled to be present at a Meeting of the Joint Organisation if a person is expelled from the Meeting:
- (a) by a resolution of the Meeting; or
  - (b) by the person presiding at the Meeting of the Joint Organisation has by resolution, authorised the person presiding to exercise the power of expulsion (s.10(2) of the Act).

### **5.4. WEBCASTING OF MEETINGS**

- 5.4.1 Meetings of the Joint Organisation and if the appropriate equipment is available at the meeting location will be webcast.
- 5.4.2 Clause 5.4.1 does not apply to parts of a Meeting that have been closed to the public under section 10A of the Act.
- 5.4.3 At the start of any Meeting to be webcast, the Chairperson is to make a statement informing those in attendance that the Meeting is being webcast and that those in attendance are to refrain from making any defamatory statements.

### **5.5. AUDIO RECORDING OF MEETING**

- 5.5.1 Audio recordings are to be made of Meetings for the dominant purpose of assisting with the preparation of the minutes of the Meetings.
- 5.5.2 A person may only use a recording device to record a Meeting of the Joint Organisation with permission from the Chairperson or Executive Officer.
- 5.5.3 A person may be expelled from any meeting for using or having used a recording device without permission.
- 5.5.4 Accredited representatives of the media are permitted to take still photographs and make audio visual recordings of Joint Organisation Meetings with permission from the Executive Officer prior to the meeting. Media representatives must not interfere with or impede the progress or proceedings of any Meeting and are required to follow the instructions of the Executive Officer.
- 5.5.5 The Chairperson and Executive Officer reserve the right to prevent the taking of still photographs and audio visual recordings if the Chairperson deems taking photographs or audio visual recordings is inappropriate.

## 5.6. ATTENDANCE OF THE EXECUTIVE OFFICER AND OTHER STAFF AT MEETINGS

- 5.6.1 The Executive Officer is entitled to attend, but not to vote at, a Meeting of the Joint Organisation or a Meeting of a Committee of the Joint Organisation of which all of the Local Councils are Voting representatives (s.376(1) of the Act).
- 5.6.2 The Executive Officer is entitled to attend a meeting of any other committee of the Joint Organisation and may, if a Local Council representative of the Committee, exercise a vote (s.376(2) of the Act).
- 5.6.3 The Executive Officer may be excluded from a meeting of the Joint Organisation or a Committee while the Joint Organisation or the Committee deals with a matter relating to the standard of performance of the Executive Officer or the terms of employment of the Executive Officer (s.376(3) of the Act).
- 5.6.4 The attendance of other staff at a meeting, (other than as members of public) shall be with the approval of the Executive Officer.

## 6. THE CHAIRPERSON

### 6.1. THE CHAIRPERSON AT MEETINGS

- 6.1.1 The Chairperson, who is a Mayor, is elected to the office of Chairperson by the Voting who are Mayors.

### 6.2. ELECTION OF THE CHAIRPERSON IN THE ABSENCE OF THE CHAIRPERSON

- 6.2.1 If the Chairperson is not present at a Meeting of the Joint Organisation at the time designated for the holding of the Meeting, the first business of the Meeting must be the election of a Chairperson to preside at the Meeting.
- 6.2.2 The Election of Chairperson must be conducted:
  - (a) by the Executive Officer or, in their absence, an employee of the Joint Organisation designated by the Executive Officer to conduct the election; or
  - (b) by the person who called the Meeting or a person acting on their behalf if neither the Executive Officer nor a designated employee is present at the Meeting, or if there is no Executive Officer or designated employee.
- 6.2.3 If, at an election of a Chairperson, two or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the Chairperson is to be the candidate whose name is chosen by lot.
- 6.2.4 For the purposes of clause 6.2.3, the person conducting the election must:
  - (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
  - (b) fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.2.5 The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson of the Meeting.
- 6.2.6 Any election conducted under clause 6.2.1 and the outcome of the vote, are to be recorded in the minutes of the Meeting.

### 6.3. CHAIRPERSON TO HAVE PRECEDENCE

- 6.3.1 When the Chairperson rises or speaks during a Meeting of the Joint Organisation:
  - (a) any person then speaking or seeking to speak must, if standing, immediately resume their seat; and



- (b) every person present must be silent to enable the Chairperson to be heard without interruption.

## **7. MODES OF ADDRESS**

- 7.1 The Chairperson is to be addressed as either 'Mr Chair' or 'Madam Chair'

## **8. ORDER OF BUSINESS FOR ORDINARY MEETINGS**

- 8.1 The general order of business for an Ordinary Meeting of the Joint Organisation shall be:
  - 01 Welcome, Acknowledgement and/or Prayer
  - 02 Apologies and Applications for Leave of Absence
  - 03 Public Forum and/or Presentations
  - 04 Confirmation of Minutes
  - 05 Disclosures of Interests
  - 06 Chairperson Minutes
  - 07 Notices of Motions
  - 08 Notice of Motion of Rescission (if applicable)
  - 09 Open Reports
  - 10 Reports from Delegates
  - 11 Questions with Notice
  - 12 Closed Reports
  - 13 Conclusion of the Meeting
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular Meeting of the Joint Organisation if a Notice of Motion to that effect is passed at that Meeting. Such a Motion can be moved without Notice.
- 8.3 Despite Section 10.7, only the mover of a Motion referred to in clause 8.2 may speak to the Motion before it is put.

## **9. CONSIDERATION OF BUSINESS AT MEETINGS**

### **9.1. BUSINESS THAT CAN BE DEALT WITH AT A JOINT ORGANISATION MEETING**

- 9.1.1 The Joint Organisation must not consider business at a Meeting of the Joint Organisation:
  - (a) unless a Voting representative has given notice of the business as required by clause 3.6.1; and
  - (b) unless Notice of the business has been sent to the Voting representatives in accordance with clause 3.4.1 the case of an Ordinary Meeting and clause 3.5.1 in the case of an Extraordinary Meeting.
- 9.1.2 Clause 9.1.1 does not apply to the consideration of business at a Meeting, if the business:
  - (a) is already before, or directly relates to, a matter that is already before the Joint Organisation;
  - (b) is the election of a Chairperson to preside at the Meeting;
  - (c) subject to clause 9.2.4, is a matter or topic put to the Meeting by way of a Chairperson's Minute; or

- (d) is a Motion for the adoption of recommendations of a committee, including, but not limited to, a Committee of the Joint Organisation.
- 9.1.3 Despite clause 9.1.1, business may be considered at a Meeting of the Joint Organisation even though due notice of the business has not been given to the Voting representatives if:
  - (a) a Motion is passed to have the business considered at the Meeting; and
  - (b) the business to be considered is ruled by the Chairperson to be of great urgency.
- 9.1.4 A Motion moved under clause 9.1.3(a) can be moved without notice. Despite Section 10.7, only the mover of a Motion referred to in clause 9.1.3(a) can speak to the Motion before it is put.
- 9.1.5 A Motion of dissent cannot be moved against a ruling by the Chairperson under clause 9.1.3(b).

## **9.2. CHAIRPERSON'S MINUTES**

- 9.2.1 Only the Chairperson may put to the Meeting without notice any matter or topic that is within the jurisdiction of the Joint Organisation, or of which the Joint Organisation has official knowledge.
- 9.2.2 A Chairperson's Minute, when put to a Meeting, takes precedence over all business in the agenda for the Meeting.
- 9.2.3 A recommendation made in a Chairperson's Minute is, insofar as it is adopted by the Joint Organisation, a resolution of the Joint Organisation.
- 9.2.4 A Chairperson's Minute must not be used to put without notice, matters that are routine and not urgent, or matters for which proper notice should be given because of the complexity.
- 9.2.5 Where a Chairperson's Minute makes a recommendation which, if adopted, would require the expenditure of funds on works and or services other than those already provided for in the current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the Chairperson's Minute does not identify a funding source, the Joint Organisation must defer consideration of the matter, pending a report from the Executive Officer on the availability of funds for implementing the recommendation if adopted.

## **9.3. STAFF REPORTS**

- 9.3.1 A recommendation made in a staff report is, insofar as it is adopted by the Joint Organisation, a resolution of the Joint Organisation.

## **9.4. REPORTS OF COMMITTEES OF THE JOINT ORGANISATION**

- 9.4.1 The recommendations of a committee are, insofar as they are adopted by the Joint Organisation, resolutions of the Joint Organisation.
- 9.4.2 If in a report of a committee distinct recommendations are made, the Joint Organisation may make separate decisions on each recommendation.

## **9.5. QUESTIONS**

- 9.5.1 A question must not be asked at a Meeting of the Joint Organisation unless it concerns a matter on the agenda of the Meeting or Notice has been given of the question in accordance with clauses 3.6.1 and 3.7.1.
- 9.5.2 A representative may, through the Chairperson, put a question to another representative about a matter on the agenda.



- 9.5.3 A representative may, through the Executive Officer, put a question to a staff member about a matter on the agenda. Employees are only obliged to answer a question put to them through the Executive Officer at the direction of the Executive Officer.
- 9.5.4 A representative or employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a representative or employee to whom a question is put is unable to respond to the question at the Meeting at which it is put, they may take it on notice and report the response to the next meeting of the Joint Organisation.
- 9.5.5 The representative must put every such question directly, succinctly and without argument.
- 9.5.6 The Chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a representative or employee.

## **10. RULES OF DEBATE**

### **10.1. MOTIONS TO BE SECONDED**

- 10.1.1 Unless otherwise specified in this Code, a Motion or Amendment cannot be debated unless or until it has been seconded.

### **10.2. NOTICES OF MOTION**

- 10.2.1 A voting representative who has submitted a Notice of Motion under clause 3.6.1 is to move the Motion and the subject of the Notice at the Meeting at which it is to be considered.
- 10.2.2 If a Voting representative who has submitted a Notice of Motion under clause 3.6.1 wishes to withdraw the Notice of Motion after the agenda and business paper for the Meeting, at which the Notice of Motion is to be considered have been sent to representatives, the Voting representative may request the withdrawal of the Motion when it is before the representatives.
- 10.2.3 In the absence of a Voting representative, who has placed a Notice of Motion on the agenda for a Meeting of the Joint Organisation:
- (a) any other voting representatives may move the Motion at the Meeting; or
  - (b) the Chairperson may defer the Motion until the next Meeting at which the Motion can be considered.

### **10.3. CHAIRPERSON'S DUTIES WITH RESPECT TO MOTIONS**

- 10.3.1 It is the duty of the Chairperson at a Meeting to receive and put to the Meeting any lawful Motion that is brought before the Meeting.
- 10.3.2 The Chairperson must rule out of order any Motion or Amendment to a Motion that is unlawful or the implementation of which would be unlawful.
- 10.3.3 Before ruling out of order a Motion or an Amendment to a Motion under clause 10.3.2, the Chairperson is to give the mover an opportunity to clarify or amend the Motion or Amendment.
- 10.3.4 Any Motion, Amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.

### **10.4. MOTIONS REQUIRING THE EXPENDITURE OF FUNDS**

- 10.4.1 A Motion or an Amendment to a Motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the Joint

Organisation's current adopted operational plan and budget must identify the source of funding for the expenditure that is the subject of the Motion. If the Motion does not identify a funding source, the Joint Organisation must defer consideration of the matter, pending a report from the Executive Officer on the availability of funds for implementing the Motion if adopted.

### **10.5. AMENDMENTS TO MOTIONS**

- 10.5.1 An Amendment to a Motion must be moved and seconded before it can be debated.
- 10.5.2 An Amendment to a Motion must relate to the matter being dealt with in the original Motion before the representatives and must not be a direct negative of the original Motion. An Amendment to a Motion which does not relate to the matter being dealt with in the original Motion, or which is a direct negative of the original Motion, must be ruled out of order by the Chairperson.
- 10.5.3 The mover of an Amendment is to be given the opportunity to explain any uncertainties in the proposed Amendment before a seconder is called for.
- 10.5.4 If an Amendment has been rejected, a further Amendment can be moved to the Motion to which the rejected Amendment was moved, and so on, but no more than one Motion and one proposed Amendment can be before the representatives at any one time.
- 10.5.5 While an Amendment is being considered, debate must only occur in relation to the Amendment and not the original Motion. Debate on the original Motion is to be suspended while the Amendment to the original Motion is being debated.
- 10.5.6 If the Amendment is carried, it becomes the Motion and is to be debated. If the Amendment is rejected, debate is to resume on the original Motion.

### **10.6. FORESHADOWED MOTIONS**

- 10.6.1 A Voting representative may propose a Foreshadowed Motion without a seconder during debate on the original Motion. The Foreshadowed Motion is only to be considered if the original Motion is lost or withdrawn, and the Foreshadowed Motion is then moved and seconded. If the original motion is carried, the Foreshadowed Motion lapses.
- 10.6.2 Where an Amendment has been moved and seconded, a Voting representative may, without a seconder, foreshadow a further Amendment that they propose to move, after the first Amendment has been dealt with. There is no limit to the number of Foreshadowed Amendments that may be put before the representatives at any time. However, no discussion can take place on Foreshadowed Amendments until the previous Amendment has been dealt with and the Foreshadowed Amendment has been moved and seconded.
- 10.6.3 Foreshadowed Motions and Foreshadowed Amendments are to be considered in the order in which they are proposed. However, Foreshadowed Motions cannot be considered until all Foreshadowed Amendments have been dealt with.

### **10.7. LIMITATIONS ON THE NUMBER AND DURATION OF SPEECHES**

- 10.7.1 A Voting representative who, during a debate at a Meeting of the Joint Organisation, moves an original Motion, has the right to speak on each Amendment to the Motion and a right of general reply to all observations that are made during the debate in relation to the Motion, and to any Amendment to it at the conclusion of the debate before the Motion (whether amended or not) is finally put.
- 10.7.2 A representative, other than the mover of an original Motion, has the right to speak once on the Motion, and once on each Amendment to it.
- 10.7.3 A representative must not, without the consent of the Chairperson, speak more than once on a Motion or an Amendment, or for longer than five minutes at any one time. However,

the Chairperson may permit a representative who claims to have been misrepresented or misunderstood to speak more than once on a Motion or an Amendment, and for longer than five minutes on that Motion or Amendment, to enable the representative to make a statement limited to explaining the misrepresentation or misunderstanding.

- 10.7.4 Despite clauses 10.7.1 and 10.7.2, a Voting representative may move that a Motion or an Amendment be now put:
- (a) if the mover of the Motion or Amendment has spoken in favour of it and no Voting representative expresses an intention to speak against it; or
  - (b) if at least two Voting representatives have spoken in favour of the Motion or Amendment and at least two Voting representatives have spoken against it.
- 10.7.5 The Chairperson must immediately put to the vote, without debate, a Motion moved under clause 10.7.4. A seconder is not required for such a Motion.
- 10.7.6 If a Motion that the original Motion or an Amendment be now put is passed, the Chairperson must, without further debate, put the original Motion or Amendment to the vote immediately after the mover of the original Motion has exercised their right of reply under clause 10.7.1.
- 10.7.7 If a Motion that the original Motion or an Amendment be now put is rejected, the Chairperson must allow the debate on the original Motion or the Amendment to be resumed.
- 10.7.8 All representatives must be heard without interruption and all other representatives must, unless otherwise permitted under this Code, remain silent while another representative is speaking.
- 10.7.9 Once the debate on a matter is closed and a matter has been dealt with, the Chairperson must not allow further debate on the matter.

## **11. VOTING**

### **11.1. VOTING ENTITLEMENTS OF VOTING REPRESENTATIVES**

- 11.1.1 Each Voting representative is entitled to one vote (s.400T(1) of the Act).
- 11.1.2 The Chairperson presiding at a Meeting of the Joint Organisation does not have a casting vote in the event of an equality of votes.
- 11.1.3 As the Chairperson does not have a casting vote, and in the event of an equality of votes on a Motion, the Motion being voted upon is lost.

### **11.2. VOTING AT JOINT ORGANISATION MEETINGS**

- 11.2.1 A Voting representative who is present at a Meeting of the Joint Organisation but who fails to vote on a Motion put to the Meeting is taken to have voted against the Motion.
- 11.2.2 If a Voting representative who has voted against a Motion put at a Meeting so requests, the Executive Officer must ensure that the voting representatives' dissenting vote is recorded in the Minutes.
- 11.2.3 The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two Voting representatives rise and call for a Division.
- 11.2.4 When a Division on a Motion is called, the Chairperson must ensure that the Division takes place immediately. The Executive Officer must ensure that the names of those who vote for the Motion and those who vote against it are recorded in the Minutes for the Meeting.

- 11.2.5 When a Division on a Motion is called, any Voting representative who fails to vote will be recorded as having voted against the Motion in accordance with clause 11.2.1 of this Code.
- 11.2.6 Voting at a Meeting, including voting in an election at a Meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Joint Organisation may resolve that the voting in any election by Voting representatives for Chairperson or the Deputy Chairperson is to be by secret ballot.
- 11.2.7 Non-voting representatives are able to participate in discussion and debate, but are not able to move any Motions and do not have the right to vote.

### **11.3. VOTING ON PLANNING DECISIONS**

The Joint Organisation will not make decisions on any planning matters of Local Councils, these matters are to be referred to the Local Council representatives.

## **12. COMMITTEE OF THE WHOLE**

- 12.1 The Joint Organisation may resolve itself into a Committee to consider any matter before the Joint Organisation (s.373 of the Act).
- 12.2 All the provisions of this Code relating to Meetings of the Joint Organisation, insofar as they are applicable, extend to and govern the proceedings of the Joint Organisation when in Committee of the whole, except the provisions limiting the number and duration of speeches.
- 12.3 The Executive Officer or, in the absence of the Executive Officer an employee of designated by the Executive Officer, is responsible for reporting to the Joint Organisation the proceedings of the Committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the Committee of the whole must be reported.
- 12.4 The Joint Organisation must ensure that a report of the proceedings (including any recommendations of the Committee) is recorded in the Minutes. However, the Joint Organisation is not taken to have adopted the report until a Motion for adoption has been made and passed.

## **13. DEALING WITH ITEMS BY EXCEPTION**

- 13.1 The Joint Organisation may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the Joint Organisation resolves to adopt multiple items of business on the agenda together under clause 13.1, the Chairperson is to list the items of business to be adopted and ask Voting representatives to identify any of the individual items of business listed by the Chairperson that they wish to speak on.
- 13.3 The Joint Organisation must not resolve to adopt any item of business under clause 13.1 that a Voting representative has identified as being one they wish to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the Meeting, the Joint Organisation must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A Motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken as having been unanimously adopted. Representatives must ensure that they disclose and manage any conflicts of

interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the Code of Conduct.

## 14. CLOSURE OF MEETINGS TO THE PUBLIC

### 14.1. GROUNDS ON WHICH MEETINGS CAN BE CLOSED TO THE PUBLIC

14.1.1 The Joint Organisation may close to the public so much of its Meeting as comprises the discussion or the receipt of any of the following types of matters:

- (a) personnel matters concerning particular individuals (other than representatives);
- (b) the personal hardship of any resident or ratepayer;
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Joint Organisation is conducting (or proposes to conduct) business;
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it;
  - (ii) confer a commercial advantage on a competitor of the Joint Organisation or Local Councils; or
  - (iii) reveal a trade secret;
- (e) information that would, if disclosed, prejudices the maintenance of law;
- (f) matters affecting the security of the Joint Organisation, voting representatives, staff or Joint Organisation property;
- (g) matters affecting the security of the Local Councils, staff or property;
- (h) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- (ii) information concerning the nature and location of a place or an item of Aboriginal significance on community land; or
- (j) alleged contraventions of the Code of Conduct.

(s.10A(1) and (2) of the Act).

14.1.2 The Joint Organisation or a Committee of the Joint Organisation may also close to the public so much of its Meeting as comprises a Motion to close another part of the Meeting to the public (s.10A(3) of the Act).

### 14.2. MATTERS TO BE CONSIDERED WHEN CLOSING MEETINGS TO THE PUBLIC

14.2.1 A Meeting is not to remain closed during the discussion of anything referred to in clause 14.1.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Chairperson or the Voting representatives are satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

(s.10B(1) of the Act).

14.2.2 A Meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) and 14.1(h) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the Joint Organisation or a Local Council is involved;
  - (b) are clearly identified in the advice; and
  - (c) are fully discussed in that advice.
- (s.10B(2) of the Act).

14.2.3 If a Meeting is closed, during the discussion of a Motion to close another part of the Meeting to the public (as referred to in clause 14.1.2), the consideration of the Motion must not include any consideration of the matter or information to be discussed in that other part of the Meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.1 (s.10B(3) of the Act).

14.2.4 For the purpose of determining whether the discussion of a matter in an open Meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion; or
- (b) the discussion of the matter may:
  - (i) cause embarrassment to the Joint Organisation or Local Council concerned, or to representatives or to employees of the Joint Organisation; or
  - (ii) cause a loss of confidence in the Joint Organisation.

(s.10B(4) of the Act).

14.2.5 In deciding whether part of a Meeting is to be closed to the public, the Voting representatives concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government (s.10B(5) of the Act).

### **14.3. NOTICE OF LIKELIHOOD OF CLOSURE NOT REQUIRED ON URGENT CASES**

14.3.1 Part of a Meeting of the Joint Organisation may be closed to the public while the Voting representatives considers a matter that has not been identified in the agenda for the Meeting under clause 3.8.5 as a matter that is likely to be considered when the Meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1.1; and
- (b) after considering any representations made under section 14.4.1, the Voting representatives resolve that further discussion of the matter:
  - (i) should not be deferred (because of the urgency of the matter); and
  - (ii) should take place in a part of the Meeting that is closed to the public.

(s.10C of the Act).

### **14.4. REPRESENTATIONS BY MEMBERS OF THE PUBLIC**

14.4.1 The Joint Organisation may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed (s.10A(4) of the Act).

14.4.2 A representation under clause 14.4.1 is to be made after the Motion to close the part of the Meeting is moved and seconded.

14.4.3 Where the matter has been identified in the agenda of the Meeting under clause 3.8.5 as a matter that is likely to be considered when the Meeting is closed to the public, in order to make representations under clause 14.4.1 members of the public must first make an



application in writing to the Executive Officer of the Joint Organisation in the approved form. Any application must be received by the Executive Officer by 12.00pm on the day prior to the Meeting of the Joint Organisation at which the matter is to be considered.

- 14.4.4 The Executive Officer (or their delegate) may refuse an application made under 14.4.3.
- 14.4.5 No more than three speakers are to be permitted to make representations under clause 14.4.1.
- 14.4.6 If more than the permitted number of speakers applies to make representations under clause 14.4.1, the Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to make representation to the Joint Organisation. If the speakers are not able to agree on whom to nominate to make representations under clause 14.4.1, the Executive Officer or their delegate is to determine who will make representations to the Joint Organisation.
- 14.4.7 The Executive Officer (or their delegate) is to determine the order of the speakers.
- 14.4.8 Where the Joint Organisation proposes to close a Meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.8.5 as a matter that is likely to be considered when the meeting is closed to the public, the Chairperson is to invite representations from the public under clause 14.4.1 after the Motion to close the part of the Meeting is moved and seconded. The Chairperson is to permit no more than three speakers to make representations in such order as determined by the Chairperson.
- 14.4.9 Each speaker will be allowed three minutes to make representations, and this time limit is to be strictly enforced by the Chairperson. Speakers are to confine their representations to whether the Meeting should be closed to the public. If speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to so digress. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard.

#### **14.5. EXPULSION FROM MEETINGS CLOSED TO THE PUBLIC**

- 14.5.1 If a Meeting or part of a Meeting of the Joint Organisation is closed to the public in accordance with section 10A of the Act and this Code, any person who is not a representative and who fails to leave the Meeting when requested, may be expelled from the Meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.5.2 If any such person, after being notified of a resolution or direction expelling them from the Meeting, fails to leave the place where the Meeting is being held, a police officer, or any person authorised for the purpose by the Joint Organisation or person presiding, may, by using only such force as is necessary, remove the person from that place and, if necessary restrain that person from re-entering that place.

#### **14.6. INFORMATION TO BE DISCLOSED IN RESOLUTIONS CLOSING MEETINGS TO THE PUBLIC**

- 14.6.1 The grounds on which part of a Meeting is closed must be stated in the decision to close that part of the Meeting and must be recorded in the minutes of the Meeting.

The grounds must specify the following:

- (a) the relevant provision of section 10A(2) of the Act;
- (b) the matter that is to be discussed during the closed part of the Meeting;
- (c) the reasons why the part of the Meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(s.10D of the Act).

#### **14.7. RESOLUTIONS PASSED AT CLOSED MEETINGS TO THE MADE PUBLIC**

- 14.7.1 If the Joint Organisation passes a resolution during a meeting, or a part of a Meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the Meeting, or the relevant part of the Meeting, has ended, and the resolution must be recorded in the publicly available minutes of the Meeting.
- 14.7.2 Resolutions passed during a Meeting, or a part of a Meeting that is closed to the public must be made public by the Chairperson under clause 14.7.1 during a part of the Meeting that is open to the public.

### **15. KEEPING ORDER AT MEETINGS**

#### **15.1. POINTS OF ORDER**

- 15.1.1 A Voting representative may draw to the attention of the Chairperson any alleged breach of this Code by raising a point of order. A point of order does not require a seconder.
- 15.1.2 A point of order must be taken immediately it is raised. The Chairperson must suspend business before the Meeting and permit the Voting representative raising the point of order to state the provision of this Code they believe has been breached. The Chairperson must then rule on the point of order – either by upholding it or by overruling it.

#### **15.2. QUESTIONS OF ORDER**

- 15.2.1 The Chairperson, without the intervention of any other representative, may call any representative to order whenever, in the opinion of the Chairperson, it is necessary to do so.
- 15.2.2 A representative who claims that another representative has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter.
- 15.2.3 The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Voting representatives.
- 15.2.4 The Chairperson's ruling must be obeyed unless a Motion dissenting from the ruling is passed.

#### **15.3. MOTIONS OF DISSENT**

- 15.3.1 A Voting representative can, without notice, move to dissent from a ruling of the Chairperson on a point of order or a question of order. If that happens, the Chairperson must suspend the business before the Meeting until a decision is made on the Motion of dissent.
- 15.3.2 If a Motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from, had not been given. If, as a result of the ruling, any Motion or business has been discharged as out of order, the Chairperson must restore the Motion or business to the agenda and proceed with it in due course.
- 15.3.3 Despite any other provision of this Code, only the mover of a Motion of dissent and the Chairperson can speak to the Motion before it is put. The mover of the Motion does not have a right of general reply.

#### **15.4. ACTS OF DISORDER**

- 15.4.1 A representative commits an act of disorder if the representative, at a Meeting of the Joint Organisation or a committee of the Joint Organisation:
- (a) contravenes the Act or any regulation in force under the Act or this Code;



- (b) assaults or threatens to assault another representative or person present at the Meeting;
- (c) moves or attempts to move a Motion or an Amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Joint Organisation or the committee, or addresses or attempts to address the Joint Organisation or the committee on such a Motion, Amendment or matter;
- (d) insults or makes personal reflections on, or imputes improper motives to any other Joint Organisation or Local Council official, or alleges a breach of the Code of Conduct; or
- (e) says or does anything that is inconsistent with maintaining order at the Meeting, or is likely to bring the Joint Organisation, the Committee or Local Councils into contempt.

15.4.2 The Chairperson may require a representative to:

- (a) apologise without reservation for an act of disorder referred to in clauses 15.4.1 (a) or (b);
- (b) withdraw a Motion or an Amendment referred to in clause 15.4.1(c) and, where appropriate, to apologise without reservation; or
- (c) retract and apologise without reservation for an act of disorder referred to in clauses 15.4.1(d) and (e).

## **15.5. HOW DISORDER AT A MEETING MAY BE DEALT WITH**

15.5.1 If disorder occurs at a Meeting of the Joint Organisation, the Chairperson may adjourn the Meeting for a period of not more than 15 minutes and leave the chair. The Joint Organisation, on reassembling, must, on a question put from the Chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of representatives.

## **15.6. EXPULSION FROM MEETINGS**

15.6.1 All Chairpersons of Meetings of the Joint Organisation and committees of the Joint Organisation are authorised under this Code to expel any person, including any representative, from a Joint Organisation or committee Meeting, for the purposes of section 10(2)(b) of the Act.

15.6.2 Clause 15.6.1, does not limit the ability of the Joint Organisation to resolve to expel a person, including a representative, from a Joint Organisation or committee Meeting, under section 10(2) (a) of the Act.

15.6.3 A representative may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a Meeting of the Joint Organisation for having failed to comply with a requirement under clause 15.1.2. The expulsion of a representative from the Meeting for that reason does not prevent any other action from being taken against the representative for the act of disorder concerned.

15.6.4 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a Meeting for engaging in or having engaged in disorderly conduct at the Meeting.

15.6.5 Where a representative or a member of the public is expelled from a Meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the Meeting.

15.6.6 If a representative or a member of the public fails to leave the place where a Meeting is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the person presiding, may, by using only such force as is necessary, remove the voting representative or member of the public from that place and, if necessary, restrain the representative or member of the public from re-entering that place.

## **15.7. USE OF MOBILE PHONES AND THE UNAUTHORISED RECORDING OF MEETINGS**

15.7.1 All Representatives, staff and members of the public must ensure that mobile phones are turned to silent during Meetings.

15.7.2 A person must not use a tape recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a Meeting without the prior authorisation as described in clause 5.5.2.

15.7.3 Any person who makes a recording or attempts to make a recording of a Meeting in contravention of clause 15.7.2, may be expelled from the Meeting as provided for under section 10(2) of the Act.

15.7.4 If any such person, after being notified of a resolution or direction expelling them from the Meeting, fails to leave the place where the Meeting is being held, a police officer, or any person authorised for the purpose by the Joint Organisation or person presiding, may, by using only such force as is necessary, remove the first mentioned person from that place and, if necessary, restrain that person from re-entering that place.

## **16. CONFLICTS OF INTERESTS**

16.1 All representatives and, where applicable, all other persons, must disclose and manage any conflicts of interest they may have in matters being considered at Meetings in accordance with the Code of Conduct.

## **17. DECISIONS OF THE JOINTJOINT ORGANISATION**

### **17.1. JOINT ORGANISATION DECISIONS**

17.1.1 A decision supported by a majority of the votes at a Meeting of the Joint Organisation at which a quorum is present is a decision of the Joint Organisation (s.400T(8) of the Act).

17.1.2 Decisions made by the Joint Organisation must be accurately recorded in the Minutes of the Meeting at which the decision is made.

### **17.2. RESCINDING OR ALTERING JOINT ORGANISATION DECISIONS**

17.2.1 A resolution passed by the Joint Organisation may not be altered or rescinded except by a Motion to that effect of which notice has been given under clause 3.6.1 (s.372(1) of the Act).

17.2.2 If a Notice of Motion to rescind a resolution is given at the Meeting at which the resolution is carried, the resolution must not be carried into effect until the Motion of rescission has been dealt with (s.372(2) of the Act).

17.2.3 If a Motion has been rejected by the Joint Organisation, a Motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.6.1 (s.372(3) of the Act).

17.2.4 A Notice of Motion to alter or rescind a resolution, and a Notice of Motion which has the same effect as a Motion which has been rejected by the Joint Organisation, must be signed by three Voting representatives if less than three months has elapsed since the resolution was passed, or the Motion was rejected (s.372(4) of the Act).

- 17.2.5 If a Motion to alter or rescind a resolution has been rejected, or if a Motion which has the same effect as a previously rejected Motion is rejected, no similar Motion may be brought forward within three months of the Meeting at which it was rejected. This clause may not be evaded by substituting a Motion differently worded, but in principle the same (s.372(5) of the Act).
- 17.2.6 The provisions of clauses 17.2.3–17.2.5 concerning rejected motions do not apply to Motions of adjournment (s.372(7) of the Act).
- 17.2.7 A Notice of Motion submitted in accordance with clause 17.2.4 may only be withdrawn under clause 3.6.2 with the consent of all signatories to the notice of motion.
- 17.2.8 A Motion to alter or rescind a resolution of the Joint Organisation may be moved on the report of a committee of the Joint Organisation and any such report must be recorded in the minutes of the Meeting (s.372(6) of the Act).
- 17.2.9 Subject to clause 17.2.5, in cases of urgency, a Motion to alter or rescind a resolution may be moved at the same Meeting at which the resolution was adopted, where:
- (a) a Notice of Motion signed by three Voting representatives is submitted to the Chairperson;
  - (b) a Motion to have the Motion considered at the Meeting is passed; and
  - (c) the Chairperson rules the business that is the subject of the Motion is of great urgency.
- 17.2.10 A Motion moved under clause 17.2.9(b) can be moved without notice. Despite clauses 10.7.1–10.7.9, only the mover of a Motion referred to in clause 17.2.9(b) can speak to the Motion before it is put.
- 17.2.11 A Motion of dissent cannot be moved against a ruling by the Chairperson under clause 17.2.9(c).

### **17.3. RECOMMITTING RESOLUTIONS TO CORRECT AN ERROR**

- 17.3.1 Despite the provisions of this Part, a Voting representative may, with the leave of the Chairperson, move to recommit a resolution adopted at the same Meeting to correct any error, ambiguity or imprecision in the resolution.
- 17.3.2 In seeking the leave of the Chairperson under clause 17.3.1 to move to recommit a resolution adopted at the same Meeting, the Voting representative is to propose alternative wording for the resolution.
- 17.3.3 The Chairperson must not grant leave under clause 17.3.1, unless he or she is satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the Meeting.
- 17.3.4 A Motion moved under clause 17.3.1 can be moved without notice. Despite clauses 10.7.1–10.7.9, only the mover of a Motion referred to in clause 17.3.1 can speak to the Motion before it is put.
- 17.3.5 A Motion of dissent cannot be moved against a ruling by the Chairperson under clause 17.3.1.
- 17.3.6 A Motion moved under clause 17.3.1 with the leave of the Chairperson cannot be voted on unless or until it has been seconded.

## **18. TIME LIMITS ON MEETINGS**

- 18.1 Meetings of the Joint Organisation are to conclude no later than 3pm.

- 18.2 If the business of the Meeting is unfinished at 3pm, the Joint Organisation may, by resolution, extend the time of the Meeting.
- 18.3 If the business of the Meeting is unfinished at 3pm, and the Joint Organisation does not resolve to extend the Meeting, the Chairperson must adjourn the Meeting to a time, date and place fixed by the Chairperson.
- 18.4 Clause 18.3 does not limit the ability of the Joint Organisation to resolve to adjourn a Meeting at any time. The resolution adjourning the Meeting must fix the time, date and place that the Meeting is to be adjourned to.
- 18.5 Where a Meeting is adjourned under clause 18.3 or 18.4, the Executive Officer must:
- (a) notify each representative individually of the time, date and place at which the Meeting will reconvene; and
  - (b) publish the time, date and place at which the Meeting will reconvene:
    - (i) on the Joint Organisation's website; and
    - (ii) by using such other means that will bring notice of the time, date and place at which the Meeting will reconvene to the attention of as many people as possible.

## **19. AFTER THE MEETING**

### **19.1. MINUTES OF THE MEETINGS**

- 19.1.1 The Joint Organisation is to keep full and accurate Minutes of the proceedings of Meetings of the Joint Organisation (s.375(1) of the Act).
- 19.1.2 At a minimum, the Executive Officer must ensure that the following matters are recorded in the Minutes:
- (a) details of each Motion moved at a Joint Organisation Meeting and of any Amendments moved to it;
  - (b) the names of the mover and seconder of the Motion or Amendment;
  - (c) whether the Motion or Amendment was passed or lost; and
  - (d) such other matters specifically required under this Code.
- 19.1.3 The Minutes of a Joint Organisation Meeting must be confirmed at a subsequent Meeting of the Joint Organisation (s.375(2) of the Act).
- 19.1.4 Any debate on the confirmation of the minutes is to be confined to whether the Minutes are a full and accurate record of the Meeting they relate to.
- 19.1.5 When the Minutes have been confirmed, they are to be signed by the person presiding at that subsequent Meeting (s375(2) of the Act).
- 19.1.6 The confirmed Minutes of a Meeting may be amended to correct typographical or administrative errors after they have been confirmed.
- 19.1.7 The confirmed Minutes of a Joint Organisation Meeting must be published on the Joint Organisation's website. This clause does not prevent the Joint Organisation from also publishing unconfirmed minutes of its Meetings on its website prior to their confirmation.

### **19.2. ACCESS TO CORRESPONDENCE AND REPORTS LAID ON THE TABLE AT, OR SUBMITTED TO, A MEETING**

- 19.2.1 The Joint Organisation must, during, or at the close of a Meeting, or during the business day following the Meeting, give reasonable access to any person to inspect

correspondence and reports laid on the table at, or submitted to, the Meeting (s.11(1) of the Act).

19.2.2 Clause 19.2.1 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public (s.11(2) of the Act).

19.2.3 Clause 19.2.1 does not apply if the Joint Organisation resolves at the Meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act (s.11(3) of the Act).

19.2.4 Correspondence or reports to which clauses 19.2.2 and 19.2.3 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

### **19.3. IMPLEMENTATION OF DECISIONS OF THE JOINT ORGANISATION**

19.3.1 The Executive Officer is to implement, without undue delay, lawful decisions of the Joint Organisation (s.335(b) of the Act).

## **20. JOINT ORGANISATION COMMITTEES**

### **20.1. APPLICATION OF THIS PART**

20.1.1 This Part only applies to Committees of the Joint Organisation whose members are all Voting representatives.

### **20.2. JOINT ORGANISATION COMMITTEES WHOSE MEMBERS ARE ALL VOTING REPRESENTATIVES**

20.2.1 The Joint Organisation may, by resolution, establish such Committees as it considers necessary.

20.2.2 A Committee of the Joint Organisation is to consist of the Chairperson and such other Voting representatives as are elected by the Voting representatives or appointed by the Joint Organisation.

20.2.3 The quorum for a Meeting of a Committee of the Joint Organisation is to be:

- (a) such number of members as the Joint Organisation decides; or
- (b) if the Joint Organisation has not decided a number – a majority of the members of the Committee.

### **20.3. FUNCTIONS OF COMMITTEES**

20.3.1 The Joint Organisation must specify the functions of each of its Committees when the Committees are established, but may from time to time amend those functions.

### **20.4. NOTICE OF COMMITTEE MEETINGS**

20.4.1 The Executive Officer must send to each representative regardless of whether they are a Committee member, at least three days before each Meeting of the Committee, a notice specifying:

- (a) the time, date and place of the Meeting; and
- (b) the business proposed to be considered at the Meeting.

20.4.2 Notice of less than three days may be given of a Committee meeting called in an emergency.

## **20.5. ATTENDANCE AT COMMITTEE MEETINGS**

20.5.1 A Committee member (other than the Chairperson) ceases to be a member of a Committee if the Committee member:

- (a) has been absent from three consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences; or
- (b) has been absent from at least half of the Meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.

20.5.2 Clause 20.5.1 does not apply if all of the members of the Joint Organisation are members of the Committee.

## **20.6. NON-MEMBERS ENTITLED TO ATTEND COMMITTEE MEETINGS**

20.6.1 A Voting representative who is not a member of a Committee of the Joint Organisation is entitled to attend, and to speak at a Meeting of the Committee. However, the voting representative is not entitled to:

- (a) give notice of business for inclusion in the agenda for the Meeting;
- (b) move or second a Motion at the Meeting; or
- (c) vote at the Meeting.

## **20.7. CHAIRPERSON AND DEPUTY CHAIRPERSON OF JOINT ORGANISATION COMMITTEES**

20.7.1 The Chairperson of each Committee of the Joint Organisation must be:

- (a) the Chairperson of the Joint Organisation;
- (b) if the Chairperson does not wish to be the Chairperson of a Committee, a voting representative of the Joint Organisation can be elected by the Joint Organisation.

20.7.2 The Joint Organisation may elect a Voting representative of a Committee of the Joint Organisation as Deputy Chairperson of the Committee. If the Joint Organisation does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson.

20.7.3 If neither the Chairperson nor the deputy Chairperson of a Committee of the Joint Organisation is able or willing to preside at a Meeting of the Committee, the Committee must elect a member of the Committee to be Acting Chairperson of the Committee.

20.7.4 The Chairperson is to preside at a Meeting of a Committee of the Joint Organisation. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the Meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the Acting Chairperson is to preside at the Meeting.

## **20.8. PROCEDURE IN COMMITTEE MEETINGS**

20.8.1 Subject to any specific requirements of this Code, each Committee of the Joint Organisation may regulate its own procedure. The provisions of this Code are to be taken to apply to all Committees of the Joint Organisation unless the Joint Organisation or the Committee determines otherwise.

20.8.2 Without limiting clause 20.8.1, whenever the voting on a Motion put to a Meeting of the Committee is equal, the Chairperson of the Committee does not have a casting vote.

20.8.3 Voting at a Joint Organisation Committee Meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).



## **20.9. CLOSURE OF COMMITTEE MEETINGS TO THE PUBLIC**

- 20.9.1 The provisions of the Act and Part 14 of this Code apply to the closure of Meetings of Committees of the Joint Organisation to the public in the same way they apply to the closure of Meetings of the Joint Organisation to the public.
- 20.9.2 If a Committee of the Joint Organisation passes a resolution, or makes a recommendation, during a Meeting, or a part of a Meeting that is closed to the public, the Chairperson must make the resolution or recommendation public, as soon as practicable after the Meeting or part of the Meeting has ended, and report the resolution or recommendation to the next Meeting of the Joint Organisation. The resolution or recommendation must also be recorded in the publicly available minutes of the Meeting.
- 20.9.3 Resolutions passed during a Meeting, or a part of a Meeting that is closed to the public must be made public by the Chairperson under clause 20.9.2 during a part of the Meeting that is open to the public.

## **20.10. DISORDER IN COMMITTEE MEETINGS**

- 20.10.1 The provisions of the Act and this Code relating to the maintenance of order in Joint Organisation Meetings apply to Meetings of Committees of the Joint Organisation in the same way as they apply to Meetings of the Joint Organisation.

## **20.11. MINUTES OF JOINT ORGANISATION COMMITTEE MEETINGS**

- 20.11.1 Each Committee of the Joint Organisation is to keep full and accurate minutes of the proceedings of its Meetings. At a minimum, a Committee must ensure that the following matters are recorded in the Committee's minutes:
- (a) details of each Motion moved at a Meeting and of any Amendments moved to it;
  - (b) the names of the mover and seconder of the Motion or Amendment;
  - (c) whether the Motion or Amendment was passed or lost; and
  - (d) such other matters specifically required under this Code.
- 20.11.2 The minutes of Meetings of each Committee of the Joint Organisation must be confirmed at a subsequent Meeting of the Committee.
- 20.11.3 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the Meeting they relate to.
- 20.11.4 When the Minutes have been confirmed, they are to be signed by the person presiding at that subsequent Meeting.
- 20.11.5 The confirmed Minutes of a Meeting may be amended to correct typographical or administrative errors after they have been confirmed.
- 20.11.6 The confirmed Minutes of a Meeting of a Committee of the Joint Organisation must be published on the Joint Organisation's website. This clause does not prevent the Joint Organisation from also publishing unconfirmed minutes of Meetings of Committees of the Joint Organisation on its website prior to their confirmation.

## **21. IRREGULARITIES**

- 21.1 Proceedings at a Meeting of a Joint Organisation or a Joint Organisation Committee are not invalidated because of:
- (a) a vacancy in a civic office;
  - (b) a failure to give notice of the meeting to any representative or Committee member;

- (c) any defect in the election or appointment of a voting representative or Committee member;
  - (d) a failure of a representative or a committee member to disclose a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct; or
  - (e) a failure to comply with this Code.
- (s.374 of the Act).

## 22. DEFINITIONS

the Act	means the NSW Local Government Act 1993
act of disorder	means an act of disorder as defined in clause 15.4 of this Code
amendment	in relation to an original Motion, means a Motion moving an Amendment to that Motion
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
Chairperson	in relation to a Meeting of the Joint Organisation – means the person presiding at the Meeting as provided by section 369 of the Act and clauses 6.1.1 and 6.1.2 of this Code; and in relation to a Meeting of a Committee – means the person presiding at the Meeting as provided by clause 20.7.1 of this Code
this Code	means the Joint Organisation's adopted Code of Meeting Practice
Committee of Joint Organisation	means a Committee established by the Joint Organisation in accordance with clause 20.2.1 of this Code (being a Committee consisting only of Voting representatives) or the Joint Organisation when it has resolved itself into Committee of the whole under clause 12.1
council official	has the same meaning as in the Model Code of Conduct for Local Councils in NSW and includes councillors, administrators, council staff, council committee members and delegates of the council
day	means calendar day
division	means a request by two Voting representatives under clause 11.2.3 of this Code requiring the recording of the names of the Voting representatives who voted both for and against a Motion
foreshadowed	means a proposed Amendment foreshadowed by a Voting



amendment	representative under clause 10.6.2 of this Code during debate on the first Amendment
foreshadowed motion	means a Motion foreshadowed by a Voting representative under clause 10.6.1 of this Code during debate on an original Motion
joint organisations	can comprise of Voting and Non-voting representatives
joint organisation official	Includes representatives, staff, committee members and delegates of the Joint Organisation
Non-voting representatives	are the Mayors of any Local Council, any individual, any business or organisation who has agreed to the terms of Non-voting membership of the Joint Organisation
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
performance improvement order	means an order issued under section 438A of the Act.
quorum	means the minimum number of Voting representatives or Committee members necessary to conduct a Meeting
the Regulation	means the NSW Local Government (General) Regulation 2005
tape recorder	includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not
Voting representatives	are the Mayors of each of the Member Local Councils proclaimed under the Local Government (Regional Joint Organisations) Proclamation 2018
year	means the period beginning 1 July and ending the following 30 June

Revisions

1	New Document	July 2018
2	Document Endorsed	September 2018
3	Revised Document	May 2019