

CODE OF MEETING PRACTICE

Date Policy adopted: 24th February 2023

Introduction

This Code of Meeting Practice has been established by the Joint Organisation pursuant to Section 360(2) of the Local Government Act 1993 (The Act). The Code is supplementary to the Act and Regulations, which cover most aspects of meeting procedure.

1. Board Meetings

Ordinary meetings of the Joint Organisation will commence at 10.00am. At least four meetings per annum will be held.

The Joint Organisation may change the time or date of any particular meetings, by resolution at a preceding meeting, without prior notice being given.

The normal meeting schedule shall be as follows:

| | |
|-----------|---------------|
| January | |
| February | Meeting Board |
| March | |
| April | |
| May | Meeting Board |
| June | |
| July | |
| August | Meeting Board |
| September | |
| October | |
| November | Meeting Board |
| December | |

The Board of a Joint Organisation may transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if the representative who is speaking can be heard by all other representatives.

2. Notice of Meeting

- (a) the Executive Officer must send to each Board Member, at least five days before each meeting of the Joint Organisation, a notice specifying the date, time and place at which the meeting is to be held and the business proposed to be transacted at the meeting.
- (b) The meeting notice, agenda and business paper may be given to Board Members in electronic form, but only if all Board Members have facilities to access the meeting notice, agenda and business papers in that form.
- (c) Subsequent to circulation to Board Members the Agenda will be placed on the JO website.

3. Extraordinary Meetings

- (a) if the Chairperson receives a request in writing signed by at least two Board Members, the Chairperson must call an extraordinary meeting of the Board to be held as soon as practicable but in any event within 14 days after receipt of the request
- (b) not less than 3 working days may be given of an extraordinary meeting called in an emergency

4. Quorum

- (a) JO Board meetings – The quorum for a meeting of the board is a majority of voting representatives entitled to vote under the JO Charter.
- (b) Non-voting Representatives in attendance – The following are non-voting representatives of the Joint Organisation:
 - (i) The NSW Government, as represented by a nominee of the Secretary of the Department of Premier and Cabinet.
 - (ii) General Managers of Member Councils
- (c) A meeting of a JO must be adjourned if a quorum is not present:
 - (i) within half an hour after the time designated for the holding of the meeting;
 - (ii) at any time during the meeting.

In either case, the meeting must be adjourned to a time, date (including later that day) and place fixed:

- by the Chairperson; or,
- in his or her absence – by the majority of the Members present; or
- failing that, by the Executive Officer.

The Executive Officer must record in the JO's 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 JO, together with the names of the Board Members present.

5. Voting Entitlements

- (a) JO meetings – There is one voting representative for each Member Council.
- (b) A motion at a meeting of the Board of a JO is taken to be defeated in the event of an equality of votes. (In effect, this means that, unlike Councils, the Chairperson of the Joint Organisation Board does not have a casting vote.)
- (c) Non-voting representatives are entitled to participate in debate and speak on motions, but are not entitled to move, second, amend or vote on motions.)

6. Rescinding or Altering Resolutions

- (a) A resolution passed by the JO Board may not be altered or rescinded, except by a motion to that effect of which notice has been given.
- (b) If notice of motion to rescind a resolution is given at the Board meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- (c) If a motion has been negatived by the Board, a motion having the same effect must not be considered unless notice has been duly given
- (d) 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 negatived by the Board, must be signed by at least three Board Members, if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.

- (e) If a motion to rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same

7. Lodgement of Notices of Motion

Form of giving Notice of Motion

Every Notice of Motion relating to any new subject or matter not already before the JO distinctly stating the precise object proposed, shall be submitted in writing to the Executive Officer duly signed by the voting representative of the Member Council giving Notice of at least fourteen days before the meeting at which the matter is to be taken into consideration.

Order of Notices of Motion

All Notices of Motion shall be dated and numbered as received and shall be entered by the Executive Officer, subject to Local Government (General) Regulation Clause 240, upon the agenda paper in the order in which they are received and except by the permission of the JO, all such Notices of Motion shall be taken and considered in the order in which they appear on the agenda paper.

The Chairperson may call over the Notices of Motion on the business paper in the order in which they appear thereon; and if objection not be taken to a Motion being taken as a formal Motion, it may, without discussion, be put to the vote.

Limitation of Notices

A Board Member shall not have more than three Notices of Motion on the Agenda Paper at the same time.

8. Questions Without Notice

- (a) A Board Member may through the Chairperson, put a question to another Board Member or to the Executive Officer.
- (b) A Board Member or the Executive Officer, 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

9. Standing Orders

The general order of business at every Ordinary Meeting of the JO Board shall be:

1. Meeting commences at 10 am
2. Apologies
3. Speakers (invitation to be approved by Chairperson or Executive Officer)
4. Confirmation of Minutes and Business Arising from Minutes
5. Declaration of Interests
6. Correspondence
7. Reports
8. Late Reports
9. Matters raised by Voting and Non-Voting Representatives
10. Resolve into Confidential Committee of the Whole to deal with Confidential Reports
11. Resolve into Open meeting
12. Adopt report of Confidential Committee
13. Close

Provided that the JO may, after the confirmation of the Minutes of the previous meeting, make a variation of the order of the business to accord precedence to any matter set down on the business paper for consideration.

10. Speaking to Motions

Voting and Non-Voting representatives may always speak to a Motion. No debate is allowed on any item without a motion having first been moved and seconded.

11. Motions of Dissent

- (a) A Board Member can, without notice, move to dissent from the ruling of the meeting chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent
- (b) 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.
- (c) 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 of dissent does not have a right of general reply

12. News Media and public attendance at JO Board and Committee Meetings

The news media and members of the public are invited to attend all JO Board and Committee meetings, subject to the right of the Board and Committees, pursuant to Section 10A, to resolve to exclude the news media and public during consideration of any particular item or items on the business paper. All resolutions to exclude press and public from meetings shall state the reason for the resolution and this must be recorded in the minutes.

Prior to distributing the business paper for any JO Board or Committee meetings, the Executive Officer will determine, in accordance with the Local Government (General) Regulation, Clause 240 if any items in the business paper come within the provisions of this Section and will mark any such items "CONFIDENTIAL".

Business papers for all JO and Committee meetings will be made available for public perusal upon request (following distribution to the Board members). Business papers made available to the public will exclude those reports marked "Confidential".

13. Tape recording of JO or Committee meeting

The Executive Officer may use a tape recorder, or any other electronic recording device, to record the proceedings of a meeting of the JO or a committee for the purpose of ensuring that the minutes accurately record the proceedings.

The Executive Officer will, if he/she proposes to use a tape recorder, or any other recording device, inform the person presiding at the meeting who will, immediately after the opening of the meeting, tell the meeting that the proceedings are to be recorded.

Any electronic recording made by the Executive Officer of the proceedings of a meeting of the Council or a Committee, and any copy of such a recording, will be obliterated by the Executive Officer as soon as possible after the Minutes of the meeting are confirmed.

With the exception of the Executive Officer, no person may use a tape recorder, or any other electronic recording device, to record the proceedings of a meeting of the JO or a committee unless the JO has so resolved, and the use is in accordance with the conditions of use specified in the resolution. In any resolution allowing the use of tape recorder or any other electronic recording device, the JO shall specify the meeting, or meetings, to which the resolution is to relate and the conditions, if any, subject to which the use is permitted.

14. Participation by members of the public

Official visitors are persons that the JO has invited to attend a meeting.

The Chairperson, Executive Officer or the person presiding at a meeting will determine the time to be allocated for an official visitor to address a meeting of the JO, including the time to be allocated for questions by representatives to the official visitor.

Members of the public wishing to address a meeting of the JO will give their names and details of the item of business on which they wish to address the meeting to the Executive Officer, prior to the commencement of the meeting.

The Chairperson or the person presiding at a meeting will determine by reference to the list prepared by the Executive Officer prior to the commencement of the meeting, what members of the public will be permitted to address a meeting of the JO.

The Chairperson or the person presiding at a meeting will announce the name of any person who is to be permitted to address the meeting at the start of the meeting.

A person permitted to address the meeting will be allowed 3 minutes, without interruption by representatives, to do so. At the end of the 3 minutes, if the person indicates that he/she wishes to continue, the Chairperson or the person presiding at the meeting may allow an additional 2 minutes. No further additional time will be allowed unless the JO so resolves.

15. Election of Chairperson, Deputy Chairperson and Members of Committees

The election of the JO Chairperson and Deputy Chairperson (if required) will be by the voting representatives of the Member Councils.

If an election for the position of Chairperson and/or Deputy Chairperson is required, the method of ballot for such election shall be by Open Voting (i.e. by show of hands)

The election of the Chairperson and Deputy County Chairperson will be considered as an agenda

- (a) at the first meeting of the JO after an ordinary election of Members of the JO, and
- (b) at the first meeting of the JO after each two year anniversary of that ordinary election until the next ordinary election of members of the JO is held.

16. Pecuniary Interest – Representatives and Staff

Voting and Non-Voting representatives or staff, in matters before the JO or Committee meetings, who have a pecuniary interest must disclose the interest and the nature of the interest to the meeting when the declarations of interest are requested.

Voting and Non-Voting representatives or staff must, when the matter is being considered, re-declare their interest and the nature of the interest and leave the room while the matter is being determined.

Voting and Non-Voting representatives and staff should refer to the JO's Code of Conduct for further information.

17. Committees

17.1 Appointment and Purpose (Charter)

A JO Board may appoint or elect such Committees as it considers necessary (Section 355(b) and (c) Local Government Act and Local Government (General) Regulation, Clause 260). The JO Board will

specify the Charter of each of its Committees when the committee is appointed or elected, but may from time to time amend those charters.

Note: Committees are an extension of the JO into a specialised area. They derive any powers they may have from the JO and can exercise these powers through the JO by making recommendations which the JO can adopt, or by acting in accordance with a specific delegation of powers.

Each Committee shall regulate its own procedures, subject to compliance with the Local Government Act 1993, Local Government (General) Regulation and the Code of Meeting Practice

17.2 Responsibilities

- (i) to consider agenda items, and make recommendations to the JO Board (or decisions, if holding delegated authority from the JO);
- (ii) to observe requirements of The Local Government Act (1993), Local Government (General) Regulation (2005) and the Code of Meeting Practice;
- (iii) to observe requirements of the Charter given by the JO Board;
- (iv) to represent the views of the organisations (if any) on the JO's Committee.

Note: Should a Committee wish to recommend to the JO Board on a matter outside its Charter, it should do so by acknowledging this, then recommend the JO refer such matter to the appropriate Committee, for consideration and recommendation.

17.3 Procedural Matters

- (i) Agendas for Committee meetings will be circulated to members and all voting and non-voting representatives at least three days before the meeting.
- (ii) Committees having citizen representatives as members will have listed on agendas, a report of the last meeting of the Committee, for noting.
- (iii) The Agenda will include advice as to whether such previous report was adopted by the JO Board, amended and adopted, or rejected.
- (iv) Advice – an appropriate employee will attend Committee meetings to advise on agenda matters, if required.

18. Absence from Committee meetings

The provisions for absence from Committee meetings shall be in accordance with Clause 268 of the Local Government (General) Regulation 2005.

19. Election of Chairs of Committees

- (a) The election of Chairs of Committees shall be in accordance with Clause 267 of the Local Government (General) Regulation 2005
- (b) The Chair's responsibility is to ensure that the Committee's charter is implemented and to chair meetings in accordance with the Act, Regulations and Code. The Chair is accountable to the JO Board through the JO Chairperson.

20. Record of Meetings

The Executive Officer or his/her representative will attend all meetings and will keep an accurate record of proceedings in accordance with section 375(1) of the Local Government Act and the Local Government (General) Regulation, Clause 254 for:

- (i) JO Board meetings;
- (ii) JO Committees (Local Government (General) Regulation, Clause 266).

Minutes are to be kept and presented to the JO Board for all meetings of Committees.

21. Reports by Voting Representatives of Member Councils to Meetings

All reports by Voting Representatives of Member Councils to the JO meeting must be with the Executive Officer by 4.30 pm on the Wednesday of the week prior to the meeting and any reports received after that time, will be held over to the next meeting.

22. Closed meetings – Public Submissions

The JO Board or a Committee of the JO of which all the members are Voting Representatives, may close to the public parts of the meeting of the JOs or committees in accordance with Sections 10A, 10B, 10C and 10D of the Local Government Act.

Members of the public must be given the opportunity immediately after a resolution to refer the matter into Confidential Committee has been moved or seconded, to make representations on whether a matter should be dealt with in Confidential Committee or not. The time permitted for each speaker will be one minute and an overall maximum of five minutes (five speakers).

End of Code of Meeting Practice