

Mid North Coast
Joint Organisation

mncjo



CODE OF MEETING PRACTICE

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Code of Meeting Practice

Introduction

This Code of Meeting Practice has been established by the Joint Organisation (JO) 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 JO will commence at 9.30am. At least four meetings per annum will be held, refer to Section 396 of the Local Government Act.

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

The meeting schedule shall be as follows:

Month	Meeting	Location
17 August 2018	Ordinary Board Meeting	Bellingen Shire Council
5 October 2018	Ordinary Board Meeting	Port Macquarie Hastings Council
1 December 2018	Ordinary Board Meeting	Kempsey Shire Council
1 February 2019	Ordinary Board Meeting	Bellingen Shire Council
5 April 2019	Ordinary Board Meeting	Port Macquarie Hastings Council
7 June 2019	Annual General Meeting	Kempsey Shire Council

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) An agenda for meetings of the Board will be provided to members five (5) working days before the meeting.
- (b) Subsequent to circulation to members the Agenda will be placed on the JO website.

3. Extraordinary Meetings

- (a) Call by Board Members for Extraordinary meetings will be guided by Section 366 of the Local Government Act
- (b) The Chairperson may, if he/she is of the opinion that a situation exists which warrants the holding of an extraordinary meeting, at short notice, call such a meeting.

The period of notice for such a meeting shall be at the Chairperson's discretion [Local Government Act S:367(2)].



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
 - (iii) Any other non-voting representative as approved by the Board
- (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:

- (i) by the Chairperson; or,
- (ii) in his or her absence – by the majority of the Members present; or
- (iii) 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 members present (Local Government (General) Regulation Clause 233).

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 that no consensus on the item in question can be reached.

(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 (but not move, second, amend or vote on) motions.

6. Rescinding or Altering Resolutions

- (a) See Section (372) Local Government Act.
- (b) Effect will not be given to any resolution of the JO until 12 noon on the first working day after the date of the Ordinary or Extraordinary meeting, at which the resolution was passed.



- (c) The JO will not accept a Rescission Motion after noon on the first working day following the Ordinary meeting or Extraordinary meeting of the JO.

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 ten (10) days before the meeting at which the matter is to be taken into consideration (Local Government (General) Clause 241).

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.

Limitation of Notices

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

8. Questions Without Notice

In alignment with the Local Government (General) Regulation, Clause 249.

Questions may be put to the Board and Executive Officer

- (1) A Board Member:
 - (a) may, through the chairperson, put a question to another Board member or Executive Officer, and
 - (b) may, through the General Manager, put a question to a council employee.
- (2) However, a Board Member, Executive Officer or council 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.
- (3) The Board Member must put every such question directly, succinctly and without argument.
- (4) The chairperson must not permit discussion on any reply or refusal to reply to a question put to a Board Member, Executive Officer or council employee under this clause.



9. Standing Orders

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

1. Meeting commences at 9.30 am;
2. Acknowledgement of Country
3. Apologies;
4. Declaration of Pecuniary and Non Pecuniary Interest
5. Confirmation of Minutes
6. Business Arising from Minutes;
7. Speakers (invitation to be approved by Chairperson or Executive Officer);
8. Correspondence;
9. Reports;
10. Late Reports;
11. Matters raised by Voting and Non-Voting Representatives;
12. Resolve into Confidential Committee of the Whole to deal with Confidential Reports
13. Resolve into Open meeting;
14. Adopt report of Confidential Committee;
15. 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. Method of Adoption of Reports

Voting and Non-Voting representatives 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

See Local Government (General) Regulation, Clause 248.

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. The media and the public will be only excluded from attendance when the Board or Committee is considering matters in Confidential pursuant to Section 10A of the Local Government Act (1993),

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 only be made available on the web for public perusal (following distribution to the Board members). Business papers made



available to the public will exclude those reports marked “Confidential” in the terms of the above.

13. Electronic recording of JO or Committee meeting

The Executive Officer may use an electronic 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 the Executive Officer proposes to use an electronic 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 deleted 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 any 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 any 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.

There will be a maximum of three (3) public speakers permitted to address the Board. If there are more than three (3) speakers wishing to speak, then the first three (3) requests received will have precedence.

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 three (3) minutes, without interruption by representatives, to do so. At the end of the three (3) minutes, if the person indicates that they wish 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

Election of the JO Chairperson and Deputy Chairperson (if required) by the voting representatives of the member Councils – See Local Government (General) Regulation, Part II – Elections: Division 12 and Schedule 8.

The election of the Chairperson and Deputy Chairperson will be considered as an item in the Executive Officer's Report to the JO meeting.

- (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 more detailed 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), (1993) Local Government Act and Local Government (General) 2005 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, by a resolution of the Board.

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. The JO's Committee structure can vary from time to time in accordance with a specific JO resolution. A list of the JO's Committees is available from the Executive Officer's office.

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 (Clause 265 – local Government (General) Regulation).

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 this Code of Meeting Practice;



- (iii) to observe requirements of the Charter given by the JO Board;
- (iv) to represent the views of the organisations you represent (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 five (5) days before the meeting. (Local Government (General) Regulation 262).
- (ii) The Agenda will include advice as to whether such previous report was adopted by the JO Board, amended and adopted, or rejected.
- (iii) Advice – an appropriate employee will attend Committee meetings to advise on agenda matters, if required.

18. Absence from Committee meetings

See Clause 268 of the Local Government (General) Regulation.

19. Election of Chairs of Committees

- (a) See Clause 267 of the Local Government (General) Regulation.
- (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, for noting and / or action as appropriate.

21. 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). (See Clause 252, Local Government (General) Regulation).