

**Agenda for the
Northern Rivers
Joint Organisation
Inaugural Board Meeting**

Date: 22 June 2018

Location: Lismore City Council Committee Room

Time: 11.00am

NOTES FOR THE INAUGURAL MEETING

1. The voting members of the Northern Rivers Joint Organisation are the Mayors of the member Councils being;
 - Cr Danielle Mulholland Mayor Kyogle Council
 - Cr Robert Mustow Mayor Richmond Valley Council
 - Cr Isaac Smith Mayor Lismore City Council
 - Cr Simon Richardson Mayor Byron Shire Council
 - Cr David Wright Mayor Ballina Shire Council
 - Cr Katie Milne Mayor Tweed Shire Council

2. The non-voting member of the Northern Rivers Joint Organisation is the person nominated by the Secretary of the Department of Premier and Cabinet being;
 - Tanya Latanville Acting DPC Director North Coast

3. The first item of business will be the election of the Chairperson, which will be presided over by the returning officer appointed by the Chief Executive Officer of the Office of Local Government being;
 - Troy Green General Manager Tweed Shire Council

4. Once the Chairperson is elected, they will assume the chair and preside the remainder of the meeting.

5. The voting model for the inaugural meeting, and until such time as a final Charter is adopted, will be by majority vote, ie 4 out of 6 voting Board Members

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1 ELECTION OF CHAIRPERSON

The first item of business for the Northern Rivers Joint Organisation (NRJO) will be the election of a Chairperson.

The Presiding Officer is Troy Green, General Manager, Tweed Shire Council, who has been appointed by the Chief Executive of the Office of Local Government (OLG) as the Returning Officer. Upon election, the Chairperson will assume the Chair and preside at the meeting

Notice of the vacancy of the role of Chairperson of the Northern Rivers Joint Organisation was distributed with the agenda for this meeting, and accompanied by a description of the nomination process and nomination forms. Nominations will be received up until and including consideration of this item at the meeting at which the election of the Chairperson occurs. Appropriate nomination forms position of Chairperson are included in the attachments to this report.

If there is more than one nominee, voting will be required to determine the Chairperson. Voting for the position of Chairperson can be carried out by one of the following methods:

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

Voting representatives for the election of Chairperson are the Mayors of the member councils as listed in the Proclamation. These are:

- Cr Danielle Mulholland Mayor Kyogle Council
- Cr Robert Mustow Mayor Richmond Valley Council
- Cr Isaac Smith Mayor Lismore City Council
- Cr Simon Richardson Mayor Byron Shire Council
- Cr David Wright Mayor Ballina Shire Council
- Cr Katie Milne Mayor Tweed Shire Council

REPORT:

The Local Government (General) Regulation 2005 provides that the election of the Chairperson is to be held at the first meeting of the board after the joint organisation. This report outlines the procedures and the resolutions required as part of the election process.

Schedule 7A of the (General) Regulation sets out the procedure to be followed for the conduct of the election of the Chairperson, under the ordinary ballot system. Schedule 7A of the Regulation is reproduced for the joint organisations information:

LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - SCHEDULE 7A

SCHEDULE 7A – Election of Chairperson

(Clause 397D)

Part 1 – Preliminary

1 When election to be held

An election for chairperson of a joint organisation is to be held:

- (a) at the first meeting of the board after the joint organisation is established, and*
- (b) at the first meeting of the board after the term of the chairperson expires, and*
- (c) if the office of chairperson becomes vacant for any other reason.*

2 Returning officer

The returning officer is to be:

- (a) the executive officer of the joint organisation, or*
- (b) if there is no executive officer, the Departmental Chief Executive or a person appointed by the Departmental Chief Executive.*

Troy Green, General Manager, Tweed Shire Council has been appointed by the Chief Executive of the Office of Local Government by instrument of delegation dated 31 May 2018 to be the returning officer for this election.

3 Notification of vacancy

- (1) The returning officer must give notice of the occurrence of a vacancy in the office of chairperson of the joint organisation to the Departmental Chief Executive (unless the returning officer is the Departmental Chief Executive) and to the general managers of the member councils of the joint organisation.*
- (2) The returning officer is to do that within 7 days of the occurrence of the vacancy.*
- (3) The notice is to set out the manner in which a person may be nominated as a candidate for election as chairperson.*

Notification of the vacancy and calls for nominations were distributed with the agenda of this meeting.

4 Nomination

- (1) A voting representative who is the mayor of a member council may be nominated without notice for election as chairperson of the joint organisation.*
- (2) The nomination is to be made in writing by 2 or more mayors of member councils of the joint organisation (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) The returning officer is to announce the names of the nominees at the board meeting at which the election is to be held.*

At this point in the meeting the names of the nominees will be read out by the returning officer and confirmation sought from each nominee that they consent to the nomination.

5 Election

- (1) If only one eligible voting representative of the joint organisation is nominated, that representative is elected.*

If only one nomination for the position of Chairperson has been received, the returning officer will declare the nominee is elected Chairperson.

If more than one nomination is received, it is necessary for the joint organisation to resolve the way in which an election for the position of Chairperson is to proceed whether by preferential ballot, ordinary ballot, or open voting. Preferential ballot and ordinary ballot are to be secret ballots. Open voting means voting by a show of hands or similar means.

- (2) *If more than one eligible voting representative is nominated, the board is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*
- (3) *The election is to be held at the board meeting at which the joint organisation resolves on the method of voting.*
- (4) *In this clause: "ballot" has its normal meaning of secret ballot. "open voting" means voting by a show of hands or similar means.*

RESOLUTION OF THE BOARD REQUIRED;

RECOMMENDATION

That the Joint Organisation determines the election of the Chairperson proceed by [].

NOTE: one of the following options must be inserted into the actual motion when moved;

- Preferential Ballot.
- Ordinary Ballot
- Open voting

Procedures for the conduct of elections are outlined as follows;

Part 2 – Ordinary ballot or open voting

6 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

7 Marking of ballot-papers

- (1) *If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.*
- (2) *The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.*
- (3) *An informal ballot-paper must be rejected at the count.*

8 Count--2 candidates

- (1) *If there are only 2 candidates, the candidate with the higher number of votes is elected.*
- (2) *If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.*

9 Count--3 or more candidates

- (1) *If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.*
- (2) *If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.*

- (3) *If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.*
- (4) *A further vote is to be taken of the 2 remaining candidates.*
- (5) *Clause 8 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.*
- (6) *If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.*

Part 3 – Preferential ballot

10 Application of Part

This Part applies if the election proceeds by preferential ballot.

11 Ballot-papers and voting

- (1) *The ballot-papers are to contain the names of all the candidates. The voting representatives on the board are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.*
- (2) *The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.*
- (3) *An informal ballot-paper must be rejected at the count.*

12 Count

- (1) *If a candidate has an absolute majority of first preference votes, that candidate is elected.*
- (2) *If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.*
- (3) *A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. That candidate is elected.*
- (4) *In this clause, "**absolute majority**", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.*

13 Tied candidates

- (1) *If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal--the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.*
- (2) *If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are*

the ones with the lowest number of votes on the count of the votes--the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 – General

14 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

15 Result

The result of the election (including the name of the candidate elected as chairperson of the joint organisation) is:

- (a) to be declared to the representatives on the board at the board meeting at which the election is held by the returning officer, and*
- (b) to be delivered or sent to the Departmental Chief Executive.*

16 By-elections

- (1) Subject to subclause (2), a by-election to fill a vacancy in the office of chairperson of a joint organisation is to be held at the next meeting of the board of the joint organisation occurring after the vacancy occurs.*
- (2) No such by-election is to be held if the vacancy occurs after an ordinary election of councillors under Chapter 10 of the Act and before an election of chairperson of the joint organisation in accordance with clause 1 (a) of this Schedule.*

ATTACHMENTS

1. Nomination Form for the Position of Chairperson
2. Instrument of Delegation of Functions of the Chief Executive of the Office of Local Government Under the Local Government (General) Regulation 2005

NOMINATION FOR THE POSITION OF CHAIRPERSON, NORTHERN RIVERS JOINT ORGANISATION

In accordance with Part 1 Schedule 7A of the Local Government (General) Regulation 2005:

1 Returning officer

Mr Troy Green, General Manager, Tweed Shire Council is the returning officer.

2 Nomination

- (1) A voting representative who is the mayor of a member council may be nominated without notice for election as chairperson of the joint organisation.*
- (2) The nomination is to be made in writing by 2 or more mayors of member councils of the joint organisation (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) The returning officer is to announce the names of the nominees at the board meeting at which the election is to be held.*

3 Election

- (1) If only one eligible voting representative of the joint organisation is nominated, that representative is elected.*
- (2) If more than one eligible voting representative is nominated, the board is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*
- (3) The election is to be held at the board meeting at which the joint organisation resolves on the method of voting.*
- (4) In this clause: "**ballot**" has its normal meaning of secret ballot. "**open voting**" means voting by a show of hands or similar means.*

We hereby nominate Mayor

Mayor's Name:..... Signature:.....

Mayor's Name:..... Signature:.....

I hereby accept nomination for the position of Chairperson Signature:.....

Please deliver or email to Mr Troy Green (email tgreen@tweed.nsw.gov.au) or Donna McIntyre (email admin@noroc.com.au by 11am on Friday 22 June 2018.



Office of Local Government

5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A591781
Your Reference:
Contact: Alison Murphy
Phone: 02 8289 6800

Mr Troy Green
General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

By email: tsc@tweed.nsw.gov.au
CC: admin@noroc.com.au

Dear Mr Green

I write in regard to your appointment as Returning Officer for the first Board meeting of the Northern Rivers Joint Organisation.

Under clause 2 of schedule 7A to the *Local Government (General) Regulation 2005* (the Regulation) the returning officer for the election of a chairperson of a joint organisation is to be the executive officer, or if there is no executive officer, the Departmental Chief Executive or a person appointed by the Departmental Chief Executive.

As an executive officer for the Northern Rivers Joint Organisation is not yet appointed, the returning officer is to be myself as the Chief Executive of the Office of Local Government or a person appointed by me. For the purpose of that clause, I appoint you as the returning officer for the election of chairperson of the Northern Rivers Joint Organisation.

Please find enclosed an instrument of delegation which delegates to you my functions under clause 234 (read in conjunction with clause 397C(2)) of the Regulation. Those functions relate to the convening and providing notice of the first meeting of the Joint Organisation, as well as nominating the business to be transacted at that meeting.

The Office of Local Government (OLG) has prepared Fact Sheets – *First Board Meeting* and *Electing a Chairperson* that will guide you and member councils through the tasks that need to be carried out prior to the first meeting, including the agenda items that should be part of the first joint organisation board meeting business paper.

These tasks are critical to enable the board to make the decisions needed to establish joint organisation operations. As the Returning Officer, please ensure that these tasks are undertaken prior to the first meeting of the Board. This will enable the Board to consider and or adopt the reports as appropriate.



The tasks include:

- Calling and giving notice of the first board meeting;
- Preparing a draft JO Charter for consultation with members;
- Preparing draft delegations to the interim Executive Officer;
- Preparing a draft Code of Conduct;
- Preparing of draft code of meeting practice;
- Preparing a draft expenses and facilities policy;
- Conduct the election of a chairperson.

The membership at the first meeting will comprise voting representatives (the mayor of each council) and a non-voting representative (nominated by the Secretary of the Department of Premier and Cabinet and to be advised separately).

If you require further information, please do not hesitate to contact Chris Presland on (02) 4428 4100 or chris.presland@olg.nsw.gov.au.

Yours sincerely



Tim Hurst
Acting Chief Executive
Office of Local Government

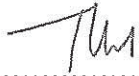
31/5/18

Enclosed

**INSTRUMENT OF DELEGATION OF FUNCTIONS OF THE CHIEF EXECUTIVE OF THE
OFFICE OF LOCAL GOVERNMENT UNDER THE LOCAL GOVERNMENT (GENERAL)
REGULATION 2005**

I, Tim Hurst, Acting Chief Executive of the Office of Local Government **delegate** my functions as the Departmental Chief Executive under clause 234, read in conjunction with clause 397C(2), of the *Local Government (General) Regulation 2005* in relation to the constitution of the area of the Northern Rivers Joint Organisation to Troy Green, General Manager of Tweed Shire Council.

This instrument of delegation is made under section 745 of the *Local Government Act 1993* and commences on the day that it is made.



.....
Tim Hurst

Acting Chief Executive

Office of Local Government

Date: 31 May 2018

2 ACKNOWLEDGEMENT OF COUNTRY

We acknowledge that this meeting is held upon the land of the Bundjalung people who are the Traditional Custodians of this Land. We pay our respects to the elders past, present and future.

3 APOLOGIES

4 DECLARATIONS OF INTEREST

Important information

- 1 Board Members are under an obligation to disclose any interest they may have in any matter before the Joint Organisation and to refrain from being involved in any consideration or to vote on any such matter.
- 2 Board Members must disclose any interest in any matter listed in the Business Paper of the meeting.
- 3 The nature of interest shall be included in the disclosure.
- 4 All declarations of interests shall be recorded in the Minutes of the meeting.
- 5 Board Members shall immediately and during the meeting disclose any interest in respect of any matter arising during the meeting which is not referred to in the Business Paper.
- 6 Any Board Members having an interest shall leave the meeting room and be out of sight of the meeting and not participate in discussions or voting on the matter.
- 7 Senior staff are required to declare interests in a similar manner to Joint Organisation.

5 NOTICES OF MOTION

Nil received.

6 ITEMS OF BUSINESS

Refer separate reports

6.1 NORTHERN RIVERS JOINT ORGANISATION - DRAFT CHARTER

REPORT

By proclamation dated 11 May 2018 the Northern Rivers Joint Organisation (NRJO) was created with the member councils being Tweed Shire Council, Byron Shire Council, Ballina Shire Council, Lismore City Council, Richmond Valley Council and Kyogle Council.

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 with the Joint Organisation Implementation Guidance. Every Joint Organisation must prepare its own Charter. Joint Organisations can decide to use the Charter Template provided in the Guidance material or prepare a different Charter, provided it still meets legislative requirements.

Under the Act and Local Government (General) Regulation 2008 the prescribed requirements for a Charter require the Board to prepare and adopt a Charter containing (but not limited to):

- Operational principles for the Joint Organisation
- Governance principles for the Joint Organisation
- The methodology for determining annual financial contributions to the Joint Organisation by member councils
- The basis for voting and decision making

In response to an item on the formation of the Northern Rivers Joint Organisation, at its meeting of May 28, 2018 NOROC resolved;

That the draft charter be presented to the first meeting on the basis of the preliminary draft attached to this report.

The draft Charter prepared in accordance with this resolution is included in the attachments to this report for the Board's consideration and adoption for subsequent consultation with member councils. Councils are to be given sufficient time for consideration at a formal meeting of each member council.

The draft Charter will then need to be finalised at the next meeting of the Joint Organisation.

RECOMMENDATION

That the draft Northern Rivers Joint Organisation Charter be adopted and referred to Member Councils for comment before close of business Friday July 27, 2018.

ATTACHMENTS

Northern Rivers Joint Organisation Draft Charter (under separate cover)

6.2 APPOINTMENT OF THE INTERIM EXECUTIVE OFFICER

REPORT

All Joint Organisations are required to employ an Executive Officer. 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 from the date the joint organisation was proclaimed without advertising on merit based selection.

The interim Executive officer can be appointed without remuneration or the need for a formal contract of employment which would normally be required

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

RECOMMENDATION

That the Joint Organisation considers the confidential business of the Appointment of the Interim Executive Officer in a meeting closed to the public in accordance with Section 10A(2)(a) of the Local Government Act 1993.

ATTACHMENTS

Confidential report on the Appointment of the Interim Executive Officer for the Northern Rivers Joint Organisation (under separate cover)

6.3 DELEGATIONS TO THE EXECUTIVE OFFICER

REPORT

In response to an item on the formation of the Northern Rivers Joint Organisation, at its meeting of May 28, 2018 NOROC resolved;

That the delegations for the Executive Officer be prepared on the basis that the Executive Officer be delegated all the functions of the Joint Organisation with the exception of those identified in S 397K of the Local Government (General) regulation 2005.

Under the provisions of the NSW Local Government Act (1993) (LGA), Executive Officers of Joint Organizations 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 Local Government Act (1993) at S:400R and 400S provides for the functions of a joint organisation. These sections provides that:

400R Principal functions of joint organisations

- (1) *A joint organisation has the following principal functions:*
 - (a) *to establish strategic regional priorities for the joint organisation area and to establish strategies and plans for delivering those strategic regional priorities,*
 - (b) *to provide regional leadership for the joint organisation area and to be an advocate for strategic regional priorities,*
 - (c) *to identify and take up opportunities for inter-governmental co-operation on matters relating to the joint organisation area.*
- (2) *In establishing strategic regional priorities for the joint organisation area, a joint organisation is to consider any relevant strategic priorities or plans of member councils and the State government.*
- (3) *A strategic regional priority, or a plan or strategy for delivering a strategic regional priority, established by a joint organisation does not limit the operation of or otherwise affect any regional plan or strategy given effect to under the Environmental Planning and Assessment Act 1979 (including any regional plan made under Part 3B of that Act).*

400S Other functions of joint organisations

- (1) *A joint organisation may deliver services and provide assistance to or on behalf of councils (including capacity building), as agreed with the councils, and subject to any restrictions imposed by the regulations.*

Note. *Some functions may also be delegated to a joint organisation by a council, see sections 377 and 379.*

- (2) *A joint organisation has any other function conferred on the joint organisation by or under this Act or any other law.*

The Local Government Act (1993) at S:400ZE provides for the power for a joint organisation to delegate. The section provides that:

- (1) *A joint organisation may delegate to the executive officer, a committee of the board of the joint organisation or any other person or body (not including another employee of the joint organisation) any of the functions of the joint organisation, other than a function prescribed by the regulations for the purposes of this section.*
- (2) *A joint organisation may sub-delegate to the executive officer, a committee of the board of the joint organisation or any other person or body (not including another employee of the joint organisation) any function delegated to the joint organisation by the Departmental Chief Executive or a council, except as provided by the regulations or the instrument of delegation to the joint organisation.*
- (3) *The executive officer may delegate any of the functions of the executive officer, other than this power of delegation.*
- (4) *The executive officer may sub-delegate a function delegated to the executive officer by the joint organisation to any person or body (including another employee of the joint organisation).*
- (5) *Subsection (4) extends to a function sub-delegated to the executive officer under subsection (2).*

Further, the Local Government (General) regulation at S:397K identifies the functions that must not be delegated by a joint organisation. The section provides that;

- (1) *For the purposes of section 400ZE (1) of the Act, the following functions must not be delegated by a joint organisation:*
- (a) *the appointment of an executive officer,*
 - (b) *the fixing of a fee,*
 - (c) *the borrowing of money,*
 - (d) *the voting of money for expenditure on its works, services or operations,*
 - (e) *the purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
 - (f) *the acceptance of tenders to provide services currently provided by members of staff of the joint organisation,*
 - (g) *the fixing of an amount for the carrying out by the joint organisation of work on private land,*
 - (h) *the power of the joint organisation to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194 of the Act,*
 - (i) *a decision under section 356 of the Act to contribute money or otherwise grant financial assistance to persons,*

- (j) the making of an application, or the giving of a notice, to the Governor or Minister,*
 - (k) any function under this or any other Act that is expressly required to be exercised by resolution of the joint organisation,*
 - (l) the power of delegation conferred by section 400ZE (1) of the Act,*
 - (m) any function under clause 397H, 397I or 397J.*
- (2) Despite subclause (1), a joint organisation 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 applies uniformly to all persons within the joint organisation area or to a significant proportion of all the persons within that area.*

It is recommended that the Joint Organisation delegate to the Executive Officer all those delegations that are allowed by the provisions of the Local Government Act and its Regulations.

RECOMMENDATION

That the Northern Rivers Joint Organisation pursuant to the Local Government Act 1993 and by every other Act conferring a power of delegation,

1. Revokes all previous delegations granted to the Executive Officer prior to the date of this instrument.
2. Delegates to the Executive Officer of the Joint Organisation, or to person acting in the position of the Executive Officer, ALL the powers and functions of the Joint Organisation:
 - (a) except the functions or powers prescribed by clause 397K (Delegation of functions) of the Local Government (General) Regulation 2005 or by any other Act or Regulation as functions which may not be lawfully delegated; and
 - (b) subject to:
 - (i) the general Provisions in paragraph 3; and
 - (ii) compliance with any resolution or policy of the Joint Organisation.
3. Imposes the following additional General Provisions to these delegations:
 - (a) Delegated functions or powers do not include any function or power that:
 - (i) cannot be delegated under the Local Government Act or the Local Government (General) Regulation or any other law; or
 - (ii) cannot be exercised lawfully.
 - (b) Delegated functions or powers must be exercised consistently with all resolutions and resolved Policies of the Joint Organisation.
 - (c) Delegations do not include the power to make or amend any policies of the Joint Organisation which have been adopted by resolution, except to make minor administrative amendments (for example inserting document references, updating hyperlinks or references to updated policies or legislation etc).
 - (d) Where any function or power provided by these delegations is amended by a subsequent Act or Regulation, the delegations continues so amended.

ATTACHMENTS

Instrument of Delegations

INSTRUMENT OF DELEGATION OF FUNCTIONS

EXECUTIVE OFFICER

Pursuant to the Local Government Act 1993 ("the Act") and by every other Act conferring a power of delegation, the Northern Rivers Joint Organisation of Councils:

1. Revokes all previous delegations granted to the Executive Officer prior to the date of this instrument.
2. Delegates to the Executive Officer of the Joint Organisation, or to person acting in the position of the Executive Officer, ALL the powers and functions of the Joint Organisation:
 - (a) except the functions or powers prescribed by clause 397K (Delegation of functions) of the Local Government (General) Regulation or by any other Act or Regulation as functions which may not be lawfully delegated; and
 - (b) subject to:
 - (i) the general limitations in paragraph 3; and
 - (ii) compliance with any resolution or policy of the Joint Organisation.
3. Imposes the following additional General Limitations:
 - (a) Delegated functions or powers do not include any function or power that:
 - (i) cannot be delegated under the Local Government Act or the Local Government (General) Regulation or any other law; or
 - (ii) cannot be exercised lawfully.
 - (b) Delegated functions or powers must be exercised consistently with all resolutions and resolved Polices of the Joint Organisation.
 - (c) Delegations do not include the power to make or amend any policies of the Joint Organisation which have been adopted by resolution, except to make minor administrative amendments (for example inserting document references, updating hyperlinks or references to updated policies or legislation etc).
 - (d) Where any function or power provided by these delegations is amended by a subsequent Act or Regulation, the delegations continues so amended.

In this Instrument of Delegation, a reference to the Executive Officer includes any person who is acting in the position of Executive Officer.

This delegation commences on the date of the Resolution which makes it and remains in force until expressly altered or revoked by subsequent Resolution.

.....
(name)

Chairperson

Date/...../.....

I, (name) acknowledge receipt of and understand the above delegations.

.....
(name)

Executive Officer

Date/...../.....

6.4 ADOPTION OF A CODE OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

REPORT

In response to an item on the formation of the Northern Rivers Joint Organisation, at its meeting of May 28, 2018 NOROC resolved;

That the draft Code of Conduct be prepared based on the OLG Model Code of Conduct.

A draft Code of Conduct has been prepared as per the NOROC resolution and is included in the attachments to this report. The draft Code of Conduct has been adapted to reflect that a joint organisation has voting representatives of the board instead of councillors, a chairperson instead of a mayor and an executive officer instead of a general manager.

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).

This report proposes that NRJO adopt the attached draft Code of Conduct and the standard Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

RECOMMENDATION

That the Northern Rivers Joint Organisation adopt:

- a) The draft Northern Rivers Joint Organisation Code of Conduct June 2018.
- b) The Procedures for the Administration for the Model Code of Conduct for Local Councils in NSW.

ATTACHMENTS

1. draft Northern Rivers Joint Organisation Code of Conduct June 2018 (under separate cover)
2. Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (under separate cover)

6.5 PANEL OF CONDUCT REVIEWERS FOR UTILISATION BY THE NORTHERN RIVERS JOINT ORGANISATION

REPORT

In response to an item on the formation of the Northern Rivers Joint Organisation, at its meeting of May 28, 2018 NOROC resolved;

That the Code of Conduct Panel be based on the joint tenders from NOROC established August 2017.

This report follows on from the Joint Organisations' consideration of the previous report relative to consideration of the adoption of a Code of Conduct and associated Administrative Procedures.

The Joint Organisation will need to appoint a panel of conduct reviewers. The Joint Organisation may appoint a pre-existing panel established by one of the member council or a regional panel. It is recommended at this time that the Joint Organisation adopt the Panel of Conduct Reviewers as approved by NOROC at its August 2017 meeting. A list of Panel members is included below.

<u>Nominee</u>	<u>Organisation (if applicable)</u>
Nicolas A P Harrison	Self
Michael Symons	Self
Graham Evans	O'Connell Workplace Relations
Kathy Thane	Train Reaction PTY LTD
Peta Tupney	Tress Cox Lawyers
Monica Kelly	Prevention Partners
Chris Gallagher	Chris Gallagher Consulting
Alison Cripps	Cripps Consulting
Kath Roach	Sincsoptions
Phil O'Toole	Centium
Emma Broomfield	Locale Consulting

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.

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 wrongdoing under the Public Interest Disclosures Act 1994.

RECOMMENDATION

1. That the Joint Organisation adopt the Panel of Conduct Reviewers as approved by NOROC at its August 2017 meeting and authorise the Executive Officer to transfer all service agreements with NOROC to the Northern Rivers Joint Organisation as per the conditions applicable to the original NOROC engagement.
2. That the Joint Organisation appoints the Executive Officer as the Complaints Co-ordinator.

6.6 ADOPTION OF A CODE OF MEETING PRACTICE

REPORT

In response to an item on the formation of the Northern Rivers Joint Organisation, at its meeting of May 28, 2018 NOROC resolved;

That the draft Code of Meeting Practice be prepared using the mandatory components of the current draft Model Code of Meeting Practice published by the OLG with the following additional provisions applicable to Joint Organisations;

- (a) There is no casting vote from the chair*
- (b) Remote (electronic) participation in meetings is allowed*

All joint organisations are required to adopt a code of meeting practice based on the Model Code of Meeting Practice for Local Councils in NSW (the Model Code).

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

RECOMMENDATION

That the draft Northern Rivers Joint Organisation Code of Meeting Practice be adopted and referred to Member Councils for comment before close of business Friday July 27, 2018.

ATTACHMENTS

draft Northern Rivers Joint Organisation Code of Meeting Practice June 2018 (under separate cover)

6.7 NORTHERN RIVERS JOINT ORGANISATION - DRAFT EXPENSES AND FACILITIES POLICY

REPORT

In response to an item on the formation of the Northern Rivers Joint Organisation, at its meeting of May 28, 2018 NOROC resolved;

That a draft Expenses and Facilities Policy be prepared based on the model policy published by the OLG as part of the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, with the following guiding principles;

- (a) The costs of Mayors attending regular meetings of the Joint Organisation is covered by the individual member councils*
- (b) That the cost of meetings and associated facilities and consumables is covered by the JO*
- (c) That the costs for a nominated representative of the JO attending meetings or functions on behalf of the JO be covered by the JO.*

A draft Expenses and Facilities Policy has been prepared as per the NOROC resolution and is included in the attachments to this report.

It is a requirement that the Joint Organisation adopt an Expenses and Provision of Facilities Policy, and a joint organisation must consult with the member councils about the content of a proposed Expenses and Facilities Policy.

RECOMMENDATION

That the draft Northern Rivers Joint Organisation Code of Meeting Practice be adopted and referred to Member Councils for comment before close of business Friday July 27, 2018.

ATTACHMENTS

draft Northern Rivers Joint Organisation Expenses and Facilities Policy June 2018 (under separate cover)

6.8 DISCLOSURE OF DELEGATES – DESIGNATED PERSONS (S449 LG. Act).

REPORT

Section 449 of the Local Government Act (1993) Returns disclosing interest of councillors and designated persons applies to Joint Organisations.

The return therefore needs to be completed by representatives on the Board, who are taken to be Councillors for the purposes of s449 and 400ZH (1) Local Government Act (1993).

449 Returns disclosing interests of councillors and designated persons

- (1) *A councillor or designated person must complete and lodge with the general manager, within 3 months after becoming a councillor or designated person, a return in the form prescribed by the regulations.*
 - (1A) *A person must not lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.*
- (2) *A person need not lodge a return within the 3-month period after becoming a councillor or designated person if the person lodged a return in that year or the previous year or if the person ceases to be a councillor or designated person within the 3-month period.*
- (3) *A councillor or designated person holding that position at 30 June in any year must complete and lodge with the general manager within 3 months after that date a return in the form prescribed by the regulations.*
- (4) *A person need not lodge a return within the 3-month period after 30 June in a year if the person lodged a return under subsection (1) within 3 months of 30 June in that year.*
- (5) *Nothing in this section prevents a councillor or designated person from lodging more than one return in any year.*
- (6) *Nothing in this section or the regulations requires a person to disclose in a return lodged under this section an interest of the person's spouse or de facto partner or a relative of the person.*

400ZH Application of Act to joint organisations

- (1) *Except as provided by subsection (3), this Act applies:*
 - (a) *to a joint organisation in the same way as it applies to a council, and*
 - (b) *to the representatives on the board of a joint organisation in the same way as it applies to the councillors of councils, and*
 - (c) *to the executive officer of a joint organisation in the same way as it applies to the general manager of a council.*

All Board Members and the Executive Officer are required to complete a *Disclosure by Councillors and Designated Persons Return* for each financial year period.

This information is 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 completed *Disclosure by Councillors and Designated Persons Return* forms for the period July 1, 2018 to June 30, 2019 are required to be submitted to the Executive Officer by August 11, 2018 and are to be tabled by the Executive Officer at the first meeting of the Joint Organisation after this date.

The information collected on this form will be kept by the Executive Officer at the Joint Organisation offices 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 the register of returns by submitting a fresh return at any time.

RECOMMENDATION

1. That the Joint Organisation note that all Board Members and the Executive Officer are automatically Designated Persons for the purposes of S449 of the Local Government Act.
2. That the *Disclosure by Councillors and Designated Persons Return* forms for the period 1 July 2018 to June 30, 2019 be completed and returned to the Executive Officer by August 11, 2018.

ATTACHMENTS

Disclosure by Councillors and Designated Persons Return form (under separate cover)

6.9 JOINT ORGANISATION ESTABLISHMENT TIMELINE

REPORT

The NSW Office of Local Government has provided the following actions and timelines relative to the establishment of Joint Organisations.

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

RECOMMENDATION

That the Joint Organisation note the report on the Joint Organisation Establishment Timeline.

6.10 NORTHERN RIVERS JOINT ORGANISATION MEETINGS 2018 -2019

REPORT

The Local Government Act (1993) requires joint organisations meet no less than four times per year, each time in a different quarter of the year. The Joint Organisation Guidance material states that a joint organisation may choose to meet more frequently.

As per the draft Northern Rivers Joint Organisation Charter, the Ordinary Board meetings will be held on the first Monday every three (3) months commencing at 11:00am. The meeting location is proposed to be shared across member councils.

RECOMMENDATION

That the Joint Organisation adopts the following meeting schedule;

Month	Meeting	Location
Monday August 6, 2018	Ordinary Board Meeting	Ballina Shire Council
Monday November 5, 2018	Ordinary Board Meeting	Kyogle Council
Monday February 4, 2019	Ordinary Board Meeting	Tweed Shire Council
Monday May 6, 2019	Ordinary Board Meeting	Richmond Valley Council
Monday August 5, 2019	Ordinary Board Meeting	Byron Shire Council
Monday November 4, 2019	Annual General Meeting	Lismore City Council

6.11 NORTHERN RIVERS JOINT ORGANISATION ASSOCIATED MEMBERSHIP

REPORT

The proposed organisations to have associate membership of the Northern Rivers Joint Organisation included in the initial draft Charter were;

- Rous County Council
- Clarence Valley Council
- Tenterfield Shire Council
- Gold Coast City Council
- Scenic Rim Regional Council
- RDA Northern Rivers

The President of NOROC wrote to each of these organisations advising that the Northern Rivers Regional Organisation of Councils (NOROC) is transitioning to the Northern Rivers Joint Organisation (NRJO). The NRJO has the capacity to include Associate Membership for other organisations, and that these organisations had been identified as potential Associate Members of the NRJO. The letters sought confirmation that each organisation would like to participate in the Northern Rivers Joint Organisation as a non-voting member, and requested that they advise Donna McIntyre <admin@noroc.com.au> by Monday 18 June 2018 if possible.

At the time this agenda was compiled, responses had been received from Clarence Valley Council and Regional Development Australia Northern Rivers. The Mayor of Scenic Rim Regional Council Cr Greg Christensen also replied via e-mail thanking the President for sharing this opportunity and advising that "As we share a spectacular corridor along the border, I believe there is great merit in us being an associate. I will present this opportunity formally with my Councillors shortly to ensure our involvement is recognised for future Council terms. I do not anticipate this presenting major concerns."

Note also that correspondence was previously submitted by ROUS County Council on this matter, dated February 27, 2018

RECOMMENDATION

1. That the report on the Northern Rivers Joint Organisation Associate Membership be noted.

ATTACHMENTS

1. RDA Northern Rivers letter dated June 7, 2018.
2. Clarence Valley Council letter dated June 15, 2018.
3. ROUS County Council letter dated February 27, 2018.

7 June 2018

Cr Danielle Mulholland
President
NOROC
PO Box 146
LISMORE NSW 2480

Dear Danielle

Thank you for your letter of 31 May 2018, inviting Regional Development Australia – Northern Rivers to become an Associate (non-voting) member of the newly formed Northern Rivers Joint Organisation.

RDA Northern Rivers has enjoyed a long and fruitful relationship with NOROC over many years and we welcome the opportunity to continue this involvement with the new entity.

The matter will be considered by our Board at its next meeting on 26 June 2018. I do not anticipate this presenting major concerns.

RDA Northern Rivers is looking forward to working closely with the Northern Rivers Joint Organisation in the future.

Yours sincerely



The Hon. Don Page
Chair
RDA Northern Rivers



15 June 2018

Reference:
Contact person: Ashley Lindsay

Cr Danielle Mulholland
President
NOROC
PO Box 146
LISMORE NSW 2480

Email: admin@noroc.com.au

Dear Cr Mulholland,

Northern Rivers Joint Organisation

I refer to your letter to Mayor Cr Jim Simmons dated 31 May 2018 seeking Council's interest in becoming an Associate Member of the Northern Rivers Joint Organisation (NRJO).

Council considered the matter at an Extraordinary Meeting on Tuesday 12 June 2018 and resolved as follows:

"Council advise the Northern Rivers Regional Organisation of Councils that Clarence Valley Council is interested in considering Associate Membership of the Northern Rivers Joint Organisation, dependent on cost and benefits."

It would be appreciated if you could table this letter at the initial Board meeting of the Northern Rivers JO scheduled for 22 June 2018.

If you require further information regarding Council's interest in being an associate member of the NRJO please contact me on telephone 02 6643 0804.

Yours sincerely

Ashley Lindsay
General Manager

Our Ref: PR/NS: 2092/13 (49634)

27 February 2018.

Cr Danielle Mulholland
President
NOROC
PO Box 146
LISMORE NSW 2480

Dear Cr Mulholland

NOROC / Joint Organisation

I write regarding the issue of joint organisations and a decision by Rous County Council to lobby for non-voting representation on the region's board. At its meeting on 21 February 2018 Council resolved "to write to each council, NOROC and the Office of Local Government (OLG) with a case for including Rous County Council as an associate member of the future Joint Organisation".

Council's functions and operations in bulk water supply, flood mitigation and weed biosecurity are delivered regionally across the four local government areas of Ballina, Byron, Lismore and Richmond Valley. We believe it is strategically important that we are recognised as a key stakeholder in establishing regional priorities and that we are formally included in future planning for the region.

Amendments to the *Local Government Act 1993* require a county council to take into account any strategic regional priorities and other plans, programs, strategies and policies of a joint organisation that apply in the counties area of operations or that are relevant to the counties operational functions. To that end, the legislation enables the board of a joint organisation to invite a county council to be a non-voting member. Furthermore, we understand that the legislation also contains a regulation making power enabling county councils to be prescribed as a 'class of persons' who may attend meetings but are not entitled to vote.

I can confirm that Rous County Council's position is to formally secure participation as an associate member (non-voting representative) on the board of the region's joint organisation. Your support is requested to effect this through the formal legislative avenues that are available.

Should you require any additional information or wish to discuss this matter further please do not hesitate to contact me.

Yours faithfully



Phillip Rudd
General Manager

6.12 STATEMENT OF STRATEGIC REGIONAL PRIORITIES

REPORT

The Local Government (General) Regulation S 397H requires that a joint organisation must have a statement of strategic regional priorities setting out the strategic regional priorities for the joint organisation area and the strategies and plans for delivering those strategic regional priorities. The statement is to be prepared no later than December 31, 2018. A joint organisation must consult with the member councils about the content of a proposed statement of strategic regional priorities.

In relation to an item on Regional Priorities at its meeting of May 28, 2018 NOROC resolved;

That the NOROC Regional Priorities from the workshops be used to develop a Statement of Strategic Regional Priorities for the new Northern Rivers Joint Organisation

RECOMMENDATION

1. That the NOROC Regional Priorities from the workshops be used to develop a Statement of Strategic Regional Priorities for the Northern Rivers Joint Organisation.
2. That the Executive Officer seek proposals from suitable consultants to develop the Statement of Strategic Regional Priorities for the Northern Rivers Joint Organisation with the process to include a minimum of a further two (2) half day workshops with the Board Members.

ATTACHMENTS

NOROC Regional Priorities (under separate cover)