

NORTHERN RIVERS JOINT ORGANISATION

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1 INTRODUCTION

This Code of Meeting Practice (this Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This code applies to all meetings of the Northern Rivers Joint Organisation of Councils (Joint Organisation) and to committees appointed by resolution of the Joint Organisation.

In this Code a reference to a meeting of the Joint Organisation **includes** a meeting of committees appointed by resolution of the Joint Organisation and a reference to Board Members **includes** Committee Members, as the context admits or requires.

This Code recognises that the Board of the Joint Organisation will consist of Voting and Non-Voting representatives. Non-Voting representatives may attend and speak at meetings of the Board but may not move, amend, second or vote on motions or request extraordinary meetings or ask questions with notice. Nothing in this Code confers a power on any Board Member if that power is inconsistent with the provisions of the Act, the Regulation or the Charter of the Joint Organisation.

2 MEETING PRINCIPLES

2.1 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 the Joint Organisation acts ethically and makes decisions in the interests of the whole of the communities of the member Councils.

Respectful: Joint Organisation, staff and meeting attendees treat each other with respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Joint Organisation, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3 BEFORE THE MEETING

Timing of ordinary Joint Organisation meetings

3.1 The Joint Organisation shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Extraordinary meetings

3.2 If the Chairperson receives a request in writing, signed by at least two (2) Voting Board Members, 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

fourteen (14) days after receipt of the request. The Chairperson can be one of the two Voting Board Members requesting the meeting.

3.3 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 Board Members to consider urgent business.

3.4 For the purpose of clause 3.3, urgent business is any matter that, in the opinion of the Chairperson or the Executive, requires a decision by the Joint Organisation before the next scheduled ordinary meeting of the Joint Organisation.

Notice to the public of Joint Organisation meetings

3.5 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 each meeting of committees of the Joint Organisation.

3.6 For the purposes of clause 3.5, 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 Organisation's website, and
- b) published:
 - i) where practicable, in a local newspaper or in a newspaper circulating throughout the state (or both), as determined by the Joint Organisation, or
 - ii) 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.

3.7 For the purposes of clause 3.5, notice of more than one (1) meeting may be given in the same notice.

Notice to Board Members of ordinary Joint Organisation meetings

3.8 The Executive Officer must send to each Board Member, at least three (3) days before each 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.

3.9 The notice and the agenda for, and the business papers relating to, the meeting will be given to Board Members in electronic form. Hard copies will be provided on request.

Notice to Board Members of extraordinary meetings

3.10 Notice of less than three (3) days may be given to Board Members of an extraordinary meeting of the Joint Organisation in cases of emergency as determined by the Executive Officer.

Giving notice of business to be considered at Joint Organisation meetings

3.11 A Voting Board Member 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 5 business days before the meeting is to be held.

- 3.12 A Voting Board Member may, in writing to the Chief Executive, 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 it is to be considered.

Questions with notice

- 3.13 A Board Member may, by way of a notice submitted under clause 3.11, ask a question for response by the Executive Officer about the performance or operations of the Joint Organisation.
- 3.14 Board Members are not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the Executive Officer or a member of staff of the Joint Organisation, or a question that implies wrongdoing by the Executive Officer or a member of staff of the Joint Organisation.
- 3.15 The Executive Officer or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of the Joint Organisation or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.16 The Executive Officer must cause the agenda for a meeting of the Joint Organisation to be prepared as soon as practicable before the meeting.
- 3.17 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 meetings of the Joint Organisation, and
 - b) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - d) any business of which due notice has been given under clause 3.11.
- 3.18 The Executive Officer must not include in the agenda for a meeting of the Joint Organisation any business of which due 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.
- 3.19 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the Chief Executive, 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 it 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.
- 3.20 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 Board Members 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 Board Member or by any other person to another person who is not authorised to have that information. Board Members are reminded of their obligations under the Code of Conduct.

Availability of agenda and business papers to the public

- 3.21 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Joint Organisation, are to be published on the Joint Organisation's website, and must be made available to the public for inspection at the relevant meeting and at such other venues and in such a manner determined by the Joint Organisation.
- 3.22 Clause 3.21 does not apply to the business papers for items of business that the Executive Officer has identified under clause 3.19 as being likely to be considered when the meeting is closed to the public.
- 3.23 For the purposes of clause 3.21, 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 Joint Organisation.
- 3.24 A copy of an agenda, or of an associated business paper made available under clause 3.21, may in addition be given or made available in electronic form.

Agenda and business papers for extraordinary meetings

- 3.25 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.
- 3.26 Despite clause 3.25, 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.
- 3.27 A motion moved under clause 3.26(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.32 Despite clauses 9.18–9.26, only the mover of a motion moved under clause 3.26(a) can speak to the motion before it is put.
- 3.33 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.26(b) on whether a matter is of great urgency.

4 ENTITLEMENT OF THE PUBLIC TO ATTEND JOINT ORGANISATION MEETING

- 4.1 Everyone is entitled to attend a meeting of the council and committees of the Joint Organisation. The Joint Organisation must ensure that all meetings of the Joint Organisation are open to the public.
- 4.2 Clause 4.1 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 4.3 A person (whether a Board Member or another person) is not entitled to be present at a meeting of the Joint Organisation if expelled from the meeting by a resolution of the meeting.
- 4.4 The Chairperson, or in the Chairperson's absence, the person presiding at a meeting will determine the time to be allocated for an official visitor to address a meeting of the Joint Organisation, including the time to be allocated for questions by Board Members to the official visitor.

5 COMING TOGETHER

Attendance by Board Members at meetings

- 5.1 All Board Members must make reasonable efforts to attend meetings of the Joint Organisation.
- 5.2 A Board Member may participate in a meeting of the Joint Organisation notwithstanding that the Board Member is not physically present at the meeting. The following are approved methods of remote participation: telephone or internet enabled audio conferencing; or telephone, internet, or satellite enabled video conferencing; provided that regardless of the method(s) chosen, all Board Members are clearly audible to one another.
- 5.3 Where a Board Member is unable to attend (physically or remotely) one or more ordinary meetings of the Joint Organisation, the Board Member should request that the Joint Organisation grant them a leave of absence from those meetings. This clause does not prevent a Board Member 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 this code and the Act.
- 5.4 A Board Member's request for leave of absence from Joint Organisation meetings should, if practicable, identify (by date) the meetings from which the Board Member intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The Joint Organisation must act reasonably when considering whether to grant a Joint Organisation's request for a leave of absence.
- 5.6 A Board Member who intends to attend a meeting of the Joint Organisation despite having been granted leave of absence should, if practicable, give the Executive Officer at least two (2) days' notice of their intention to attend.
- 5.7 Board Members who cannot attend a meeting of the Joint Organisation may appoint an alternate from the same member Council (Voting Representatives) or the same organisation/body (Non Voting Representatives). When the appointing Board Member is absent from a Joint Organisation meeting, the powers of an alternate Board Member at a Joint Organisation meeting are equivalent to those of the Board Member appointing the alternate.
- 5.8 A Board Member who intends to attend a meeting of the Joint Organisation remotely or to appoint an alternate to attend a meeting of the Joint Organisation should, if practicable, give the Executive Officer at least two (2) days' notice of their intention and the method and contact details of the remote attendance method or the name of the alternate.

The quorum for a meeting

- 5.9 The quorum for a meeting of the Joint Organisation is a majority of the Voting Representatives of the Board of the Joint Organisation whether in attendance physically or remotely.
- 5.10 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.

- 5.11 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 Representative members of the Board in attendance physically or remotely, or
 - (c) failing that, by the Executive Officer.
- 5.12 The Executive Officer must record in the Joint Organisation'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 Joint Organisation, together with the names of the members of the Board in attendance physically or remotely.

Audio recording of meetings

- 5.13 Audio recordings may be made of all meetings of the Joint Organisation for the dominant purpose of assisting with the preparation of the minutes for meetings.
- 5.14 The Executive Officer may use a tape recorder, or any other electronic recording device, to record the proceedings of a meeting of the Joint Organisation.
- 5.15 Any electronic recording made by the Executive Officer of the proceedings of a meeting and any copy of such a recording, will be deleted as sanctioned by the State Records General Disposal Authority (GDA 39) Local Government Records by the Executive Officer as soon as possible after the minutes of the meeting are confirmed.
- 5.16 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 Joint Organisation the Board 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 Board 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.

Attendance of the Executive Officer and other staff at meetings

- 5.18 The Executive Officer and the General Manager of each member Council are entitled to attend a meeting of the Joint Organisation in an advisory capacity.
- 5.19 The Executive Officer may be excluded from a meeting of the Joint Organisation while the Joint Organisation deals with a matter relating to the standard of performance of the Executive Officer or the terms of employment of the Executive Officer.
- 5.20 The attendance of other Joint Organisation staff at a meeting, (other than as members of public) shall be with the approval of the Executive Officer.

6 THE CHAIRPERSON

The chairperson at meetings

- 6.1 The Chairperson presides at meetings of the Joint Organisation.
- 6.2 If the Chairperson is absent, a Board Member elected to chair the meeting by the Voting Board Members present (physically or remotely) presides at a meeting of the Joint Organisation.

Election of the Chairperson in the absence of the Chairperson

- 6.3 An 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.
 - (c) whereby only Voting Representatives of the Board are entitled to participate in the election of a chairperson.
- 6.4 If, at an election of a chairperson, two (2) 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.
- 6.5 For the purposes of clause 6.4, 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) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.6 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.7 The manner and outcome of the election is to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.8 When the chairperson rises or speaks during a meeting of the Joint Organisation:
- (a) any Board Member then speaking or seeking to speak must, if standing, immediately resume their seat, and
 - (b) every Board Member present must be silent to enable the chairperson to be heard without interruption.

7 ORDER OF BUSINESS FOR ORDINARY JOINT ORGANISATION MEETINGS

- 7.1 The general order of business for an ordinary meeting of the Joint Organisation shall be:
1. Opening;
 2. Acknowledgement of country;
 3. Apologies;
 4. Declarations of Interest;
 5. Address by official visitor(s);
 6. Confirmation of Minutes and Business Arising from Minutes;
 7. Notices of Motion
 8. Reports;
 9. Late Reports;
 10. Confidential Reports;
 11. Close.
- 7.2 The order of business may be altered for a particular meeting of the Joint Organisation if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

7.3 Only the mover of a motion referred to in clause 7.2 may speak to the motion before it is put.

8 CONSIDERATION OF BUSINESS AT JOINT ORGANISATION MEETINGS

Business that can be dealt with at a Joint Organisation meeting

8.1 The Joint Organisation must not consider business at a meeting of the Joint Organisation:

- (a) unless a Voting Board Member has given notice of the business, as required by clause 3.11, and
- (b) unless notice of the business has been sent to the Board Members in accordance with clause 3.8 in the case of an ordinary meeting and clause 3.10 in the case of an extraordinary meeting.

8.2 Clause 8.1 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, or
- (b) is the election of a chairperson to preside at the meeting, or
- (c) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Joint Organisation.

8.3 Despite clause 8.1, business may be considered at a meeting of the Joint Organisation even though due notice of the business has not been given to the Joint Organisation 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.

8.4 A motion moved under clause 8.3(a) can be moved without notice. Despite clauses 9.18–9.26, only the mover of a motion referred to in clause 8.3(a) can speak to the motion before it is put.

8.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 8.3(b).

Staff reports

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

Reports of committees of Joint Organisation

8.7 The recommendations of a committee of the Joint Organisation are, insofar as they are adopted by the Joint Organisation, resolutions of the Joint Organisation.

8.8 If in a report of a committee of the Joint Organisation distinct recommendations are made, the Joint Organisation may make separate decisions on each recommendation.

Questions

- 8.9 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 3.11 and 3.13.
- 8.10 A Board Member may, through the chairperson, put a question to another Board Member about a matter on the agenda.
- 8.11 A Board Member may, through the Chief Executive, put a question to a Joint Organisation employee about a matter on the agenda. Joint Organisation employees are only obliged to answer a question put to them through the Executive Officer at the direction of the Executive Officer.
- 8.12 A Board Member or Joint Organisation 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 Board Member or Joint Organisation 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.
- 8.13 The Board Member must put every such question directly, succinctly and without argument.
- 8.18 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Board Member or Joint Organisation employee.

9 RULES OF DEBATE

Motions to be seconded

- 9.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 9.2 A Voting Board Member who has submitted a notice of motion under clause 3.11 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 9.3 If a Voting Board Member who has submitted a notice of motion under clause 3.11 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to the Board Members, the Voting Board Member may request the withdrawal of the motion when it is before the Joint Organisation.
- 9.4 In the absence of a Voting Board Member who has placed a notice of motion on the agenda for a meeting of the Joint Organisation:
- (a) any other Voting Board Member, including any alternate nominated by the absent Voting Board Member, may move the motion at the meeting, or
 - (b) the chairperson may defer the motion until the next meeting of the Joint Organisation at which the motion can be considered.

Chairperson's duties with respect to motions

- 9.5 It is the duty of the chairperson at a meeting of the Joint Organisation to receive and put to the meeting any lawful motion that is brought before the meeting.

- 9.6 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.
- 9.7 Before ruling out of order a motion or an amendment to a motion under clause 9.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 9.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

Amendments to motions

- 9.9 An amendment to a motion must be moved and seconded before it can be debated.
- 9.9 An amendment to a motion must relate to the matter being dealt with in the original motion before the Joint Organisation 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.
- 9.11 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.
- 9.12 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 (1) motion and one (1) proposed amendment can be before the Joint Organisation at any one time.
- 9.13 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.
- 9.14 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.

Foreshadowed motions

- 9.15 A Voting Board Member 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.
- 9.16 Where an amendment has been moved and seconded, a Voting Board Member 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 Joint Organisation 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.
- 9.17 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.

Limitations on the number and duration of speeches

- 9.18 A Voting Board Member 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.
- 9.19 A Board Member, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 9.20 A Board Member must not, without the consent of the Joint Organisation, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time. However, the chairperson may permit a Board Member who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Board Member to make a statement limited to explaining the misrepresentation or misunderstanding.
- 9.21 Despite clauses 9.18 and 9.19, a Voting Board Member 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 Board Member expresses an intention to speak against it, or
 - (b) if at least one (1) Voting Board Member have spoken in favour of the motion or amendment and at least one (1) Voting Board Member have spoken against it.
- 9.22 The chairperson must immediately put to the vote, without debate, a motion moved under clause 9.21. A seconder is not required for such a motion.
- 9.23 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 9.18.
- 9.24 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.
- 9.25 All Board Members must be heard without interruption and all other Board Members must, unless otherwise permitted under this code, remain silent while another Board Member is speaking.
- 9.26 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.

10 VOTING

Voting entitlements of Board Members at Joint Organisation Meetings

- 10.1 Each Voting Representative Board Member is entitled to one (1) vote.
- 10.2 The person presiding at a meeting of the Joint Organisation **does not** have, in the event of an equality of votes, a second or casting vote.

10.3 In the event of an equality of votes, the motion being voted upon is lost.

Voting at Joint Organisation meetings

- 10.4 A Voting Board Member 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.
- 10.5 If a Voting Board Member who has voted against a motion put at a Joint Organisation meeting so requests, the Executive Officer must ensure that the Voting Board Member's dissenting vote is recorded in the Joint Organisation's minutes.
- 10.6 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 (2) Voting Board Members rise and call for a division.
- 10.7 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 Joint Organisation's minutes for the meeting.
- 10.8 When a division on a motion is called, any Voting Board Member who fails to vote will be recorded as having voted against the motion in accordance with clause 10.4.
- 10.9 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 the Joint Organisation for Chairperson or deputy Chairperson is to be by secret ballot.

11 COMMITTEE OF THE WHOLE

- 11.1 The Joint Organisation (Voting and Non Voting Representatives) may resolve itself into a committee to consider any matter before the Joint Organisation.
- 11.2 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.
- 11.3 The Executive Officer or, in the absence of the Executive Officer, an employee of the Joint Organisation designated by the Chief Executive, 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 must be reported.
- 11.4 The Joint Organisation must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Joint Organisation's minutes. However, the Joint Organisation is not taken to have adopted the report until a motion for adoption has been made and passed.

12 CLOSURE OF JOINT ORGANISATION MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 12.1 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 Joint Organisation),
 - (b) the personal hardship of any resident or ratepayer of a member Council,
 - (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, or
 - (ii) confer a commercial advantage on a competitor of the Joint Organisation, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the Joint Organisation, Board Members, Joint Organisation staff or Joint Organisation property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of the Joint Organisation's code of conduct.
- 12.2 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.

Matters to be considered when closing meetings to the public

- 12.3 A meeting is not to remain closed during the discussion of anything referred to in clause 12.1:
- (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 Joint Organisation of a member Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- 12.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 12.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the Joint Organisation is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.
- 12.5 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 12.2), 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 12.1.
- 12.6 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 committee concerned, or to Joint Organisation or to employees of the Joint Organisation, or
- (ii) cause a loss of confidence in the Joint Organisation or committee.

12.7 In deciding whether part of a meeting is to be closed to the public, the Joint Organisation must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

Notice of likelihood of closure not required in urgent cases

- 12.8 Part of a meeting of the Joint Organisation, may be closed to the public while the Joint Organisation considers a matter that has not been identified in the agenda for the meeting under clause 3.20 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 12.1, and
 - (b) the Joint Organisation, after considering any representations made under section 12.9, resolves 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.

Representations by members of the public

- 12.9 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.
- 12.10 A representation under clause 12.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 12.11 Where the matter has been identified in the agenda of the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 12.9, members of the public must first make an application to the Joint Organisation in the approved form. Applications must be received 2 days before the meeting at which the matter is to be considered.
- 12.12 The Executive Officer (or their delegate) may refuse an application made under clause 12.11.
- 12.13 No more than 2 speakers are to be permitted to make representations under clause 12.9.
- 12.14 If more than the permitted number of speakers applies to make representations under clause 12.9, the Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Joint Organisation. If the speakers are not able to agree on whom to nominate to make representations under clause 12.9, the Executive Officer or their delegate is to determine who will make representations to the Joint Organisation.
- 12.15 The Executive Officer (or their delegate) is to determine the order of speakers.
- 12.16 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 3.20 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 12.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than 2 speakers to make representations in such order as determined by the chairperson.

- 12.17 Each speaker will be allowed 5 minutes to make representations. Speakers are to confine their representations to whether the meeting should be closed to the public. If a 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.

Expulsion of non- Board Members from meetings closed to the public

- 12.18 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 Board Member 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.
- 12.19 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.

Information to be disclosed in resolutions closing meetings to the public

- 12.20 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.

Resolutions passed at closed meetings to be made public

- 12.21 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.
- 12.22 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 12.21 during a part of the meeting that is webcast.

13 KEEPING ORDER AT MEETINGS

Points of order

- 13.1 A Voting Board Member may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.

- 13.2 A point of order must be taken immediately it is raised. The chairperson must suspend business before the meeting and permit the Voting Board Member 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.

Questions of order

- 13.3 The chairperson, without the intervention of any other Board Member, may call any Board Member to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 13.4 A Board Member who claims that another Board Member has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 13.5 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Board Member.
- 13.6 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 13.7 A Voting Board Member 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.
- 13.8 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.
- 13.9 Despite clause 9.18-9.26, 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.

Acts of disorder

- 13.10 A Board Member commits an act of disorder if the Board Member, at a meeting of the Joint Organisation:
- (a) contravenes the Act or any regulation in force under the Act or this code, or
 - (b) assaults or threatens to assault another Board Member or person present at the meeting, or
 - (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, or
 - (d) insults or makes personal reflections on or imputes improper motives to any other Joint Organisation official, or alleges a breach of the Joint Organisation's 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 or the committee into contempt.

- 13.11 The chairperson may require a Board Member:

- (a) to apologise without reservation for an act of disorder referred to in clauses 13.10(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 13.10(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 13.10(d) and (e).

How disorder at a meeting may be dealt with

- 13.12 If disorder occurs at a meeting of the Joint Organisation, the chairperson may adjourn the meeting for a period of not more than fifteen (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 Board Members.
- 13.13 A Board Member 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 13.11. The expulsion of a Board Member from the meeting for that reason does not prevent any other action from being taken against the Joint Organisation for the act of disorder concerned.
- 13.14 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Joint Organisation for engaging in or having engaged in disorderly conduct at the meeting.
- 13.16 Where a Board Member 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.
- 13.17 If a Board Member or a member of the public fails to leave the place where a meeting of the Joint Organisation is being held immediately after they have been expelled, 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 Board Member or member of the public from that place and, if necessary, restrain the Joint Organisation or member of the public from re-entering that place.

Use of mobile phones and the unauthorised recording of meetings

- 13.18 Board Members, Joint Organisation staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Joint Organisation and committees of the Joint Organisation.
- 13.19 Unless authorised by a resolution made pursuant to clause 5.17, 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 of the Joint Organisation without the prior authorisation of the Joint Organisation.
- 13.20 Any person who makes a recording or attempts to make a recording of a meeting of the Joint Organisation in contravention of clause 13.19, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 13.21 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.

14 CONFLICTS OF INTEREST

- 14.1 All Board Members and, where applicable, all other persons, must disclose and manage any conflicts of interest they may have in matters being considered at meetings of the Joint Organisation in accordance with the Joint Organisation's code of conduct.

15 DECISIONS OF THE JOINT ORGANISATION

Joint Organisation decisions

- 15.1 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.
- 15.2 Decisions made by the Joint Organisation must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering Joint Organisation decisions

- 15.3 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 3.11.
- 15.4 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.
- 15.5 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 3.11.
- 15.6 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 (3) Voting Board Members if less than three (3) months has elapsed since the resolution was passed, or the motion was rejected.
- 15.7 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 (3) 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.
- 15.8 The provisions of clauses 15.5–15.7 concerning rejected motions do not apply to motions of adjournment.
- 15.9 A notice of motion submitted in accordance with clause 15.6 may only be withdrawn under clause 3.12 with the consent of all signatories to the notice of motion.
- 15.10 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 of the Joint Organisation.

16. AFTER THE MEETING

Minutes of meetings

- 16.1 The Joint Organisation is to keep full and accurate minutes of the proceedings of meetings of the Joint Organisation.
- 16.2 At a minimum, the Executive Officer must ensure that the following matters are recorded in the Joint Organisation's 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.
- 16.3 The minutes of a Joint Organisation meeting must be confirmed at a subsequent meeting of the Joint Organisation.
- 16.4 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.
- 16.5 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 16.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed.
- 16.7 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.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 16.8 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.
- 16.9 Clause 16.8 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.
- 16.10 Clause 16.8 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.
- 16.11 Correspondence or reports to which clauses 16.9 and 16.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the Joint Organisation

- 16.12 The Executive Officer is to implement, without undue delay, lawful decisions of the Joint Organisation.

17. IRREGULARITIES

- 17.1 Proceedings at a meeting of a Joint Organisation or a Joint Organisation committee

are not invalidated because of:

- (a) a failure to give notice of the meeting to any Joint Organisation Board Member or Committee Member or
- (b) any defect in the election or appointment of a Joint Organisation or committee member, or
- (c) a failure of a Board Member 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 Joint Organisation or committee meeting in accordance with the Joint Organisation's code of conduct, or

18 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
Act of disorder	means an act of disorder as defined in clause 15.10 of this code.
Amendment	in relation to an original motion, means a motion moving an amendment to that motion.
Board	means the Board of the Joint Organisation consisting of Voting Representatives and Non-Voting Representatives as set out in the Charter.
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 elected in accordance with the Charter and clauses 6.1 and 6.2 of this code.
Deputy Chairperson	in relation to a meeting of the Joint Organisation – means the alternate to the person presiding at the meeting as elected in accordance with the Charter and clauses 6.1 and 6.2 of this code.
Charter	Means the adopted Charter of the Joint Organisation.
this Code	means the Joint Organisation's adopted code of meeting practice
Committee of Joint Organisation	means a committee established by the Joint Organisation.
Day	means calendar day.
Division	means a request by two Board Members under clause 11.6 of this code requiring the recording of the names of the Joint Organisation who voted both for and against a motion.
Executive Officer	Means a person appointed by the Board in accordance with the Act, the Regulations and the Charter.
Foreshadowed amendment	means a proposed amendment foreshadowed by a Joint Organisation under clause 10.17 of this code during debate on the first amendment.
Foreshadowed motion	means a motion foreshadowed by a Voting Board Member under clause 10.16 of this code during debate on an original motion.
Joint Organisation	Means the Northern Rivers Joint Organisation of Councils.

Joint Organisation official	has the same meaning as in the Joint Organisation Code of Conduct and includes Board Members, administrators, Joint Organisation staff, Joint Organisation committee members and delegates of the Joint Organisation.
Member Councils	Means Ballina Shire Council, Byron Shire Council, Lismore City Council, Kyogle Council, Richmond Valley Shire Council
Non-Voting Representative	means those Board Members appointed in accordance with the Charter.
Official Visitor	Means a person invited by the Joint Organisation to attend a meeting
Quorum	means the minimum number of Joint Organisation or committee members necessary to conduct a meeting.
the Regulation	means the 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 Representative or Voting Board Member	Means a representative of a Member Council on the Board
Year	means the period beginning 1 July and ending the following 30 June.