

# Central NSW Joint Organisation

## Agenda Central NSW Joint Organisation Inaugural Board Meeting 24 May 2018 9.30am

### Members

<b>Cr G Hanger</b>	Bathurst Regional Council	<b>Cr J Medcalf</b>	Lachlan Shire Council
<b>Cr S Ferguson</b>	Blayney Shire Council	<b>Cr K Sajowitz</b>	Oberon Council
<b>Cr K Beatty</b>	Cabonne Council	<b>Cr R Kidd</b>	Orange City Council
<b>Cr B West</b>	Cowra Council	<b>Cr K Keith</b>	Parkes Shire Council
<b>Cr G Miller</b>	Forbes Shire Council	<b>Cr M Liebich</b>	Weddin Shire Council

### Attending

Mr R Hunt	Lachlan Shire Council	Cr D Somerville	CTW
Mr D Sherley	Bathurst Regional Council	Mr G Rhodes	CTW
Ms R Ryan	Blayney Shire Council	Mr A Albury	DPC
Mr S Harding	Cabonne Council	Cr C Weston	RDACW
Mr P Devery	Cowra Council	Ms J Andrews	RDACW
Mr S Loane	Forbes Shire Council	Ms J Bennett	Centroc
Mr G Wallace	Oberon Council	Ms M Macpherson	Centroc
Mr G Styles	Orange City Council	Ms C Griffin	Centroc
Mr K Boyd	Parkes Shire Council	Ms V Page	Centroc
Mr G Carroll	Weddin Shire Council		

It is advised that the first meeting of the Central NSW Joint Organisation meeting will be held Thursday 24 May at Parliament House, Macquarie Street Sydney in the Preston Stanley room at 9.30am start.

Tea and coffee on arrival and all refreshments will be provided. Please contact Jenny Bennett on 0428 690 935 with any queries.

The meeting will be officially opened and chaired by Mr David Sherley, General Manager of Bathurst Regional Council, until the election of Chairperson and Deputy Chairperson, being Agenda Item 3.

# Central NSW Joint Organisation

## Agenda

1. Proclamation and Regulation effecting the Central NSW Joint Organisation .....	3
2. Office of Local Government 1. Implementation on Joint Organisations .....	4
2. Returning Officer.....	4
3. Election of Chairperson and Deputy Chairperson.....	5
4. Disclosure of delegates - Designated persons (s:449 L.G. Act).....	8
5. Central NSW Joint Organisation Draft Charter .....	14
6. Appointment of interim Executive Officer.....	25
7. Delegations to the interim Executive Officer.....	26
8. Code of Conduct and Panel of Conduct Reviewers .....	30
9. Central NSW Joint Organisation Policy Manual .....	42
10. Payment of Expenses and the Provision of Facilities to Board Members Policy.....	43
11. Code of Meeting Practice.....	48
12. Seal.....	58
13. Privacy Management Plan .....	59
14. Register of Political Donations Disclosures.....	60
15. Timeline, opening a bank account, recruitment and strategy.....	61



**Mr David Sherley**  
**General Manager, Bathurst Regional Council**  
**Under the delegation of**  
**Mr Tim Hurst, Chief Executive Officer, Office of Local Government**

## 1. Proclamation and Regulation effecting the Central NSW Joint Organisation

**Recommendation:**

That the Board note the Proclamation and Regulation effecting the Central NSW Joint Organisation

By Proclamation 11 May 2018, the Central NSW Joint Organisation of Councils was created. The Proclamation and Regulation form **Attachment 1**.

**2. Office of Local Government 1. Implementation on Joint Organisations  
2. Returning Officer**

**Recommendation:**

That the Board

1. note the advice from the Office of Local Government providing guidance on the implementation on Joint Organisations "Joint Organisation Implementation Guidance; and
2. note that Mr Tim Hurst has delegated the calling of the meeting, the development of the Agenda and the role of Returning Office to Mr David Sherley, General Manager of Bathurst Regional Council.

Advice on the implementation of the Joint Organisation has been provided by the Office of Local Government. This advice is at **Attachment 2** and has informed all reports to this meeting.

All members provided advice to the Office of Local Government nominating their preference for a time and place of the meeting and that Mr David Sherley be the Returning Officer. Please see **Attachment 3** advice from the Officer of Local Government on calling and giving notice of the first board meeting.

### 3. Election of Chairperson and Deputy Chairperson

**Recommendation:**

That the Board determine the method of voting for the position of Chairperson and Deputy Chairperson.

By proclamation dated 11 May 2018, the Central NSW Joint Organisation of Councils was created; a copy of the Proclamation is at **Attachment 1**.

The first item of business for the new Joint Organisation will be election of a Chairperson a Deputy Chairperson, with the Presiding Officer being David John Sherley who has been appointed by the Chief Executive as the Returning Officer, refer page 10, 2.2 Joint Organisation Implementation Guidance at **Attachment 2**.

Upon election, the Chairperson will assume the Chair and preside at the meeting

Details of the election process are contained in the Fact Sheet: Electing a Chairperson, refer page 13 section 2.3 in **Attachment 2**.

Voting for the position of Chairperson can be carried out by one of the following methods:

- (a) Open voting (ie show of hands)
- (b) Ordinary ballot (ie secret ballot)
- (c) Preferential ballot (ie place 1, 2, 3 against each candidate)

Voting representatives for the Board are the Mayors of the Member Councils as listed in the Proclamation. These are:

Bathurst – Cr G Hanger  
Blayney – Cr S Ferguson  
Cabonne – Cr K Beatty  
Cowra – Cr B West  
Forbes – Cr G Miller  
Lachlan – Cr J Medcalf  
Oberon – Cr K Sajowitz  
Orange – Cr R Kidd  
Parkes – Cr K Keith  
Weddin – Cr M Liebich

Nominations have previously been called for, but will be received up until and including the item at the meeting at which the election of the Chairperson occurs.

**Central NSW Joint Organisation**

**N O M I N A T I O N F O R M**  
***ELECTION OF CHAIRPERSON***

**Note:** This nomination is to be made by two or more Mayors of the Member Councils (one of whom may be the nominee) and is not valid unless the nominee has indicated consent, in writing, to nomination.

This nomination is to be delivered or sent to the Executive Officer/Returning Officer.

We, the undersigned Councillors, nominate:

-----  
as a candidate for the Office of Chair, for the years 20\_\_/20\_\_.

**SIGNED:** \_\_\_\_\_

\_\_\_\_\_

DATE: \_\_\_\_\_

I: \_\_\_\_\_

(Insert name of person proposed for nomination)

hereby consent to such nomination.

**SIGNED:** \_\_\_\_\_

(Signature of person proposed for nomination)

DATE: \_\_\_\_\_

# Central NSW Joint Organisation

## N O M I N A T I O N F O R M ELECTION OF DEPUTY CHAIRPERSON

**Note:** This nomination is to be made by two or more Mayors of the Member Councils (one of whom may be the nominee) and is not valid unless the nominee has indicated consent, in writing, to nomination.

This nomination is to be delivered or sent to the Executive Officer/Returning Officer.

We, the undersigned Councillors, nominate:

-----  
as a candidate for the Office of Deputy Chair, for the years 20\_\_/20\_\_.

**SIGNED:** \_\_\_\_\_

DATE: \_\_\_\_\_

I: \_\_\_\_\_

(Insert name of person proposed for nomination)

hereby consent to such nomination.

**SIGNED:** \_\_\_\_\_

(Signature of person proposed for nomination)

**DATE:** \_\_\_\_\_

#### 4. Disclosure of delegates - Designated persons (s:449 L.G. Act)

**Recommendation:**

That the Board:

1. note that all board members and the executive officer are automatically designated persons for the purposes of s:449 of the Local Government Act;
2. note that as alternatives deputy mayors should also be treated as designated persons; and
3. note the responsibility of designated persons in returning disclosures of interest forms.

Section 449 applies to Joint Organisations as it is in Chapter 14, which is not an excluded provision. The return therefore needs to be completed by representatives on the board, who are taken to be councillors for the purposes of s449 (see 400ZH(1)(b))

This includes alternates while acting in the place of the voting representative. The deputy mayor is automatically the alternate for the mayor (see Regulation 397E(1)) and is taken to be a representative while acting in the place of the voting representative (see Regulation 397E(5)). It would be prudent for the deputy mayor to also sign a declaration in case they have to attend and vote at any meeting.

Please find following the Disclosure of Interest form for the Central NSW Joint Organisation.

Subsequent to this resolve the Executive Officer will seek forms from the Mayors and Deputy Mayors of the JO.



**DISCLOSURES BY BOARD MEMBERS AND DESIGNATED PERSONS RETURN**

<p>1. <i>The pecuniary interests and other matters to be disclosed in this return are prescribed by Part 8 of the Local Government (General) Regulation 2005.</i></p> <p>2. <i>If this return is the first return required to be submitted by you after attaining the position of board member or designated person, do not complete parts C, D and H of the return. All other Parts of the return should be completed with appropriate information as at the return date, that is, the date on which you attained that position.</i></p> <p><i>If this return is not the first return required to be submitted by you after attaining that position, all Parts of the return should be completed with appropriate information for the relevant return period since the last return, that is, the period from the return date of the last return to 30 June in this year or the period from the end of the last return period to 30 June in this year (whichever is appropriate).</i></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 2px;"><b>OFFICE USE ONLY</b></td> </tr> <tr> <td style="padding: 2px;">Date Received: .....</td> </tr> <tr> <td style="padding: 2px;">Received By: .....</td> </tr> </table> <p>3. <i>The particulars required to complete this form are to be written in block letters or typed.</i></p> <p>4. <i>If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.</i></p> <p>5. <i>If there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.</i></p> <p>6. <i>"*" means delete whichever is inapplicable.</i></p>	<b>OFFICE USE ONLY</b>	Date Received: .....	Received By: .....
<b>OFFICE USE ONLY</b>				
Date Received: .....				
Received By: .....				

**IMPORTANT INFORMATION**

This information is being collected for the purpose of compliance with section 449 of the Local Government Act 1993. You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred to the Local Government Pecuniary Interest Tribunal.

The information collected on this form will be kept by the Executive Officer at the main office in a register of returns. Everyone is entitled to inspect the register of returns free of charge. You may correct or update the information contained in this register of returns by submitting a fresh return at any time.

**DISCLOSURE OF PECUNIARY INTERESTS AND OTHER MATTERS**

By \_\_\_\_\_ \*as at \_\_\_\_\_  
(full name of board member or designated person) (return date)

\*in respect of the period from \_\_\_\_\_ to \_\_\_\_\_  
(return period)

\_\_\_\_\_  
(board member's or designated person's signature)

\_\_\_\_\_  
(date)

**A. REAL PROPERTY**

Address of each parcel of real property in which I had an interest at the return date/* at any time during the return period	Nature of interest

**B. SOURCES OF INCOME**

1. \*Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June:

\* Source of income I received from an occupation at any time during the return period:

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2. \* Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June:

\* Sources of income I received from a trust during the return period:

Name and address of settler	Name and address of trustee

3. \* Sources of income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June:

\* Sources of other income I received at any time during the return period:

*(include description sufficient to identify the person from whom, or the circumstances in which, that income was received)*


**C. GIFTS**

Description of each gift I received at any time during the return period	Named and address of donor

**D. CONTRIBUTION TO TRAVEL**

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time during the return period	Dates on which travel was undertaken	Names of States, Territories of the Commonwealth and overseas countries in which travel undertaken

**E. INTERESTS AND POSITIONS IN CORPORATIONS**

Name and address of each corporation in which I had an interest or held a position *at the return date /*at any time during the return period	Nature of interest (if any)	Description of position (if any)	Description of principal objects of corporation (except in case of public company)

**F. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS**

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date / *at any time during the return period	Description of position

**G. DEBTS**

Name and address of each person to whom I was liable to pay any debt *at the return date / *at any time during the return period.

**H. DISPOSITIONS OF PROPERTY**

1. Particulars of each disposition of real property by me at any time during the return period whereby I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time.


2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the return period, whereby I obtained, either wholly or in part, the use and benefit of the property.


**I. DISCRETIONARY DISCLOSURES**


*The information on this form is being collected to allow the Central NSW Joint Organisation to process your application and/or carry out its statutory obligations. All information collected will be held by the Central NSW Joint Organisation and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors.*

## 5. Central NSW Joint Organisation Draft Charter

### Recommendation:

That the

1. Draft Charter for the Central NSW Joint Organisation be referred to members for a period of 42 days seeking feedback
2. A further report come back to the CNSWJO detailing members feedback for consideration by the Board.

By proclamation dated 11 May 2018 the Central NSW Joint Organisation of Councils was created.

All Joint Organisations are required to adopt a draft Charter for member consultation at their first meeting.

Guidance has been provided by the Office of Local Government including a template at page 34 section 2.7.2 in **Attachment 2**

This advice was reviewed by Cr David Somerville using an approach that having the least amount of prescription in the Charter enabled the Joint Organisation to be as flexible as possible. It is also worth noting that the Charter can be updated at anytime at the Board's discretion. The Draft Charter follows.

It is suggested that members be given 42 days to respond and this advice inform the next Board meeting where any requisite changes can be made and the charter then be adopted, and then put the up on the website.

# Central NSW Joint Organisation

## Draft Charter

Adopted on

2018

## CONTENTS

### CLAUSE PAGE

1.	INTRODUCTION
1.1	Name and legal status
1.2	Interpretation
1.3	Definitions
1.4	Adopting the Charter
1.5	Amending the Charter
2.	Establishment
2.1	Vision and principles
2.2	Principal functions
2.3	Supplementary functions
3.	Membership
3.1	Member Councils
3.2	Associate Members
3.3	Changes in membership
3.4	Financial Contributions
4.	The Board and management
4.1	Membership of the Board
4.2	Non-Voting Representatives
4.3	Powers of the Board
4.4	Exercise of powers
4.5	Power to delegate
4.6	Acceptance of delegations
4.7	Chairperson and Deputy Chairperson
4.8	Executive Officer



- 4.9 Committees
- 4.10 Common seal
- 5. Meetings
  - 5.1 Meeting frequency
  - 5.2 Use of technology
  - 5.3 Quorum
  - 5.4 Voting
- 6. indemnity and insurance
  - 6.1 Indemnity
  - 6.2 Insurance
  - 6.3 Liability on a winding up

## CENTRAL NSW JOINT ORGANISATION

### CHARTER

#### 1. INTRODUCTION

##### 1.1 Name and legal status

- (a) The name of the Organisation is Central NSW Joint Organisation.
- (b) The Organisation is a body corporate established on 11 May 2018 by proclamation under Part 7 Chapter 12 of the Local Government Act 1993.

##### 1.2 Interpretation

This Charter is to be interpreted in accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005 and the Interpretation Act 1987.

##### 1.3 Definitions

The following definitions apply in this Charter:

**Act** means the Local Government Act 1993.

**Associate Member** means those councils and other organisations that are members of the Organisation by virtue of clause 3.2 of this Charter.

**Board** means the Board of the Organisation consisting of the Voting Representatives and Non-Voting Representatives set out in clause 4.1 of this Charter, acting collectively.

**Charter** means this document, as amended from time to time.

**Chairperson** means the person elected to the office of chairperson by the Voting Representatives under clause 4.7 of this Charter.

**Councillor** means a person elected or appointed to civic office and includes a Mayor.

**Executive Officer** means the person employed by the Organisation under clause 4.8 of this Charter.

**General Manager** means the person employed by a council as its general manager.

**Member Councils** means the councils proclaimed under the Act to be the members of the Organisation.

**Mayor** means the mayor of a Member Council.

**Non-Voting Representative** means the Board representatives appointed pursuant to clause 4.2 of this Charter. Organisation means Central NSW Joint Organisation.

**Principal Functions** means the functions set out in clause 2.2 of this Charter or as otherwise prescribed by the Act or Regulations.

**Regulations** means the Local Government (General) Regulation 2005.

**Special Resolution** has the meaning given in clause 5.4(b)(ii).

**Supplementary Functions** means the functions approved by the Board under clause 2.3 of this Charter.

**Voting Representative** means a representative of a Member Council on the Board.

#### 1.4 Adopting the Charter

(a) This charter, in the form originally adopted by the Board, was approved in consultation with member councils.

(b) This Charter was adopted by the Board on [date]

#### 1.5 Amending the Charter

This Charter may be amended from time to time by Special Resolution.

### 2. ESTABLISHMENT

#### 2.1 Vision and principles

(a) The vision of the Organisation is set from time to time by the Board to reflect the collective regional priorities and aspirations of its Member Councils

(b) At the date of adoption of this Charter the vision of the Organisation, as the successor to the regional organisation of councils known as Central NSW Councils (or Centroc) is for Central New South Wales to be a vibrant growing and welcoming place of seasonal landscapes recognised in the nation for its agricultural heart.

#### 2.2 Principal functions

In accordance with the Act, the principal functions of the Organisation are:

(a) to establish strategic regional priorities for the joint organisation area and to establish strategies and plans for delivering those priorities;

(b) to provide regional leadership for the joint organisation area and to be an advocate for strategic regional priorities; and

(c) to identify and take up opportunities for inter-governmental cooperation on matters relating to the joint organisation area.

#### 2.3 Supplementary functions

The Organisation may perform functions, supplementary or ancillary to its Primary Functions, if:

(a) the objective of undertaking those functions is to provide support for the operations of its Member Councils aimed at strengthening local government in its joint organisation area; and

(b) the scope, operational principles and business plan for those Supplementary Functions is approved by a Special Resolution of the Board.

### 3. MEMBERSHIP

#### 3.1 Member Councils

The following are the Member Councils of the Organisation as at the date of its establishment:

(a) Bathurst Regional Council;

(b) Blayney Shire Council;

(c) Cabonne Council;

- (d) Cowra Shire Council;
- (e) Forbes Shire Council;
- (f) Lachlan Shire Council;
- (g) Oberon Shire Council;
- (h) Orange City Council;
- (i) Parkes Shire Council; and
- (j) Weddin Shire Council.

### 3.2 Associate Members

The following organisations are Associate Members of the Organisation as at the date of its establishment:

- (a) Central Tablelands County Council;

### 3.3 Changes in membership

- (a) An additional council may become a Member Council if:

- (i) it applies in writing the Organisation to become a Member Council pursuant to a resolution to that effect by its governing body;

- (ii) it is approved as a Member Council by [Special Resolution of] the Board; and

- (iii) the proclamation establishing the Organisation is amended to include the additional Member Council and the area of the Organisation is extended to include the local government area of that council.

- (b) A Member Council may withdraw as a Member Council of the Organisation if:

- (i) it has given 12 months' notice in writing to the Organisation to withdraw as a Member Council pursuant to a resolution to that effect by its governing body; and

- (ii) the proclamation establishing the Organisation is amended to remove the Member Council and the area of the Organisation is amended to excise the local government area of that council.

- (c) An Associate Member:

- (i) may withdraw as an Associate Member on giving [6 months] notice in writing to the Organisation; and

- (ii) may be removed as an Associate Member by [Special] Resolution.

### 3.4 Financial Contributions

- (a) The annual financial contribution required to be made by each Member Council is to consist of:

- (i) a base fee of the same amount for each Member Council; and

- (ii) a capitation fee [based on the number of ordinary rate assessments issued by each Member Council].

- (b) The annual financial contribution required to be made by each Associate Member is to be based on a methodology adopted by the Board.

(c) The amount of the base fee, capitation fee and financial contribution by Associate Members for a financial year is to be determined prior to the start of that year by Resolution of the Board.

#### 4. THE BOARD AND MANAGEMENT

##### 4.1 Membership of the Board

The Board consists of:

- (a) the Mayors of each Member Council, who are the Voting Representatives (or a replacement Councillor of a Member Council, if the Mayor is removed from office as a Voting Representative by the Minister under the Act);
- (b) the alternate for a Voting Representative appointed by the Member Council under the Regulations, while acting in the place of the Voting Representative; and
- (c) the Non-Voting Representatives appointed under clause 4.2.

##### 4.2 Non-Voting Representatives

(a) The following persons are Non-Voting Representatives on the Board:

- (i) an employee of the public service nominated by the Secretary of the Department of Premier and Cabinet;
  - (ii) the chair of Regional Development Australia, Central West;
  - (iii) the chairman of Central Tablelands County Council, for so long as it remains an Associate Member;
  - (iv) the General Managers of Member Councils [and of Central Tablelands County Council, for so long as it remains an Associate Member];and
  - (v) any other person or a member of a class of persons prescribed by the Regulations.
- (b) Non-Voting Representatives may attend and speak at meetings of the Board but may not move, second, amend or vote on motions.

(c) The following persons may attend meetings of the Board in an advisory capacity and may be members of committees established under clause 4.9:

- (i) the Executive Officer; and

##### 4.3 Powers of the Board

Except as otherwise required by the Act, any other applicable law or this Charter, the Board:

- (a) has power to direct and control the affairs of the Organisation in carrying out its functions, in consultation with the Executive Officer; and
- (b) may exercise every right, power or capacity of the Organisation.

##### 4.4 Exercise of powers

A power of the Board can be exercised only:

- (a) by resolution passed at a meeting of the Board; or

(b) in accordance with a delegation of the power under clause 4.5

#### 4.5 Power to delegate

(a) The Board may delegate any of its powers.

(b) The Board may revoke a delegation previously made whether or not the delegation is expressed to be for a specified period.

(c) A delegation of powers may be made:

(i) to the Executive Officer, to a committee established under clause 4.9, to a Member Council or to any other person or body;

(ii) for a specified period or without specifying a period; and

(iii) on the terms (including power to further delegate) and subject to any restrictions the Board decides.

(d) A document of delegation may contain the provisions for the protection and convenience of those who deal with the delegate that the Board thinks appropriate.

#### 4.6 Acceptance of delegations

The Organisation may not accept the delegation to it by a Member Council of a function of that Member Council except in accordance with the terms and conditions set out in a Special Resolution.

#### 4.7 Chairperson and Deputy Chairperson

(a) The Chairperson is to be elected from amongst the Voting Representatives who are mayors and will hold office in accordance with the Act and Regulations.

(b) The Chairperson while acting as such:

(i) has a deliberative vote; and

(ii) does not have a casting vote.

(c) The Board may elect a Deputy Chairperson from amongst the Voting Representatives who are Mayors following the election of the Chairperson, to hold office for the term of the Chairperson.

(d) In the absence of the Chairperson, the Deputy Chairperson (or in their absence, a person elected by the Voting Representatives at the meeting) is to preside at a meeting of the Board and does not have a casting vote.

#### 4.8 Executive Officer

The Board must appoint an Executive Officer in accordance with the Act and Regulations.

#### 4.9 Committees

For the purpose of carrying out its functions, the Organisation may by resolution of the Board establish:

(a) standing committees or divisions within the Organisation;

(b) ad hoc advisory committees; and

- (c) working groups,

and determine their membership and terms of reference.

#### 4.10 Common seal

- (a) The Board may decide whether or not the Organisation has a common seal.
- (b) The common seal may only be used with the authority of the Board.
- (c) The fixing of the common seal to a document must be witnessed:
  - (i) by two Voting Representatives; or
  - (ii) by one Voting Representative and the Executive Officer.

### 5. MEETINGS

#### 5.1 Meeting frequency

The Board will meet:

- (a) at least once in each quarter on such date and at such place and time as the Board decides; and
- (b) at such other times as the Chairman may decide.

#### 5.2 Use of technology

A Board meeting may be held using any means of audio or audio visual communication by which each Board member participating can hear and be heard by each other Board member participating. A Board meeting held solely or partly by technology is treated as held at the place at which the greatest number of the Board members is present or, if an equal number of Board members is located in each of two or more places, at the place where the chairman of the meeting is located.

#### 5.3 Quorum

The quorum for a meeting of the board is a majority of voting representatives entitled to vote under the JO charter

No business may be transacted at a meeting of the Board without a quorum being present at the time the business is transacted.

#### 5.4 Voting

- (a) Each Voting Representative has one vote at a meeting of the Board.
- (b) A resolution of the Board is passed:
  - (i) in the case of an Ordinary Resolution, if a majority of the votes cast by Voting Representatives entitled to vote on the resolution are in favour of it. If an equal number of votes is cast for and against a resolution, the matter is decided in the negative; and
  - (ii) in the case of a Special Resolution, if not less than 75% of the votes cast by Voting Representatives entitled to vote on the resolution are in favour of it.

(c) Unless otherwise stated in this Charter, all decisions of the Board are to be made by Ordinary Resolution.

## 6. INDEMNITY AND INSURANCE

### 6.1 Indemnity

(a) Subject to and so far as permitted by the Act and any other applicable law the Organisation must indemnify every member of the Board and the staff of the Organisation against any Liability incurred as such, unless the Liability arises out of conduct involving a lack of good faith.

(b) This indemnity is a continuing indemnity. It applies in respect of all acts done by a person while a member of the Board or the staff of the Organisation even though the person is not member of the Board or the staff of the Organisation at the time the claim is made.

(c) In this clause, Liability means a liability of any kind (whether actual or contingent and whether fixed or unascertained) and includes costs, damages and expenses, including costs and expenses incurred in connection with any investigation or inquiry by a government agency or a liquidator.

### 6.2 Insurance

Subject to the Act and any other applicable law, the Organisation may enter into, and pay premiums on, a contract of insurance in respect of any person.

### 6.3 Liability on winding up

The liability of a Member Council or an Associate Member to contribute towards the payment of the debts and liabilities of the Organisation or the costs, charges and expenses of the winding up of the Organisation is limited to the amount, if any, unpaid by the Member Council or Associate Member in respect of the financial contributions required by clause 3.4 .



## 6. Appointment of interim Executive Officer

**Recommendation:**

That Ms Jenny Bennett be appointed the interim Executive Officer of the Central NSW Joint Organisation of Councils for the period of 12 months.

By proclamation **attachment 1** dated 11 May 2018 the Central NSW Joint Organisation of Councils was created.

All joint organisations are required to employ an Executive Officer; refer the Fact Sheet at **Attachment 2** Joint Organisation Implementation Guidance 2.4 page 21. The Executive Officer performs the same role in a joint organisation that a General Manager performs in a Council.

A joint organisation may appoint an interim Executive Officer for up to 12 months without advertising on merit based selection.

To ensure the smooth transition from the former Centroc operation to the new Joint Organisation, it is proposed that Ms Jenny Bennett, current Executive Officer of Centroc be appointed the interim Executive Officer of the Central NSW Joint Organisation of Councils.

The Interim Executive Officer will be employed under a fixed-term, performance based contract approved by the Chief Executive of the Office of Local Government (the Chief Executive). The rate of remuneration will be at the current level of that of the Executive Officer of Centroc plus any variations that will apply after this year's performance review.

The permanent appointment of an Executive Officer will be a matter to be considered by the Joint Organisation as part of the establishment process over the next 12 months.

Financial Implications: The position will be funded through Council contributions currently made to Centroc. Ms Bennett understands that she will cover the Executive Officer roles of the new JO and that of Centroc, within the existing remuneration levels paid to her.

That is by way of clarification, she will not receive two wages. This is because the role is ostensibly the same, with functions transferring from Centroc to the new JO.

To effect this, in line with the Guidance from the Office of Local Government at page 21 section 2.4 in **Attachment 2**, permission has been sought from Orange City Council to the appointment, as Ms Bennett is currently on the Orange payroll. Please find their response enabling the appointment at **Attachment 4**.

## 7. Delegations to the interim Executive Officer

**Recommendation:**

That the Central NSW Joint Organisation adopt the delegations register as tabled.

Under the Act, Executive Officers have the following functions:

- (i) conduct the day-to-day management of the joint organisation in accordance with the strategic regional priorities and other plans, programs, strategies and policies of the organisation;
- (ii) implement without delay, lawful decisions of the joint organisation.

Further, if the joint organisation determines an organisation structure requiring other staff, the Executive Office may also:

- (i) appoint staff in accordance with the organisation structure and the resources approved by the joint organisation;
- (ii) direct and dismiss staff.

The State Government has produced the Joint Organisation Implementation Guidance – Section 2.4 page 21 Employing the Executive Officer, which is at **Attachment 2** this will assist the Board in its considerations.

The Local Government Act (1993) at S:377 also provides for a General Power to delegate. The section provides that:

*(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:*

- (a) the appointment of a general manager,*
- (b) the making of a rate,*
- (c) a determination under section 549 as to the levying of a rate,*
- (d) the making of a charge,*
- (e) the fixing of a fee,*
- (f) the borrowing of money,*
- (g) the voting of money for expenditure on its works, services or operations,*
- (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
- (i) the acceptance of tenders to provide services currently provided by members of staff of the council,*
- (j) the adoption of an operational plan under section 405,*
- (k) the adoption of a financial statement included in an annual financial report,*

- (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
- (m) the fixing of an amount or rate for the carrying out by the council of work on private land,*
- (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
- (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#),*
- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
- (r) a decision under section 234 to grant leave of absence to the holder of a civic office,*
- (s) the making of an application, or the giving of a notice, to the Governor or Minister,*
- (t) this power of delegation,*
- (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.*

*(1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:*

- (a) the financial assistance is part of a specified program, and*
- (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
- (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
- (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.*

*(2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.*

*(3) A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.*

Further, the Local Government Act (1993) at S:378 provides the power for the General Manager to delegate functions. The section provides that:

- (1) the general manager may delegate any of the functions of the general manager, other than this power of delegation;*
- (2) the general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council);*
- (3) subsection (2) extends to a function sub-delegated to the general manager by the council under section 377(2).*

A review of the existing delegation register for Centroc has been undertaken. It is proposed that the tabled delegations instrument be adopted by the JO, please see following:

## CENTRAL NSW JOINT ORGANISATION

### DELEGATIONS TO EXECUTIVE OFFICER

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The following summary contains all delegations to the Executive Officer by the JO, some of which may be sub-delegated to other staff.

1. To conduct the day-to-day management of the joint organisation in accordance with the strategic regional priorities and other plans, programs, strategies and policies of the JO.
2. To maintain custody of the JO's Common Seal and affix same to documents, as authorised, in the presence of either the Chairperson or one (1) other Board member, both parties attesting by their signatures that the Common Seal was affixed in their presence.
3. To authorise the payment of the salaries and wages of the staff of the JO within the sum voted by the JO for expenditure thereon.
4. To obtain quotations and authorise the purchase of goods, works and services to the limits authorised by the JO.
5. To carry on the regular services, functions and operations of the JO in accordance with any resolution or policy of the JO.
6. To determine the matters which are to be included in the business papers for JO meetings, subject to the inclusion of the following items whenever they arise, namely:
  - (a) reports on matters which cannot be determined under delegated authority.
  - (b) reports required to be submitted under any Act, Ordinance or Regulation.
  - (c) reference to any deputations which the Council has agreed to receive.
  - (d) Matters requiring a determination of Policy.
  - (e) Reports directed by the JO to be submitted.
  - (f) Matters essential for the JO's information.
  - (g) Matters requiring a vote.
7. To authorise action to be taken to comply with any policy of the JO or any provision of the Local Government Act, or of any other law, statutory or otherwise, affecting the JO.
8. To incur expenditure provided such funds have been allocated in the estimates.
9. To determine in consultation with the Chairperson whether any group or individual should be invited to address any JO Meeting.
10. To lay information; to make applications for search warrants; to make complaints; to initiate and carry on any proceedings and to represent the JO in any Court on any matter.

11. To expend unbudgeted funds of up to \$1,000 and report any such expenditure to the next meeting of the JO.
12. To disclose the JO's records in accordance with any legal obligations of any Act or Regulations and any resolutions of the JO.
13. To sign any financial instrument on behalf of the JO in conjunction with a second counter-signatory to authorise the payment, bank transfer or bill exchange.
14. To accept payment of charges due and payment by an entity in accordance with an agreement made with the entity and to write off or reduce interest accrued on charges if the entity complies with the agreement.
15. To control, direct and dismiss staff, and appoint staff in accordance with the organisation structure and the resources approved by the JO.
16. To invest money in accordance with Section 625 of the Local Government Act 1993.
17. To authorise the release of any bond or bank guarantee where the required works or services have been completed in accordance with approvals granted by the JO.
18. To obtain, accept and determine quotations for the supply of JO equipment, plant and motor vehicles provided that such tenders are not those which are required under the Local Government Act 1993 to be invited by the JO.
19. To sell the JO's surplus property which has an estimated value not greater than \$8,000 on the condition that such property with an estimated value of \$4,000 or more is first offered for sale by advertisement.
20. To implement the requirements of the Work Health and Safety Act.
21. To engage contractors on a daily or, as required, basis.
22. To adopt on behalf of Council the Agency Information Guide required under Section 20 of the Government Information (Public Access) Act 2009.

## 8. Code of Conduct and Panel of Conduct Reviewers

### Recommendation:

That the Central NSW Joint Organisation adopt:

- (a) the Model Code of Conduct for Local Councils in NSW (the Model Code);
- (b) the Procedures for the Administration of the Model Code of Conduct for local Councils in NSW (the Procedures);
- (c) the panel of Conduct Reviewers as established by Centroc.
- (d) The PUBLIC INTEREST DISCLOSURES (PROTECTED DISCLOSURES)

By proclamation dated 11 May 2018 the Central NSW Joint Organisation was created. Like Councils, Joint Organisations must adopt a Code of Conduct based on the Model Code of Conduct for Local Councils in NSW (the Model Code) and procedures for dealing with Code of Conduct complaints based on the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (the Procedures). Please refer to the Office of Local Government Guidance page 11 section 2.2 **Attachment 2**. The procedures for the administration of the model code of conduct for local councils in NSW is available on the OLG website <https://www.olg.nsw.gov.au/sites/default/files/Procedures-for-Administration-of-Model-Code-of-Conduct.pdf>

It is proposed that the JO adopt the Model Code and Procedures as prepared by the Office of Local Government. Some minor changes will need to be made changing “Council” to “Joint Organisation.” No material changes are anticipated.

The new JO will also need to appoint a panel of conduct reviewers. The role of conduct reviewers is to undertake preliminary assessments and investigations of code of conduct complaints about board members of joint organisations (including the Chairperson) and the Executive Officer, where the complaint has not been declined or resolved at the outset.

Centroc has previously established a regional panel of conduct reviewers. It is proposed that this panel be adopted by the new joint organisation.

The Joint Organisation must also appoint a complaints co-ordinator. The role of the complaints co-ordinator is to:

- (i) Co-ordinate the management of complaints;
- (ii) Liaise with and provide administrative support to a conduct reviewer;
- (iii) Liaise with Office of Local Government;
- (iv) Arrange the annual reporting of code of conduct complaints statistics.

The person chosen as the complaints co-ordinator must also be a nominated disclosures co-ordinator appointed for the purpose of receiving and managing reports of wrong doing under the Public Interest Disclosures Act 1994. The nominated disclosures co-ordinator will be appointed by the Executive Officer. To facilitate this, the JO needs to adopt a policy PUBLIC INTEREST DISCLOSURES (PROTECTED DISCLOSURES), a proposed policy follows. The code of conduct Complaints Co-ordinator will be appointed by the Executive Officer.

**POLICY:** PUBLIC INTEREST DISCLOSURES (PROTECTED DISCLOSURES)

**DATE ADOPTED:**

**ORIGINAL ADOPTION:**

**FILE REFERENCE:**

**OBJECTIVE:** The aim of this policy is to establish guidelines to facilitate the introduction of an effective internal reporting system, which enables the Joint Organisation (JO) to acknowledge and act upon reports of *corruption, maladministration and serious and substantial waste*. These guidelines are to serve as Council's internal system for the purpose of the Public Interest Disclosures Act 1994. The Public Interest Disclosures Act 1994 aims to encourage and facilitate disclosures – in the public interest – by:

- enhancing and augmenting established procedures for making disclosures,
- protecting persons from reprisals that might otherwise be inflicted on them because of these disclosures, and
- providing for those disclosures to be properly investigated and dealt with.

## **1. PURPOSE AND CONTEXT OF THE POLICY**

The aim of this policy is to establish guidelines to facilitate the introduction of an effective internal reporting system, which enables the JO to acknowledge and act upon reports of *corruption, maladministration, serious and substantial waste, government information contravention and/or local government pecuniary interest contravention*. These guidelines are to serve as the JO's internal system for the purpose of the Public Interest Disclosures Act 1994 (PID Act). The Public Interest Disclosures Act 1994 aims to encourage and facilitate disclosures – in the public interest – by:

- enhancing and augmenting established procedures for making disclosures,
- protecting persons from reprisals that might otherwise be inflicted on them because of these disclosures, and
- providing for those disclosures to be properly investigated and dealt with.

The JO is committed to providing an appropriate avenue for staff and other parties to make Public Interest Disclosures and to provide a safe working environment for any person who makes a Public Interest Disclosure.

## **2. ROLES AND RESPONSIBILITIES OF STAFF**

This policy will apply to:

- both JO staff and representatives
- all permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for the the JO.

The policy may also apply to other people who perform public official functions and their conduct and activities could be investigated by an investigating authority. This can include volunteers and those **contracted to work for the JO**.

### **3. WHAT SHOULD BE REPORTED?**

You should report any wrongdoing you see relating to the work of the JO. Reports about the four categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention, and also local government pecuniary interest contravention – will be dealt with under the PID Act as public interest disclosures and according to this policy.

#### **(a) Corrupt conduct**

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a member of the public influencing a public official to use their position in a way that is dishonest, biased or breaches public trust.

For more information about corrupt conduct, see the NSW Ombudsman's guidelines on what can be reported.

#### **(b) Maladministration**

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant someone a licence for reasons that are not related to the merits of their application.

For more information about maladministration, see the NSW Ombudsman's guidelines on what can be reported.

#### **(c) Serious and substantial waste in local government**



Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of the JO.

For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

For more information about serious and substantial waste, see the NSW Ombudsman's guidelines on what can be reported.

(d) Government information contravention

A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act).

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

For more information about government information contravention, see the NSW Ombudsman's guidelines on what can be reported.

(e) Local Government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to fulfil certain functions under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, lodge written declarations and disclose pecuniary interests at council and council committee meetings. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior JO staff member recommending a family member for a JO contract and not declaring the relationship
- a general manager holding an undisclosed shareholding in a company competing for a council contract

For more information about local government pecuniary interest contravention, see the NSW Ombudsman's guidelines on what can be reported.

(f) Other wrongdoing

Although reports about the previous five categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, in line with the JO's policies. Copies of the policies are available from the Executive Officer of the JO

Even if these reports are not dealt with as public interest disclosures, the JO will investigate and consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

#### **4. WHEN WILL A REPORT BE PROTECTED?**

The JO will support any staff who report wrongdoing. For a report to be considered a public interest disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- The report has to be made to one or more of the following:
  - a position nominated in this policy – see section 8 below
  - the general manager
  - one of the investigating authorities nominated in the PID Act – see section 9 below

Reports by staff and councillors will not be considered to be public interest disclosures if they:

- mostly question the merits of government policy, including the policy of the governing body of the council.
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

#### **5. HOW TO MAKE A REPORT**

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The staff member should keep a copy of this record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

## 6. CAN A REPORT BE ANONYMOUS?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by the JO, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

**It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.**

## 7. MAINTAINING CONFIDENTIALITY

The JO realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

We are committed to keeping your identity, and the fact you have reported wrongdoing, confidential. **However there may be situations where this may not be possible or appropriate.** We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under the council's code of conduct, as this may mean certain information will have to be tabled at a council meeting.

If you report wrongdoing, you should only discuss your report with those dealing with it. This will include the disclosures coordinator and the general manager. If you discuss your report more broadly, you may affect the outcome of any investigation.

## 8. WHO CAN RECEIVE A REPORT WITHIN THE CENTRAL NSW JO?

You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that – for a report to be a public interest disclosure – it must be made to a public official in accordance with the council's disclosure procedures. For the JO, this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a public interest disclosure must refer the staff member making the report to one of the positions listed below. The broader responsibilities of these positions are outlined below.

If you are council staff and your report involves a councillor, you should make it to the general manager or the Mayor. If you are a councillor and your report is about another councillor, you should make it to the general manager or the Mayor.

The following table provides

- (a) for internal disclosures:- a list of JO representatives to whom a Public Interest Disclosure can be made and
- (b) for External disclosures: - a list of bodies to whom a Public Interest Disclosure can be made.

The following positions are the only staff within the JO who can receive a public interest disclosure.

(a) Executive Officer

You can report wrongdoing directly to the Executive Officer. The Executive Officer is responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The Executive Officer must make sure there are systems in place in the JO to support and protect staff who report wrongdoing.

The Executive Officer also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption. The Executive Officer can be contacted via the Executive Officer's office.

(b) Chair

If you are making a report about the Executive Officer, you should make your report to the Chair. They are responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The Chair must make sure there are systems in place in the JO to support and protect staff who report wrongdoing.

If the report is about the Executive Officer, the Chair is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption. The Chair may be contacted via the Chair's office.

(c) Disclosures Co-ordinator

The Disclosures Co-ordinator for the JO is appointed by the Executive Officer

## 9. WHO CAN RECEIVE A REPORT OUTSIDE OF THE JO?

Staff are encouraged to report wrongdoing within the JO, but internal reporting is not the only option. If you follow the guidance below, your report can still be a public interest disclosure.

You can choose to make your report to an investigating authority. You can do this first, or at any stage after your initial report to the JO. If your report is about the Executive Officer or the Chair, you should consider making it to an investigating authority.

You can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances.

### (a) Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the Ombudsman — for maladministration
- the Division of Local Government, Department of Premier and Cabinet — for disclosures about local government agencies
- the Information Commissioner — for disclosures about a government information contravention.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is very likely the investigating authority will discuss the case with the JO. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

### (b) Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the Executive Officer
- a person nominated in this policy
- an investigating authority in accordance with the PID Act.

Also, the JO or investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or the CNSWJO code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside the JO contact the disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

## **10. FEEDBACK TO STAFF WHO REPORT WRONGDOING**

Staff who report wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

The PID Act requires that you are provided with an acknowledgement letter and a copy of this policy within 45 days after you have made your report. We will attempt to get this information to you within seven working days from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within the JO to handle any concerns you may have
- information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report.

During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

## **11. PROTECTION AGAINST REPRISALS**

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure.

The JO will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

(a) Responding to reprisals

The JO will act to protect staff who report wrongdoing from reprisals.

When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the disclosures coordinator or the general manager immediately.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the disclosures coordinator or the general manager.

If the disclosures coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:

- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
- give the results of that investigation to the Executive Officer for a decision
- give the results of that investigation to the Chair for a decision if the allegation of reprisal action is about the Executive Officer
- if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure
- take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The general manager may issue specific directions to help protect against reprisals. These may include:

- issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure
- relocating the member of staff who made the disclosure or the subject officer within the current workplace

- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

These directions will only be taken if the member of staff who made the disclosure agrees to it. The disclosures coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman or the ICAC – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

#### (b) Protection against legal action

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

### **12. SUPPORT FOR THOSE REPORTING WRONGDOING**

The JO will make sure that staff who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

We also have staff who will support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal.

All supervisors must notify the disclosures coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

### **13. SANCTIONS FOR MAKING FALSE OR MISLEADING DISCLOSURES**

It is important that all staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

### **14. SUPPORT FOR THE SUBJECT OF A REPORT**

The JO is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- treated fairly and impartially
- told your rights and obligations under our policies and procedures
- kept informed during any investigation
- given the opportunity to respond to any allegation made against you



- told the result of any investigation.

## 15. REVIEW

This policy will be reviewed by council every two years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

## 16. MORE INFORMATION

More information around public interest disclosures is available from the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

## 17. RESOURCES

The contact details for external investigating authorities that staff can make a public interest disclosure to or seek advice from are listed following.

### For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)

Phone: 02 8281 5999

Toll free: 1800 463 909

Tel. typewriter (TTY): 02 8281 5773

Facsimile: 02 9264 5364

Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)

Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)

Address: Level 21, 133 Castlereagh Street,  
Sydney NSW 2000

### For disclosures about maladministration:

NSW Ombudsman

Phone: 02 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Tel. typewriter (TTY): 02 9264 8050

Facsimile: 02 9283 2911

Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)

Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

Address: Level 24, 580 George Street, Sydney NSW  
2000

### For disclosures about breaches of the GIPA Act:

Information Commissioner

Toll free: 1800 463 626

Facsimile: 02 8114 3756

Email: [oinfo@oic.nsw.gov.au](mailto:oinfo@oic.nsw.gov.au)

Web: [www.oic.nsw.gov.au](http://www.oic.nsw.gov.au)

Address: Level 11, 1 Castlereagh Street, Sydney  
NSW 2000

### For disclosures about local government agencies:

Division of Local Government in the Department of  
Premier and Cabinet

Phone: 02 4428 4100

Tel. typewriter (TTY): 02 4428 4209

Facsimile: 02 4428 4199

Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)

Web: [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)

Address: 5 O'Keefe Avenue, Nowra, NSW 2541

## 9. Central NSW Joint Organisation Policy Manual

### Recommendation:

That the Central NSW Joint Organisation adopt the following policies

1. Access to Information
2. Budgeting, Financial Reporting & Purchasing
6. Donations
7. Email and Internet
9. Investment Policy
10. Review of Internally Restricted Reserves
11. Organisational Documentation Policy
12. Document Printing Policy
13. Communication Policy
15. Social Media Policy

There a number of Centroc policies that are proposed to be adopted by the Central NSW Joint Organisation. These are as follows and are at **Attachment 5**.

1. Access to Information
2. Budgeting, Financial Reporting & Purchasing
6. Donations
7. Email and Internet
9. Investment Policy
10. Review of Internally Restricted Reserves
11. Organisational Documentation Policy
12. Document Printing Policy
13. Communication Policy
15. Social Media Policy

## 10. Payment of Expenses and the Provision of Facilities to Board Members Policy

### Recommendation:

That:

- (1) the draft policy for the payment of expenses and the provision of facilities to Board members and the Chairperson be referred to member Councils for their comment for a period of 42 days.
- (2) the draft policy and comments from member councils be referred to a future meeting of the Board for consideration and adoption of the policy as amended (if required).

It is a requirement that the Joint Organisation adopt an expenses and facilities policy, refer the fact sheet as **Attachment 2** Joint Organisation Implementation Guidance 2.6 Page 25.

The policy is to be developed in consultation with member Councils. The policy must comply with the Office of Local Government's Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW; refer <https://www.olg.nsw.gov.au/strengthening-local-government/supporting-and-advising-councils/directory-of-policy-advice/councillor-expenses-and-facilities>

A draft Policy follows for referral to member Councils for consideration and is modelled on existing Centroc policy.

Funding for Board Member Expenses and Facilities will be provided for in future budgets. Current expenses can be met through Centroc budgets or the NSW Support funding where applicable.

**CENTRAL NSW JOINT ORGANISATION**

**POLICY ON  
PAYMENT OF EXPENSES  
AND  
PROVISION OF FACILITIES  
TO MEMBERS OF COUNCIL**

Date Policy Adopted:

Date Due for Revision:

## **Preamble**

The JO Expenses and Facilities policy is designed to cover any needs associated with the exercise by Board Members and the Chairperson of their joint organisation functions that are not otherwise covered under member Council's Expenses and Facilities policies.

Board Members and the Chairperson are not entitled to make a claim under a Joint Organisation's expenses and facilities policy where a claim has been covered under a member Council's policy and vice versa.

## **1. EXPENSES**

### **(a) Conferences, Seminars and Inspections – Reimbursement of Costs**

Subject to JO approval or approval by the Chairperson if insufficient time for JO approval.

(i) Registration: including official luncheons, dinners and tours relevant to the conference.

(ii) Accommodation:

Meal allowances (dinner and lunch) - \$100 (per day)

Accommodation (capital city) - \$400 (per day)

Accommodation (country areas) - \$ 200 (per day)

and reasonable telephone costs.

(iii) Accommodation for the night before or after the conference where necessary.

(iv) Delegates accompanied by spouse/partner.

Equivalent of single accommodation cost to be met by the JO with additional accommodation cost to be met by delegate/spouse. All additional costs to be met by spouse/partner unless such is related to the official capacity of the delegates partner (eg conference dinner).

### **(b) Travel Expenses**

(i) Members cover their own costs for accommodation and travel to and from meetings of the Board and its Committees.

Expenses for use of a private motor vehicle to be based on the relevant kilometre rate in the staff award.

(ii) Attendance at meetings representing the JO in capacity of Chairperson of a JO Committee.

Expenses for use of a private motor vehicle to be based on the relevant kilometre rate in the staff award.

Expenses for representing the region will be considered by the Board if sufficient time allows or by the Chair where the request is made before the expense is incurred.

(iii) Conferences and Seminars.

Members using private vehicles to be reimbursed according to the relevant kilometre rate in the Local Government Award as was previously the case, where not already covered by the Member Council.

Subject to the total cost not exceeding the economy class airfare as applicable and appropriate.

Travel by air (when required) to be by economy class.

## **2. FACILITIES**

### **(a) Members**

The Members are to receive the benefit of the following JO facilities:

(i) Meeting Meals and Refreshments – provision of meals and refreshments associated with JO, Committee and Working Parties/Special Committee meetings.

(ii) Travel – provision of JO motor vehicle (when available) for travel to Conferences, Seminars, etc when on official JO business, where not already covered by a member Council.

(iii) Meeting Rooms – Provision of meeting facilities for the purpose of JO, Committee and Working Parties/Special Committee meetings (and for meeting with constituents), where available.

(iv) Photocopiers – provision of photocopying facilities at the JO's Office for official purposes.

### **(b) Chairperson**

In addition to those facilities provided to the Members, the Chairperson is to receive the benefit of:

(i) Secretarial Services – word processing and administrative support provided by the Executive Officer;

(ii) Administrative Support – assistance with functions, organisation, meetings and the like for official purposes.

### **(c) Deputy Chairperson (if appointed)**

In addition to those facilities provided to the Members, the Deputy Chairperson is to receive the benefits of the Chairperson when acting in the office of JO Chairperson.

**(d) Arbitration of Claims**

The Chairperson, (the Deputy Chairperson when the claim is made by the Chairperson) and the Executive Officer will be responsible for determining whether all claims are reasonable and within the guidelines as set by the policy adopted by Council. Any Council dissatisfied with the determination can request the matter be submitted to Council for consideration.

## 11. Code of Meeting Practice

### Recommendation:

That:

1. The draft Code of Meeting Practice be referred to member Councils for their comment for a period of 42 days.
2. The draft Code of Meeting Practice and comments from member Councils be referred to a future meeting of the Board for consideration and adoption of the policy as amended (if required).

It is a requirement that the Joint Organisation adopt a Code of Meeting Practice. The State Government has provided Guidance, refer page 41 section 2.8 in **Attachment 2** to assist in deliberations.

The policy is to be developed in consultation with member Councils. The policy is to comply with the Local Government Act (1993) and the Local Government (General) Regulation (2005). The main variations to the protocols adopted by Councils are:

- (i) 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;
- (ii) A motion at a joint organisation board meeting is taken to be defeated in the event of an equality of votes – in other words, unlike Councils, the Chairperson of a joint organisation board does not have a casting vote;
- (iii) To allow non-voting representatives to participate in debate, non-voting representatives should be permitted to speak (but not move, second, amend or vote) on motions.

A draft policy follows for referral to member Councils for consideration.



**CENTRAL NSW  
JOINT ORGANISATION**

**CODE OF MEETING PRACTICE**

**Date Policy adopted:**

**Revision No**

**Date last revised:**

## CENTRAL NSW JOINT ORGANISATION

### Adopted Code of Meeting Practice

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#### Introduction

This Code of Meeting Practice has been established by the 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 10.00am. 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:

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) An agenda for meetings of the Board will be provided to members 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 – See Section 366

(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:

- \* The NSW Government, as represented by a nominee of the Secretary of the Department of Premier and Cabinet.
- \* General Managers of member and associate member Councils
- \* Chairperson and General Manager Central Tablelands Water
- \*The Chair of Central West RDA

(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 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 (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 fourteen 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.

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

## **8. Questions Without Notice**

See Local Government (General) Regulation, Clause 249.

## **9. Standing Orders**

The general order of business at every Ordinary meeting of the JO 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 Interest;
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 (public submissions permitted – 1 minute per speaker, maximum of 5 minutes);
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. 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, 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” in the terms of the above.

### **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 the Executive Officer 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 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 County 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, redeclare 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) 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. 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**

- \* to consider agenda items, and make recommendations to the JO Board (or decisions, if holding delegated authority from the JO);
- \* to observe requirements of The Local Government Act (1993), Local Government (General) Regulation (2005) and the Code of Meeting Practice;
- \* to observe requirements of the Charter given by the JO Board;
- \* 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 three days before the meeting. (Local Government (General) Regulation 262).
- (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.

## **19. Absence from Committee meetings**

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

## **20. 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.



## **21. 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.

## **22. 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.

## **23. 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).

## 12. Seal

### Recommendation:

That the Central NSW Joint Organisation(JO):

- (a) Adopt a Seal of the JO which contains the wording, "Central NSW Joint Organisation" inside two concentric circles with two intersecting "C's" in the middle and;
- (b) The seal be kept by the Executive Officer.

With the constitution of the new CNSWJO by way of Proclamation dated 11 May 2018 see **Attachment 1** as a matter of urgency, it is necessary to adopt a Seal for the Joint Organisation.

The use of the Seal is governed by Clause 400 of the Local Government (General) Regulation (2005) which states:

*"(1) the seal of a joint organisation must be kept by the executive officer, as the joint organisation determines;*

*(2) the seal of a joint organisation may be affixed to a document only in the presence of:*

- (a) the chair and the executive officer, or*
- (b) at least one board member (other than the chair) and the executive officer, or*
- (c) the chair and at least one other board member, or*
- (d) at least 2 board members other than the chair.*

*(3) the affixing of a joint organisation seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.*

*(4) the seal of the joint organisation must not be affixed to a document unless the document relates to the business of the joint organisation and the joint organisation has resolved (by resolution specifically referred to the document) that the seal be so affixed.*

*(5) for the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the joint organisation does not relate to the business of the joint organisation."*

It is proposed that a Seal for the JO be adopted containing the following words:

**Central NSW Joint Organisation**



### 13. Privacy Management Plan

**Recommendation:**

That the Central NSW Joint Organisation Board adopt OLG model Privacy Management Plan.

The Privacy and Personal Information Protection Act (1998) requires the JO to have a Privacy Management Plan (the Plan). The Plan sets out the commitment to respecting the privacy rights of clients, employees and members of the public.

The Office of Local Government has released a Model Privacy Management Plan for Local Government to assist Local Government to comply with the Privacy and Personal Information Protection Act requirements.

It is recommended that the JO adopt the Privacy Management Plan at **Attachment 6**.

There are no financial implications resulting from this report, at this time.

## 14. Register of Political Donations Disclosures

**Recommendation:**

That the Central NSW Joint Organisation Board note the register of political donation disclosures.

Local Government authorities are required under S:328A of the Local Government Act (1993) to keep a register of current declarations of disclosures of political donations;

**328A General manager to keep register of political donation disclosures**

- (1) The General Manager is required to keep a register of copies of current declarations of political donations lodged with the New South Wales Electoral Commission by or on behalf of councillors of the council concerned (including in their capacity as candidates for election as councillors).*
- (2) For the purposes of this section, current declarations of disclosures of political donations are declarations lodged under part 6 of the Election Funding, Expenditure and Disclosures Act 1981 in respect of the relevant disclosure period that includes the date of the last election (other than a by-election) and all subsequent relevant disclosure periods.*

It is anticipated that this requirement will also pertain to Joint Organisations. Each of the Member Councils has a link on their websites to the NSW Electoral Commission, which facilitates access to declarations of disclosures. The links satisfy the needs of Section 328A of the Local Government Act. Accordingly, it is proposed that the website for the new JO will contain a link to the Commission's website to achieve compliance with this requirement. <http://www.elections.nsw.gov.au/fd> In the meantime, a link will be put on the Centroc website.

The link allows access to disclosures by Councillors of the member Councils.

## 15. Timeline, opening a bank account, recruitment and strategy

### Recommendation:

That the Board note the timeline for the implementation of the JO and

1. with regard to opening of a bank account confirm the Executive Officer, Ms Jennifer Bennett, has delegation to
  - a. open a bank account in the name of the Central NSW Joint Organisation
  - b. obtain an ABN; and
  - c. nominate signatories
2. with regard to progressing recruitment of an Executive Officer and strategy going forward, authorise the Chair to undertake all necessary steps to
  - a. commence a recruitment process for an Executive Officer with a report to be provided to the Joint Organisation meeting in August; and
  - b. concurrent with recruitment, commence the strategic process.

Please find below the timeline as provided by the Office of Local Government for the implementation of Joint Organisations.

At the time of writing, investigations on relevant insurances and workers' compensation are underway. At the moment all staff are employed through Councils and subject to Council workers compensation coverage.

The degree to which Board members need coverage beyond Council coverage is being explored. Please request current advice.

Regarding opening a bank account, Westpac has been consulted and provided advice on the requirements. These have informed the resolve above.

With regard to progressing recruitment and strategy, a mechanism is needed to enable the Chair to act given the next meeting of the JO Board is not until August.

Action	By
<ul style="list-style-type: none"> <li>• Obtain relevant insurances and workers compensation coverage</li> <li>• Hold the first meeting of the joint organisation board</li> <li>• Adopt a code of conduct</li> <li>• Appoint an interim executive officer</li> <li>• Obtain an ABN and TFN</li> <li>• Reserve a domain name</li> <li>• Establish a phone number and email address</li> </ul>	First month
Return signed funding agreement to OLG	29 June 2018
<ul style="list-style-type: none"> <li>• Adopt a charter—and publish on website</li> <li>• Adopt an expenses and facilities policy</li> <li>• Prepare a communication and engagement plan</li> <li>• Organise for any relevant regional organisation of councils grants and contracts to be transferred to the joint organisation</li> </ul>	First three months

Action	By
Adopt a statement of revenue policy for 2018/19, including budget	31 August 2018
Fund, noting key milestones to be met	28 September 2018
Adopt a statement of regional strategic priorities	30 December 2018
<ul style="list-style-type: none"> <li>• Adopt a logo and other key elements of visual identity</li> <li>• Deliver a website featuring the adopted visual identity</li> </ul>	First six months
Submit six-monthly progress and expenditure report to OLG on the Establishment Funds	28 February 2019
Adopt statement of revenue policy for 2019/20, including budget	30 July 2019
Submit six-monthly progress and expenditure report to OLG on the Establishment Funds	31 August 2019
Prepare an annual performance statement	30 November 2019
Prepare audited financial reports for the period ending on the last day of the financial year after the year in which the joint organisation is established	31 October 2019