



Agenda for the Northern Rivers

Joint Organisation

Ordinary Board Meeting

Date: Friday, 02 December 2022

Location: Richmond Valley Council

Time: 9.30am

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1 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 Elders past, present and future.

2 APOLOGIES

Apologies have been received from Troy Green, Tweed Shire Council; Associate Member Daryl Buckingham, Tenterfield Shire Council; and Anita Gambhir, Office of Local Government.

3 DECLARATIONS OF INTEREST

4 MOTIONS

5 ADDRESS BY OFFICIAL VISITOR(S)

Presentations by:

- Dr Jai Vaze, Senior Principal Research Scientist (Hydrologist), CSIRO and Linda Merrin, Land and Water, CSIRO;
- Alley Dench OLG

will be made to the meeting at the culmination of Board business.

6 CONFIRMATION OF MINUTES AND BUSINESS ARISING FROM THE MINUTES

6.1 CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF THE NORTHERN RIVERS JOINT ORGANISATION HELD 19 AUGUST 2022

**MINUTES OF THE ORDINARY MEETING OF
THE NORTHERN RIVERS JOINT ORGANISATION
HELD AT KYOGLE COUNCIL CHAMBERS
FRIDAY 19 AUGUST 2022**

In attendance:

Councillors:

- Cr Sharon Cadwallader, Ballina Shire Council (Chair)
- Cr Kylie Thomas, Kyogle Council (Deputy Chair)
- Cr Chris Cherry, Tweed Shire Council
- Cr Steve Krieg, Lismore City Council
- Cr Michael Lyon, Byron Shire Council
- Cr Robert Mustow, Richmond Valley Council

General Managers:

- Mark Arnold, Byron Shire Council
- Vaughan Macdonald, Richmond Valley Council
- Paul Hickey, Ballina Shire Council
- Graham Kennett, Kyogle Council
- Troy Green, Tweed Shire Council
- John Walker, Lismore City Council

Other Attendees:

- Anita Gambhir (OLG)
- Tim Williamson (RDA NR)
- Louise McMeeking (Dept Regional NSW)
- Phillip Rudd (NRJO)
- Megan Gibbons (minute taker)

Presenters:

- James McTavish (Cross Border Commissioner), Amy Mouafi, via Team Meets

Meeting Commenced 9:42am

7 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was read by the Chair

8 APOLOGIES

NIL

9 DECLARATIONS OF INTEREST

No declarations were made.

10 NOTICES OF MOTION

Nil received.

11 ADDRESS BY OFFICIAL VISITOR(S)

James McTavish, Cross Border Commissioner and Amy Mouafi, Deputy Director Border Response and Recovery, provided the meeting with an update on activities of the agency.

12 CONFIRMATION OF MINUTES AND BUSINESS ARISING FROM THE MINUTES

6.1 MINUTES OF NRJO BOARD MEETING HELD 4 FEBRUARY 2022

19082022/2 RESOLVED

MOVED: Cr Thomas/Mustow

THAT the minutes of the NRJO Board meeting held 20 May 2022 be accepted as a true and accurate record of proceedings of the meeting.

CARRIED

FOR VOTE: All voted unanimously

ACTION:

PRudd – Distribute letter regarding Voluntary House programs.

PRudd – Follow Up 2022 Letter to Regional Working Group letter/response.

PRudd – Send/or distribute advocacy letter to the Local Member regarding local infrastructure contributions.

13 REPORTS

7.1 ASSOCIATE MEMBER REPORT - DESTINATION NORTH COAST

19082022/3 RESOLVED

MOVED: Cr Cherry/Mustow

THAT the report from Destination North Coast be received and noted.

CARRIED

FOR VOTE – All voted unanimously

ACTION:

TWilliamson - Seek feedback if the North Coast Festival of Flavour was an engaging event and where the communications for the event were focused.

7.2 ASSOCIATE MEMBER REPORT – RDA NORTHERN RIVERS

19082022/4 RESOLVED

MOVED: Cr Thomas/Lyon

THAT the report from RDA Northern Rivers be received and noted.

CARRIED

FOR VOTE – All voted unanimously

ACTION:

TWilliamson - Update RDA report to reflect that the growth management and housing strategy will have the first meeting in the near future.

TWilliamson – Update RDA report to reflect that Industrial Land Audit successful consultants have not been notified.

PRudd – NRJO to write to premier, minister and local members to increase physical TAFE services and face to face learning in regional NSW as opposed to online learning. Very disappointed in the response from the Minister at the Country Mayors Skills forum.

7.3 ASSOCIATE MEMBER REPORT – SCENIC RIM REGIONAL COUNCIL

19082022/5 RESOLVED

MOVED: Cr Mustow/Lyon

THAT the report from Scenic Rim Regional Council be received and noted.

CARRIED

FOR VOTE – All voted unanimously

ACTION:

PRudd – Present the NRJO Board an Executive Officer options report for their consideration.

7.4 NORTHERN RIVERS JOINT ORGANISATION STRATEGIC REGIONAL PRIORITIES

19082022/6 RESOLVED

MOVED: Cr Cherry/Lyon

THAT the:

- 1. Report from the NRJO Strategic Regional Priorities be received and noted.*
- 2. NRJO General Managers review strategic regional priorities add a priority of flood recovery, homelessness issues/community wellbeing and report back to the NRJO Board November meeting.*

CARRIED

FOR VOTE – All voted unanimously

7.5 AUDIT RISK IMPROVEMENT COMMITTEE UPDATE

19082022/7 RESOLVED

MOVED: Cr Cadwallader/Mustow

THAT the report and minutes from the ARIC be received and noted.

CARRIED

FOR VOTE – All voted unanimously

7.7 NORTHERN RIVERS INDUSTRIAL AND EMPLOYMENT LANDS AUDIT

19082022/8 RESOLVED

MOVED: Cr Thomas/Mustow

THAT the Board receive and note the Industrial and Employment Lands Audit report.

CARRIED

FOR VOTE – All voted unanimously

7.8 NORTHERN RIVERS RAIL TRAIL GRANT APPLICATION

19082022/9 RESOLVED

MOVED: Cr Mustow/Kreig

THAT the:

- 1. Northern Rivers Rail Trail report be received and noted.*
- 2. NRJO board endorses the application for the business case NRRT and the business case to explore council led governance structures.*
- 3. NRJO seek an extension for the grant application.*

CARRIED

FOR VOTE - All voted unanimously.

7.9 FINANCIAL REPORTS

19082022/10 RESOLVED

MOVED: Cr Thomas/Kreig

THAT the Board receive and note the financial reports for the period ending 30 June 2022

CARRIED

FOR VOTE - All voted unanimously

14 URGENT BUSINESS

No items of urgent business were raised

15 CONFIDENTIAL ITEMS

No items of confidential business were raised

16 CORRESPONDENCE REPORT

MOVED: Cr Mustow/Cherry

THAT the Board receive and note correspondence.

CARRIED

FOR VOTE - All voted unanimously.

Meeting closed 12:35pm

Next meeting

18 November 2022 at Richmond Valley Council.

6.2 CONFIRMATION OF MINUTES OF THE EXTRAORDINARY MEETING OF THE NORTHERN RIVERS JOINT ORGANISATION HELD 15 NOVEMBER 2022



**Minutes of the
Joint Organisation Extraordinary Board Meeting
Tuesday 15 November 2022
Via Zoom, 1:03pm (AEDT)**

1.	PRESENT	Action
	<ul style="list-style-type: none"> • Cr Sharon Cadwallader, Ballina Shire Council (Chair) • Cr Steve Krieg, Lismore City Council • Cr Michael Lyon, Byron Shire Council • Cr Chris Cherry, Tweed Shire Council • Cr Robert Mustow, Richmond Valley Council • Cr Kylie Thomas, Kyogle Council • Cr Ian Tiley, Clarence Valley Council • Anita Gambhir, Officer of Local Government • John Walker, Lismore City Council • Mark Arnold, Byron Shire Council • Paul Hickey, Ballina Shire Council • Phill Rudd, Rous County Council/Acting Executive Officer • Megan Gibbons (Minute taker) 	
2	OPENING	
3	ACKNOWLEDGEMENT OF COUNTRY	
	<p>Acknowledgement of country was delivered by the Chair.</p> <p>NRJO would like to show its respect and acknowledge the Traditional Custodians of the land, of Elders past and present on which this meeting takes place.</p>	
4	APOLOGIES	

	<p>Troy Green, Tweed Shire Council; Laura Black, Clarence Valley Council; Graham Kennett, Kyogle Council; Vaughan McDonald, Richmond Valley Council.</p> <p><i>MOVED: M Lyon SECONDED: S Krieg</i></p> <p><i>CARRIED: All voted unanimously</i></p>	
5	BUSINESS PAPER	
	<p>5.1 Clarence Valley Council's Joint Organisation Membership</p> <p>- Following its resolution of 25 October 2022, the CVC has written to the Interim Executive Officer seeking to become a full voting member of the NRJO. In order to support this process, the Board must pass a resolution to accept CVC as a member.</p> <p>- Accepting CVC as a fully-fledged, voting member of the NRJO is regarded as timely, well-suited and mutually beneficial to both NRJO and CVC.</p> <p>RESOLUTION 15112002/1 - The Northern Rivers Joint Organisation Board:</p> <ol style="list-style-type: none"> 1. Receive this report; 2. Accept and welcome Clarence Valley Council as a voting member of the Northern Rivers Joint Organisation; and 3. Request the interim Executive Officer liaise with Clarence Valley Council as part of the process to obtain the required NSW Government Proclamation. <p><i>MOVED: C Cherry SECONDED: K Thomas</i></p> <p><i>CARRIED: All voted unanimously</i></p>	<p>AG – Write to LB regarding the next steps to be taken</p>
6	MEETING CLOSED 1:12pm (AEDT)	

7 REPORTS

7.1 EXECUTIVE OFFICER REPORT

Phil Rudd, Interim Executive Officer

1. STRATEGIC DIRECTIONS

CAPACITY BUILDING FUND II

On June 24 2021, NRJO Chair, Cr Mulholland, received a letter from the Minister for Local Government outlining that Round II of the Capacity Building Fund for JOs, would result in each organisation receiving an additional \$150,000 in funding.

The purpose of the funding is to assist JOs to further build capacity and demonstrate capability to work with State agencies, while delivering their strategic plans and improve each JOs sustainability. Three projects were proposed and approved for this funding:

- Business case into shared services
- Audit of available industrial and employment land (Goal 12, Strategic Action 12.2)
- Mobile phone black spots (Goal 7)

(I) BUSINESS CASE – ESTABLISHMENT AND OPERATION OF SPECIALIST EMPLOYEE POOL WITHIN THE NORTHERN RIVERS' COUNCILS.

Councils in regional NSW are regularly impacted by skill shortages in key positions. Many councils have had vacant roles for which they've advertised but have been unsuccessful in finding candidates with the appropriate qualifications who are based in regional NSW or willing to relocate to regional NSW.

The body of work the subject of this study is to determine whether the proposal for the NRJO to operate an employee pool of specialist staff to assist member councils is achievable, as well as what structure would be most viable, profitable and practical for the NRJO as a potential solution to address the regional NSW skills shortage in the short and long term.

The vision for the program is to address the fluctuating workloads of member councils. It is also acknowledged that smaller councils may not need full-time equivalent roles and this body of work will determine potential models whereby the NRJO could bring on staff, which member councils can access as needed.

The study will also determine whether this concept will positively impact on professional service delivery and provide a potential long-term stream of income for the NRJO .

1. A scope for the study was finalised and sent to the market for quotes in late-November 2021. A steering committee of representatives from NRJO member councils was formed to oversee the

project and includes representatives from Tweed Shire, Ballina Shire, Richmond Valley and Lismore City councils. Assistance has been received from the Department of Planning and Environment and Office of Local Government (who also sit on the steering committee).

UPDATE:

- Astrolabe has provided the final report for review.

(II) AUDIT OF AVAILABLE INDUSTRIAL AND EMPLOYMENT LAND

Goal 12: A strong, diverse regional economy which provides local employment by attracting new enterprises, enabling existing enterprises to innovate and expand, and offering the conditions required for emerging industries to flourish.

Strategic action 12.2: Partner with the Department of Industry as it delivers key actions in the Making it Happen in the Regions: Regional Development Framework including working with local bodies to develop and publish Regional Investment Prospectuses.

The audit includes development of a database of available industrial and employment land in the region for prospective businesses and industry looking to move to the area, detailed forward projections of industrial or employment zoned land not yet developed, identifying infrastructure or other constraints stifling the land being developed and brought to market, and an analysis of suitable land for consideration as employment lands in the Future North Coast Regional Plan (detailing its strategic merits).

The NRJO and Regional Development Australia – Northern Rivers are partnering on this project.

UPDATE:

- Business survey is live on the HillPDA website – <https://engage.hillpda.com.au/northernriversemploymentlands>
- Data collection is underway with a number of member councils.
- Staff workshops are being scheduled.

(iii) MOBILE PHONE BLACK SPOTS

Goal 7.1: Advocate for improved telecommunications infrastructure and services across the region with a focus on:

- *Comprehensive coverage*
- *Fast, reliable, affordable services*
- *Standards and regulations for infrastructure installations which consider community expectations, sensitive sites, visual amenity and access to third party property.*

The development of an independent connectivity and mobile coverage issues and opportunity report covering the six local government areas is required to provide 'user experience' for 3G, 4G and 5G mobile network coverage. This information will be collected into a Geographic Information System mapping environment and shared with all member councils.

UPDATE:

- Contract for project report was awarded 17 November 2022.
- Expected timeline is 8 weeks.

2. REGIONAL PRIORITIES**COMPLIANCE LEVY AND FUNDING REVIEW**

The NRJO continues to work closely with the NRJO Planners Group and actively advocate for its local councils on this matter. The following is a timeline of actions to date:

April 2021: The EO sent a brief to all other Joint Organisations.

May 2021: The NRJO Chair wrote to local parliamentarians on the issue.

May 2021: The EO and Chair met with the Senior Policy Advisor to the Minister of Planning and Public Spaces to discuss concerns.

June 2021: Continued correspondence the Senior Policy Advisor to the Minister of Planning and Public Spaces.

August 2021: Changes to the Compliance Levy were listed as a priority action at the JO Chair's Forum.

September 2021: The NRJO drafted a letter to the Minister on the issue, which was reviewed by all JOs and signed and sent by the Chair of the JO Chairs'. The NRJO distributed this letter to all parliamentarians in the Northern Rivers.

October 2021: Member for Clarence, Mr Chris Gulaptis MP, sent through correspondence from Minister Stokes office.

November 2021: The EO joined the Namoi Joint Organisation at a meeting with the Senior Policy Advisor to Minister Stokes to discuss the issue again.

UPDATE:

- No further progress.

NORTHERN RIVERS BRAND

The **Northern Rivers NSW** Brand has been developed through a collaboration of regional partners including key business, industry and government representatives. The ambition is to represent the whole of the Northern Rivers region, from Tweed in the north to Grafton in the south, Casino and Kyogle in the west and east to the coast through Lismore to Ballina and Byron.

The **Northern Rivers NSW** brand is an exciting opportunity to unite and share the values of the region, its place and its people, and a way to tell our regional story. The NRJO has been involved in this project since its inception and sits on both the steering and finance committees.

The NRJO has also been asked to join the marketing committee on several occasions.

UPDATE:

- No update.

3. OTHER**DISASTER DASHBOARDS**

The NRJO successfully applied for a grant through the Bushfire Community Recovery and Resilience Fund Stream 2 on behalf of four member councils (Ballina, Lismore, Kyogle and Richmond Valley) for the implementation of Disaster Dashboards – Byron and Tweed already had systems in place. The grant identified two suppliers: QIT and DEMONZ. DEMONZ have been involved in a pilot program with Resilience

NSW for the Dashboards. QIT is well established in Queensland. Lismore, Kyogle and Richmond Valley went with Demonz and have all been operational for 12 months. Ballina went with QIT.

Lismore swapped suppliers after the grant was approved, which created a significant financial saving. The NRJO has a grant variation request lodged with Resilience NSW to use the additional money on an education / awareness programme for the dashboards and to extend their funding from 2 years to 3 years, which has been approved.

UPDATE:

- Meeting held 8 November 2022 with the project team to discuss education and awareness program.
- Draft communication collateral is under development to promote the dashboards (last milestone of the grant).

MYROAD INFO

The NRJO and member Lismore City Council operate the MyRoad Info service. Transport NSW has been looking to replace the MyRoad Info service with their own product for several years. In light of this, the NRJO has reverted to invoicing member councils every six months (instead of 12 months) in anticipation of the MyRoad Info service being retired.

Ongoing discussions have been held with the Manager Technology and Innovation and Business Systems Manager at Lismore City Council regarding the status of MyRoad Info and its transition to the Live Traffic platform. In the interim EO's discussions with Transport NSW they stipulated they would not be in a position to facilitate councils sending traffic information directly through to them until the 3rd quarter of 2022.

At its May 2022 ordinary meeting, the NRJO Board resolved for the MyRoad Info site to be extended for an additional six months for the current user councils.

UPDATE:

- Transport NSW's OneRoad platform went live with 22 councils on 20 October 2022. The MyRoads Info website directs users to the Live Traffic NSW website.

FINANCIAL MANAGEMENT

Associate member Rous County Council's finance staff have recently met with the external auditor (TNR) to discuss the audit schedule in preparation for the annual audit. The matters that were identified in the 2021 Closing Report have been discussed and appropriate accounting treatment has been agreed to. TNR audit staff were onsite from 24 October 2022.

The NRJO has received approval from the NSW Office of Local Government (OLG) to extend the finalisation of its Financial Statements from 31 October to 31 December 2022. The proposed schedule to ensure compliance with the OLG requirements is:

1. NRJO Ordinary Meeting 02/12/2022:
 - Draft financial statements with commentary
 - Statement of the Board and Management (for signing)

- Draft Independent Auditor's Report
 - Report on the Conduct of the Audit
2. The audited reports will be submitted to the OLG prior to 31 December 2022, which will finalise the NRJO's requirements.
 3. The audited Financial Statements will be presented to the public at the next Ordinary Meeting.

ACCESS ROADS ON PRIVATE LANDS

Public Works Advisory (PWA) requested administration support to assist with completing the data set around damaged access roads that are on private land. All costs associated with the works will be covered by PWA.

Donna McIntyre has been engaged as a casual project officer to undertake the works, progress is slow and ongoing.

GRANT APPLICATIONS

Resilience NSW – Local and Regional Risk Reduction Stream pathway 2

An application for \$649,000 has been made to the above grant program. The *Learning Sharing Embedding (LSE): Building knowledge and improving practice in disaster risk reduction in the Northern Rivers* is a systemic approach project that looks to build capacity, share resources and develop leading practice in Disaster Risk Reduction across the JO network in regional NSW. The core objectives include:

1. Effectively identify the gaps and needs in the region to reduce and mitigate vulnerabilities across built, social and economic environments.
2. Build the capacity and shared resources for evidence-based decision making and enable locally led and owned place-based disaster reduction efforts at both local and regional levels.
3. Build networks leading to a systems approach to disaster preparedness enabling greater consistency, efficiency, leading practice and lessons learnt.
4. Embed disaster risk preparedness in councils' integrated planning and reporting framework.

UPDATE:

the NRJO has received notification that the grant was successful, currently reviewing the terms of reference.

Regional NSW – Business Case and Strategy Development Fund

An application for \$481,250 has been made to the above grant program. The NRJO Rail Trail Project is looking to develop a regional business case for the rail trail and explore funding and governance arrangements. The grant application also includes budget for a dedicated project manager.

UPDATE:

No announcement on the grant.

Joint Organisations Net Zero Acceleration Grant Program (JONZA)

The JONZA grant program supports JOs and non-metropolitan Regional Organisations of Councils (ROCs) by providing up to \$155,000 for an internal staff member dedicated to progressing net zero greenhouse gas emission outcomes for member councils.

This program aims to support JOs and ROCs in delivering net zero outcomes while building net zero capability within the organisations.

The aim of this program is to build on the capability within JOs to assist councils and regions in developing net zero outcomes and to assist emerging JOs and their member Councils to build internal capability.

This grant program will:

- provide an opportunity for JOs to establish or progress a net zero pathway plan for their member councils
- increase the capacity of JOs to identify and implement projects that directly reduce emissions for councils, or progress the region's net zero trajectory
- strengthen collaboration between State and local governments to improve delivery of net zero outcomes in line with community expectations.

UPDATE:

This grant program has high alignment with the NRJO's strategic regional priorities. Applications close 30 November 2022. Development of an application is underway with assistance from member council representatives of the Sustain Energy Northern Rivers Group.

Potential Funding Opportunity – Contaminated Lands

The current Contaminated Lands program funding is due to cease on 31 December 2022. Over the past several years the program has been undertaken by Ballina Council staff as the program manager on behalf of the region.

Ballina staff consulted with the other member councils in the region to confirm if there was interest to take the lead if future funding was available. At that time, no other member council was in the position to manage the program on behalf of the region.

In recent meetings with another JO's Executive Officer, the EPA has indicated that they are supportive of the current program and believe there is more to achieve in many regions. Several JOs have engaged project staff on behalf of the region to undertake this work.

As such, it is timely for the Board to consider whether there is interest in the NRJO progressing this further with other JOs and the EPA.

UPDATE:

No further progress with the EPA and JO network.

RECOMMENDATION

THAT the Board note and receive the report.

7.2 NRJO COUNCIL MEETING SCHEDULE 2023

Background

It has been past practice for NRJO meetings to be held four times per year with meetings commencing at 9.30am at various locations. Meetings for 2023 will be scheduled for:

- 17 February
- 19 May
- 18 August
- 17 November

Meeting date	Council venue
17 February	Ballina
19 May	Lismore
18 August	Kyogle
17 November	Richmond Valley Council

RECOMENDATION

THAT NRJO determine its meeting schedule for 2023 with meetings to be held at 9.30am as set out in this report.

7.3 NORTHERN RIVERS JOINT ORGANISATION STRATEGIC REGIONAL PRIORITIES

STATEMENT OF STRATEGIC REGIONAL PRIORITIES 2022–24

Purpose

Enable the Northern Rivers Joint Organisation Board to adopt a statement of strategic regional priorities for the period 2022–24 as required by the *Local Government (General) Regulation 2021*.

Background

Regulation 397H of the *Local Government (General) Regulation 2021* requires the NRJO to have in place a publicly available statement setting out its strategic regional priorities, which must be prepared no later than 12 months after an ordinary election of councillors for its member councils.

At its 19 August 2022 ordinary meeting, the Board considered a report on the preparation of a new statement of strategic regional priorities for the NRJO. The General Managers of the NRJO's member councils were requested [at 19082022/6] to review the existing strategic regional priorities, with a focus on flood recovery, homelessness issues and community wellbeing.

Draft Statement of Strategic Regional Priorities 2022–24

The NRJO's 5 existing strategic regional priorities, along with their associated goals and actions, have now been reviewed. As a result, an updated statement for the 2022–24 period has been prepared (utilising the resources of member council Ballina Shire at no cost to the NRJO).

Included at Attachment 1 to this report is the draft Statement of Strategic Regional Priorities 2022–24 for the Board's consideration.

Most notably:

- no changes are recommended to the 5 overarching strategic regional priorities as they remain contemporary
- Goals 4 and 5 maintain the already strong focus on improving community wellbeing, especially in relation to addressing issues around affordable and social housing as well as homelessness
- three new strategic actions have been added against Goal 11 in relation to improving the region's preparedness for and ability to respond to and recover from flooding events.

Typically, the statement would cover the usual 4-year local government term. However, despite the latest local government elections being delayed until 4 December 2021 due to the COVID-19 pandemic, the next elections will still take place in September 2024 as usual.

Conclusion

Following the latest local government elections in December 2021, the *Local Government (General) Regulation 2021* requires the NRJO to prepare and publish a statement of strategic regional priorities by December 2022.

A review of the NRJO's existing strategic regional priorities has been undertaken and an updated statement prepared for the current local government term, which ensures a focus on the region's recovery and rebuilding needs after the 2022 flood disaster as well as community wellbeing and issues around homelessness.

RECOMMENDATION:

THAT the Northern Rivers Joint Organisation Board:

- 1. receive this report;*
- 2. adopt the draft Statement of Strategic Regional Priorities 2022-24 (as per Attachment # 1 NRJO Strategic Regional Priorities Report) for the current local government term.*

7.4 NORTHERN RIVERS JOINT ORGANISATION POST-ELECTION COMPLIANCE REQUIREMENTS

A. Background

Under the *Local Government Act 1993* (NSW) ('LG Act') and the *Local Government (General) Regulation 2021* (NSW) ('LG Regulation'), the board of the Northern Rivers Joint Organisation ('NRJO') is required to review and adopt the following within twelve (12) months of a local government election:

- i. 'Payment of expenses and provision of facilities' policy;¹
- ii. Code of Meeting Practice;²
- iii. Code of Conduct (including procedures for the administration of the Code of Conduct);³
- iv. The organisation structure;⁴ and
- v. Statement of strategic regional priorities.⁵

Items (i) – (iii), inclusive, above have been reviewed and are presented to the board as Attachments 1 - 4 to this report. Item (iv) is contained in the body of this report and item (v) is provided to the board under a separate report.

The board is also responsible for preparing and adopting a Charter for the NRJO containing (but not limited to):⁶

- (a) Operational principles;
- (b) Governance principles; and
- (c) Methodology for determining annual financial contributions to the NRJO by member councils.

The board adopted its current Charter on 8 November 2019. This Charter provides for a review frequency every two (2) years.⁷ A revised Charter has therefore been prepared and is presented to the board as Attachment 5 to this report.

¹ Section 252 *Local Government Act 1993* (NSW)

² Section 360 Ibid

³ Section 440(7) Ibid

⁴ Section 333 Ibid

⁵ Clause 397H *Local Government (General) Regulation 2021* (NSW)

⁶ [Section 400U](#) *Local Government Act 1993* (NSW) and [clause 397B](#) *Local Government (General) Regulation 2021* (NSW)

⁷ Refer to clause 1.6 of the [Northern Rivers Joint Organisation Charter dated 8 November 2019](#).

B. Summary of key changes

i. 'Payment of expenses and provision of facilities' policy

At its meeting on 22 June 2018, the NRJO endorsed a 'Payment of expenses and provision of facilities' policy that adopted the better practice template issued by the Office of Local Government ('OLG'), which is recommended for use but not mandatory, with some amendments.

The most significant change related to the application of the policy to only cover additional duties undertaken by councilors on behalf of the NRJO that are not otherwise covered by the policy of the relevant member council.

As an outcome of this review, the following additional changes to the better practice template and the current policy are proposed:

- Policy summary and clauses 1 – Introduction, and 2 – Policy objectives of Part A have been consolidated to reduce repetition.
- Summary table of maximum expenditure and frequency has been reinstated in clause 1.2 for ease of reference.
- Reference to the '*Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009*' has been deleted and replaced with reference to the thresholds set out in the applicable Taxation Determination issued by the Australian Taxation Office in relation to reasonable travel and meal allowances.
- The restriction on the reimbursement and/or provision of alcoholic beverages has been removed noting the updated Model Code of Conduct does not confer this type of restriction in the context of personal benefits.
- Provisions relating to carer expenses in the better practice template have been reinstated – refer to the summary table in clause 1.2 and clauses 5.29 – 5.31 of the revised policy.

No significant changes have been made by the OLG to the better practice template since it was first adopted by the NRJO.

Under section 253(3) of the LG Act, the NRJO does not need to provide public notice of its intention to adopt the proposed 'Payment of expenses and provision of facilities' policy if the NRJO considers the proposed amendments are not substantial. Given the relatively modest changes made to the revised policy, as outlined above, the Board may wish to forego the public exhibit of this document.

ii. Code of Meeting Practice

The NRJO is required under the LG Act to adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Code of Meeting practice issued by the OLG.⁸

At the end of 2021, the OLG released a new Model Code of Meeting Practice containing new provisions:

- permitting attendance by councillors at meetings via audio-visual link – clauses 3.35, 4.2, 5.16 – 5.30, 5.44, 14.20, 15.21 - 15.22, and 16.2 (Note – joint organisations were already authorised under the LG Regulation to conduct business by electronic means⁹); and
- requiring the inclusion of a reminder of councillors' oath or affirmation of office and conflict of interest disclosure obligations in the council business paper(s) – this amendment was made to implement recommendation 6 of the NSW Independent Commission Against Corruption ('ICAC') report on the former Canterbury City Council (Operation Dasha) – clause 3.23.

⁸ [Section 360 Local Government Act 1993 \(NSW\)](#)

⁹ [Clause 397G Local Government \(General\) Regulation 2021 \(NSW\)](#)

The mandatory, non-mandatory, omitted, and joint organisation specific provisions of the revised Code of Meeting Practice have been identified throughout the document in accordance with the following key:

Provision type	Identified by:
Mandatory	No symbol
Non-Mandatory	★
Specific to joint organisations	◆
Supplementary (to meet organisational needs)	+

Section 361 of the LG Act provides that, before adopting a new Code of Meeting Practice, the NRJO is required to exhibit the document for at least 28 days and provide members of the public at least 42 days in which to comment on it.

iii. Code of Conduct and Code of Conduct Procedures

The NRJO is required under the LG Act to adopt a Code of Conduct that incorporates the mandatory provisions of the model code of conduct issued by the OLG.¹⁰

Amendments made to the model code of conduct in 2020 by the OLG have been incorporated into the revised Code of Conduct. These amendments include:

- Updated descriptions of various types of discrimination to reflect contemporary standards – clause 3.7.
- Token gift now considered to be a gift with a value ≤ \$100 (previously ≤ \$50) – clauses 6.8 – 6.12, inclusive.
- Definition of gift or benefit amended to exclude items ≤ \$10, facilities provided by Council (as opposed to third parties), and meals/beverages provided at a work function/conference etc – clause 6.2.
- Audit, Risk and Improvement Committee included in the definition of ‘NRJO committee’ and ‘NRJO committee members’ – Part 2 Definitions.

All amendments made to the revised Code of Conduct Procedures reflect changes made by the OLG to the model code of conduct procedures in 2020.

The primary changes are to the provisions regulating the taking of disciplinary action against councillors, particularly the option to formally censure a councillor and the process to be followed to ensure public accountability of misconduct is maintained and transparency of decision-making is preserved - clauses 6.22 – 6.23, 8.19 and Part 7.

These changes reflect a 2019 decision of the Supreme Court of NSW¹¹ and the misconduct provisions of the LG Act.¹²

iv. Organisation structure

No changes are proposed to the current organisation structure, which is affirmed as follows:

¹⁰ [Section 440 Local Government Act 1993 \(NSW\)](#)

¹¹ *Cornish v Secretary, Department of Planning, Industry and Environment* [2019] NSWSC 1134.

¹² [Section 440G Local Government Act 1993 \(NSW\)](#)



v. NRJO Charter

The NRJO Charter has been reformatted and the following key changes (in addition to several grammatical amendments) made:

- Inclusion of the 'General managers' Advisory Committee' within the definitions section of the Charter.
- Consultation with member councils on financial contributions to be conducted through the General managers' Advisory Committee.
- Provisions relating to voting and quorums deleted to reduce duplication across the Charter and the Code of Meeting Practice.
- Order of precedence established in the event of any inconsistency between legislative requirements, the Charter, and the Code of Meeting Practice.

Under the LG Regulation, the NRJO must consult with member councils on the content of its Charter and make a copy of its Charter publicly available on its website within thirty (30) days of its adoption.¹³

¹³ [Clause 397B](#) *Local Government (General) Regulation 2021* (NSW)

RECOMMENDATION

That the Board:

1. Revoke the existing '[Expenses and facilities' policy dated 8 November 2019](#) and adopt the revised 'Payment of expenses and provision of facilities' policy ([Attachment 1](#)).
2. Publicly exhibit the revised Code of Meeting Practice ([Attachment 2](#)) for a period of 28 days and invite submissions on the same for a period of 42 days, concurrently, and:
 - (a) Should no submissions be received, the existing [Code of Meeting Practice](#) is revoked and the revised Code of Meeting Practice is adopted; or
 - (b) Should any submission be received, those submissions be considered by the Board at its next meeting prior to revoking the existing Code of Meeting Practice and adopting the revised Code of Meeting Practice.
3. Revoke the existing [Code of Conduct dated 22 June 2018](#) and Code of Conduct Procedures dated 22 June 2018 and adopt the following:
 - (a) Revised Code of Conduct ([Attachment 3](#)); and
 - (b) Revised Code of Conduct Procedures ([Attachment 4](#)).
4. Affirm the organisation structure outlined in the body of this report.
5. Circulate the revised NRJO Charter ([Attachment 5](#)) for member council feedback through the General Managers' Advisory Committee and:
 - (a) Should no requests for amendments be received, the existing [NRJO Charter](#) is revoked and the revised NRJO Charter is adopted, or
 - (b) Should any requests for amendments be received, this be considered by the Board prior to revoking the existing NRJO Charter and adopting the revised NRJO Charter.

ATTACHMENTS

1. Revised 'Payment of expenses and provision of facilities' policy (**for public exhibit and adoption**)
2. Revised Code of Meeting Practice (**for public exhibit and adoption**)
3. Revised Code of Conduct (**for adoption**)
4. Revised Code of Conduct Procedures (**for adoption**)
5. Revised NRJO Charter (**for member consultation and adoption**)

7.5 NORTHERN RIVERS JOINT ORGANISATION EXECUTIVE OFFICERS REPORT

OPTIONS FOR APPOINTING A NEW EXECUTIVE OFFICER

Purpose

To confirm the preferred option for the appointment of an executive officer for the Northern Rivers Joint Organisation (NRJO).

Background

Section 400Y of the Local Government Act 1993 sets out the roles and responsibilities of the executive officer of a joint organisation:

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

Following the resignation of the NRJO's executive officer on 22 April 2022, the General Manager of associate member Rous County Council ('Rous') was appointed as the interim executive officer [see 20052022/3]. That decision took effect as at 26 April 2022 for a period up to 12 months. Given the interim nature of the arrangement the NRJO Board needs to confirm the preferred approach to recruiting and appointing a new executive officer.

Outcome of NSW Government review of Joint Organisation model - summary

In 2021, an [independent review](#) of the joint organisation model and its effectiveness was commissioned by the NSW Office of Local Government. Findings of the independent review worth noting include:

- In all but one joint organisation, the sole source of ongoing funding to support baseline operational costs is member contributions – the quantum of which vary considerably between joint organisations.
- A joint organisation's maturity and effectiveness is closely correlated to its financial viability and resourcing.
- Limited financial resources hamper the ability of joint organisations to attract and retain appropriately skilled staff, focus on long-term strategic planning and develop alternative revenue streams (such as shared service delivery).
- It takes time and resources for joint organisations to reach their full potential and capacity to self-fund and generate income.
- The main threats to a joint organisation's financial viability are the capacity of member councils to generate sufficient base operating income through their contributions, as well as the difficulty of accessing and managing substantive grant funding.
- There is a strong relationship between the capacity of the executive officer and the maturity and effectiveness of a joint organisation. In order for a joint organisation to reach its potential, a highly capable and experienced executive officer in a full-time role is needed.
- Critical to success is the use of a larger council that supports the joint organisation's operation by 'hosting' the executive officer and project staff, as well as providing administrative, human resources and information technology support.

Resourcing Arrangements of Joint Organisations - summary

With the assistance of the State's network of joint organisations, a comparative analysis of the current funding, executive officer, staffing and other arrangements of NSW's joint organisations has been undertaken – the details of which are provided as Attachment 1.

There are significant variations in member contributions and human resourcing / staffing arrangements.

In 2021, the NRJO member councils contributed \$201,000 (on average \$33,500 per member). The NRJO's member contributions have had four consecutive years of 25% increases to raise membership contributions to breakeven with recurrent expenses (2019/20-2022/23).

For comparative purposes, the member councils of the following four joint organisations contributed between \$25,000 and \$93,000 on average per member¹ in 2021/22 - Hunter, Illawarra Shoalhaven, Mid North Coast and Canberra joint organisations.

(¹member councils are classified as 'regional town / city' similar to those of the NRJO).

The Hunter and Illawarra Shoalhaven joint organisations are considered to be two of the more mature and effective in NSW.

Along with average member contributions of \$55,743 and \$92,753 respectively in 2021/22, these joint organisations are well resourced, with both employing a full-time executive officer, as well as five or more additional full-time equivalent staff.

By comparison, the NRJO employs a part-time executive officer and engages external assistance for administrative support (currently through Regional Development Australia – Northern Rivers).

NRJO Compliance Audit

Following the appointment of the NRJO's interim executive officer, a compliance review of the NRJO was commissioned.

Conducted under the guidance of Rous' Governance and Risk Team, the NRJO Compliance Audit's purpose was to:

- assess legislative compliance
- identify business process and knowledge gaps
- develop and propose an action plan to implement strategies and workflow to ensure future compliance.

Overall, the audit found the NRJO's statutory compliance to be 'Partially Effective'.

13 recommendations have been made to improve the NRJO's compliance. The full results and recommendations of the NRJO Compliance Audit are included as Attachment 2.

NRJO Operating Model – current and potential

The NRJO's current operating model is based on advocacy, meeting the minimum statutory requirements, at minimal cost to member councils.

The minimum statutory requirements are the three principal functions enshrined in section 400R of the Local Government Act 1993:

- establish strategic regional priorities and develop strategies and plans for delivering those priorities
- provide regional leadership and advocate for strategic regional priorities
- identify and take up opportunities for inter-governmental co-operation on regional matters.

In addition to these functions, section 400S of the Local Government Act 1993 allows joint organisations to deliver services and provide assistance to or on behalf of member councils (including capacity building) through agreement.

Under an alternate operating model, the NRJO could also:

- take management responsibility for existing regional services; e.g. regional libraries
- provide new regional services – such as coordination of regional community strategic plans and statement of the environment reports, regional waste and resource recovery, procurement and contract services, regional grant preparation, economic development initiatives and programs, or disaster preparedness.

Recruitment / engagement of Executive Officer - options

Five options have been identified:

1. Status Quo - Recruit a new, part-time (0.6 full-time equivalent) executive officer.
2. Full Time with Corporate Services in-house - Recruit a new, permanent / full-time executive officer and bring outsourced administration / corporate services in-house.
3. Full time with Corporate Services Shared - Recruit a new, permanent / full-time executive officer and utilise a member council or associate member (i.e. Rous) to provide finance, governance, information technology, human resources, payroll and administration support for the NRJO.
4. Existing General Manager - Seek to appoint a General Manager from within the NRJO's regional pool of General Managers as the new executive officer with the NRJO under auspice from a member council or associated member (i.e. Rous) to provide finance, governance, information technology, human resources, payroll and administration support for the NRJO.
5. Existing General Manager with senior staff support – As per option 4, with additional support services recruited to support the executive officer.

Option 1 – Status Quo

Historically, this is the recruitment approach the NRJO has pursued with two part-time executive officers appointed since the NRJO's establishment in 2018.

The major benefit is that no change is required to the current NRJO's executive officer arrangements. However, option 1 limits the ability of the NRJO to provide additional capacity that supports or adds value to member councils.

Feedback from the previous executive officer indicates the current arrangements are not effective, as there is insufficient time for the executive officer to adequately discharge their required duties. Furthermore, 15 hours per week of administration support has proven inadequate.

Current forecasted operating expenses are as follows.

Table 1: Estimated Costs - Option 1

Item	Amount (\$) per annum	Comment
Executive Officer Salary (including vehicle)	108,000	0.6 full-time equivalent
Administration Support (RDA – Northern Rivers)	35,000	15 hours per week
Financial Management Support	30,000	Maximum value
Minute Taking Support	5,400	Support for sub-committees
TOTAL	178,400	

A draft long term financial plan (LTFP) for this option is included as Attachment 3.

The model indicates membership fees will need to increase above CPI for the next three years (15%, 10% and 5%) to achieve a breakeven sustainable financial position.

Option 2 – Full-time Executive Officer with Corporate Services in-house

Recruiting a full-time executive officer and bringing corporate services in-house (i.e. provided by NRJO) would give the NRJO additional capacity to support its member councils.

However, option 2 would involve higher, ongoing expenses, in particular:

- Full-time administrative support would be required to assist the executive officer and also support the provision of corporate services.
- Currently without any assets / buildings, any growth in staffing would require the NRJO to lease office space.
- Capacity of the NRJO's information technology services would need to be increased as they are currently only configured for one person and unable to support a team of staff.
- Development of a salary / payroll system and supporting human resources policies and procedures would be required.

The initial setup costs associated with the information technology and human resources requirements outlined would be in addition to those detailed in Table 2.

Table 2: Estimated Costs - Option 2

Item	Amount (\$) per annum	Comment
Executive Officer Salary (including vehicle)	180,000	Full-time
Administration Support	75,000	Full-time
Corporate Services Support	30,000	Part-time (0.4 full-time equiv)
Office Lease	15,000	Two small offices
TOTAL	300,000	

A draft LTFP for this option is included as Attachment 4.

The model indicates membership fees will need to increase above CPI for the next four financial years (25%, 25%, 20% and 6.5%) to breakeven.

Option 3 – Full-time Executive Officer with Corporate Services Shared

This option is similar to option 2, however the corporate services are provided by a member, or associate member council. Rous has expressed interest in providing this service.

This option has the potential to improve the NRJO's capacity through a dedicated full-time executive officer, while also leveraging the benefits of utilising the corporate services of an established council / county council, with the specialist staff and necessary systems and other resources already in place.

Option 3 would involve higher costs than option 1, however the estimated cost for the corporate services is reduced through economies of scale, with the figures in the following table based on estimates provided by Rous for the corporate services.

Table 3: Estimated Costs - Option 3

Item	Amount (\$)	Comment
Executive Officer Salary (including vehicle)	180,000	Full-time
Administration Support	75,000	Full-time
Host Council Corporate Services (Annual Charge)	30,000	Rous proposal
TOTAL	285,000	

A draft LTFP for this option is included in Attachment 5.

The model indicates membership fees will need to increase above CPI for a number of financial years (25%, 20%, 15%, 10%, 5% and 5%) to breakeven.

2. The makeup of this option potentially adds a layer of complexity, with the executive officer relying on the provision of services by staff who are not employed by the NRJO. To appropriately protect the interests of the parties and mitigate any governance risks it is recommended that the arrangement be governed under contract (e.g a service level agreement / memorandum of understanding).

Option 4 – Appoint Existing General Manager as Executive Officer with Corporate Services Shared through the General Manager's Council

Appointing a General Manager from the regional General Managers, concurrently as a joint organisation's executive officer, is not unprecedented, with the General Manager of Bellingen Shire Council serving as the Mid North Coast joint organisation's executive officer.

The NRJO has access to a regional pool of seven general-purpose and county council general managers. Rous has indicated an interest in this proposal and confirmed capacity to perform both roles.

If the Rous' General Manager was to be concurrently appointed as the NRJO's executive officer, then it is logical that Rous would also provide all the NRJO corporate services, to maximise economies of scale, subject to pricing provided by Rous.

The merits of this proposal include:

- Rous is an established local government authority, well-versed in the financial, governance, reporting and other requirements of the Local Government Act (of which the NRJO is also subject)
- Given the similar 'constituent council' and 'member council' statutory models of county councils and joint organisations, there is significant alignment between Rous and the NRJO
- As an established local government authority, Rous already has in place the systems, resources and organisational setup (overseen by the General Manager), to support the NRJO
- Like the NRJO, Rous is a regionally focused local government organisation. Rous's four constituent councils (Ballina, Byron, Lismore and Richmond Valley) are all NRJO member councils, and Rous also provides services to NRJO's other two member councils (Kyogle and Tweed)
- In light of its status as a non-voting associate member of the NRJO, Rous can deliver the required management and other corporate services from an 'arm's length' position

Rous has advised that an annual fee of \$135,000 (indexed to the rate peg) would be sufficient to provide executive officer, project management and corporate services, as per the following summary.

Table 4: Estimated Costs - Option 4

Item	Amount (\$) per annum	Comment
Corporate Services (Annual charge)	135,000	Rous proposal
TOTAL	135,000	

Rous has also confirmed that:

- there will be no additional rent or building leasing fees payable by the NRJO
- any small extra costs incurred will not be recouped from the NRJO, with Rous to treat any modest cost overruns as an in-kind associate member contribution

- the added setup and development of a salary/payroll system and associated human resources policies and procedures will not be required if the executive officer remains the NRJO's only employee and any additional staff are employed through Rous.

A draft LTFP for this option is included as Attachment 6.

The model indicates membership fees will need to increase above CPI for the next three financial years (5%, 5% and 4%) to breakeven.

Option 5 – Appoint Existing General Manager as Executive Officer, appoint a Senior Support Officer, with Corporate Services Shared through the General Manager's Council

As per option four, with a Senior Support Officer also appointed by the General Manager's Council to ensure that there are adequate resources allocated to NRJO.

The merits of this proposal are consistent with option four, with the benefit of additional resources being allocated to the NRJO, albeit with increased costs.

Assuming the Rous General Manager is the Executive Officer, the same yearly fee would be paid to Rous, plus a further charge for the cost of the additional employee, as per the following summary.

Table 5: Estimated Costs - Option 5

Item	Amount (\$)	Comment
Corporate Services (Annual charge)	135,000	Rous proposal
Senior Support Officer (Full-time)	120,000	
TOTAL	255,000	

A draft LTFP for this option is included as Attachment 7.

The model indicates membership fees will need to increase above CPI for the next three financial years (25%, 20% and 13%) to breakeven.

Conclusion

Since its establishment in 2018, the NRJO's day-to-day management has been conducted by a part-time executive officer, with external administrative support.

Continuing these arrangements, as per option 1, is not recommended. The status quo is not conducive to improving the maturity and effectiveness of the NRJO, due to the limited allocation of resources, compounded by inefficiencies in delivering required corporate support services.

There is general consensus that a full-time person is needed in the role to ensure that there is a consistent delivery of services to the NRJO.

The level of resources available is dependent on the funding allocated by the member councils and the preferred delivery method.

Option 2 provides a full-time executive officer, with full-time administrative support, along with an allowance for corporate services and an office lease.

This is a significant increase in resources, however substantial member fee increases are needed, for at least the next three to four years, to ensure the NRJO is financially sustainable.

One of the major concerns raised initially with the joint organisations, was the risk of duplicating what councils are already doing. This is especially the case in respect to the governance requirements of councils and joint organisations.

The benefit of options 3 to 5, is that the executive officer and / or corporate services are shared, with the member, or associate member council, to help provide economies of scale and reduce duplication.

Option 3 has a full-time executive officer, and a full-time administrative assistant employed by the NRJO, with Rous in a position to provide corporate services.

Option 4 has Rous providing all services, including the executive officer, for an annual fee.

Option 5 has Rous providing all services, as well as employing an additional full-time employee, to recognise the additional workload.

The preferred option depends on the NRJO Board's ultimate vision for the joint organisation, recognising that the member fees must also be paid by each individual council.

In identifying a preferred option for this report, it is acknowledged that all member councils are looking to minimise costs in light of the immense flood recovery effort that is likely to continue for a number of years.

Rous County Council is an established organisation that provides services to all the NRJO members, and the preference is to maximise the benefits of existing council structures, rather than further duplicating administrative systems already in place.

Based on this, the recommendation is for Option 4, being the appointment of the Rous General Manager as the executive officer, with the full suite of services to be provided by Rous County Council.

Dependent on the workload generated, this model may gradually transition to option 5, with Rous employing additional resources to manage the workload, with this able to be reviewed on an annual basis by the NRJO Board.

As to a preferred period for the preferred arrangement to apply, with the council elections to be held in September 2024, the recommended period is three years, as that allows a period of 12 months following the next election, for the new NRJO Board to confirm their preferred approach.

RECOMMENDATIONS

1. The Northern Rivers Joint Organisation (NRJO) Board endorses Option 4 of the report and the appointment of the Rous County Council General Manager as the Executive Officer for the Northern Rivers Joint Organisation.
2. That the NRJO Board agree to pay Rous County Council an annual fee of \$135,000 (ex GST) to be indexed annually, in consideration of the provision of executive officer and corporate services, for the period to September 2025.
3. The NRJO Chair and Deputy Chair are authorised to finalise and sign any agreements for the delivery of these services between NRJO and Rous County Council.

Attachments

- 3.1 Comparison of Joint Organisations
- 3.2 NRJO Compliance / Gap Analysis
- 3.3 Option 1 Long Term Financial Plan
- 3.4 Option 2 Long Term Financial Plan
- 3.5 Option 3 Long Term Financial Plan
- 3.6 Option 4 Long Term Financial Plan
- 3.7 Option 5 Long Term Financial Plan

7.6 FINANCIAL REPORTS

Purpose

The purpose of this report is to provide financial results for the year to date (October 2022) for the Northern Rivers Joint Organisation.

Background

A full copy of the Profit and Loss and Balance Sheet as at October 2022 is included below.

Items to note for this report are:

- 1) Budget adjustments to re-instate carry forwards from NRJO on-going projects/grants are marked with an asterisk (*) and total \$180,262
- 2) The 30 June 2022 audit is currently underway with Thomas Noble and Russel (TNR) due to complete this month.

The Balance Sheet has been presented for members information. No commentary is required.

Attachment/s: Nil

Northern Rivers Joint Organisation
Profit and Loss Statement
as at 31 October 2022

ACTUAL FY 2021/22 \$		BUDGET FY 2022/23 \$	ACTUAL YTD 2022/23 \$	VARIANCE \$	VARIANCE (F)/(U)	COMMENT
	<u>Operating Revenue</u>					
201,100	Membership Fees	251,300	251,300	0	F	All membership fees issued
1,341	Interest	1,000	344	(656)	U	Year to date position, pro-rated tracking (+\$11)
	<u>NRJO Projects/Licences</u>					
33,725	Myroadinfo Fees	16,000	16,862	862	F	All invoices issued, no further income expected
47,182	LG Procurement Rebate	30,000	44,129	14,129	F	Rebate received in October
283,348	TOTAL REVENUE	298,300	312,635	14,335		
	<u>Operating Expenses</u>					
2,333	Conferences, Events, Travel	12,250	428	11,822	F	Year to date position, pro-rated tracking (+\$3655)
12,000	Prof Dev - Member Council Training	14,250	4,000	10,250	F	Procurement awareness tutorials
71,014	Exec Officer - Salary/Oncosts/Recruit	95,650	0	95,650	F	Exec Officer to be appointed Nov 2022
1,817	Exec Officer - Computer	0	0	0	F	Exec Officer to be appointed Nov 2022
6,960	Exec Officer - Vehicle Allowance	8,795	0	8,795	F	Exec Officer to be appointed Nov 2022
51,281	Exec Officer - Support (RDA)	44,000	11,800	32,200	F	Year to date position, pro-rated tracking (+\$2866)
5,000	Exec Officer - Financial Management (Rous)	30,000	5,000	25,000	F	Finance Mgt
9,048	Chair Stipend	10,000	2,500	7,500	F	Year to date position - paid monthly in arrears
681	Committee Support	5,400	2,333	3,067	F	Year to date position - add admin support (minutes)
12,160	Professional Fees – Audit	11,000	0	11,000	F	Audit services not yet completed
0	Professional Fees – ARIC	3,000	777	2,223	F	ARIC fees and super paid Qtrly
0	Media and Communications	5,200	3,840	1,360	F	Year to date position, pro-rated tracking (-\$2106)
2,788	Sundry Expenses	3,750	1,280	2,470	F	Mobile phone and MYOB monthly charges
175,082	Sub-Total Operating Expenses	243,295	31,958	211,337		
	<u>NRJO Projects/Licences</u>					
33,683	MyRoadInfo	15,000	16,842	(1,842)	U	6 month extension to complete Dec 2022
22,552	Vendor Panel Access	65,000	0	65,000	F	Expense forecast and timing to be confirmed
56,235	Sub-Total NRJO Project/Licenses expenses	80,000	16,842	63,158		
	<u>Regional Projects - Capacity Building I (OLG)</u>					
0	Waste Micro-Industry	0	0	0	F	
66,968	Renewable Energy	0	0	0	F	
14,914	Biosphere	0	0	0	F	
81,882		0	0	0		Grant aquittal in progress
	<u>Regional Projects - Capacity Building II (OLG)</u>					
9,250	Shared Services	45,750	0	45,750	F	*
0	Audit of Available Industrial and Empl Land	75,000	8,338	66,662	F	* Includes \$75K allocation and RDA contr. of \$25K
0	Energy and Waste Related Projects	14,625	0	14,625	F	*
0	Mobile Phone Black Spots	14,625	0	14,625	F	*
9,250		150,000	8,338	141,662		Unspent grant funding - projects in progress
	<u>Regional Projects - Other</u>					
237,988	Infrastructure (NSW Dept of P&C)	0	0	0	F	* Fully spent grant funding
4,700	Disaster Dashboard (Resilience NSW)	48,100	9,500	38,600	F	* Balance of unspent funding - \$38,600
242,688		48,100	9,500	38,600		
565,137	TOTAL EXPENSES	521,395	66,638	454,757		
(281,789)	TOTAL OPERATING RESULT (SURPLUS/(DEFICIT))	(223,095)	245,997	469,092		

Northern Rivers Joint Organisation
Balance Sheet
as at 31 October 2022

	TOTAL \$	30 June 2022 TOTAL \$
ASSETS		
Cash	1,099,617	836,701
Trade Debtors	4,180	1,045
Total Assets	1,103,797	837,746
LIABILITIES		
Current Liabilities		
Trade Creditors	32,502	40,205
Contract Liabilities	44,352	44,352
GST Liability	18,769	(8,988)
Total Current Liabilities	95,623	75,569
Total Liabilities	95,623	75,569
NET ASSETS	1,008,174	762,177
EQUITY		
Retained Earnings	762,176	1,043,966
Current Year Earnings	245,997	(281,789)
TOTAL EQUITY	1,008,173	762,177

RECOMMENDATION:

That the Board receive and note the financial reports for period ending 31 October 2022.



Destination North Coast – Northern Rivers Joint Organisation of Councils Update

Market Conditions

Anecdotal feedback indicates that we are trending back to historical visitor patterns and seasonality. Year on year there has been a softening of demand for leisure-based visitation as other markets have opened up. Business Events are demonstrating strong appeal due to large quantities of latent demand generated from the restrictions of previous years and organisations desire to bring together workforces that are now largely fragmented on a daily basis due to staff working from home.

DNC North Coast, Destination Management Plan Renewal

The revised [North Coast Destination Management Plan](#) is in the final stages of development. The plans will cover from 2022-2030 mirroring the state-wide Visitor Economy Strategy 2030. The following key themes and priorities from the inaugural North Coast Destination Management Plan, outlined below, remain relevant and will be carried forward;

- Nature-based tourism - Caravan & camping - Food, drink and agritourism - Business & leisure events - Lifestyle, health & wellbeing - Cultural tourism

Sustainable development is at the heart of the plan and there will also be increased focus on the activation of our waterways and positioning our region as a leader in the wellness tourism industry.

DNC Projects

The majority of the projects that have been funded through the Federal, Recovery for Regional Tourism program and state, Bushfire Recovery Fund have now been completed. The projects will leave valuable legacies for the North Coast visitor economy and DNC will continue to assist in increasing skill levels and capacity across the areas targeted through these projects;

Aboriginal Product Development Mentoring program – DNC and the NSW Aboriginal Tourism Operators Council (NATOC) have engaged 18 operators (9 from Northern Rivers) through a mentoring program and will continue to work with and assist their development.

Business Accelerator & Mentoring Program – This program inducted and mentored 90 North Coast businesses helping them collectively in all facets of our industry. The businesses who completed the program have improved operating models and will be leaders in their destinations.

Accommodation Reinvestment – A Reinvestment Guide is nearing completion and will help owners/operators of commercial accommodation navigate the process of investing and improving their property as we aim to improve the collective experience across this sector. Additionally, 20 businesses were mentored through the program.

Digital Refresh Program – Twenty-three business received funding to improve the digital depiction of their businesses. Participating businesses have already experienced increased bookings and higher yields. Improving this aspect of our operators will be a continuing and vital goal.

Rail Trail Mentoring Program – Twenty Northern Rivers businesses completed the mentoring program that helped them shape their Rail Trail focused product. There was a variety of bike hire, attractions, transport, accommodation, food and beverage and event operators who participated.

RECOMMENDATION

THAT the Board receive and note the report from Destination North Coast.

SCENIC RIM



REGIONAL COUNCIL

Northern Rivers Joint Organisation

Associate Members Report - Scenic Rim Regional Council

Meeting date: 02 December 2022

Scenic Rim Regional Council appoints new CEO

Council has announced the appointment of Mr David Keenan as its new Chief Executive Officer.

David brings to the Scenic Rim a wealth of experience in local government through previous Chief Executive Officer roles with Mitchell Shire Council, Hume City Council (acting), Tweed Shire Council, Southern Downs Regional Council and, most recently, Mount Isa City Council.

In his role at Mount Isa, David was involved in facilitating over \$3 billion of investment in renewable energy, as well as working closely with the mining and agriculture sectors. In his career David has managed every aspect of economic development, from planning large scale industrial estates to building business incubators/accelerators to accommodate small and micro businesses, as well as working with the peak bodies that represent the agribusiness sector.

David is committed to driving improved performance through the organisational values of integrity, teamwork, respect and customer service that are already embraced by Scenic Rim Regional Council and will commence his appointment on Monday 28 November 2022.

Scenic Rim shines at food tourism excellence awards

The Scenic Rim's reputation as a leading destination for food tourism was reaffirmed at the 2022 Queensland Tourism Awards on the Gold Coast on Friday night.

Winning a silver award for Excellence in Food Tourism, the region has added to this year's accolades after being named as Best in Travel 2022 by the Lonely Planet guide and the Scenic Rim's Tamborine Mountain taking the title of Top Tourism Town in Queensland in June. This award recognised the strong partnership between Council and local tourism operators, whose efforts have made the region one of Australia's premier food bowls.

key driver of the region's food tourism success has been Scenic Rim Eat Local Week, which has grown from a small food festival in 2012 to become an annual 10-day celebration of locally produced food and wine, with more than 100 events catering for all tastes and budgets.

Culminating in the signature Winter Harvest Festival at Aratula, featuring more than 60 local producers, Scenic Rim Eat Local Week attracts some 40,000 visitors and injects more than \$2 million into the local economy.

A collaborative quarterly event, the Scenic Rim Farm Gate Trail, delivered by member-based local tourism organisation Destination Scenic Rim, sees as many as 30 local producers and makers across the region throwing open their gates to self-drive tourists, with thousands of visitors touring the Scenic Rim and shopping directly from the source.

Annual Report recounts region's success during another challenging year

The region's success in meeting the challenges of another year of significant impacts from natural disasters and the COVID-19 pandemic is celebrated in Scenic Rim Regional Council's 2021-2022 Annual Report. The report provides a detailed account of Council's success in providing enhanced levels of service to the community, helping to grow the local economy, maintaining \$1 billion in public assets and ensuring financial sustainability for the future.

The full Scenic Rim Regional Council 2021-2022 Annual Report can be viewed online at <https://www.scenicrim.qld.gov.au/downloads/file/5615/2021-2022-annual-report>

Roadmap and action plan chart course for region's strong economic growth

A 10-year roadmap and three-year action plan for the Scenic Rim's agribusiness and agritourism industry will provide the foundation for a stronger economy and continued growth through sustainable development and industry diversification.

Adopted by Council at its recent Ordinary Meeting, the Scenic Rim Agribusiness and Agritourism 10-Year Roadmap 2022-2032 and Scenic Rim Agribusiness and Agritourism Three-Year Action Plan 2022-2025 will support the continued growth of the region's key industries of tourism and agriculture which contribute more than \$400 million annually to the local economy and employ more than 4,000 locals.

While the Scenic Rim has a vibrant and growing tourism sector, traditional agricultural activities remained the backbone of the local economy, with vegetable production, cattle and dairy farming the key industries.

While much has been achieved, there are still obstacles to growth and innovation to be overcome as Scenic Rim growers and producers, as well as the wider business community, have suffered the impacts of drought, bushfire, floods and the COVID-19 pandemic.

The seeds of the roadmap and action plan were sown in January 2020, when a group of primary producers approached Council to support their vision for future growth.

This prompted Council to explore opportunities for grant funding, securing \$100,000 under the jointly-funded Commonwealth-State Queensland Bushfire 2019 Category C Flexible Funding Program administered by the Department of Communities to restore and grow the region's agri-food and agritourism sectors through a business development program.

Council secured a further \$150,000 through the jointly-funded Commonwealth-State Disaster Recovery Funding Arrangements Category C Go Local Marketing Campaign administered by the Department of Employment, Small Business and Training for a second phase of the program, including the development and implementation of the roadmap and action plan.

The development of the roadmap and action plan is a project of regional significance made possible by the grant funding Council was able to attract. PricewaterhouseCoopers Australia (PwC) was engaged after Council invited submissions from industry specialists to deliver the project to guide and drive growth and innovation in agribusiness and agritourism.

Recognising that a successful strategy relies on business and community input and ownership, Council has consulted with stakeholders during the past 10 months and feedback helped refine the roadmap and action plan developed by PwC in conjunction with Council.

The roadmap aims to harness the Scenic Rim's unique development potential and provide agribusiness and agritourism operators with a strategic direction to overcome barriers to future growth.

Council's adoption of the roadmap and action plan should be welcomed by agricultural and horticultural producers, industry suppliers and those in the agritourism industry. The broader Scenic Rim community will also reap the rewards of improved economic outcomes and employment opportunities.

While the roadmap outlines 11 objectives aligned with building the capacity of the industry sector, 17 initiatives developed in consultation with the local community are supported by 48 specific and measurable actions detailed in the action plan.

The 10-year roadmap and three-year action plan can be viewed

<https://www.scenicrim.qld.gov.au/homepage/263/scenic-rim-agribusiness-and-agritourism-three-year-action-plan-and-10-year-roadmap>

Scenic Rim's excellence in planning celebrated at awards presentation

Council's foresight and its vision for the region's growth was celebrated at the Planning Institute of Australia's 2022 Awards for Planning Excellence Queensland on 11 November 2022. The Strategic Planning Project Award for Excellence was awarded to the draft *Scenic Rim Growth Management Strategy 2041* and recognises an outstanding strategic planning project, which includes regional plans, structure plans, master plans, infrastructure plans and planning schemes.

This award is an acknowledgement that the Growth Management Strategy is a strategic planning document which demonstrates innovation through the development of a framework for the sustainable management of growth for the region to 2041.

The Strategic Planning team led the development of the Growth Management Strategy and developed the growth strategies and consultation report, while PSA Consulting provided project guidance and input into the methodology and were supported by Bull & Bear Economics who prepared the Housing Needs and Employment Land Assessment.

The updated final draft *Scenic Rim Growth Management Strategy 2041* and the community consultation report can be accessed via Council's Let's Talk online community engagement platform, letstalk.scenicrim.qld.gov.au/ Feedback can be provided directly to the Division Councillors ahead of the Ordinary Meeting to be held on 22 November 2022.

Award-winning hiking program walks the talk

EmpowHER, which offered more than 900 outdoor recreational opportunities to encourage participation in hiking by women and girls in the spectacular Scenic Rim, has added the Government Achievement Award presented at the Outdoors Queensland Awards to its accolades. The award highlighted the EmpowHER Hiking Program's value in creating opportunities for positive outdoor experiences for participants of all ages and abilities.

The Outdoors Queensland Award follows EmpowHER's win in the Programs and Activities Category at the 2022 Australian Sport, Recreation and Play Innovation Awards in Melbourne in July.

Funded by the Queensland Government's ActiveKIT program, in partnership with Health and Wellbeing Queensland and Scenic Rim Regional Council, EmpowHER achieved its aim of increasing the physical activity of women and girls by reducing barriers of participation in hiking.

The innovative program offered guided hikes at a subsidised price of just \$15, providing 78 guided walks catering for a range of abilities, from February to July 2022.

It capitalised on current trends in sports participation, offering women and girls the flexibility to participate in unstructured activity at a time and location that suited them and responded to changes within the active recreation industry as the impacts of the COVID-19 pandemic increased the demand for nature-based activities.

Council's 2021 - 2022 Capital Works Program impacted by COVID-19, wet weather and supply impacts

Council remains committed to delivering infrastructure works in light of COVID-19, wet weather events, resourcing availability and supply chain setbacks.

Over the last two years, the continued impacts of COVID-19 and wet weather events have delayed the delivery of all scheduled capital projects. In the coming months and into 2023, these issues will remain, affecting the future delivery of the ongoing Capital Works Program as crews also assist in repairing damage to infrastructure as a result of natural disasters.

The COVID-19 impacts on labour availability, both internally and externally (i.e. contractors), and availability and price of materials place further pressure on Council teams to sustainably manage associated project costs, some of which are funded by other levels of Government.

Record funding boosts investment in the Scenic Rim's natural assets

A record number of projects to enhance habitat for rare and threatened species and improve the quality of Scenic Rim waterways have been funded through a 50 per cent increase in Council's budget for its Environmental Grants Program in 2022-2023.

Council approved the allocation of more than \$156,380 for 51 projects by community groups and individual landowners that will help to preserve and enhance the Scenic Rim's natural environment. Projects which have received full or partial funding aim to improve habitat for endangered species such as koalas and greater gliders, the near-threatened Albert's lyrebirds, vulnerable brush tailed rock wallabies, Richmond birdwing butterflies and glossy black-cockatoos, as well as microbats and barn owls.

Maintaining habitat for a wide range of native plant and animal species in one of the most biodiverse areas in Australia was very much a partnership between Council and the wider community.

Council's 2022-2023 budget included a 50 per cent increase in funding for the Environmental Grants Program, allocating a total of \$155,875 for projects which encourage community involvement and deliver region-wide benefits.

The program aligns with Council's Biodiversity Strategy, which emphasises the importance of working in partnership to care for the environment, and the Scenic Rim's shared Community Plan vision, which recognises the importance of ecological balance to support key industries of tourism and agriculture.

Scenic Rim business a world-beater

Council has congratulated Plasvacc on winning the Small Business category at the Premier of Queensland's Export Awards in October.

A proud Scenic Rim business based at Kalbar, Plasvacc is a leading Australian pharmaceutical company, whose high-quality blood plasma products for horses, camels and dogs have achieved worldwide recognition and a client base of more than 2000 in Australia and overseas.

The business has been running for 25 years, with its Kalbar facility the only one of its kind in Australia, Plasvacc operates in three countries and exports to 15.

It was also a finalist in the Regional Exporter category and the Agribusiness, Food and Beverages category of the Premier of Queensland's Export Awards.

Plasvacc's success highlighted the importance of the Scenic Rim's agribusiness and agritourism sectors for the local economy and Queensland's export market.

Brisbane Region Transformational Experiences Mentoring Program

Two outstanding Scenic Rim tourism businesses were selected in a group of 10 businesses which will take part in this year's Tourism and Events Queensland Brisbane Region Transformational Experiences Mentoring Program.

In this new era of tourism, global travellers are seeking experiences that enrich, awaken and transform them, and the world.

The program runs over 12 weeks and includes one-to-one mentorship to empower participants to build strong, sustainable businesses that exceed the needs of now-and-next generation travellers.

Well done to Brenda Fawdon and Sonja Drexler from North Stores Tamborine and Lisa Groom from ParkTours who will participate in the program.

Supported by Brisbane Economic Development Agency, the program will help raise the quality and depth of truly exceptional guest experiences at the participating businesses.

RECOMMENDATION

THAT the Board receive and note the report from Scenic Rim Regional Council

8 URGENT BUSINESS

9 CONFIDENTIAL REPORTS

10 CORRESPONDENCE

Correspondence of significance – Incoming

- Email correspondence, letter of support from Mr. Geoff Provest regarding the Northern Rivers Rail Trail (NRRT) Development Fund.
- Letter from Laura Black, General Manager, Clarence Valley Council regarding NRJO Membership.

Correspondence of significance - Outgoing

- NRJO Letter to COMSEQ October 2022
- Letter to Melanie Hawes, Crown Lands and local Govt. regarding Joint Organisation Capacity Building Fund, Round one.
- Letter to CVC regarding NRJO Membership

11 ATTACHMENTS

1. NRJO Strategic Regional Priorities 2022-24

2. Post-Election Compliance Requirements

- 2.1 Revised 'Payment of expenses and provision of facilities' policy (for public exhibit and adoption)
- 3.2 Revised Code of Meeting Practice (for public exhibit and adoption)
- 2.3 Revised Code of Conduct (for adoption)
- 2.4 Revised Code of Conduct Procedures (for adoption)
- 2.5 Revised NRJO Charter (for member consultation and adoption)

3. NRJO Executive Officers Report: Options for Appointing a New Executive Officer

- 3.1 Comparison of Joint Organisations
- 3.2 NRJO Compliance/Gap Analysis
 - 3.2.1 Audit Methodology
 - 3.2.2 JO Checklist
 - 3.2.3 Local Government Act
 - 3.2.4 Local Government Regulation
 - 3.2.5 Associated Act
- 3.3 Option 1 Long Term Financial Plan
- 3.4 Option 2 Long Term Financial Plan
- 3.5 Option 3 Long Term Financial Plan
- 3.6 Option 4 Long Term Financial Plan
- 3.7 Option 5 Long Term Financial Plan

From: Geoff Provest <Geoff.Provest@parliament.nsw.gov.au>

Sent: Friday, 5 August 2022 2:25 PM

To: Megan Gibbons <admin@northernriversjo.nsw.gov.au>

Cc: Geoff Meers <nrrtgeoff@gmail.com>

Subject: Expression of Support - Northern Rivers Rail Trail request for Regional NSW -Business Case & Strategy Development Funding

To: Northern Rivers Joint Organisation

I understand the Northern Rivers Rail Trail (NRRT) is asking you to submit an application on its behalf to the Regional NSW – Business Case and Strategy Development Fund, for a grant to prepare a business case to complete and manage all of the Rail Trail along the disused Casino – Murwillumbah rail corridor.

While the Tweed section from Murwillumbah to Crabbes Creek, and the Casino to Eltham section both have a prepared business case with the Tweed section under construction, the unfunded section from Lismore to Crabbes Creek prevents the rail trail from reaching its full potential.

The Rail Trail has its supporters and its detractors but the development of a preferred model with the potential for shared use, conservation, revenue raising and governance options fully examined in an in-depth business plan would provide the necessary 'next step' in this ambitious and important project.

I am pleased to express my support for the proposal put by the NRRT to the Northern Rivers Joint Organisation and believe the opportunity to apply for Business Case & Strategy Development funding should be seized.

Yours sincerely

Geoff Provest MP
Member for Tweed



28 October 2022

Phillip Rudd
Northern Rivers Joint Organisation
PO Box 146
Lismore NSW 2480
admin@northernriversjo.nsw.gov.au

Dear Phil

Northern Rivers Joint Organisation membership

At its October Ordinary Meeting, Council resolved to make application to become a member of the Northern Rivers Joint Organisation as follows:

COUNCIL RESOLUTION - 05.22.017

Tiley

That Council now make application to the Northern Rivers Joint Organisation seeking full membership in lieu of the Council's current Associate non-voting status.

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

I am now writing to you to request you seek the support of current members to Clarence Valley Council's application so that a request may be made of the State Government.

Kind Regards



Laura Black

General Manager

Cr Adrian Schrinner
Chair
Council of Mayors (SEQ)
Via email

5 October 2022

Dear Cr Schrinner,

RE: NSW Northern Rivers region seeks 'qualification' for 2032 Regional Working Group

At their Board meeting this month, the Mayors of the Northern Rivers Joint Organisation's (NRJO) six member councils requested I write to enquire as to whether the Council of Mayors (SEQ) have yet had an opportunity to consider our previous letter dated 21 June 2022.

In particular, the Board would sincerely appreciate if you could inform us as soon as possible whether the Council of Mayors (SEQ) is interested in potentially admitting the NRJO as an associate member of the 2032 Regional Working Group.

To recap, there are several pertinent reasons as to why the NRJO and its member councils feel the Northern Rivers region can successfully support the Regional Working Group's visitor experience as part of the 2032 Olympic and Paralympic Games:

- close proximity to Brisbane, the Gold Coast and wider Southeast Queensland region
- easy accessibility, especially given the upgraded Pacific Motorway and major regional Ballina-Byron Gateway Airport
- strong, well-established visitor economy supported by plentiful accommodation options and a vast array of tourism, hospitality and other related experiences and services
- modern, fit-for-purpose sporting venues and training facilities often utilised by visiting national sporting codes and teams
- renowned natural environment – from idyllic beaches through to picturesque hinterland and unique rainforest areas.

Again, the opportunity to possibly be involved with a truly global event right on our region's doorstep is one the NRJO would welcome and cherish.



NORTHERN RIVERS JOINT ORGANISATION

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Email admin@northernriversjo.nsw.gov.au
Web www.northernriversjo.nsw.gov.au
Post PO Box 146, Lismore, NSW 2480
ABN 68 587 813 167

Should you wish to discuss the above further, please do not hesitate to contact me directly.

Yours sincerely,



Phillip Rudd
Interim Executive Officer
NRJO

execofficer@northernriversjo.nsw.gov.au
0427 668 860



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18 October 2022

Melanie Hawyes
Deputy Secretary
Crown Lands and Local Government

Dear Melanie,

Final report: projects completed under the Joint Organisation Capacity Building Fund (round one)

I write on behalf of the Northern Rivers Joint Organisation (NRJO) in relation to funding provided under round one of the NSW Government's Joint Organisation Capacity Building Fund.

By way of letter dated 22 March 2021, the NRJO successfully applied to the NSW Office of Local Government to redirect its remaining round one funding (\$100,200.00) towards 2 new studies forming part of the Northern Rivers' strategic regional priorities:

1. development of a renewable energy prospectus
2. assessment of a United Nations Educational, Scientific and Cultural Organisation (UNESCO) Biosphere Reserve application.

I am pleased to advise that both projects have been completed. A final report on the funding and delivery of these projects is enclosed.

Please note that the NRJO in its letter of 22 March 2021 provided a final report on the outcome of the initial project to which round one funding was to be dedicated – development of a business case to establish a 'state of the art' facility for waste microindustries in the Northern Rivers using the UNSW SMART technology.

As a result, a total of \$131,681.50 in round one grant funding has been expended by the NRJO across these 3 projects from the \$150,000.00 originally allocated.

Should you need to discuss the details of either of the above projects further, please do not hesitate to contact me directly.

Yours sincerely,



Phillip Rudd
Interim Executive Officer

Enclosures (2):

Final Project Report – Renewable Energy Blueprint for the Northern Rivers

Final Project Report – UNESCO Biosphere Reserve Application Assessment

FINAL PROJECT REPORT

Project Title

RENEWABLE ENERGY BLUEPRINT FOR THE NORTHERN RIVERS

Phone 0409 558 758
Email admin@northernriversjo.nsw.gov.au
Web www.northernriversjo.nsw.gov.au
Post PO Box 146, Lismore, NSW 2480
ABN 68 587 813 167

Project Summary	Along with the rest of the world, the Northern Rivers region is in the midst of a major energy sector transition. The NRJO committed to developing a Renewable Energy Blueprint for the Northern Rivers that identifies opportunities for public, private and community investment in renewable energy projects.
Project Status	Complete
Project Completion Date	March 2022
Strategic Alignment	
NRJO Strategic Regional Priority	<ul style="list-style-type: none"> Innovative, sustainable energy, water and waste management. Goal #8: To strengthen our region's emerging position as a NSW leader in renewable energy generation, storage and use, in accordance with widespread community support for reduced emissions and action on climate change. Strategic Action #8.3: Develop a Northern Rivers Renewable Energy Investment Prospectus that identifies opportunities for public, private and community investment in renewable energy projects.
Project Delivery	
Outcome	Consultants 100% Renewables were engaged to analyse existing technology, assess the Northern Rivers region's technology, identify suitable areas and undertake a competitive analysis. A steering committee comprising representatives from member councils Kyogle, Richmond Valley and Byron Shire oversaw the Blueprint's production via regular project meetings. The completed project includes a master report, the Blueprint, PDF flyer and guidelines for possible future projects. The Blueprint will be publicly available on the NRJO's website. It identifies key technologies and locations for potential renewable energy investment and provides a valuable tool for both the public and private sectors.
JO Capacity Building Fund (round one)	
Budget Allocation	\$70,000.00
Total Grant Funding Expended	\$66,967.50
Balance Remaining	\$3,032.50
Organisational Capacity and Sustainability	
Project Management	The NRJO's project management resources were enhanced by working in collaboration with member councils and industry on a shared regional priority. The project built the NRJO's skills by strengthening its capacity in an emerging industry and placing it at the forefront of this field.
Financial Capability	The project's delivery has embedded robust financial controls and standards within project reporting milestones.
Cohesion and Confidence	Delivery of the Blueprint has demonstrated that the NRJO can lead projects of regional significance, which involve both the public and private sectors.
Intergovernmental Collaboration and Strategic Alignment	The project aligned with key goals of the NSW Government's Renewable Energy Action Plan by aiming to attract renewable energy investment, build community support and attract/grow renewable energy expertise.
Ongoing Sustainability	The Blueprint places the NRJO at the forefront of a key industry for both public and private sectors and positions the NRJO for future governance and growth.

FINAL PROJECT REPORT	
Project Title	UNESCO BIOSPHERE RESERVE APPLICATION ASSESSMENT
Project Summary	The NRJO identified that establishment of a United Nations Educational, Scientific and Cultural Organisation (UNESCO) Biosphere Reserve offered the potential to grow tourism sustainably across the Northern Rivers

	region. A study to understand all implications of both preparing an application for a UNESCO Biosphere Reserve as well as the subsequent implementation process and ongoing governance, maintenance and management was commissioned to be undertaken in advance of preparing a nomination for the region.
Project Status	Complete
Project Completion Date	February 2022
Strategic Alignment	
NRJO Strategic Regional Priority	<ul style="list-style-type: none"> • A diversified, prosperous and sustainable regional economy. • Goal #13: Increased contribution to the regional economy from tourism and dispersal of tourists across the region, while protecting the Northern Rivers' unique character, environment and quality of life.
Project Delivery	
Outcome	<p>Consultants NGH were engaged to prepare the project's study. A steering committee comprising representatives from member councils Ballina Shire, Richmond Valley and Tweed Shire oversaw the project's delivery. The completed project concluded that although the region embodies the necessary attributes to establish a Biosphere Reserve, it is a complex process requiring significant organisational and stakeholder investment throughout the planning, nomination and operational phases. Several key findings of the completed study included:</p> <ul style="list-style-type: none"> • may take up to 7 years to achieve Biosphere Reserve designation, with substantial investment of time, financial and other resources needed • the important and valuable aspects of a Biosphere Reserve require a high level of ongoing management and coordination • all stages of the process require dedicated resources to drive the process and extensive consultation and cross-sector engagement • indicative costs associated with planning and nomination for a Biosphere Reserve are \$150k–\$450k per year, plus additional costs for preparing management plans, which vary depending on the size of the Biosphere Reserve and existing relevant documentation. <p>As a result of the project's completed study, the NRJO resolved not to progress with a UNESCO Biosphere Reserve application and instead look at alternate mechanisms for the dispersal of tourists across the region.</p>
JO Capacity Building Fund (round one)	
Budget Allocation	\$30,000.00
Total Grant Funding Expended	\$14,914.00
Balance Remaining	\$15,086.00
Organisational Capacity and Sustainability	
Project Management	The NRJO's project management resources were enhanced by working in close collaboration with member councils, environmental organisations and the local tourism industry on a shared regional priority. This project has built the NRJO's skills by strengthening its capacity in an emerging industry and placing it at the forefront of this field.
Cohesion and Confidence	Delivery of the project demonstrated the NRJO can lead project viability assessments across an array of sectors. It has also generated recognition of the NRJO's capacity for management and detailed assessment.
Ongoing Sustainability	The assessment has helped establish parameters for environmental tourism going forward in the region, placing the NRJO as an important contributor to this important national conversation.

Laura Black
General Manager
Clarence Valley Council
Locked Bag 23
Grafton NSW 2000

15 November, 2022

By email: laura.black@clarence.nsw.gov.au

Dear Laura

Northern Rivers Joint Organisation membership

I am pleased to advise that the Northern Rivers Joint Organisation (NRJO) at its November Extraordinary resolved to accepted Clarence Valley Council as a member of the NRJO as follows:

RESOLUTION 15112002/1 - The Northern Rivers Joint Organisation Board:

- 1. Receive this report;**
- 2. Accept and welcome Clarence Valley Council as a voting member of the Northern Rivers Joint Organisation; and**
- 3. Request the interim Executive Officer liaise with Clarence Valley Council as part of the process to obtain the required NSW Government Proclamation.**

MOVED: C Cherry SECONDED: K Thomas

CARRIED: All voted unanimously

Yours faithfully



Phillip Rudd
EXECUTIVE OFFICER



NORTHERN RIVERS JOINT ORGANISATION

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11 ATTACHMENTS

Attachment 1 - NRJO Strategic Regional Priorities 2022-24



Strategic Regional Priorities 2022-2024



SUSTAINABLE. RESILIENT. PROSPEROUS.





The Northern Rivers Joint Organisation
acknowledges Australian Aboriginal and
Torres Strait Islander peoples as the
first inhabitants of this nation.

We acknowledge the traditional custodians of
the lands on which we live and work, and pay
our respects to Elders past, present and future.



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About this plan	6
Our vision	8
Regional priorities	10
Biodiverse natural environments	11
Improved community wellbeing	14
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Sustainable energy, water and waste...	20
A diverse, sustainable economy	24

Foreword

In June 2018, six councils – Ballina Shire, Byron Shire, Kyogle, Lismore City, Richmond Valley and Tweed Shire – came together to form the Northern Rivers Joint Organisation (NRJO).

Each council will continue to serve and represent its local area, just as they always have, but when we come together as a Joint Organisation we'll be considering the needs of the Northern Rivers region as a whole.

That means we'll be able to prioritise, plan and deliver regional initiatives across traditional council boundaries and speak with a strong, united voice to the Australian and NSW Governments and other stakeholders on issues of regional significance.

We believe that by working together we'll be able to build a stronger region and access funding and other opportunities not available to individual councils.



Cr Sharon Cadwallader
Chair, Northern Rivers Joint Organisation





About Joint Organisations

In 2017 the NSW Government passed legislation to establish a network of Joint Organisations to strengthen collaboration between local councils and government with the goal of driving better planning, economic development and service delivery in regional NSW.

The functions of Joint Organisations are to:

- Establish strategic regional priorities and develop strategies and plans for delivering those priorities
- Provide regional leadership and advocate for strategic regional priorities
- Identify and take up opportunities for inter-governmental cooperation on regional matters.

About this plan

This plan sets out what we'd like to see for the Northern Rivers region and its communities. It outlines the Northern Rivers Joint Organisation's vision for the future and the strategic priorities we know we need to focus on to make that vision a reality. Importantly, it details the key actions we'll undertake as a Joint Organisation to make a difference.

The goals and actions in this plan will guide our decision-making and work over the next four years. They will be reviewed regularly to check progress and make sure our plan remains relevant as our region evolves.

Developing the plan

This plan was originally developed in 2018-2019 collaboratively by the Mayors and General Managers of Ballina Shire Council, Byron Shire Council, Kyogle Council, Lismore City Council, Richmond Valley Council and Tweed Shire Council, in consultation with our partner organisations – NSW Office of Local Government, NSW Department of Premier and Cabinet, Regional Development Australia - Northern Rivers and Rous County Council. Following the 2021 election, the plan was reviewed and updated to reflect the disastrous impacts of the 2022 floods, with the selected priorities still being relevant to our region.



Working together

This plan doesn't exist in isolation. It has been developed to align with and complement other major regional plans including:

- The North Coast Regional Plan 2036 – the NSW Department of Planning and Environment's 20- year blueprint for the region
- The Northern Rivers and Tweed Regional Economic Development Strategies 2018-2022.

Similarly, our organisation doesn't act on its own. To deliver the actions in the plan we'll

work collaboratively with Federal and State Government agencies including:

- Regional Development Australia – Northern Rivers
- NSW Department of Premier and Cabinet
- NSW Department of Industry
- NSW Department of Planning and Environment.

We'll also look for opportunities to partner with non- government organisations, the community and the private sector.



Our Vision

For the Northern Rivers to be a unified region of well connected, integrated communities that affords its people a unique balance of place, lifestyle and opportunity.

And for our region to be known to the nation and the world for its:

- outstanding environmental and scenic values
- commitment to sustainability
- respect for Aboriginal culture
- openness to visitors
- entrepreneurial drive
- creative and collective spirit and culture
- support of primary producers

Our Principles

To provide a focus for our efforts we've committed to the following principles:

To provide a forum and vehicle for cooperative action on issues of regional significance and concern to Local Government that require advocacy and/or political representation.

To act as an advocate for the region to the Commonwealth and New South Wales Governments to advance the interests of the region

To seek from governments, financial assistance, legislative and/ or policy changes and additional resources required by the region.



A diverse region

The Northern Rivers Joint Organisation covers an area of more than 10,000 square kilometres extending from Tweed Heads in the north to just beyond Evans Head in the south, and to Woodenbong and Tabulam in the west.

Home to the Bundjalung people for thousands of years, our region is now populated by around 240,000 people (ABS 2016) who together have created a culture known for its diversity and vibrancy.

Our region is one of contrasts. Our natural environments include beaches and mountains, rainforests and farms, and our communities range from charming country hamlets to bustling tourist meccas, regional centres and alternate lifestyle villages.

Each part of our region also has its own unique strengths. Our world-famous surfing beaches and coastal towns attract visitors from all over

Australia and the globe. Further inland agricultural opportunities abound and peaceful communities offer an enviable rural lifestyle. To the north we have strong connections with the large markets of South East Queensland and beyond, and our major population centres offer transport links, education, health and employment opportunities.

The Northern Rivers is a diverse region but one that comes together over a love of our surroundings, our way of life and our sense of community. These shared values provide a foundation for working together to build a stronger region for us all.



Regional priorities

We have identified five regional priorities that we will focus on to achieve our vision for the Northern Rivers.

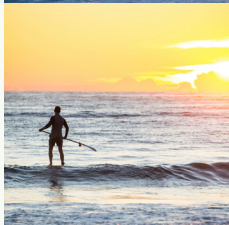
These long-term, high-level priorities have been chosen because they are the issues we know our communities care about, they align with government priorities and they offer opportunities for us to work together to achieve positive outcomes for the Northern Rivers as a whole.

The rest of this plan deals with each of these priorities in detail, including our goals and strategic actions, our stakeholders and how we'll measure our success.



Thriving, healthy and biodiverse natural environments

For the biodiversity and health of our waterways, habitats and wildlife to be protected and enhanced to deliver environmental, economic and recreational benefits for current and future generations of residents and visitors.



Improved community wellbeing now and into the future

For our region to be able to offer its residents a range of affordable, appropriate housing choices and access to health care, mental health care, aged care and other services that enhance wellbeing.



A physically and digitally connected region

For our communities, businesses and visitors to be connected through a diverse range of safe, inclusive, low impact private and public transport options and high quality, reliable internet and mobile telecommunications services.



Innovative, sustainable energy, water and waste management

For our region to establish itself as a leader in renewable energy production; effective, sustainable water management; and innovative approaches to waste management to improve environmental and service delivery outcomes.



A diversified, prosperous and sustainable regional economy

For our region to have a strong, diversified economy that provides increased employment and business opportunities and financial wellbeing for communities while protecting and maintaining our region's unique character.



PRIORITY

Thriving, healthy and biodiverse natural environments

Stunning stretches of coastline, beautiful landscapes significant Aboriginal cultural sites, fertile agricultural land and some of the highest levels of biodiversity in the nation – these are the things the Northern Rivers region is famous for.

But our natural environments are also subject to a range of pressures. We have population growth and visitation rates among the highest in Australia and increasing urban development, particularly along the coastal fringe.

According to the Northern Rivers Regional Biodiversity Management Plan, we have a disproportionately large number of rare and threatened plants, animals and ecological communities and some of the highest numbers of invasive plants and pest animals in the State. Historical land clearing has also impacted the amount of effective habitat and connectivity between habitats.

We have 140 kilometres of diverse coastal environments to protect as well as the rivers

which give our region its name – many of which are under pressure from altered flow patterns, water extraction, riparian degradation and reduced water quality.

Why is this important?

Our natural assets provide clean air and water, improve lifestyles and wellbeing and are valuable in their own right. They provide the natural resources that underpin our industries and are the foundation for the tourism sector which plays such an important role in the regional economy.

Northern Rivers communities care deeply about conserving and enhancing biodiversity, improving ecosystem health and resilience, using natural resources wisely, and reducing the environmental impact of population growth and economic development.

What will success look like?

- A collaborative, integrated approach across all three levels of government and other stakeholders
- Widespread recognition of the vital contribution biodiversity makes to the region's economy
- Increased private land owner involvement in biodiversity conservation
- Increase in the amount of effective habitat and vegetation and landscape scale connectivity
- Maintenance or increase in populations of threatened species
- Improved water quality and overall river health against key criteria
- Improved access to rivers for recreation
- Tourism and economic activities that are compatible with and promote the importance of biodiversity.

Strategic context

The following policies, strategies and plans provide context for our planning and activities in this priority area.

- Australia's Strategy for Nature 2018-2030
- Northern Rivers Regional Biodiversity Management Plan (2010)
- Border Ranges Rainforest Biodiversity Management Plan (2010)
- Australian Department of the Environment and Energy, Recovery Plans
- NSW Office of Environment and Heritage, Saving our Species program
- Far North Coast Regional Conservation Plan (2010)
- Regional State of the Environment 2016 - For the North Coast Region of NSW
- NSW Forestry Industry Roadmap (2016)
- NSW Biodiversity Offsets Scheme
- NSW Marine Estate Management Strategy 2018-2028).

Stakeholders

As we implement strategic actions we will seek to engage and partner with a range of stakeholders.

- NSW Office of Environment and Heritage
- NSW Environmental Protection Authority
- NSW Department of Primary Industries
- Local Land Services
- Marine Estate Management Authority
- Forestry Corporation NSW
- Local Aboriginal Land Councils
- Private Landholders
- Landcare
- Environmental and conservation groups.

What will we do to make a difference?

GOALS	STRATEGIC ACTIONS
1. Enhanced biodiversity across the region, including an increase in the volume of healthy, stable, interconnected habitat and increased populations of threatened species.	1.1 Investigate the feasibility of establishing a regional biodiversity offset / biobanking program.
	1.2 Advocate for changes to forestry policy and planning regulations to encourage native forestation.
	1.3 Engage with the NSW Office of Environment and Heritage to identify partnering opportunities as part of the Saving our Species program.
	1.4 Partner with Landcare, Local Land Services and community groups to identify ways the Joint Organisation can support efforts to engage the community and land owners in biodiversity conservation.
2. Improved water quality and overall health of the Tweed, Richmond, Clarence, Brunswick and Wilson river systems to deliver positive environmental, recreational and economic outcomes.	2.1 Develop a healthy waterways action plan which identifies: <ul style="list-style-type: none"> • projects for funding and delivery • opportunities for partnering with government, community groups and others on project implementation.
	2.2 Partner with the NSW Department of Planning and Environment to progress relevant directions in the North Coast Regional Plan 2036, including: <ul style="list-style-type: none"> • Direction 1: Deliver environmentally sustainable growth • Direction 2: Enhance biodiversity, coastal and aquatic habitats and water catchments.
	2.3 Develop standardised measures for river health and coordinate monitoring and reporting to provide a regional view of river health.
3. Protect and enhance the region's natural coastal environments to maintain natural character, scenic value, biological diversity and ecosystem integrity.	3.1 Work collaboratively as a region on the development and implementation of Coastal Management Programs and other activities under the Coastal Management Act 2016.



PRIORITY

Improved community wellbeing now and into the future

The Northern Rivers is home to around 240,000 people and rising (ABS 2016). Our region offers many of the building blocks for wellbeing but we also face a number of challenges, particularly when it comes to meeting the diverse housing and health

care needs of a growing, aging and geographically dispersed population.

Housing affordability and housing stress are already major issues in the Northern Rivers. Over recent decades house prices and rents have risen faster than incomes, particularly in coastal areas. There is also insufficient supply to meet demand for smaller homes, accommodation for older people, social housing and crisis accommodation.

When it comes to health and wellbeing we are fortunate to have a number of hospitals and major health services within the region but gaps in specialist services, large distances and lack of public transport options impact residents' ability to access the services they need.

According to the NSW Department of Planning and Environment, by 2036 the

population of the Northern Rivers will have grown by a further 20% and almost one-third of our residents will be aged over 65 years. This will only intensify the challenges we face.

Why is this important?

Secure, affordable housing and access to health care are basic human needs which are fundamental to wellbeing. They also play a key role in the liveability of our region which in turn enables the population growth we need for our economy to grow.

When housing and health needs aren't met it can have a wider impact on the character and culture of the region through impacts such as young people moving away and older people having to leave their communities.

What will success look like?

- Healthy, active and vibrant communities, regardless of geographic location, background, age or socio- economic status
- Equitable access to physical and mental health care services for all
- A coordinated approach to matching provision of health services to specific needs and demand across the region
- Adequate workforce and services to meet the region's health and social support needs
- Homelessness levels well below the national average and access to appropriate, affordable housing options for all
- Increased supply of social housing and crisis and emergency accommodation
- More choices for older people transitioning from their own home including independent living, supported accommodation and aged care.

Strategic context

The following policies, strategies and plans provide context for our planning and activities in this priority area.

- National Strategic Framework for Rural and Remote Health (2016)
- NSW Rural Health Plan 2021
- NSW Homelessness Strategy 2018-2023
- NSW Aging Strategy 2016-2020
- NSW Department of Planning and Environment, North Coast 2036 Regional Plan
- Northern Rivers Regional Affordable Housing Strategy (2012).

Stakeholders

As we implement strategic actions we will seek to engage and partner with a range of stakeholders.

- Federal Department of Social Services
- Federal Department of Health
- Regional Development Australia - Northern Rivers
- NSW Department of Family and Community Services
- NSW Health
- Northern NSW Local Health District
- Queensland Health
- Landcom
- Community housing providers
- Private developers
- Aged care providers
- Community service providers
- Private health care providers.

What will we do to make a difference?

GOALS	STRATEGIC ACTIONS
4. Increased availability, affordability and choice of housing to meet the needs of current and projected Northern Rivers population.	4.1 Update the evidence base in the Northern Rivers Affordable Housing Strategy 2012 and review, prioritise and progress relevant actions.
	4.2 Partner with the NSW Department of Planning and Environment to progress relevant directions in the North Coast Regional Plan 2036, including: <ul style="list-style-type: none"> • Direction 22: Deliver greater housing supply • Direction 23: Increase housing diversity and choice • Direction 24: Deliver well-planned rural residential housing areas • Direction 25: Deliver more opportunities for affordable housing.
	4.3 Work collaboratively to: <ul style="list-style-type: none"> • Define the joint organisation's advocacy position regarding planning regulations • Identify opportunities for knowledge-sharing and collaborative action between member councils • Engage with public and private stakeholders • Identify potential demonstration projects and attract government or private investment.
	4.4 Partner with relevant government and non-government organisations to support increased access to social housing and homeless and crisis accommodation services across the region.
5. Access to a full range of health and wellbeing services including specialist, aged care, mental health and community services, that meet the needs of a growing, aging and geographically dispersed population.	5.1 Use available regional health data to build understanding of: <ul style="list-style-type: none"> • the availability of health and wellbeing services, by location, relative to current and projected demand • new and planned government health and wellbeing facilities and services • strategies for attracting and retaining private health providers and professional health staff across the region.
	5.2 Develop the Joint Organisation's advocacy priorities for addressing gaps, including opportunities for specialisations.



PRIORITY

A physically and digitally connected region

In a region where population density is as low as two or three people per square kilometre in places, keeping residents and businesses connected to employment, education, markets, essential services and each other is challenging.

Transport plays a key role and our region has some important links in place including several regional airports, upgraded sections of the Pacific Highway and access to external markets through the Gold Coast International Airport and the Port of Brisbane. Unfortunately, transport shortfalls remain. Many communities have no access to public transport and poor quality roads limit tourism, safety and the movement of freight.

Digital technology offers new opportunities for connecting communities and the roll-out of the National Broadband Network is enabling the growth of creative enterprises, knowledge-intensive industries and small businesses across the region.

Despite many areas having access to high quality internet and mobile connections, the percentage of Northern Rivers residents

with access to the internet is lower than the NSW average and inconsistent coverage, including black spots, is a barrier to business viability, economic development and liveability.

Why is this important?

Physical connections through transport and virtual connections through digital technology are essential for economic growth, to provide access to jobs, education, health care and other services, and for the social well-being of regional communities.

There are currently many transport and technology disadvantaged residents in our region – particularly young people, older people, those on low incomes, people with disabilities and people living in isolated or remote locations. Action is needed to ensure all individuals and communities have equitable access to the benefits that connectivity brings.

What will success look like?

- Increased availability and choice of public transport services
- Reduction in transport-related social isolation and disadvantage
- Improved freight and logistics services to support business viability
- Reduction in road toll and injuries
- Increase in sustainable transport options
- Equitable access to telecommunications at a reasonable cost for all residents and businesses
- Eradication of mobile black spots
- Service Level Agreement for provision of telecommunications services
- Standards for telecommunications infrastructure installations that reflect community expectations.

What will we do to make a difference?

GOALS	STRATEGIC ACTIONS
6. An efficient, safe and sustainable regional transport system that enables improved productivity, connectivity and social inclusion for businesses, residents and visitors	6.1 Work with the Federal and State Governments and Regional Development Australia to implement the recommendations outlined in the Northern Rivers NSW Freight Scoping Study (SCU 2017).
	6.2 Adopt an integrated approach to progressing the regional transport- related actions in the Northern Rivers and Tweed Transport Plans and corresponding Regional Economic Development Strategies.
	6.3 Represent the region's interests in the Transport for NSW-led process to develop region-specific, place-based and corridor plans for the Northern Rivers with a focus on: <ul style="list-style-type: none"> • Improved connectivity between regional centres, including east/ west connectivity • More public, community and active transport options • Use of innovative technology and materials in transport • Low emissions transport.
7. Equitable access to fast, reliable, competitively priced digital connectivity and mobile phone coverage for businesses and residents across the region to enhance economic opportunities and liveability.	7.1 Advocate for improved telecommunications infrastructure and services across the region with a focus on: <ul style="list-style-type: none"> • Comprehensive coverage • Fast, reliable, affordable services • Standards and regulations for infrastructure installations which consider community expectations, sensitive sites, visual amenity and access to third party property.

Strategic context

The following policies, strategies and plans provide context for our planning and activities in this priority area.

- TfNSW Future Transport 2056 Regional Services and Infrastructure Plan
- TfNSW Highway and Corridor Strategies
- TfNSW Freight and Ports Plan 2018-2023
- Northern Rivers Freight Scoping Study (2017)
- Northern Rivers Regional Transport Plan (2013)
- Sustain Northern Rivers Regional Transport Survey (2013)
- Australian Regional Telecommunications Review (2018)
- Australian Telecommunications Code of Practice
- Federal Regional Broadband Scheme
- Federal Mobile Black Spots Program
- Northern Rivers Digital Activation Plan (2016).

Stakeholders

As we implement strategic actions we will seek to engage and partner with a range of stakeholders.

- Federal Department of Infrastructure, Regional Development and Cities
- Federal Department of Communications and the Arts
- Regional Development Australia - Northern Rivers
- Transport for NSW
- Roads and Maritime Services
- Queensland Department of Transport and Main Roads
- Australian Rail Track Corporation
- Airport operators
- Private transport operators
- Community transport providers
- Australian Communications and Media Authority
- NBN Co
- Telecommunications providers.





PRIORITY

Innovative, sustainable energy, water and waste management

Communities across our region care deeply about minimising the impact of human activity on our environment and we have a proven track record adopting new and innovative approaches to reducing our carbon footprint, particularly when it comes to renewable energy.

The Northern Rivers is already home to Australia's first community-owned renewable energy retailer, Australia's first ever council operated and community funded solar farm, and the highest levels of rooftop solar in the country.

Our favourable climate, land fertility, existing industries and demographics offer opportunities to build on these successes and also explore new areas including bioenergy and waste to energy technology which have the potential to contribute to solving both waste management and energy generation challenges.

As a region we face a future of rising electricity prices, increased demand for water for domestic and agricultural use, waste disposal challenges, along with managing environmental impacts from climate change such as increased flood

and bushfire events. Adopting innovative and sustainable approaches to energy, water, waste and urban planning will play a vital role in allowing us to deliver essential services to our residents and to ensure our communities can co-exist with the ever-changing environment.

Why is this important?

As a Joint Organisation we are committed to reducing emissions and environmental impact in keeping with community expectations and our governance responsibilities.

Our councils seek to lead in this area and we have the opportunity to strengthen that position to provide a model of what can be achieved through collaboration and innovation.

At the same time businesses and residents, particularly those on low incomes or in isolated locations, need access to secure, reliable, and affordable energy, water and waste management services.

What will success look like?

- Increased energy supply from renewable sources, including waste to energy
- Reduced emissions
- All council buildings and infrastructure powered by renewable energy
- Renewable energy considered as part of new developments
- Power purchase agreements and tariffs in place to enable greater use of renewable energy
- Lower energy costs for residents
- Reduced waste going to landfill
- Increased volume and efficiency of recycling
- Funds from the NSW Waste Levy returned to local Councils for waste and recycling initiatives
- A local market established for recyclables
- Secure, sustainable water supply to meet current and future needs
- Improved flood preparedness and resilience.

What will we do to make a difference?

GOALS	STRATEGIC ACTIONS
8. To strengthen our region's emerging position as a NSW leader in renewable energy generation, storage and use, in accordance with widespread community support for reduced emissions and action on climate change.	8.1 Champion and promote the increased use of renewable energy for residential, public and commercial purposes.
	8.2 Advocate for changes to energy generation, purchasing, pricing and retailing regulations with a focus on: <ul style="list-style-type: none"> • Increased use of renewable energy • Reduced energy costs • Reliable supply.
	8.3 Pursue opportunities to implement the strategies identified in the Northern NSW Renewable Energy Blueprint for Local Governments (DPIE – 2019) to increase the availability of renewable energy in the region.
9. A secure and sustainable water supply to meet current and future needs of residents, businesses and visitors.	9.1 Review and progress recommendations of Bulk Water Supply and Demand Management Strategies.
	9.2 Advocate for the region's interests in relation to scientific justification, consultation and regulation associated with commercial water extraction arrangements.

GOALS	STRATEGIC ACTIONS
10. Increased recycling, reduced landfill and improved, cost-effective service delivery through collaborative, innovative approaches to waste management.	10.1 Review and update the North East Waste Regional Waste Management Strategy 2013-21.
	10.2 Identify opportunities for implementation of pilot or demonstration projects to establish the Northern Rivers as a 'centre of excellence' for innovative waste processing and/or waste to energy technology.
	10.3 Advocate for a review of waste management regulations with a focus on: <ul style="list-style-type: none"> • Alignment with global best practice • Review of the EPA and agency requirements to implement regional strategies • Enhancing viability of innovative waste management approaches • Waste to energy policy and guidelines • Review of the waste levy to make funding available for local initiatives • Streamlining the regulatory framework.
11. Improved preparedness for and ability to respond to and recover from flooding events.	11.1 Work with the Northern Rivers Reconstruction Corporation to ensure that projects and programs to rebuild our flood impacted communities are implemented quickly and are sustainable in the long term.
	11.2 Collaborate with the CSIRO to ensure that the Northern Rivers Resilience Initiative delivers a holistic report on flood modelling, catchment management and community resilience, with the actions identified to reflect achievable priorities, for our region.
	11.3 Work with all levels of government to ensure that the recommendations from the 2022 Independent Flood Inquiry and the 2022 Parliamentary Inquiry into the Northern Rivers Floods are implemented throughout our region.

Strategic context

The following policies, strategies and plans provide context for our planning and activities in this priority area.

- Innovating Energy, ARENA's Investment Plan 2017
- National Water Initiative
- National Waste Policy (2009)
- NSW Renewable Energy Action Plan (2013)
- NSW Water Sharing Plans
- NSW Waste Avoidance and Resource Recovery Strategy 2014–21
- NSW Energy from Waste Policy Statement (2015)
- Northern Rivers Sustain Energy Strategic Plan 2014-2019
- Northern Rivers Social Licence for Bioenergy (2016)
- Northern Rivers Biohubs Pre-Feasibility Study (2016)
- Northern Rivers Regional Bulk Water Supply Strategy (2013)
- Rous Water Future Water Strategy (2014)
- North East Waste Regional Waste Management Strategy 2013-2021.

Stakeholders

As we implement strategic actions we will seek to engage and partner with a range of stakeholders.

- Northern Rivers Reconstruction Corporation
- Australian Renewable Energy Agency
- Federal Department of Agriculture and Water Resources
- Regional Development Australia - Northern Rivers
- Clean Energy Finance Corporation
- NSW Department of Industry
- NSW Environmental Protection Authority
- WaterNSW
- Rous County Council
- Southern Cross University
- Sustain Northern Rivers
- Energy generators and retailers
- Water licence holders
- uthority
- NBN Co
- Telecommunications providers.



PRIORITY

A diversified, prosperous and sustainable regional economy

Our economy has many strengths. A strong visitor economy supports tourism businesses and delivers flow on effects to supporting industries. Our soils and climate yield high value agricultural products and our reputation for quality is a major branding asset. We have easy access to the more than 3 million strong markets in South East Queensland, and a diverse pool of talented people, including many entrepreneurs, attracted by the Northern Rivers lifestyle.

We also have our challenges. The bulk of tourist activity, together with its benefits and pressures, is centred in a few small areas. Average regional employment levels are high but for many communities unemployment remains a major issue. Our economy is characterised by a large number of non-employing, low revenue businesses with fewer employment opportunities for graduates and professionals.

The task now is to make the most of our opportunities. To grow tourism sustainably in ways that minimise impact and maximise benefit to our region as a whole, to build capability and encourage innovation in the agribusiness sector, and to provide the conditions for emerging industries to flourish.

Many of the actions required to achieve these outcomes are identified in the Northern Rivers and Tweed Regional Economic Development Strategies. This plan has been developed to align with those strategies.

Why is this important?

A strong economy based on sustainable growth and value-adding within existing industries and expansion of creative, knowledge-based and innovative industries will mean more job opportunities and a better standard of living for regional communities.

Taking a regional approach to economic development will allow us to be strategic about what when and where development occurs to ensure the benefits of economic growth flow to all regional communities.

What will success look like?

- Unemployment levels below the national average
- Increased volume and diversity of employment opportunities, including higher value employment and more jobs for under-employed groups
- Well-developed creative and knowledge-based sector
- Increased innovation, value adding and vertical integration in the agriculture, agribusiness and food production sectors
- Sustainable tourism growth focused on increased dispersal of visitors across the region
- Increased appropriate, high quality tourism product to support visitor dispersal
- Strong employment and new business opportunities in the health, education and retail sectors
- Better connections to external markets and increased export volumes from the region
- Enabling infrastructure, including food production and transport and supply chain infrastructure, supports viability of new and existing businesses
- Coordinated approach to attracting and retaining business investment across the region.

What will we do to make a difference?

GOALS	STRATEGIC ACTIONS
12. A strong, diverse regional economy which provides local employment by attracting new enterprises, enabling existing enterprises to innovate and expand, and offering the conditions required for emerging industries to flourish	12.1 Implement actions from the Regional Economic Development Strategies to enable economic development through a focus on: <ul style="list-style-type: none"> • The 'Engines of Growth' including agriculture, manufacturing and tourism • Enabling infrastructure • Investment attraction and retention • Capability development • Innovation • Generating general and youth employment
	12.2 Partner with the Department of Industry as it delivers key actions in the Making it Happen in the Regions: Regional Development Framework including working with local bodies to develop and publish Regional Investment Prospectuses
13. Increased contribution to the regional economy from tourism and dispersal of tourists across the region, while protecting the Northern Rivers' unique character, environment and quality of life	13.1 Partner with the NSW Department of Planning and Environment to progress Direction 8 of the North Coast Regional Plan 2036 to sustainably "promote the growth of tourism"
	13.2 Deepen the relationship between the Northern Rivers Joint Organisation and Destination North Coast to facilitate regional input into: <ul style="list-style-type: none"> • tourism planning and development • regional branding and promotion.

Strategic context

The following policies, strategies and plans provide context for our planning and activities in this priority area.

- Australian Government, Regions 2030: Unlocking Opportunity (2017)
- NSW Regional Development Framework (2018)
- NSW Visitor Economy Industry Action Plan 2030
- Northern Rivers and Tweed Regional Economic Development Strategies (2018)
- North Coast Destination Management Plan 2018 to 2021

Stakeholders

As we implement strategic actions we will seek to engage and partner with a range of stakeholders.

- Regional Development Australia - Northern Rivers
- NSW Department of Industry
- NSW Office of Regional Economic Development
- NSW Centre for Economic and Regional Development
- Tourism Australia
- Destination NSW
- Destination North Coast
- Tourism operators
- Primary producers
- Agribusinesses





Credits

We acknowledge and thank the following organisations for the images used throughout the plan.

- Ballina Shire Council (page 17)
- Byron Shire Council (Page 7 – beach)
- Destination NSW (front and back cover; page 7, page 8, page 9; page 17)
- Lismore City Council (page 11; page 23)
- Taro Taylor (page 7 – bus sign)

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NORTHERN
RIVERS
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EXPENSES AND FACILITIES POLICY

ADOPTED BY THE NORTHERN RIVERS JOINT ORGANISATION ON [INSERT DATE]

Publication

A copy of this document must be made publicly available on the website of the Northern Rivers Joint Organisation ('NRJO').

Document review frequency

Within the first twelve (12) months of a local government election.

Document control and approval of revisions

All amendments to this document, other than minor administrative amendments, must be adopted by the board of the NRJO and a summary recorded in the table below.

Minor administrative amendments (i.e typographical errors and updating hyperlinks) may be made at any time with approval from the Executive Officer.

Version	Purpose and description of amendment	Person responsible	Reviewed	Date NRJO approved
1.0	Draft policy developed and adopted.			08-11-2019
2.0	Policy revised following the local government elections in December 2021	EO	11-11-22	

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Part A – Introduction

1. Policy Statement

1.1. This policy –

- (a) Enables the reasonable and appropriate reimbursement of expenses and provision of facilities to voting representatives on the board of the NRJO that are requested by the board or the Executive Officer to undertake additional duties outside those ordinarily required of a voting representative that are not covered under the relevant council member's policy for reimbursement of expenses and provision of facilities.

NOTE –

The reimbursement of expenses and provision of facilities related to the duties ordinarily undertaken by a voting representative is to be made in accordance with the applicable policy of the relevant member council.

- (b) Ensures accountability and transparency and seeks to align expenses and facilities of voting representatives with community expectations. Voting representatives must not obtain private or political benefit from any expense or facility provided under this policy.
- (c) Ensures the NRJO's statutory responsibilities are fulfilled.
- (d) Has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2021* (the Regulation), and complies with the Office of Local Government's [Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW](#).
- (e) Sets out the maximum amounts the NRJO will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

1.2. The main expenses and facilities are summarised in the table below (monetary amounts are exclusive of GST) and are subject to the following –

- (a) Additional costs incurred by a voting representative in excess of these limits are considered a personal expense that is the responsibility of the voting representative.
- (b) The Executive Officer is empowered to question or refuse a request for payment from a voting representative when it does not accord with this policy.
- (c) Voting representatives must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.
- (d) Detailed reports on the provision of expenses and facilities to voting representatives will be publicly tabled at a board meeting every six months and published in full on the NRJO's website. These reports will include expenditure summarised by individual and as a total for all voting representatives.

Expense or facility	Maximum amount	Frequency
Accommodation and meals	The Taxation Determination for reasonable travel and meal allowances issued by the ATO for the relevant financial year will be	Per meal/night

Expense or facility	Maximum amount	Frequency
	used as a <i>guide</i> for determining maximum expenditure	
Carer expenses	As per the applicable Board approved budget.	Per year
Professional development	Nil.	N/A
Conferences and seminars	\$12,250 total for all voting representatives	Per year

2. Policy principles

2.1. The NRJO commits to the following principles:

- **Proper conduct:** voting representatives and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
- **Reasonable expenses:** providing for voting representatives to be reimbursed for expenses reasonably incurred as part of their role as a voting representative on the board of the NRJO
- **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as voting representatives
- **Equity:** there must be equitable access to expenses and facilities for all voting representatives
- **Appropriate use of resources:** providing clear direction on the appropriate use of NRJO resources in accordance with legal requirements and community expectations
- **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to voting representatives.

3. Private or political benefit

- 3.1. Voting representatives must not obtain private or political benefit from any expense or facility provided under this policy.
- 3.2. Private use of NRJO equipment and facilities by voting representatives may occur from time to time. For example, telephoning home to advise that a board meeting will run later than expected.
- 3.3. Such incidental private use does not require a compensatory payment back to the NRJO.
- 3.4. Voting representatives should avoid obtaining any greater private benefit from the NRJO than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of NRJO facilities does occur, voting representatives must reimburse the NRJO.
- 3.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
 - production of election material
 - use of NRJO resources and equipment for campaigning
 - use of official NRJO letterhead, publications, websites or services for political benefit
 - fundraising activities of political parties or individuals, including political fundraising events.

Part B – Expenses

4. General expenses

- 4.1. All expenses provided under this policy will be for a purpose specific to the functions of the NRJO. Allowances for general expenses are not permitted under this policy.
- 4.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

5. Specific expenses

General travel arrangements and expenses

- 5.1. Travel expenses incurred by voting representatives attending meetings of the NRJO will be reimbursed by the voting representative's member Council, in accordance with the respective member council's expenses and facilities policy.
- 5.2. All travel by voting representatives should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 5.3. Each voting representative may be reimbursed for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW on behalf of the NRJO. This includes reimbursement:
 - for public transport fares
 - for the use of a private vehicle or hire car
 - for parking costs for NRJO and other meetings
 - for tolls
 - by Cabcharge card or equivalent
 - for documented ride-share programs, such as Uber, where tax invoices can be issued.

- 5.4. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
- 5.5. Voting representatives seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

Interstate, overseas and long distance intrastate travel expenses

- 5.6. Given the NRJO's location near an interstate border, travel to South East Queensland will be considered as general travel. Arrangements and expenses for this travel will be governed by Clauses 5.1-5.4.
- 5.7. The NRJO will scrutinise the value and need for voting representatives to undertake overseas travel. The NRJO should avoid interstate, overseas and long-distance intrastate trips unless direct and tangible benefits can be established for the NRJO and the local communities of its member councils. This includes travel to sister and friendship cities.
- 5.8. Total interstate, overseas and long-distance intrastate travel expenses for all councillors will be capped at a maximum amount as determined in the NRJO's annual budget.
- 5.9. Voting representatives seeking approval for any interstate and long-distance intrastate travel must submit a case to, and obtain the approval by resolution of, the board of the NRJO prior to travel.
- 5.10. The case should include:
 - objectives to be achieved in travel, including an explanation of how the travel aligns with current NRJO priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the voting representative's civic duties
 - who is to take part in the travel
 - duration and itinerary of travel
 - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 5.11. For interstate and long-distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 5.12. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 5.13. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 5.14. Bookings for approved air travel are to be made through the Executive Officer's office.
- 5.15. For air travel that is reimbursed as NRJO business, voting representative's will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

Travel expenses not paid by the NRJO

- 5.16. The NRJO will not pay any traffic or parking fines or administrative charges for road toll accounts.

Accommodation and meals

- 5.17. In circumstances where it would introduce undue risk for a voting representative to travel to or from official business on behalf of the NRJO in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the Executive Officer.

- 5.18. The NRJO will reimburse costs for accommodation and meals while voting representatives are undertaking prior approved travel or professional development on behalf of the NRJO outside the geographical boundaries of its member councils.
- 5.19. In determining daily limits for accommodation and meal expenses within Australia regard will be had to (but not strictly limited to) the amounts the Taxation Commissioner considers reasonable as set out in the Taxation Determination ('TD') issued by the Australian Taxation Office ('ATO') for the relevant financial year.
- 5.20. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the Executive Officer, being mindful of Clause 5.19.

Refreshments for NRJO related meetings

- 5.21. Appropriate refreshments will be available for board meetings, NRJO committee meetings, briefings, approved meetings and engagements, and official NRJO functions as approved by the Executive Officer.
- 5.22. As an indicative guide for the standard of refreshments to be provided at NRJO related meetings, the Executive Officer should be mindful of (but not strictly limited to) the amounts the Taxation Commissioner considers reasonable for meals as set out in the Taxation Determination ('TD') issued by the Australian Taxation Office ('ATO') for the relevant financial year.

Professional development

- 5.23. Professional development of voting representatives through programs, training, and education courses is to be covered by the voting representative's member council.

Conferences and seminars

- 5.24. The NRJO will set aside a total amount of \$12,250 annually in its budget to facilitate attendance at conferences and seminars by voting representatives. This allocation is for all voting representatives. The Executive Officer will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 5.25. Approval to attend a conference or seminar is subject to a written request to the Executive Officer. In assessing a request, the Executive Officer must consider factors including the:
- relevance of the topics and presenters to current NRJO priorities and business
 - cost of the conference or seminar in relation to the total remaining budget.
- 5.26. The NRJO will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the Executive Officer. The NRJO will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 5.18-5.21.

Special requirement and carer expenses

- 5.27. The NRJO encourages wide participation and interest in civic office. It will seek to ensure premises and associated facilities used by the NRJO are accessible, including provision for sight or hearing-impaired voting representatives and those with other disabilities.
- 5.28. In addition to the provisions above, the Executive Officer may authorise the provision of reasonable additional facilities and expenses in order to allow a voting representative with a disability to perform their civic duties.
- 5.29. Voting representatives who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses for attendance at official business, plus reasonable travel from the principal place of residence.

- 5.30. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 5.31. In the event of caring for an adult person, voting representatives will need to provide suitable evidence to the executive officer that reimbursement is applicable. This may take the form of advice from a medical practitioner.

6. Chairperson's allowance

- 6.1. In accordance with Board Resolution 16082019/4, the chairperson is entitled to an annual allowance for representative duties on behalf of the NRJO of \$10,000 per annum paid quarterly.

7. Insurances

- 7.1. In accordance with Section 382 of the Local Government Act, the NRJO is insured against public liability and professional indemnity claims. Voting representatives are included as a named insured on this Policy.
- 7.2. Professional Indemnity and Public Liability Insurance –
- (a) protection is only provided if a claim arises out of or in connection with the voting representative's performance of his or her civic duties, or exercise of his or her functions as a voting representative.
 - (b) All insurances are subject to any limitations or conditions set out in the policies of insurance.
 - (c) No benefit, irrespective of insurance cover, is provided in relation to an action by one voting representative against another voting representative or a voting representative against an employee of the NRJO.
- 7.3. Statutory Liability –
- (a) provides protection against fines or penalties arising out of breaches of legislation together with the legal costs incurred in defending the NRJO as an entity, including voting representatives and officers, so long as the act was not willfully committed.
 - (b) Cover extends to costs incurred before an individual is named in proceedings. Thereafter costs are dealt with under the Board Members and Officers Liability policy.
- 7.4. Board Members and Officers' Liability (including Employment Practices Liability) –
- (a) covers expenses incurred by voting representative in respect of claims made against them for any alleged wrongful acts arising out of or in connection with the exercise of their official duties.
- 7.5. The NRJO will pay the insurance policy excess in respect of any claim accepted by the NRJO's insurers, whether defended or not.

8. Legal assistance

- 8.1. The NRJO may, if requested, indemnify or reimburse the reasonable legal expenses of a voting representative:
- defending an action arising from the performance in good faith of a function under section 731 of the Local Government Act provided that the outcome of the legal proceedings is favourable to the voting representative.
 - defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the voting representative

- for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the voting representative. Investigative or review bodies may include:
 - (a) NSW Civil and Administrative Tribunal
 - (b) Independent Commission Against Corruption
 - (c) Office of the NSW Ombudsman
 - (d) Office of Local Government
 - (e) NSW Police Force
 - (f) Director of Public Prosecutions
 - (g) The NRJO's Conduct Review Committee/Reviewer
- 8.2. In the case of a code of conduct complaint made against a voting representative, legal costs will only be made available where the matter has been referred by the Executive Officer to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the voting representative. However –
- (a) Legal costs will not be made available to a voting representative regarding a code of conduct complaint alleging pecuniary interest or misbehaviour, unless the Office of Local Government has commenced a formal investigation and the formal investigation makes a finding favourable to the voting representative.
- 8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a voting representative of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a voting representative has done during his or her term in office. For example, expenses arising from an investigation as to whether a voting representative acted corruptly would not be covered by this section.
- 8.4. The NRJO will not meet the legal costs:
- of legal proceedings initiated by a voting representative under any circumstances
 - of a voting representative seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
 - for legal proceedings that do not involve a voting representative performing their role as a voting representative of the NRJO.
- 8.5. Reimbursement of expenses for reasonable legal expenses must have NRJO approval by way of a resolution at a board meeting prior to costs being incurred.

Part C – Facilities

9. General facilities for all councillors

Facilities

- 9.1. The NRJO will provide the following facilities to voting representatives to assist them to effectively discharge their civic duties:
- access to a shared meeting space for meetings of the NRJO and its committees.
 - access to shared car parking spaces while attending meetings of the NRJO
 - personal protective equipment for use during site visits

- a name badge which may be worn at official functions, indicating that the wearer holds the office of a voting representative or board member of the NRJO.
- 9.2. Voting representatives may book meeting rooms for official business of the NRJO in a specified council building of a member council at no cost.
- 9.3. The provision of facilities will be of a standard deemed by the Executive Officer as appropriate for the purpose.

Stationery

- 9.4. The Joint Organisation will provide the following stationery to voting representatives on request:
- letterhead, to be used only for correspondence associated with civic duties
 - business cards

Administrative support

- 9.5. The Executive Officer will ensure that adequate administrative support is provided to voting representatives to assist them with their obligations to the NRJO only. Administrative support may be provided by staff in the Executive Officer's office or by a member council's administrative staff as arranged by the Executive Officer or their delegate.
- 9.6. NRJO staff are expected to assist voting representatives with civic duties only, and not assist with matters of personal or political interest, including campaigning.

Part D – Processes

10. Approval, payment and reimbursement arrangements

- 10.1. Expenses should only be incurred by voting representatives in accordance with the provisions of this policy.
- 10.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 10.3. Final approval for payments made under this policy will be granted by the Executive Officer or their delegate.

Direct payment

- 10.4. The NRJO may approve and directly pay expenses. Requests for direct payment must be submitted to the Executive Officer or their delegate for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

- 10.5. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Executive Officer or their delegate.

Advance payment

- 10.6. The NRJO may pay a cash advance for voting representatives attending approved conferences, seminars, workshops or functions on behalf of the NRJO.
- 10.7. The maximum value of a cash advance is \$100 per day of the conference, seminar, workshop or function to a maximum of \$500.

- 10.8. Requests for advance payment must be submitted to the Executive Officer or their delegate for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 10.9. Voting representatives must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to the NRJO:
- a full reconciliation of all expenses including appropriate receipts and/or tax invoices
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 10.10. If a claim is approved, the NRJO will make payment directly or reimburse the voting representative through accounts payable.
- 10.11. If a claim is refused, the NRJO will inform the voting representative in writing that the claim has been refused and the reason for the refusal.

Reimbursement to the NRJO

- 10.12. If the NRJO has incurred an expense on behalf of a voting representative that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
- The NRJO will invoice the voting representative for the expense
 - the voting representative will reimburse the NRJO for that expense within 14 days of the invoice date.
- 10.13. If the voting representative cannot reimburse the NRJO within 14 days of the invoice date, they are to submit a written explanation to the Executive Officer.

Timeframe for reimbursement

- 10.14. Unless otherwise specified in this policy, voting representatives must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

11. Disputes

- 11.1. If a voting representative disputes a determination under this policy, the voting representative should discuss the matter with the Executive Officer.
- 11.2. If the voting representative and the Executive Officer cannot resolve the dispute, the voting representative may submit a notice of motion to a board meeting seeking to have the dispute resolved.

12. Return or retention of facilities

- 12.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a voting representative ceasing to hold office or at the cessation of their civic duties.

13. Publication

- 13.1. This policy will be published on the NRJO's website.

14. Reporting

- 14.1. The NRJO will report on the provision of expenses and facilities to voting representatives as required in the Act and Regulations.
- 14.2. Detailed reports on the provision of expenses and facilities to voting representative will be publicly tabled at a NRJO board meeting every six months and published in full on the NRJO's website. These reports will include expenditure summarised by individual voting representative and as a total for all voting representatives.

15. Auditing

- 15.1. The operation of this policy, including claims made under the policy, will be included in the NRJOs audit program and an audit undertaken at least every two years.

16. Breaches

- 16.1. Suspected breaches of this policy are to be reported to the Executive Officer.
- 16.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

Appendix I: Related legislation, guidance and policies**Relevant legislation and guidance:**

- *Local Government Act 1993*, Sections 252 and 253
- *Local Government (General) Regulation 2021*, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 Legal assistance for Councillors and Council Employees.
- Local Government Circular 11-27 Findings from review of councillor expenses and facilities policies
- Local Government Circular 17-17 Councillor expenses and facilities policy – Better practice template

Related Council policies:

- Code of Conduct
- Revenue Policy

Appendix II: Definitions

The following definitions apply throughout this policy.

Term	Definition
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a voting representative
appropriate refreshments	Means food and beverages provided by the NRJO to support voting representatives undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
board	Means the governing body composed of the voting representatives of the NRJO
Chairperson	Means the voting representative elected as chairperson of the NRJO in accordance with Schedule 7A of the <i>Local Government (General) Regulation 2021</i> (NSW)
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by the NRJO or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the mayor
Executive Officer	Means the executive officer of the NRJO and includes their delegate or authorised representative
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in clause 1.
Member council	Those councils identified as voting members in the NRJO Charter.
NRJO	Northern Rivers Joint Organisation
NSW	New South Wales
official business	Means functions that the voting representatives are required or invited to attend to fulfil their legislated role and responsibilities for the NRJO or result in a direct benefit for NRJO and/or for the local government areas of its member councils, and includes: <ul style="list-style-type: none"> • meetings of the NRJO and committees of the whole • meetings of committees facilitated by the NRJO • civic receptions hosted or sponsored by the NRJO • meetings, functions, workshops and other events to which attendance by a voting representative has been requested or approved by the NRJO
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a voting representative
Regulation	Means the <i>Local Government (General) Regulation 2021</i> (NSW)
voting representative	Means a Councillor of a member council appointed to the board of the NRJO

year	Means the financial year, that is the 12 month period commencing on 1 July each year
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Attachment 2.2 - Revised Code of Meeting Practice



NORTHERN
RIVERS
JOINT ORGANISATION

CODE OF
MEETING
PRACTICE

Document review frequency

Within the first twelve (12) months of a local government election.

Document control and approval of revisions

All amendments to this document, other than minor administrative amendments, must be made in accordance with Chapter 12, Part 2, Division 1 of the *Local Government Act 1993* (NSW) and a summary recorded in the table below.

Minor administrative amendments (i.e typographical errors, and updating hyperlinks) may be made at any time with approval from the Executive Officer.

Version	Purpose and description of amendment	Person responsible	Reviewed	Date NRJO approved
0.1	Draft 28 May 2018 - For comment to councils		Refer to 22 June meeting	
0.2	Draft 22 June 2018 - For comment to councils			
0.3	Draft 30 July 2018 – Include comments from 22 June meeting		Refer to 6 August meeting	
0.4	Draft 6 August 2018 – Changes to: <ul style="list-style-type: none">• that the code include public access to address the Committee on matters of regional interest.• total time allowed will be limited to 30 minutes with speakers allowed 5 minutes each to address the committee.• that all meetings are audio recorded		Refer to 5 October meeting	
0.5	Draft 5 October 2018 – Changes to: <ul style="list-style-type: none">• Introduction• Section 12• Section 15		Refer to 2 November meeting	
1.0	Draft document adopted			2 November 2018
1.1	Revised to include 2020 changes to the Model Code of Meeting Practice		December 2022 meeting	

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1 INTRODUCTION

Joint organisations must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice ('Model Meeting Code') prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

An adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, an adopted code of meeting practice must not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

This Code of Meeting Practice ('Code'), adopted by the Northern Rivers Joint Organisation ('NRJO'), contains the following provisions:

Provision type	Identified by:
Mandatory	No symbol
Non-Mandatory	★
Specific to joint organisations	◆
Supplementary (to meet organisational needs)	+

The board of the NRJO and any committee of the NRJO, of which all the members are voting representatives, must conduct its meetings in accordance with this Code.

In adopting this Code, the terms in the Model Meeting Code have been adapted to apply to a joint organisation by substituting the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Non-mandatory provisions which have not been adopted are marked as "Omitted" to preserve the numbering set out in the Model Meeting Code.

2 MEETING PRINCIPLES

2.1 Board and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that voting representatives and staff act ethically and make decisions in the interests of the whole community.

Respectful: Voting representatives, staff and meeting attendees treat each other with respect.

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

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

3 BEFORE THE MEETING

Timing of ordinary board meetings

- 3.1 Omitted.
- 3.2 The board shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Boards must use either clause 3.1 or 3.2

Note: Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each in a different quarter of the year.

Extraordinary meetings

- 3.3 If the chairperson receives a request in writing, signed by at least two (2) voting representatives, the chairperson must call an extraordinary meeting of the board to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The chairperson can be one of the two voting representatives requesting the meeting.

Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of board meetings

- 3.4 The board must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the board.

Note: Clause 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the board and of a committee of board is to be published before the meeting takes place. The notice must be published on the board's website, and in such other manner that the board is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to voting representatives of ordinary board meetings

- 3.7 The executive officer must send to each voting representative, at least three (3) days before each meeting of the board, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.7 reflects section 367(1) of the Act.

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to voting representatives in electronic form, but only if all voting representatives have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.

Notice to voting representatives of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to voting representatives of an extraordinary meeting of the board in cases of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at board meetings

- 3.10 A voting representative may give notice of any business they wish to be considered by the board at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted five (5) business days before the meeting is to be held.
- 3.11 A voting representative may, in writing to the executive officer, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 ★ Omitted.
- 3.13 ★ Omitted.

Questions with notice

- 3.14 A voting representative may, by way of a notice submitted under clause 3.10, ask a question for response by the executive officer about the performance or operations of the board.
- 3.15 A voting representative is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the executive officer or a member of staff of the board, or a question that implies wrongdoing by the executive officer or a member of staff of the board.
- 3.16 The executive officer or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the board or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.17 The executive officer must cause the agenda for a meeting of the board or a committee of the board to be prepared as soon as practicable before the meeting.
- 3.18 The executive officer must ensure that the agenda for an ordinary meeting of the board states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the board, and
 - (b) if the chairperson is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the chairperson to put a chairperson's minute to a meeting under clause 9.6.
- 3.20 The executive officer must not include in the agenda for a meeting of the board any business of which due notice has been given if, in the opinion of the executive officer, the business is, or the implementation of the business would be, unlawful. The executive officer must report, without giving details of the item of business, any such exclusion to the next meeting of the board.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the executive officer, is likely to take place when the meeting is closed to the public, the executive officer must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.21 reflects section 9(2A)(a) of the Act.

- 3.22 The executive officer must ensure that the details of any item of business which, in the opinion of the executive officer, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to voting representatives for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a voting representative or by any other person to another person who is not authorised to have that information.

Statement of ethical obligations

- 3.23 Business papers for all ordinary and extraordinary meetings of the board and committees of the board must contain a statement reminding voting representatives of their oath or affirmation of office made under section 233A of the Act and their obligations under the board's code of conduct to disclose and appropriately manage conflicts of interest.

Availability of the agenda and business papers to the public

- 3.24 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the board and committees of board, are to be published on the board's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the board, at the relevant meeting and at such other venues determined by the board.

Note: Clause 3.24 reflects section 9(2) and (4) of the Act.

- 3.25 Clause 3.24 does not apply to the business papers for items of business that the executive officer has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.25 reflects section 9(2A)(b) of the Act.

- 3.26 For the purposes of clause 3.24, copies of agendas and business papers must be published on the board's website and made available to the public at a time that is as close as possible to the time they are available to voting representatives.

Note: Clause 3.26 reflects section 9(3) of the Act.

- 3.27 A copy of an agenda, or of an associated business paper made available under clause 3.24, may in addition be given or made available in electronic form.

Note: Clause 3.27 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.28 The executive officer must ensure that the agenda for an extraordinary meeting of the board deals only with the matters stated in the notice of the meeting.

- 3.29 Despite clause 3.28, business may be considered at an extraordinary meeting of the board, even though due notice of the business has not been given, if:

- (a) a motion is passed to have the business considered at the meeting, and
- (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the board before the next scheduled ordinary meeting of the board.

- 3.30 A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

- 3.31 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.

- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29(b) on whether a matter is of great urgency.

★ Pre-meeting briefing sessions

- 3.33 ★ Omitted.

- 3.34 ★ Omitted.

- 3.35 ★ Omitted.

3.36 ★ Omitted.

3.37 ★ Omitted.

3.38 ★ Omitted.

4 ★ PUBLIC FORUMS

4.1 ★The board may hold a public forum prior to each ordinary meeting of the board for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary board meetings and meetings of committees of the board.

4.2 ★Public forums may be held by audio-visual link.

4.3 ★Public forums are to be chaired by the chairperson or their nominee.

4.4 ★To speak at a public forum, a person must first make an application to the board in the approved form. Applications to speak at the public forum must be received by **10:00am the day** before the date on which the public forum is to be held, and must identify the item of business on the agenda of the board meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.

4.5 ★A person may apply to speak on no more than **two (2)** items of business on the agenda of the board meeting.

4.6 ★Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

4.7 ★The executive officer or their delegate may refuse an application to speak at a public forum. The executive officer or their delegate must give reasons in writing for a decision to refuse an application.

4.8 ★No more than **two (2)** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the board meeting.

4.9 ★If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the executive officer or their delegate may request the speakers to nominate from among themselves the persons who are to address the board on the item of business. If the speakers are not able to agree on whom to nominate to address the board, the executive officer or their delegate is to determine who will address the board at the public forum.

4.10 ★If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the executive officer or their delegate may, in consultation with the chairperson or the chairperson's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the board to hear a fuller range of views on the relevant item of business.

4.11 ★Approved speakers at the public forum are to register with the board any written, visual or audio material to be presented in support of their address to the board at the public forum, and to identify any equipment needs no more than **two (2)** days before the public forum. The executive officer or their delegate may refuse to allow such material to be presented.

- 4.12 ★The executive officer or their delegate is to determine the order of speakers at the public forum.
- 4.13 ★Each speaker will be allowed **five (5)** minutes to address the board. This time is to be strictly enforced by the chairperson.
- 4.14 ★Speakers at public forums must not digress from the item on the agenda of the board meeting they have applied to address the board on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 ★A voting representative (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 ★Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to **five (5)** minutes.
- 4.17 ★Speakers at public forums cannot ask questions of the board, voting representatives, or board staff.
- 4.18 ★The executive officer or their nominee may, with the concurrence of the chairperson, address the board for up to **five (5)** minutes in response to an address to the board at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 ★Where an address made at a public forum raises matters that require further consideration by board staff, the executive officer may recommend that the board defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 ★When addressing the board, speakers at public forums must comply with this code and all other relevant board codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the board's code of conduct or making other potentially defamatory statements.
- 4.21 ★If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.22 ★Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.23 ★Where a speaker engages in conduct of the type referred to in clause 4.20, the executive officer or their delegate may refuse further applications from that person to speak at public forums for such a period as the executive officer or their delegate considers appropriate.
- 4.24 ★Voting representatives (including the chairperson) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a board or committee meeting. The board is to maintain a written record of all conflict

of interest declarations made at public forums and how the conflict of interest was managed by the voting representative who made the declaration.

Note: Public forums should not be held as part of a board or committee meeting. Board or committee meetings should be reserved for decision-making by the board or committee of board. Where a public forum is held as part of a board or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of board and committee meetings.

5 COMING TOGETHER

Attendance by voting representatives at meetings

- 5.1 All voting representatives must make reasonable efforts to attend meetings of the board and of committees of the board of which they are members.

Note: A voting representative may not attend a meeting as a voting representative (other than the first meeting of the board after the voting representative is elected or a meeting at which the voting representative takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 Omitted.

- 5.3 ♦ The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.

Note: Clause 5.3 reflects section 397G of the Regulation. Joint organisations may adopt clause 5.3 and omit clause 5.2. Councils must not adopt clause 5.3.

- 5.4 Where a voting representative is unable to attend one or more ordinary meetings of the board, the voting representative should request that the board grant them a leave of absence from those meetings. This clause does not prevent a voting representative from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.5 A voting representative's request for leave of absence from board meetings should, if practicable, identify (by date) the meetings from which the voting representative intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 The board must act reasonably when considering whether to grant a voting representative's request for a leave of absence.
- 5.7 A voting representative's civic office will become vacant if the voting representative is absent from three (3) consecutive ordinary meetings of the board without prior leave of the board, or leave granted by the board at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the board has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.7 reflects section 234(1)(d) of the Act.

- 5.8 A voting representative who intends to attend a meeting of the board despite having been granted a leave of absence should, if practicable, give the executive officer at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.9 The quorum for a meeting of the board is a majority of the voting representatives of the board who hold office at that time and are not suspended from office.

Note: Clause 5.9 reflects section 368(1) of the Act.

- 5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the board.

Note: Clause 5.10 reflects section 368(2) of the Act.

- 5.11 A meeting of the board must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date, and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the voting representatives present, or
 - (c) failing that, by the executive officer.
- 5.13 The executive officer must record in the board'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 board, together with the names of the voting representatives present.
- 5.14 ★Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of voting representatives, board staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the chairperson may, in consultation with the executive officer and, as far as is practicable, with each voting representative, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the board's website and in such other manner that the board is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.15 ★Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the board or at an extraordinary meeting called under clause 3.3.

★Meetings held by audio-visual link

- 5.16 ★A meeting of the board or a committee of the board may be held by audio-visual link where the chairperson determines that the meeting should be held by audio-visual

link because of a natural disaster or a public health emergency. The chairperson may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of voting representatives and staff at risk. The chairperson must make a determination under this clause in consultation with the executive officer and, as far as is practicable, with each voting representative.

5.17 ★Where the chairperson determines under clause 5.16 that a meeting is to be held by audio-visual link, the executive officer must:

- (a) give written notice to all voting representatives that the meeting is to be held by audio-visual link, and
- (b) take all reasonable steps to ensure that all voting representatives can participate in the meeting by audio-visual link, and
- (c) cause a notice to be published on the board's website and in such other manner the executive officer is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

5.18 ★This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

Note: Where a board holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

★Attendance by voting representatives at meetings by audio-visual link

5.19 ★Voting representatives may attend and participate in meetings of the board and committees of the board by audio-visual link with the approval of the board or the relevant committee.

5.20 ★A request by a voting representative for approval to attend a meeting by audio-visual link must be made in writing to the executive officer prior to the meeting in question and must provide reasons why the voting representative will be prevented from attending the meeting in person.

5.21 ★Voting representatives may request approval to attend more than one meeting by audio-visual link. Where a voting representative requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.

5.22 ★The board must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a voting representative to attend a meeting by audio-visual link.

5.23 ★A voting representative who has requested approval to attend a meeting of the board or a committee of the board by audio-visual link may participate in the meeting by audio-visual link until the board or committee determines whether to approve their request and is to be taken as present at the meeting. The voting representative may participate in a decision in relation to their request to attend the meeting by audio-visual link.

5.24 ★A decision whether to approve a request by a voting representative to attend a meeting of the board or a committee of the board by audio-visual link must be made by a resolution of the board or the committee concerned. The resolution must state:

- (a) the meetings the resolution applies to, and
 - (b) the reason why the voting representative is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.25 ★If the board or committee refuses a voting representative's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 ★A decision whether to approve a voting representative's request to attend a meeting by audio-visual link is at the board's or the relevant committee's discretion. The board and committees of the board must act reasonably when considering requests by voting representatives to attend meetings by audio-visual link. However, the board and committees of the board are under no obligation to approve a voting representative's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the voting representative to attend the meeting by these means.
- 5.27 ★The board and committees of the board may refuse a voting representative's request to attend a meeting by audio-visual link where the board or committee is satisfied that the voting representative has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the board or a committee of the board by audio-visual link.
- 5.28 ★This code applies to a voting representative attending a meeting by audio-visual link in the same way it would if the voting representative was attending the meeting in person. Where a voting representative is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 ★A voting representative must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The voting representative's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 ★A voting representative must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the board or the committee into disrepute.

Entitlement of the public to attend board meetings

- 5.31 Everyone is entitled to attend a meeting of the board and committees of the board. The board must ensure that all meetings of the board and committees of the board are open to the public.

Note: Clause 5.31 reflects section 10(1) of the Act.

- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.33 A person (whether a voting representative or another person) is not entitled to be present at a meeting of the board or a committee of the board if expelled from the meeting:
 - (a) by a resolution of the meeting, or

- (b) by the person presiding at the meeting if the board has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.33 reflects section 10(2) of the Act.

Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the board and committees of the board to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a voting representative, from a board or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than voting representatives from a board or committee meeting.

Webcasting of meetings

5.34 Omitted.

5.35 Omitted.

5.36 Omitted.

5.37 Omitted.

5.38 Omitted.

Note: Clauses 5.34 – 5.38 reflect section 236 of the Regulation.

5.39 Omitted.

5.39A +Audio recordings may be made of all meetings of the board for the dominant purpose of assisting with the preparation of the minutes for meetings.

5.39B +The Executive Officer may use a tape recorder, or any other electronic recording device, to record the proceedings of a meeting of the board.

5.39C +Any electronic recording made by the Executive Officer of the proceedings of a meeting and any copy of such a recording, will be deleted as sanctioned by the State Records General Disposal Authority (GDA 39) Local Government Records by the Executive Officer as soon as possible after the minutes of the meeting are confirmed.

5.39D +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 board unless the board has so resolved, and the use is in accordance with the conditions of use specified in the resolution. In any resolution allowing the use of tape recorder or any other electronic recording device the board shall specify the meeting, or meetings, to which the resolution is to relate and the conditions, if any, subject to which the use is permitted.

◆ Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.34–5.39. Joint organisations that choose not to webcast meetings may omit clauses 5.34–5.39.

Attendance of the executive officer and other staff at meetings

5.40 The executive officer is entitled to attend, but not to vote at, a meeting of the board or a meeting of a committee of the board of which all of the members are voting representatives.

Note: Clause 5.40 reflects section 376(1) of the Act.

- 5.41 The executive officer is entitled to attend a meeting of any other committee of the board and may, if a member of the committee, exercise a vote.

Note: Clause 5.41 reflects section 376(2) of the Act.

- 5.42 The executive officer may be excluded from a meeting of the board or a committee while the board or committee deals with a matter relating to the standard of performance of the executive officer or the terms of employment of the executive officer.

Note: Clause 5.42 reflects section 376(3) of the Act.

- 5.43 The attendance of other board staff at a meeting, (other than as members of the public) shall be with the approval of the executive officer.
- 5.44 ★The executive officer and other board staff may attend meetings of the board and committees of the board by audio-visual-link. Attendance by board staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the executive officer.

6 THE CHAIRPERSON

The chairperson at meetings

- 6.1 The chairperson, or at the request of or in the absence of the chairperson, the deputy chairperson (if any) presides at meetings of the board.

Note: Clause 6.1 reflects section 369(1) of the Act.

- 6.2 If the chairperson and the deputy chairperson (if any) are absent, a voting representative elected to chair the meeting by the voting representatives present presides at a meeting of the board.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the chairperson and deputy chairperson

- 6.3 If no chairperson is present at a meeting of the board at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) by the executive officer or, in their absence, an employee of the board designated by the executive officer to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the executive officer nor a designated employee is present at the meeting, or if there is no executive officer or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the board:
- (a) any voting representative then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every voting representative present must be silent to enable the chairperson to be heard without interruption.

7 ★MODES OF ADDRESS

- 7.1 ★The chairperson is to be addressed as 'Mr Chairperson' or 'Madam Chairperson'.
- 7.2 ★Omitted.
- 7.3 ★Omitted.
- 7.4 ★A board officer is to be addressed by their official designation or as Mr/Ms [surname].

8 ORDER OF BUSINESS FOR ORDINARY BOARD MEETINGS

- 8.1 ★Omitted.
- 8.2 ★The general order of business for an ordinary meeting of the board shall be:

- 01 Opening meeting
- 02 Acknowledgement of country
- 03 Apologies and applications for a leave of absence
- 04 Disclosures of interests
- 05 Address by official visitor(s)
- 06 Confirmation of minutes
- 07 Chairperson's minute(s)
- 08 Notices of motions/Questions with notice
- 09 Reports
- 10 Late Reports
- 11 Urgent business
- 12 Confidential matters
- 13 Conclusion of the meeting

Note: Boards must use either clause 8.1 or 8.2.

- 8.3 The order of business as fixed under clause 8.2 may be altered for a particular meeting of the board if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: If adopted, Part 13 allows the board to deal with items of business by exception.

- 8.4 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT BOARD MEETINGS

Business that can be dealt with at a board meeting

- 9.1 The board must not consider business at a meeting of the board:
- (a) unless a voting representative has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the voting representatives in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the board, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a chairperson's minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the board.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the board even though due notice of the business has not been given to the voting representatives if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the board before the next scheduled ordinary meeting of the board.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Chairperson's minutes

- 9.6 Subject to clause 9.9, if the chairperson is the chairperson at a meeting of the board, the chairperson may, by minute signed by the chairperson, put to the meeting without notice any matter or topic that is within the jurisdiction of the board, or of which the board has official knowledge.
- 9.7 A chairperson's minute, when put to a meeting, takes precedence over all business on the board's agenda for the meeting. The chairperson (but only if the chairperson is the chairperson) may move the adoption of a chairperson's minute without the motion being seconded.
- 9.8 A recommendation made in a chairperson's minute put by the chairperson is, so far

as it is adopted by the board, a resolution of the board.

- 9.9 A chairperson's minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the board before the next scheduled ordinary meeting of the board.
- 9.10 ★Where a chairperson's minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the board's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the chairperson's minute does not identify a funding source, the board must defer consideration of the matter, pending a report from the executive officer on the availability of funds for implementing the recommendation if adopted.

Staff reports

- 9.11 A recommendation made in a staff report is, so far as it is adopted by the board, a resolution of the board.

Reports of committees of board

- 9.12 The recommendations of a committee of the board are, so far as they are adopted by the board, resolutions of the board.
- 9.13 If in a report of a committee of the board distinct recommendations are made, the board may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the board unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A voting representative may, through the chairperson, put a question to another voting representative about a matter on the agenda.
- 9.16 A voting representative may, through the executive officer, put a question to a board employee about a matter on the agenda. Board employees are only obliged to answer a question put to them through the executive officer at the direction of the executive officer.
- 9.17 A voting representative or board employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a voting representative or board employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the board.
- 9.18 Voting representatives must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a voting representative or board employee.

10 RULES OF DEBATE

Motions to be seconded

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

Notices of motion

- 10.2 A voting representative who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a voting representative who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to voting representatives, the voting representative may request the withdrawal of the motion when it is before the board.
- 10.4 In the absence of a voting representative who has placed a notice of motion on the agenda for a meeting of the board:
- (a) any other voting representative may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the board.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the board to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.

★Motions requiring the expenditure of funds

- 10.9 ★A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the board's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the board must defer consideration of the matter, pending a report from the executive officer on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the board and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the

original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.

- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before board at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the voting representative who moved the original motion.

Foreshadowed motions

- 10.17 A voting representative may propose a foreshadowed motion in relation to the matter the subject of the original motion before the board, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a voting representative may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the board at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A voting representative who, during a debate at a meeting of the board, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A voting representative, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A voting representative must not, without the consent of the board, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a voting representative who claims to have been misrepresented or misunderstood to speak more than once on a motion

or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the voting representative to make a statement limited to explaining the misrepresentation or misunderstanding.

- 10.24 Despite clause 10.22, the board may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a voting representative may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no voting representative expresses an intention to speak against it, or
 - (b) if at least two (2) voting representatives have spoken in favour of the motion or amendment and at least two (2) voting representatives have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All voting representatives must be heard without interruption and all other voting representatives must, unless otherwise permitted under this code, remain silent while another voting representative is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

◆ Participation by non-voting representatives in joint organisation board meetings

- 10.31 ◆ Non-voting representatives of joint organisation councils (including county councils) may speak on but must not move, second or vote on any motion or an amendment to a motion.

Note: Under section 400T(1)(c) of the Act, non-voting representatives of joint organisation boards may attend but are not entitled to vote at a meeting of the board.

Note: Joint organisations must adopt clause 10.31. Councils must not adopt clause 10.31.

11 VOTING

Voting entitlements of voting representatives

- 11.1 Each voting representative is entitled to one (1) vote.

◆Note: Under section 400T(1) of the Act, voting representatives of joint organisation boards are entitled to one (1) vote each at meetings of the board.

- 11.2 Omitted

Note: Clause 11.2 reflects section 370(2) of the Act.

11.3 Omitted.

11.4 ♦ A motion at a meeting of the board of a joint organisation is taken to be lost in the event of an equality of votes.

♦ Note: Clause 11.4 reflects section 397E of the Regulation. Joint organisations must adopt clause 11.4 and omit clauses 11.2 and 11.3. Councils must not adopt clause 11.4.

♦ Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 11.4 must be adapted to reflect those requirements.

Voting at board meetings

11.5 A voting representative who is present at a meeting of the board but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

11.6 If a voting representative who has voted against a motion put at a board meeting so requests, the executive officer must ensure that the voting representative's dissenting vote is recorded in the board's minutes.

11.7 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) voting representatives rise and call for a division.

11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The executive officer must ensure that the names of those who vote for the motion and those who vote against it are recorded in the board's minutes for the meeting.

11.9 When a division on a motion is called, any voting representative who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.

11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the board may resolve that the voting in any election by voting representatives for chairperson or deputy chairperson is to be by secret ballot.

11.11 ★ Omitted.

Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.

Voting on planning decisions

11.12 The executive officer must keep a register containing, for each planning decision made at a meeting of the board or a board committee (including, but not limited to a committee of the board), the names of the voting representatives who supported the decision and the names of any voting representatives who opposed (or are taken to have opposed) the decision.

- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the board or a board committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

Note: Clauses 11.12–11.15 reflect section 375A of the Act.

Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.

12 COMMITTEE OF THE WHOLE

- 12.1 The board may resolve itself into a committee to consider any matter before the board.

Note: Clause 12.1 reflects section 373 of the Act.

- 12.2 All the provisions of this code relating to meetings of the board, so far as they are applicable, extend to and govern the proceedings of the board when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

- 12.3 The executive officer or, in the absence of the executive officer, an employee of the board designated by the executive officer, is responsible for reporting to the board the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 12.4 The board must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the board's minutes. However, the board is not taken to have adopted the report until a motion for adoption has been made and passed.

13 ★DEALING WITH ITEMS BY EXCEPTION

- 13.1 ★The board or a committee of board may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 ★Before the board or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask voting representatives to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 ★The board or committee must not resolve to adopt any item of business under clause 13.1 that a voting representative has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 ★Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the board or committee must resolve to alter the order of business in accordance with clause 8.3.

- 13.5 ★A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 ★Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 ★Voting representatives must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the board's code of conduct.

14 CLOSURE OF BOARD MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 14.1 The board or a committee of the board may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than voting representatives),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the board is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the board, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the board, voting representatives, board staff or board property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of the board's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

- 14.2 The board or a committee of the board may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the board or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the board or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the board or committee concerned, or to voting representatives or to employees of the board, or
 - (ii) cause a loss of confidence in the board or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

- 14.7 In deciding whether part of a meeting is to be closed to the public, the board or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the board, or of a committee of the board, may be closed to the public while the board or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - (b) the board or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

- 14.9 The board, or a committee of the board, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the board in the approved form. Applications must be received two (2) days before the meeting at which the matter is to be considered.
- 14.12 The executive officer (or their delegate) may refuse an application made under clause 14.11. The executive officer or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than two (2) speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the executive officer or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the board. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the executive officer or their delegate is to determine who will make representations to the board.
- 14.15 The executive officer (or their delegate) is to determine the order of speakers.
- 14.16 Where the board or a committee of the board proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than two (2) speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed five (5) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-voting representatives from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the board or a committee of the board is closed to the public in accordance with section 10A of the Act and this code, any person who is not a voting representative and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the board or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

★Obligations of voting representatives attending meetings by audio-visual link

- 14.20 ★Voting representatives attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

- 14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.21 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.22 If the board passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.23 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.22 during a part of the meeting that is webcast.

15 KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A voting representative may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the voting representative raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other voting representative, may call any voting representative to order whenever, in the opinion of the chairperson, it is necessary to do so.

- 15.5 A voting representative who claims that another voting representative has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the board.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A voting representative can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A voting representative commits an act of disorder if the voting representative, at a meeting of the board or a committee of the board:
- (a) contravenes the Act, the Regulation or this code, or
 - (b) assaults or threatens to assault another voting representative or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the board or the committee, or addresses or attempts to address the board or the committee on such a motion, amendment or matter, or
 - (d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other board official, or alleges a breach of the board's code of conduct, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the board or the committee into disrepute.

Note: Clause 15.11 reflects section 182 of the Regulation.

- 15.12 The chairperson may require a voting representative:
- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a), (b), or (e), or
 - (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

Note: Clause 15.12 reflects section 233 of the Regulation.

How disorder at a meeting may be dealt with

- 15.13 If disorder occurs at a meeting of the board, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The board, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of voting representatives.

★ Expulsion from meetings

- 15.14 ★ Omitted.
- 15.15 ★ All chairpersons of meetings of the board and committees of the board are authorised under this code to expel any person other than a voting representative, from a board or committee meeting, for the purposes of section 10(2)(b) of the Act. Voting representatives may only be expelled by resolution of the board or the committee of the board.

★ Note: Boards may use either clause 15.14 or clause 15.15.

- 15.16 ★ Clause 15.15 does not limit the ability of the board or a committee of the board to resolve to expel a person, including a voting representative, from a board or committee meeting, under section 10(2)(a) of the Act.
- 15.17 A voting representative may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the board for having failed to comply with a requirement under clause 15.12. The expulsion of a voting representative from the meeting for that reason does not prevent any other action from being taken against the voting representative for the act of disorder concerned.

Note: Clause 15.17 reflects section 233(2) of the Regulation.

- 15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the board for engaging in or having engaged in disorderly conduct at the meeting.
- 15.19 Where a voting representative or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a voting representative or a member of the public fails to leave the place where a meeting of the board is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the board or person presiding, may, by using only such force as is necessary, remove the voting representative or member of the public from that place and, if necessary, restrain the voting representative or member of the public from re-entering that place for the remainder of the meeting.

★ How disorder by voting representatives attending meetings by audio-visual link may be dealt with

- 15.21 ★ Where a voting representative is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the voting representative's audio link to the meeting for the purposes of enforcing compliance with this code.

- 15.22 ★ If a voting representative attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the voting representative's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.23 Voting representatives, board staff and members of the public must ensure that mobile phones are turned to silent during meetings of the board and committees of the board.
- 15.24 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the board or a committee of the board without the prior authorisation of the board or the committee.
- 15.25 Without limiting clause 15.18, a contravention of clause 15.24 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Any person who contravenes or attempts to contravene clause 15.24, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.26 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the board or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16 CONFLICTS OF INTEREST

- 16.1 All voting representatives and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the board and committees of the board in accordance with the board's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 ★ Voting representatives attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the board's code of conduct. Where a voting representative has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the voting representative's audio-visual link to the meeting must be suspended or terminated and the voting representative must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the board or committee, or at any time during which the board or committee is voting on the matter.

17 DECISIONS OF THE BOARD

Board decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the board at which a quorum is present is a decision of the board.

Note: Clause 17.1 reflects section 371 of the Act in the case of boards and section 400T(8) in the case of joint organisations.

◆ **Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.**

- 17.2 Decisions made by the board must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering board decisions

- 17.3 A resolution passed by the board may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 17.3 reflects section 372(1) of the Act.

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) voting representatives if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 17.10 ★Omitted.

- 17.11 A motion to alter or rescind a resolution of the board may be moved on the report of a committee of the board and any such report must be recorded in the minutes of the meeting of the board.

Note: Clause 17.11 reflects section 372(6) of the Act.

- 17.12 ★Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the board may be moved at the same meeting at which the resolution was adopted, where:
- (a) a notice of motion signed by three voting representatives is submitted to the chairperson, and
 - (b) a motion to have the motion considered at the meeting is passed, and
 - (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the board before the next scheduled ordinary meeting of the board.
- 17.13 ★A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.
- 17.14 ★A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

★Recommitting resolutions to correct an error

- 17.15 ★Despite the provisions of this Part, a voting representative may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the board's resolution, or
 - (b) to confirm the voting on the resolution.
- 17.16 ★In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the voting representative is to propose alternative wording for the resolution.
- 17.17 ★The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 ★A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.
- 17.19 ★A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 ★A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18 ★TIME LIMITS ON BOARD MEETINGS

- 18.1 ★Omitted.
- 18.2 ★Omitted.
- 18.3 ★Omitted.
- 18.4 ★Omitted.
- 18.5 ★Omitted.

19 AFTER THE MEETING

Minutes of meetings

- 19.1 The board is to keep full and accurate minutes of the proceedings of meetings of the board.

Note: Clause 19.1 reflects section 375(1) of the Act.

- 19.2 At a minimum, the executive officer must ensure that the following matters are recorded in the board's minutes:

- (a) ★the names of voting representatives attending a board meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a board meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

- 19.3 The minutes of a board meeting must be confirmed at a subsequent meeting of the board.

Note: Clause 19.3 reflects section 375(2) of the Act.

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 19.7 The confirmed minutes of a board meeting must be published on the board's website. This clause does not prevent the board from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

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

- 19.8 The board and committees of the board must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

- 19.10 Clause 19.8 does not apply if the board or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the board

- 19.12 The executive officer is to implement, without undue delay, lawful decisions of the board.

Note: Clause 19.12 reflects section 335(b) of the Act.

20 BOARD COMMITTEES

Application of this Part

- 20.1 This Part only applies to committees of the board whose members are all voting representatives.

Board committees whose members are all voting representatives

- 20.2 The board may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the board is to consist of the chairperson and such other voting representatives as are elected by the voting representatives or appointed by the board.
- 20.4 The quorum for a meeting of a committee of the board is to be:
- (a) such number of members as the board decides, or
 - (b) if the board has not decided a number – a majority of the members of the committee.

Functions of committees

- 20.5 The board must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The executive officer must send to each voting representative, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the chairperson) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the board are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 A voting representative who is not a member of a committee of the board is entitled to attend, and to speak at a meeting of the committee. However, the voting representative is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Chairperson and deputy chairperson of board committees

- 20.11 The chairperson of each committee of the board must be:
- (a) the chairperson, or
 - (b) if the chairperson does not wish to be the chairperson of a committee, a member of the committee elected by the board, or
 - (c) if the board does not elect such a member, a member of the committee elected by the committee.
- 20.12 The board may elect a member of a committee of the board as deputy chairperson of the committee. If the board does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the board is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the board. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the board may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the board unless the board or the committee determines otherwise in accordance with this clause.

Note: The person presiding at a meeting of the board of the Northern Rivers Joint Organisation ('NRJO') does not have a casting vote in accordance with section 400T(8) of the LGA.

- 20.16 Omitted.
- 20.17 ♦ A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.
- ♦ **Note: Clause 20.17 reflects section 397E of the Regulation. Joint organisations must adopt clause 20.17 and omit clause 20.16. Councils must not adopt clause 20.17.**
- 20.18 Voting at a board committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the board to the public in the same way they apply to the closure of meetings of the board to the public.
- 20.20 If a committee of the board passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the board. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

Disorder in committee meetings

- 20.22 The provisions of the Act and this code relating to the maintenance of order in board meetings apply to meetings of committees of the board in the same way as they apply to meetings of the board.

Minutes of board committee meetings

- 20.23 Each committee of the board is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) ★ the names of voting representatives attending a meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this code.
- 20.24 ★ All voting at meetings of committees of the board (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of voting representatives who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.25 The minutes of meetings of each committee of the board must be confirmed at a subsequent meeting of the committee.

- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.29 The confirmed minutes of a meeting of a committee of the board must be published on the board's website. This clause does not prevent the board from also publishing unconfirmed minutes of meetings of committees of the board on its website prior to their confirmation.

21 IRREGULARITIES

- 21.1 Proceedings at a meeting of a board or a board committee are not invalidated because of:
- (a) a vacancy in a civic office, or
 - (b) a failure to give notice of the meeting to any voting representative or committee member, or
 - (c) any defect in the election or appointment of a voting representative or committee member, or
 - (d) a failure of a voting representative or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a board or committee meeting in accordance with the board's code of conduct, or
 - (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

22 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the board – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the board's adopted code of meeting practice
committee of the board	means a committee established by the board in accordance with clause 20.2 of this code (being a committee consisting only of voting representatives) or the board when it has resolved itself into committee of the whole under clause 12.1
board official	has the same meaning it has in the Model Code of Conduct for Local Boards in NSW
day	means calendar day
division	means a request by two voting representatives under clause 11.7 of this code requiring the recording of the names of the voting representatives who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a voting representative under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a voting representative under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a board under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of voting representatives or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>

webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June



Code of Conduct

Publication

A copy of this document must be made publicly available on the website of the Northern Rivers Joint Organisation ('NRJO').

Document review frequency

Within the first twelve (12) months of a local government election.

Document control and approval of revisions

All amendments to this document, other than minor administrative amendments, must be adopted by the board of the NRJO and a summary recorded in the table below.

Minor administrative amendments (i.e., typographical errors and updating hyperlinks) may be made at any time with approval from the Executive Officer.

Version	Purpose and description of amendment	Person responsible	Reviewed	Date NRJO approved
1.0	Draft policy developed and adopted.		28-05-18	22-06-2018
2.0	Policy revised following the local government elections in December 2021 – changes made to the Model Code of Conduct in 2020 adopted.	EO	11-11-22	

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PART 1 INTRODUCTION

This code of conduct adopts the provisions of the *Model Code of Conduct for Local Councils in NSW* ('the Model Code of Conduct') and is made under section 440 of the *Local Government Act 1993* ('LGA') and the *Local Government (General) Regulation 2005* ('the Regulation').

This code of conduct sets the minimum standards of conduct for JO officials. It is prescribed by regulation to assist JO officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not 'council officials' for the purposes of the Model Code of Conduct (e.g., volunteers, contractors and members of wholly advisory committees).

A joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Voting representatives, administrators, members of staff of JOs, delegates of JOs, (including members of JO committees that are delegates of a JO) must comply with the applicable provisions of this adopted code of conduct. It is the personal responsibility of JO officials to comply with the standards in this code of conduct and to regularly review their personal circumstances and conduct with this in mind.

Failure by a voting representative to comply with the standards of conduct prescribed under this code of conduct constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on voting representatives for misconduct, including suspension or disqualification from civic office. A voting representative who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with this code of conduct may give rise to disciplinary action.

Note: In adopting this code of conduct the following terms contained in the Model Code of Conduct have been substituted for terms applicable to a JO: 'board' for 'council', 'chairperson' for 'mayor', 'voting representative' for 'councillor' and 'executive officer' for 'general manager'.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

administrator	an administrator of a JO appointed under the LGA other than an administrator appointed under section 66.
board	the governing body composed of the voting representatives of the JO.
committee	see the definition of 'JO committee'.
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions.
council	includes county councils and joint organisations.
JO committee	a committee established by a JO comprising of voting representatives, staff or other persons that the board has delegated functions to and the JO's audit, risk and improvement committee.
JO committee member	a person other than a voting representative or member of staff of a JO who is a member of a JO committee other than a wholly advisory committee, and a person other than a voting representative who is a member of the JO's audit, risk and improvement committee.
JO official	includes voting representatives, members of staff of a JO, administrators, JO committee members, delegates of the JO and, for the purposes of clause 4.16, JO advisers.
delegate of the JO	a person (other than a voting representative or member of staff of a JO) or body, and the individual members of that body, to whom a function of the JO is delegated.
designated person	a person referred to in clause 4.8.
election campaign	includes board, state and federal election campaigns.
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i> .
executive officer	the executive officer of a joint organisation.
joint organisation ('JO')	a joint organisation established under section 400O of the LGA.
LGA	<i>Local Government Act 1993</i> .
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i> .
chairperson	the voting representative elected as chairperson of the JO in accordance with Schedule 7A of the Regulation.
the Office	Office of Local Government.
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation.
the Regulation	the <i>Local Government (General) Regulation 2005</i> .
voting representative	a voting representative of the board of a joint organisation.
wholly advisory committee	a JO committee that the board has not delegated any functions to.

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the JO or other JO officials into disrepute
 - b) is contrary to statutory requirements or the JO's administrative requirements or policies
 - c) is improper or unethical
 - d) is an abuse of power
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (*section 439*).

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this code, 'harassment' is any form of behaviour towards a person that:
- a) is not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, 'bullying behaviour' is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - b) the behaviour creates a risk to health and safety.

- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments
 - c) spreading malicious rumours
 - d) teasing, practical jokes or 'initiation ceremonies'
 - e) exclusion from work-related events
 - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - g) displaying offensive material
 - h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
 - b) disciplinary action for misconduct
 - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d) directing a worker to perform duties in keeping with their job
 - e) maintaining reasonable workplace goals and standards
 - f) legitimately exercising a regulatory function
 - g) legitimately implementing a board policy or administrative processes.

Work health and safety

- 3.12 All JO officials, including voting representatives, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the board to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
 - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the board to ensure workplace health and safety
 - d) cooperate with any reasonable policy or procedure of the board relating to workplace health or safety that has been notified to board staff
 - e) report accidents, incidents, near misses, to the executive officer or such other staff member nominated by the executive officer, and take part in any incident investigations
 - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a board or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of voting representatives are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the board or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the board or committee.
- 3.17 Clause 3.15 does not prohibit voting representatives from discussing a matter before the board or committee prior to considering the matter in question at a board or committee meeting, or from voluntarily holding a shared view with other voting representatives on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the chairperson or deputy chairperson, or to nominate a person to be a member of a JO committee or a representative of the JO on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at board and committee meetings or other proceedings of the JO unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other JO officials or any members of the public present during board or committee meetings or other proceedings of the JO (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts board or committee meetings or other proceedings of the JO (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a voting representative, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the board, or of a committee of the JO. Without limiting this clause, you must not:
- a) leave a meeting of the board or a committee for the purposes of depriving the meeting of a quorum, or
 - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another voting representative from submitting a rescission motion with respect to the same decision, or
 - c) deliberately seek to impede the consideration of business at a meeting.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your 'relative' is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - (b) 'de facto partner' has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a JO or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code

- (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the JO in the same manner and subject to the same conditions as apply to persons who are not subject to this code
- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- (f) if you are a JO committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the JO committee
- (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- (h) an interest you have arising from the proposed making by the board of an agreement between the JO and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- (i) an interest you have arising from the making by the board of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the board in respect of similar matters with other residents of the area:
 - i) the performance by the JO at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the JO by or under any Act conferring functions on the JO, or by or under any contract
- (j) an interest relating to the payment of fees to voting representatives (including the chairperson and deputy chairperson)
- (k) an interest relating to the payment of expenses and the provision of facilities to voting representatives (including the chairperson and deputy chairperson) in accordance with a policy under section 252 of the LGA,
- (l) an interest relating to an election to the office of chairperson arising from the fact that a fee for the following 12 months has been determined for the office of chairperson
- (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a voting representative or a JO committee member
- (o) an interest arising from the appointment of a voting representative to a body as a representative or delegate of the JO, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, 'relative' has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

- 4.8 Designated persons include:
- (a) the executive officer
 - (b) other senior staff of the JO for the purposes of section 332 of the LGA
 - (c) a person (other than a member of the senior staff of the JO) who is a member of staff of the JO or a delegate of the JO and who holds a position identified by the board as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
 - (d) a person (other than a member of the senior staff of the JO) who is a member of a committee of the JO identified by the board as a committee whose members are designated persons because the functions of the committee involve the exercise of the JO's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.
- 4.9 A designated person:
- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
 - (b) must disclose pecuniary interests in accordance with clause 4.10.
- 4.10 A designated person must disclose in writing to the executive officer (or if the person is the executive officer, to the board) the nature of any pecuniary interest the person has in any JO matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the JO to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The executive officer must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the executive officer must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the board and the board must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by JO staff other than designated persons?

- 4.14 A member of staff of the JO, other than a designated person, must disclose in writing to their manager or the executive officer the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the executive officer must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by JO advisers?

- 4.16 A person who, at the request or with the consent of the board or a JO committee, gives advice on any matter at any meeting of the board or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a JO committee member?

- 4.18 A JO committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a 'JO committee member' includes a member of staff of the JO who is a member of the committee.

What disclosures must be made by a voting representative?

- 4.20 A voting representative:
- (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
 - (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

- 4.21 A voting representative or designated person must make and lodge with the executive officer a return in the form set out in schedule 2 to this code, disclosing the voting representative's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a voting representative or designated person, and
 - (b) 30 June of each year, and
 - (c) the voting representative or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a voting representative or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The executive officer must keep a register of returns required to be made and lodged with the executive officer.

- 4.25 Returns required to be lodged with the executive officer under clause 4.21(a) and (b) must be tabled at the first meeting of the board after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the executive officer under clause 4.21(c) must be tabled at the next board meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A voting representative or a JO committee member who has a pecuniary interest in any matter with which the board is concerned, and who is present at a meeting of the board or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The voting representative or JO committee member must not be present at, or in sight of, the meeting of the board or committee:
- (a) at any time during which the matter is being considered or discussed by the board or committee, or
 - (b) at any time during which the board or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a JO, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a board or JO committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the executive officer in writing by a voting representative or a JO committee member to the effect that the voting representative or JO committee member, or the voting representative's or JO committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
 - (b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the board in which it is given (whichever is the sooner), sufficient disclosure of the voting representative's or JO committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the board or JO committee after the date of the notice.

- 4.33 A voting representative or a JO committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the voting representative or JO committee member has an interest in the matter of a kind referred to in clause 4.6.

- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a voting representative who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a voting representative who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the JO's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the JO's area, and
 - (b) the pecuniary interest arises only because of an interest of the voting representative in the voting representative's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - (c) the voting representative made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - (b) be laid on the table at a meeting of the board as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a voting representative or a JO committee member who has a pecuniary interest in a matter with which the board is concerned to be present at a meeting of the board or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of voting representatives prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A voting representative or a JO committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the board or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a JO official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a JO official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of JO decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of JO staff other than the executive officer, such a disclosure is to be made to the staff member's manager. In the case of the executive officer, such a disclosure is to be made to the chairperson.
- 5.7 If a disclosure is made at a board or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a JO official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the JO official's extended family that the JO official

has a close personal relationship with, or another person living in the same household

- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the JO official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a JO official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the JO's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the JO and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a board or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of the JO other than the executive officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the executive officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the chairperson.

5.13 Despite clause 5.10(b), a voting representative who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

5.14 JO committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member

of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the JO committee.

Political donations

- 5.15 Voting representatives should be aware that matters before board or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a voting representative and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before the board,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a 'reportable political donation' has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) 'major political donor' has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Voting representatives should note that political donations that are not a 'reportable political donation', or political donations to a registered political party or group by which a voting representative is endorsed, may still give rise to a non-pecuniary conflict of interest. Voting representatives should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a voting representative who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A voting representative who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the JO's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the JO's area, and
 - b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
 - c) the voting representative discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a voting representative or a JO committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the board or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of voting representatives prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 5.22 Where the Minister exempts a voting representative or committee member from complying with a requirement under this Part under clause 5.21, the voting representative or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

- 5.23 The executive officer, excluding employment as general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the JO without the approval of the board.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the JO that relates to the business of the JO or that might conflict with the staff member's JO duties unless they have notified the executive officer in writing of the employment, work or business and the executive officer has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The executive officer may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the JO that relates to the business of the JO, or that might conflict with the staff member's JO duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the JO if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
 - b) involve using confidential information or JO resources obtained through their work with the JO including where private use is permitted
 - c) require them to work while on JO duty
 - d) discredit or disadvantage the JO
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with the JO

- 5.28 You may have reason to deal with your JO in your personal capacity (for example, as a ratepayer, recipient of a JO service or applicant for a development consent granted by the board). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid

any action that could lead members of the public to believe that you are seeking preferential treatment.

- 5.29 You must undertake any personal dealings you have with the JO in a manner that is consistent with the way other members of the community deal with the JO. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a JO official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
 - b) a political donation for the purposes of the *Electoral Funding Act 2018*
 - c) a gift provided to the JO as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual JO official or someone personally associated with them
 - d) a benefit or facility provided by the JO to an employee or voting representative
 - e) attendance by a JO official at a work-related event or function for the purposes of performing their official duties, or
 - f) free or subsidised meals, beverages or refreshments provided to JO officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as JO-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) JO functions or events
 - v) social functions organised by groups, such as JO committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the JO, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the JO being in or entering into a customer–supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the JO.

- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the executive officer in writing. The recipient, manager, or executive officer must ensure that, at a minimum, the following details are recorded in the JO's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the JO, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
 - b) gifts of alcohol that do not exceed a value of \$100
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

‘Cash-like gifts’

- 6.13 For the purposes of clause 6.5(e), ‘cash-like gifts’ include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.14 You must not use your position to influence other JO officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A voting representative will not be in breach of this clause where they seek to influence other JO officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with the JO, or of functions you perform for the JO, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 RELATIONSHIPS BETWEEN JO OFFICIALS

Obligations of voting representatives and administrators

- 7.1 Each JO is a body corporate pursuant to section 400Q of the LGA. The voting representatives or administrator/s are the governing body of the JO. Under section 400U of the LGA, the role of the governing body of the JO includes directing and controlling the affairs of the JO and the preparation and adoption of a Charter.
- 7.2 Voting representatives or administrators must not:
- a) direct JO staff other than by giving appropriate direction to the executive officer by way of board or committee resolution
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the JO or a delegate of the JO in the exercise of the functions of the staff member or delegate
 - c) contact a member of the staff of the JO on JO-related business unless in accordance with the policy and procedures governing the interaction of voting representatives and JO staff that have been authorised by the board and the executive officer
 - d) contact or issue instructions to any of the JO's contractors, including the JO's legal advisers.
- 7.3 Despite clause 7.2, voting representatives may contact the JO's external auditor or the chair of the JO's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

- 7.4 Under section 400Y of the LGA, the role of the executive officer includes conducting the day-to-day management of the JO in accordance with the strategic regional priorities, programs, strategies and policies of the board, implementing without undue delay, lawful decisions of the board and ensuring that the chairperson and other voting representatives are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of the JO must:
- a) give their attention to the business of the JO while on duty
 - b) ensure that their work is carried out ethically, efficiently, economically and effectively
 - c) carry out reasonable and lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies and procedures of the board, whether or not the staff member agrees with or approves of them
 - e) ensure that any participation in political activities outside the service of the JO does not interfere with the performance of their official duties.

Inappropriate interactions

- 7.6 You must not engage in any of the following inappropriate interactions:
- a) voting representatives and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - b) JO staff approaching voting representatives and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - c) subject to clause 8.6, JO staff refusing to give information that is available to other voting representatives to a particular voting representative
 - d) voting representatives and administrators who have lodged an application with the board, discussing the matter with JO staff in staff-only areas of the JO
 - e) voting representatives and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the voting representative or administrator has a right to be heard by the panel at the meeting
 - f) voting representatives and administrators being overbearing or threatening to JO staff
 - g) JO staff being overbearing or threatening to voting representatives or administrators
 - h) voting representatives and administrators making personal attacks on JO staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
 - i) voting representatives and administrators directing or pressuring JO staff in the performance of their work, or recommendations they should make
 - j) JO staff providing ad hoc advice to voting representatives and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
 - k) JO staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
 - l) voting representatives attending on-site inspection meetings with lawyers and/or consultants engaged by the JO associated with current or proposed legal proceedings unless permitted to do so by the JO's executive officer.

PART 8 ACCESS TO INFORMATION AND JO RESOURCES

Voting representative and administrator access to information

- 8.1 The executive officer is responsible for ensuring that voting representatives and administrators can access information necessary for the performance of their official functions. The executive officer and public officer are also responsible for ensuring that members of the public can access publicly available JO information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The executive officer must provide voting representatives and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of the JO must provide full and timely information to voting representatives and administrators sufficient to enable them to exercise their official functions and in accordance with JO procedures.
- 8.4 Members of staff of the JO who provide any information to a particular voting representative in the performance of their official functions must also make it available to any other voting representative who requests it and in accordance with JO procedures.
- 8.5 Voting representatives and administrators who have a private interest only in JO information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, voting representatives and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to JO information in relation to the matter unless the information is otherwise available to members of the public, or the board has determined to make the information available under the GIPA Act.

Voting representatives and administrators to properly examine and consider information

- 8.7 Voting representatives and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

- 8.8 Where the executive officer or public officer determine to refuse access to information requested by a voting representative or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the voting representative or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The executive officer or public officer must state the reasons for the decision if access is refused.

Use of certain JO information

- 8.9 In regard to information obtained in your capacity as a JO official, you must:
- a) subject to clause 8.14, only access JO information needed for JO business
 - b) not use that JO information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with the JO
 - d) only release JO information in accordance with established board policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of JO information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b) protect confidential information
 - c) only release confidential information if you have authority to do so
 - d) only use confidential information for the purpose for which it is intended to be used
 - e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - f) not use confidential information with the intention to cause harm or detriment to the JO or any other person or body
 - g) not disclose any confidential information discussed during a confidential session of a board or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

- 8.12 When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
 - b) the *Health Records and Information Privacy Act 2002*
 - c) the Information Protection Principles and Health Privacy Principles
 - d) the JO's privacy management plan
 - e) the Privacy Code of Practice for Local Government.

Use of JO resources

- 8.13 You must use JO resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and consultative committee members may have reasonable access to JO resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.

- 8.15 You must be scrupulous in your use of JO property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that JO property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use JO resources (including JO staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the JO letterhead, JO crests, JO email or social media or other information that could give the appearance it is official JO material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 8.19 You must not convert any property of the JO to your own use unless properly authorised.

Internet access

- 8.20 You must not use the JO's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the JO's reputation.

JO record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the board's records management policy.
- 8.22 All information created, sent and received in your official capacity is a JO record and must be managed in accordance with the requirements of the *State Records Act 1998* and the board's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on JO supplied resources (including technology devices and email accounts) is deemed to be related to the business of the JO and will be treated as JO records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 You must not destroy, alter, or dispose of JO information or records, unless authorised to do so. If you need to alter or dispose of JO information or records, you must do so in consultation with the JO's records manager and comply with the requirements of the *State Records Act 1998*.

Voting representative access to JO buildings

- 8.25 Voting representatives, administrators and the executive officer are entitled to have access to rooms (subject to availability) in the buildings used by the JO for meetings during normal business hours. Voting representatives, administrators and the executive officer needing access to these facilities at other times must obtain authority from the general manager (or delegate) of the relevant member council.
- 8.26 Voting representatives and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) of the relevant member council.
- 8.27 Voting representatives and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence JO staff decisions.

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another JO official
 - b) to damage another JO official's reputation
 - c) to obtain a political advantage
 - d) to influence a JO official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the board in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under the Procedures
 - g) to take reprisal action against a person for making a complaint alleging a breach of this code
 - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at board, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by a voting representative, the executive officer or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the board for consideration in accordance with the Procedures.
- 9.15 Complaints alleging a breach of this Part by other JO officials are to be managed by the executive officer in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply.

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the voting representative or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a voting representative or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the voting representative or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

- 2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a voting representative or designated person has an interest includes a reference to any real property situated in Australia in which the voting representative or designated person has an interest.
- 4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a voting representative or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a voting representative or designated person.
8. For the purposes of clause 5 of this schedule, 'interest' includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a voting representative or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or JO vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a voting representative or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a voting representative or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:

- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
- b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
- c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a voting representative or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

25. A disposition of real property need not be disclosed if it was made prior to a person becoming a voting representative or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a voting representative or designated person need not be disclosed.
30. A fee paid to a voting representative or to the chairperson or deputy chairperson under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and

- (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a voting representative or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21

‘Disclosures by voting representatives and designated persons’ return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the executive officer after becoming a voting representative or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a voting representative or designated person.
3. If you have previously lodged a return with the executive officer and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the executive officer, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a voting representative or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the executive officer and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word ‘NIL’ is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the board, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the executive officer in a register of returns. The executive officer is required to table all returns at a board meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by *[full name of voting representative or designated person]*

as at *[return date]*

in respect of the period from *[date]* to *[date]*

[voting representative's or designated person's signature]

[date]

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since Nature of interest
30 June

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

Sources of income I received from an occupation at any time since 30 June

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 since 30 June

Name and address of settlor	Name and address of trustee

3 Sources of other 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 since 30 June

[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 since 30 June

Name and address of donor

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June

Dates on which travel was undertaken

Name of States, Territories of the Commonwealth and overseas countries in which travel was 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 since 30 June

Nature of interest (if any)

Description of position (if any)

Description of principal objects (if any) of corporation (except in case of listed company)

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. 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 since 30 June

Description of position

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which 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 (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a voting representative has in the voting representative's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

'Relative' is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the board or JO committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by *[full name of voting representative]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the **Northern Rivers Joint Organisation**

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the voting representative or an associated person, company or body (the identified land)	
Relationship of identified land to the voting representative <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The voting representative has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the voting representative has an interest in the land. <input type="checkbox"/> An associated company or body of the voting representative has an interest in the land.
Matter giving rise to pecuniary interest ¹	

¹ Clause 4.1 of the Model Code of Conduct provides that 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. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² [Tick or cross one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on voting representative or associated person [Insert one of the following: 'Appreciable financial gain' or 'Appreciable financial loss']	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Voting representative's signature

Date:

[This form is to be retained by the JO's executive officer and included in full in the minutes of the meeting]

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a voting representative or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.



CODE OF CONDUCT PROCEDURES

ADOPTED BY THE NORTHERN RIVERS JOINT ORGANISATION ON [INSERT DATE]

Publication

A copy of this document can be made publicly available on the website of the Northern Rivers Joint Organisation ('NRJO').

Document review frequency

Within the first twelve (12) months of a local government election.

Document control and approval of revisions

All amendments to this document, other than minor administrative amendments, must be approved by the Executive Officer and a summary recorded in the table below.

Minor administrative amendments (i.e. typographical errors and updating hyperlinks) may be made at any time with approval from the Executive Officer.

Version	Purpose and description of amendment	Person responsible	Reviewed	Date NRJO approved
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PART 1 INTRODUCTION

These procedures adopt “the Model Code Procedures” prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”).

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

Joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting these procedures the following terms contained in the Model Code Procedures have been substituted for terms applicable to a joint organisation: “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about voting representatives (including the chairperson) or the executive officer.

PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

administrator	an administrator of a JO appointed under the LGA other than an administrator appointed under section 66
board	the governing body composed of the voting representatives of the JO
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant voting representative	a voting representative who makes a code of conduct complaint

complaints coordinator	a person appointed by the executive officer under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by voting representatives or the executive officer
JO committee	a committee established by a JO comprising of voting representatives, staff or other persons that the board has delegated functions to and the JO's audit, risk and improvement committee
JO committee member	a person other than a voting representative or member of staff of a JO who is a member of a JO committee other than a wholly advisory committee, and a person other than a voting representative who is a member of the JO's audit, risk and improvement committee
voting representative	any person elected or appointed to civic office, including the chairperson, and voting representatives of the boards of joint organisations
JO official	any voting representative, member of staff of the JO, administrator, JO committee member, delegate of the JO and, for the purposes of clause 4.16 of the Code of Conduct, JO adviser
delegate of the JO	a person (other than a voting representative or member of staff of a JO) or body, and the individual members of that body, to whom a function of the JO is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
executive officer	the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation ('JO')	a joint organisation established under section 400O of the LGA
LGA	the <i>Local Government Act 1993</i>

chairperson	the voting representative elected as chairperson of the JO in accordance with Schedule 7A of the Regulation
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a JO committee that the board has not delegated any functions to

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

- 3.1 The JO must establish a panel of conduct reviewers.
- 3.2 The JO may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the JO's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.

- 3.6 A person is not eligible to be a conduct reviewer if they are:
- a) a voting representative, or
 - b) a nominee for election as a voting representative, or
 - c) an administrator, or
 - d) an employee of a JO or council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the JO's panel of conduct reviewers if they are a member of another JO's or council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a JO's panel of conduct reviewers where the board is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The board may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the JO must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the JO may be a member of subsequent panels of conduct reviewers established by the JO if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6(d), an employee of a JO who is the nominated internal ombudsman of one or more JOs may be appointed to a JO's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a JO's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.

- 3.15 An internal ombudsman appointed to a JO's panel of conduct reviewers may also exercise the functions of the JO's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a JO's complaints coordinator and has been appointed to the JO's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a JO's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The executive officer must appoint a member of staff of the JO or another person (such as, but not limited to, a member of staff of another JO or a member of staff of a council/county council or other regional body associated with the JO), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the JO, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The executive officer may appoint other members of staff of the JO or other persons (such as, but not limited to, members of staff of another JO or members of staff of a council/county council or other regional body associated with the JO), to act as alternates to the complaints coordinator.
- 3.19 The executive officer must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.21 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the JO's code of conduct
 - b) liaise with and provide administrative support to a conduct reviewer
 - c) liaise with the Office, and
 - d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a JO official in connection with their role as a JO official or the exercise of their functions as a JO official that would constitute a breach of the standards of conduct prescribed under the JO's code of conduct if proven.

- 4.2 The following are not “code of conduct complaints” for the purposes of these procedures:
- a) complaints about the standard or level of service provided by the JO or a JO official
 - b) complaints that relate solely to the merits of a decision made by the JO or a JO official or the exercise of a discretion by the board or a JO official
 - c) complaints about the policies or procedures of the JO
 - d) complaints about the conduct of a JO official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the JO’s code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the JO’s routine complaints management processes.

When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the executive officer or their delegate, or, in the case of a complaint about the executive officer, the chairperson or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a JO official other than the executive officer be made?

- 4.6 All code of conduct complaints other than those relating to the executive officer are to be made to the executive officer in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a JO official other than the executive officer cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a JO official other than the executive officer, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The executive officer or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant’s preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the executive officer becomes aware of a possible breach of the JO’s code of conduct, they may initiate the

process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the executive officer be made?

- 4.11 Code of conduct complaints about the executive officer are to be made to the chairperson in writing. This clause does not operate to prevent a person from making a complaint about the executive officer to an external agency.
- 4.12 Where a code of conduct complaint about the executive officer cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the executive officer, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The chairperson or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the chairperson becomes aware of a possible breach of the JO's code of conduct by the executive officer, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

Delegation by executive officers and chairpersons of their functions under this Part

- 5.1 A executive officer or chairperson may delegate their functions under this Part to a member of staff of the JO or to a person or persons external to the JO other than an external agency. References in this Part to the executive officer or chairperson are also to be taken to be references to their delegates.

Consideration of complaints by executive officers and chairpersons

- 5.2 In exercising their functions under this Part, executive officers and chairpersons may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the executive officer or, in the case of a complaint about the executive officer, the chairperson, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
 - a) is not a code of conduct complaint, or

- b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
- c) is trivial, frivolous, vexatious or not made in good faith, or
- d) relates to a matter the substance of which has previously been considered and addressed by the board and does not warrant further action, or
- e) is not made in a way that would allow the alleged conduct and any alleged breaches of the JO's code of conduct to be readily identified.

How are code of conduct complaints about staff (other than the executive officer) to be dealt with?

- 5.4 The executive officer is responsible for the management of code of conduct complaints about members of staff of the JO (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The executive officer must refer code of conduct complaints about members of staff of the JO alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The executive officer may decide to take no action in relation to a code of conduct complaint about a member of staff of the JO other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the executive officer decides to take no action in relation to a code of conduct complaint about a member of staff of the JO, the executive officer must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of the JO must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of the JO, JO advisers and JO committee members to be dealt with?

- 5.10 The executive officer is responsible for the management of code of conduct complaints about delegates of the JO and JO committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

- 5.11 The executive officer must refer code of conduct complaints about JO advisers, delegates of the JO and JO committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The executive officer may decide to take no action in relation to a code of conduct complaint about a delegate of the JO or a JO committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the executive officer decides to take no action in relation to a code of conduct complaint about a delegate of the JO or a JO committee member, the executive officer must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the executive officer considers it to be practicable and appropriate to do so, the executive officer may seek to resolve code of conduct complaints about delegates of the JO or JO committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the JO's code of conduct.
- 5.15 Where the executive officer resolves a code of conduct complaint under clause 5.14 to the executive officer's satisfaction, the executive officer must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of the JO and/or JO committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the executive officer
 - c) prosecution for any breach of the law
 - d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant JO committee.
- 5.17 Prior to imposing a sanction against a delegate of the JO or a JO committee member under clause 5.16, the executive officer or any person making enquiries on behalf of the executive officer must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the JO's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and

- c) the executive officer must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

- 5.18 The executive officer must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The executive officer must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about voting representatives to be dealt with?

- 5.20 The executive officer must refer the following code of conduct complaints about voting representatives to the Office:
 - a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the executive officer refers a complaint to the Office under clause 5.20, the executive officer must notify the complainant of the referral in writing.
- 5.22 The executive officer may decide to take no action in relation to a code of conduct complaint about a voting representative, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the executive officer decides to take no action in relation to a code of conduct complaint about a voting representative, the executive officer must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the executive officer considers it to be practicable and appropriate to do so, the executive officer may seek to resolve code of conduct complaints about voting representatives, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the JO's code of conduct.

- 5.25 Where the executive officer resolves a code of conduct complaint under clause 5.24 to the executive officer's satisfaction, the executive officer must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The executive officer must refer all code of conduct complaints about voting representatives, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the executive officer to be dealt with?

- 5.27 The chairperson must refer the following code of conduct complaints about the executive officer to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the chairperson refers a complaint to the Office under clause 5.27, the chairperson must notify the complainant of the referral in writing.
- 5.29 The chairperson may decide to take no action in relation to a code of conduct complaint about the executive officer, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the chairperson decides to take no action in relation to a code of conduct complaint about the executive officer, the chairperson must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the chairperson considers it to be practicable and appropriate to do so, the chairperson may seek to resolve code of conduct complaints about the executive officer, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the JO's code of conduct.
- 5.32 Where the chairperson resolves a code of conduct complaint under clause 5.31 to the chairperson's satisfaction, the chairperson must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt

of the complaint and this shall finalise the consideration of the matter under these procedures.

- 5.33 The chairperson must refer all code of conduct complaints about the executive officer, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the executive officer and the chairperson to be dealt with?

- 5.34 Where the executive officer or chairperson receives a code of conduct complaint that alleges a breach of the code of conduct by both the executive officer and the chairperson, the executive officer or chairperson must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the JO other than the executive officer where the allegation is not serious, or to a person external to the JO, or
 - b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

- 5.35 The executive officer, chairperson or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The executive officer, chairperson or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the executive officer, chairperson or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the board is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or

- d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
- e) it is otherwise in the public interest to do so.

5.40 Clause 5.39 does not apply to code of conduct complaints made by voting representatives about other voting representatives or the executive officer.

5.41 Where a voting representative makes a code of conduct complaint about another voting representative or the executive officer, and the complainant voting representative considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

5.42 A request made by a complainant voting representative under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

5.43 The executive officer or chairperson, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant voting representative, but they are not obliged to comply with the request.

5.44 Where a complainant voting representative makes a request under clause 5.41, the executive officer or chairperson or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the voting representative in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the JO's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.46 Where a voting representative makes a code of conduct complaint about another voting representative or the executive officer as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant voting representative must consent in writing to the disclosure of their identity as the complainant.

5.47 Where a complainant voting representative declines to consent to the disclosure of their identity as the complainant under clause 5.46, the executive officer or the chairperson must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

- 5.48 The executive officer may request in writing that the Office enter into a special complaints management arrangement with the JO in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the JO's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the JO of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the JO.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the executive officer, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT VOTING REPRESENTATIVES OR THE EXECUTIVE OFFICER BY CONDUCT REVIEWERS

Referral of code of conduct complaints about voting representatives or the executive officer to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about voting representatives or the executive officer that have not been referred to an external agency or declined or resolved by the executive officer, chairperson or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the executive officer or the chairperson.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
 - a) a panel of conduct reviewers established by the board, or
 - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
 - a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the JO (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the JO's legal service provider or are a member of a panel of legal service providers appointed by the JO.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct

reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.

- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the JO, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
 - a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about voting representatives or the executive officer by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
 - a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the executive officer or, in the case of a complaint about the executive officer, the chairperson, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour

- d) to refer the matter to an external agency
- e) to investigate the matter.

- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the JO's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a voting representative under section 440G of the LGA or disciplinary action against the executive officer under their contract of employment if it were to be proven, and
 - c) that the matter is one that could not or should not be resolved by alternative means.

- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a voting representative under section 440G of the LGA or disciplinary action against the executive officer under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the JO
 - b) the likely impact of the alleged conduct on the reputation of the JO and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the executive officer or chairperson for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the executive officer or to the chairperson to be resolved by alternative and appropriate means, they must write to the executive officer or, in the case of a complaint about the executive officer, to the chairperson, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the executive officer or chairperson prior to referring a matter back to them under clause 6.13(c).
- 6.28 The executive officer or chairperson may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the executive officer or chairperson under clause 6.13(c), the executive officer or, in the case of a complaint about the executive officer, the chairperson, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the executive officer or chairperson under clause 6.13(c), the executive officer, or, in the case of a complaint about the executive officer, the chairperson, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:

- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
- b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the JO's code of conduct
- c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
- d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
- e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
- f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
- g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i) any previous proven breaches of the JO's code of conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the JO
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT VOTING REPRESENTATIVES OR THE EXECUTIVE OFFICER

What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters

separately in writing to the executive officer, or, in the case of alleged conduct on the part of the executive officer, to the chairperson.

- 7.3 The executive officer or the chairperson or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
- a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the executive officer, or in the case of a complaint about the executive officer, to the complainant, the complaints coordinator and the chairperson. The notice must:
- a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the executive officer, or, in the case of a complaint about the executive officer, to the chairperson, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the JO's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the executive officer, or in the case of a complaint about the executive officer, to the respondent, the complainant, the complaints coordinator and the chairperson, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.

- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
 - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
 - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)

- d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
- e) a description of any attempts made to resolve the matter by use of alternative means
- f) the steps taken to investigate the matter
- g) the facts of the matter
- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i) the investigator's determination and the reasons for that determination
- j) any recommendations.

7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:

- a) in the case of a breach by the executive officer, that disciplinary action be taken under the executive officer's contract of employment for the breach, or
- b) in the case of a breach by a voting representative, that the voting representative be formally censured for the breach under section 440G of the LGA, or
- c) in the case of a breach by a voting representative, that the board resolves as follows:
 - i. that the voting representative be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the JO revise any of its policies, practices or procedures.

7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:

- a) that the JO revise any of its policies, practices or procedures
- b) that a person or persons undertake any training or other education.

7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.

7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:

- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings

- b) the investigator's determination and the reasons for that determination
- c) any recommendations, and
- d) such other additional information that the investigator considers may be relevant.

7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the executive officer or, where the report relates to the executive officer's conduct, to the chairperson, and this will finalise consideration of the matter under these procedures.

7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary board meeting for the board's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary board meeting following the election.

7.45 Where it is apparent to the complaints coordinator that the board will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the board under clause 7.44.

Consideration of the final investigation report by board

7.46 The role of the board in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.

7.47 The board is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.

7.48 Where the complainant is a voting representative, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant voting representative may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.

7.49 Prior to imposing a sanction, the board must provide the respondent with an opportunity to make a submission to the board. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.

7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a voting representative, take no part in any discussion or voting on the matter.

- 7.51 The board must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the board may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion from the Office in relation to the report.
- 7.53 The board may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the board and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The board is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A board may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the executive officer, that disciplinary action be taken under the executive officer's contract of employment for the breach, or
 - b) in the case of a breach by a voting representative, that the voting representative be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a voting representative:
 - i. that the voting representative be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the board censures a voting representative under section 440G of the LGA, the board must specify in the censure resolution the grounds on which it is satisfied that the voting representative should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the board considers may be relevant or appropriate.
- 7.60 The board is not obliged to adopt the investigator's recommendation. Where the board proposes not to adopt the investigator's recommendation, the board must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.

- 7.61 Where the board resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the board's decision and the reasons for it.

PART 8 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a JO's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the board, to defer taking further action in relation to a matter under consideration under the JO's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The executive officer or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The executive officer must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The executive officer must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the

reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that in imposing its sanction, the board has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the board has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the board to defer any action to implement a sanction. The board must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the board has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary board meeting unless the meeting is to be held within the 4 weeks prior to an ordinary

- local government election, in which case it must be tabled at the first ordinary board meeting following the election, and
- b) the board must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Office's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the board resolves to reaffirm its previous decision, the board must state in its resolution its reasons for doing so.

PART 9 PROCEDURAL IRREGULARITIES

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature, or
 - b) reasonable steps are taken to correct the non-compliance, or
 - c) reasonable steps are taken to address the consequences of the non-compliance.

PART 10 PRACTICE DIRECTIONS

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all Jos and councils/county councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT VOTING REPRESENTATIVES AND THE EXECUTIVE OFFICER

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the board within 3 months of the end of September of each year:
- a) the total number of code of conduct complaints made about voting representatives and the executive officer under the code of conduct in the year to September (the reporting period)
 - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period

- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
- d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about voting representatives and the executive officer during the reporting period, including staff costs.

11.2 The JO is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

PART 12 CONFIDENTIALITY

12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the executive officer or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.

12.3 Prior to seeking the Office's consent under clause 12.2, the executive officer or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the executive officer or their delegate, and consider any submission made by them.

12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the executive officer or their delegate.

12.5 The executive officer or their delegate must give written notice of a determination made under clause 12.2 to:

- a) the complainant
- b) the complaints coordinator
- c) the Office, and
- d) any other person the executive officer or their delegate considers should be notified of the determination.

12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or

purported to make, will not apply to a complainant the subject of a determination made by the executive officer or their delegate under clause 12.2.

- 12.7 Clause 12.6 does not override any entitlement a person may have to access to JO information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.



Northern Rivers Joint Organisation

Charter

Next review date: In conjunction with election of Chairperson (2-year cycle)

Version	Purpose and description	ADOPTED	Resolution no.
0.1 Draft 28 May 2018	For comment to councils – referred to 22 June 2018 meeting.	DRAFT	N/A
0.2 Draft 22 June 2018	For comment to councils.	DRAFT	N/A
0.3 Draft 30 July 2018	Include: <ul style="list-style-type: none"> • Comments from 22 June meeting. • Details of insurances. • Details of associate members. 	DRAFT	N/A
1.0 Adopted 6 August 2018	General review and update.	6 August 2018	060818/3
2.0 Amended 8 November 2019	Include: <ul style="list-style-type: none"> • Provision for Chair payment. • Remove AGM. • Add additional associates. 	8 November 2019	08112019/4
3.0	General review and content update.	DRAFT	DRAFT

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1. Introduction

1.1. Preamble

The operation of and governance principles for the **Northern Rivers Joint Organisation** is guided by this Charter, which has been adopted by resolution of the Board.

1.2. Name and legal status

The name of the joint organisation is the **Northern Rivers Joint Organisation**.

Northern Rivers Joint Organisation is a body corporate proclaimed under the Act with the legal capacity and powers of an individual. See the proclamation forming this joint organisation at <https://www.legislation.nsw.gov.au/regulations/2018-192.pdf> for further information about the membership and functions of **Northern Rivers Joint Organisation** and other key matters.

While the principal functions of a joint organisation are provided for in the Act and through this Charter, powers are also conferred on the joint organisation as a statutory corporation under section 50 of the *Interpretation Act 1987*. Other functions may be conferred on a joint organisation by legislation and may be delegated to a joint organisation by one or more Member councils.

1.3. Interpretation

This Charter is to be interpreted in accordance with the Act and Regulation and the *Interpretation Act 1987*.

1.4. Definitions

In this Charter, the following terms are used as below.

Act means the *Local Government Act 1993*.

Board means the **Northern Rivers Joint Organisation** Board, consisting of the mayors of each Member council, any additional voting representatives of these member councils appointed under section 400T of the Act and any other non-voting representatives who may attend, but are not entitled to vote at, a meeting.

Charter means this document, outlining the operational and governance principles for the joint organisation and any other agreed matters, consistent with the Act and other laws.

Chairperson means the person, who is a Mayor, elected to the office of chairperson by the voting representatives on the Board from among the voting representatives who are Mayor.

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

Executive officer means the person employed by the joint organisation to conduct the day-to-day management of the joint organisation in accordance with strategic regional priorities and other plans, programs, strategies and policies of the joint organisation and to implement without delay the lawful decisions of the joint organisation.

General manager means the person employed by a Member council to conduct the day-to-day management of the council in accordance with strategic plans, programs, strategies and policies of the council and to implement without delay the lawful decisions of the council.

General Managers' Advisory Committee means the collective of general managers of Member councils.

Joint organisation means an organisation established under Part 7 Chapter 12 of the Act.

Member council means those councils proclaimed under the Act to be part of the **Northern Rivers Joint Organisation**.

Mayor means a person elected or appointed to civic office, who is the leader of a Member council.

Non-voting member means those councils and other organisations or individuals that are members of the joint organisation but do not have the right to vote.

Non-voting representative means the chosen representative of a non-voting member of the Board (sometimes called an 'associate member'). This includes:

- an employee of the public service nominated by the Secretary, Department of Premier and Cabinet
- any other individual or representative of a council or other organisation invited by the Board to represent a non-voting member of the Board
- any other person or a member of a class of persons prescribed by the Regulation.

Regulation means the *Local Government (General) Regulation 2022*.

Voting representative means a representative of a member council on the Board.

1.5. Adopting the Charter

This Charter was first formally adopted by the **Northern Rivers Joint Organisation** on 6 August 2018 in consultation with Member councils including through the General Managers' Advisory Committee.

Within 30 days of the date of adoption, the Charter will be made publicly available at www.northernriversjo.nsw.gov.au. The website is administered by the **Northern Rivers Joint Organisation**.

1.6. Amending the Charter

This Charter will be reviewed every **2** years at the time of the election of the **Chairperson**. Other amendments may be made from time to time by resolution of the Board.

2. Establishment

2.1. Vision and Principals

Our Vision

For the Northern Rivers to be a unified region of well connected, integrated communities that affords its people a unique balance of place, lifestyle and opportunity.

And for our region to be known to the nation and the world for its:

- outstanding environmental and scenic values
- commitment to sustainability
- respect for Aboriginal culture
- openness to visitors

- entrepreneurial drive
- creative and collective spirit and culture
- support of primary producers.

Our Principals

- To provide a forum and vehicle for cooperative action on issues of regional significance and concern to Local Government requiring advocacy and/or political representation.
- To act as an advocate for the region to the Commonwealth and New South Wales governments to advance the interests of the region.
- To seek from governments, financial assistance, legislative and/or policy changes and additional resources required by the region.

2.2. Principal functions

- Establish strategic regional priorities for the joint organisation area and develop strategies and plans for delivering these priorities.
- Provide regional leadership for the joint organisation area and to be an advocate for strategic regional priorities.
- Identify and take up opportunities for inter-governmental cooperation on matters relating to the **Northern Rivers Joint Organisation** area.

2.3. Other functions

The other services, functions or types of functions the **Northern Rivers Joint Organisation** will undertake are:

- Nil.

The Board may, from time to time, determine whether and how to undertake any other functions.

3. Membership

3.1. Voting members

- Tweed Shire Council.
- Byron Shire Council.
- Ballina Shire Council.
- Lismore City Council.
- Richmond Valley Council.
- Kyogle Council.

3.2. Non-voting members

- The NSW Government, as represented by a nominee of the Department of Planning, Industry and Environment, currently Director, North Coast, Regional NSW.

- Rous County Council.
- Clarence Valley Council.
- Tenterfield Shire Council.
- Scenic Rim Regional Council.
- RDA Northern Rivers.
- Destination North Coast.
- Combined North Coast Rural Industry Consultative Committee and North Coast Agriculture Natural Disaster Advisory Group.

3.3.Changes in membership

A proclamation is required for a joint organisation to change voting members.

Any voting member proposing to withdraw from the joint organisation must give **12 months** written notice to the Board.

This Charter may be amended to change non-voting members of the Board. In deciding whether to propose or support a change in membership, the **Northern Rivers Joint Organisation** will:

- at the request of a member, consider a draft resolution seeking membership change, and
- following a resolution in support, amend this Charter as set out section 1.6 to change membership as set out at section 3.2.

3.4.Financial contributions

Each Member council is to contribute a monetary payment or equivalent contribution based on the following methodology:

- an equal share of 50% of the required annual membership fees, plus
- a share of the remaining 50% of the required annual membership fees apportioned by population using the latest census population figures from the Australian Bureau of Statistics by local government area.

Member councils will be consulted about proposed financial contributions through the General Managers' Advisory Committee.

Draft budgets for each financial year will be presented at the February meeting of the **Northern Rivers Joint Organisation** for the proposed annual membership fees to be identified before each voting Member commences the budget cycle for the upcoming financial year.

3.5.Decision resolution

Critical matters to be determined by the Board include:

- adoption of a Statement of Strategic Regional Priorities
- adoption of the Financial Statements
- decisions to commit financial contributions from Member councils over and above the annual membership fees.

In the event of an equality of votes in relation to a critical matter to be determined by the Board

the resolution is lost. The mechanism for the Board to move critical decisions forward is as follows:

Step 1a – Internal resolution using one or more of the following:

- Take into account Board member views and rework the proposal.
- Establish a specific sub-committee to review and rework the proposal.
- Set aside time for the Board to discuss the proposal prior to the next Board meeting.
- Obtain and present to the Board advice from an expert or an independent report.

Alternative Step 1b – Refer decision to Member councils to resolve in the following circumstances:

- Decisions in relation to Member council financial contributions over and above the annual membership fees.

Step 2 – Independent mediation (may include using any of the processes outlined in Step 1):

- Board resolves to work with an independent mediator to support Board to resolve the decision.
- Where a mediator cannot be agreed, the Board could ask either LG NSW or the Office of Local Government to appoint a mediator (as for a general manager contract).

Step 3 – appoint an independent arbitrator:

- Board resolves to appoint an independent arbitrator to support the Board to resolve the decision.
- Where the arbitrator cannot be agreed, the Board could ask either LG NSW or the Office of Local Government to appoint an arbitrator.

3.6. Dispute resolution

In the event of a dispute between Board members that arises from or relates to the **Northern Rivers Joint Organisation** the following steps will be taken to resolve that dispute:

- Relevant members will advise the Board prior to taking legal action.
- Relevant members will give notice to Board members specifying the nature of the dispute.
- On receipt of notice, Member councils must endeavour in good faith to resolve the dispute promptly using informal dispute resolution techniques such as mediation, expert evaluation or determination or similar techniques, as agreed by those members.
- Members that are parties to the dispute will pay the mediator's costs.

4. The Board

4.1. Governing Board and role

The Board of the **Northern Rivers Joint Organisation** consists of:

- the Mayors of each Member council

- a representative of the NSW Government, nominated by the Department of Planning, Industry and Environment, currently Director North Coast, Regional NSW
- the following other non-voting representatives:
 - Mayor/Chair or other Nominated Representative of:
 - Rous County Council
 - Clarence Valley Council
 - Tenterfield Shire Council
 - Scenic Rim Regional Council
 - RDA Northern Rivers
 - Destination North Coast
 - Combined North Coast Rural Industry Consultative Committee and North Coast Agriculture Natural Disaster Advisory Group.

The role of the Board is to direct and control the affairs of the **Northern Rivers Joint Organisation**. The Board is to consult with the Executive officer in directing and controlling the affairs of the **Northern Rivers Joint Organisation**.

The executive officer and the general manager of each Member council may also attend Board meetings in an advisory capacity.

4.2. Chairperson and role

The Chairperson is to be elected biennially by the voting representatives of the Board from one of the mayoral representatives. In the absence of the Chairperson, a person elected by the voting representatives at the meeting of the Board is to preside at the meeting. The Chairperson does not have a casting vote.

The Chairperson is the **Northern Rivers Joint Organisation's** spokesperson on strategic matters and will represent the joint organisation at regional forums where possible.

They are responsible for the conduct of meetings.

As per Board Resolution 16082019/4 in recognition of duties undertaken, the Chairperson will be paid a stipend of \$10,000 per annum, to be paid monthly.

This allowance does not attract income tax nor superannuation guarantee levy.

4.3. Alternates

Member councils that choose to appoint an alternate representative must notify the Board of that person's name and position.

4.4. Advisory committees and working groups

The **Northern Rivers Joint Organisation** establishes the following committees and advisory groups, which are to report to the Board as set out in their Terms of Reference:

- General Managers Advisory Committee.

Committees and advisory groups may also be established from time to time by Board resolution.

5. Meetings

5.1. Meeting frequency, participation, quorum and voting

Meetings will be conducted in accordance with the Code of Meeting Practice adopted by the Board from time to time. In the event of any conflict or inconsistency with the Charter and the following documents, the order of precedence will be: (1) Act, (2) Regulation, (3) Code of Meeting Practice, (3) Charter.

6. Planning and reporting

6.1. Consultation and publication

The **Northern Rivers Joint Organisation** will consult with all council members in preparing the following documents required under the Act and will publish the adopted versions on the joint organisation website: www.northernriversjo.nsw.gov.au.

- Statement of Strategic Regional Priorities.
- Annual revenue statement.
- Audited financial reports.
- Annual Returns of Interest.

The **Northern Rivers Joint Organisation** will publish an annual performance statement on its website.

7. Other matters

7.1. Records

The **Northern Rivers Joint Organisation** will keep records and provide access to relevant information in accordance with the following legislation:

- *State Records Act 1998*.
- *Privacy and Personal Information Protection Act 1998*.
- *Government Information (Public Access) Act 2009*.

The public officer of the **Northern Rivers Joint Organisation** is the Executive Officer. Contact details are:

PO Box 146, LISMORE NSW 2480
execofficer@northernriversjo.nsw.gov.au

7.2. Insurance

The **Northern Rivers Joint Organisation** has made the following insurance arrangements:

- Public Liability – Professional Indemnity.
- Crime.
- Councillors and Officers Liability.
- Policies have been provided by Statewide Mutual.

Policies are renewed annually.

7.3. Indemnity

Representatives of members of the Board and staff of the **Northern Rivers Joint Organisation** are protected from liability for functions and duties carried out or omitted honestly, in good faith and with due care and diligence.

7.4. Policies

The **Northern Rivers Joint Organisation** has adopted the following policies:

- Expenses and facilities policy.
- Code of Meeting Practice.
- Code of Conduct and Procedures.

Further policies may be adopted by the Board from time to time and will be published on the **Northern Rivers Joint Organisation's** website.

8. Transitional arrangements

The **Northern Rivers Joint Organisation** has made the following transitional arrangements:

- Nil.

Attachment 3. NRJO Executive Officers Report: Options for Appointing a New Executive Officer

Attachment 3.1 - Comparison of Joint Organisations

Joint Organisations in Regional NSW

		Membership Fees				Rent/Building Leasing	Employee Benefits + oncosts		KMP Compensation	Exec Officer Salary	FTE			
Joint Organisation	Exec Officer Arrangements	Member Councils contributing	2022/23	2021/22	2020/21	2019/20	2021	2020	2021	2020	2021	2021	2022	Comment
Canberra Regional JO	EO resigned, new EO recently appointed	10			\$ 426,914	\$ 369,100	\$ 3,401	\$ 18,323	\$ 764,572	\$ 819,681	\$ 210,000	no disclosure	no disclosure	No business papers on website since 2021
Central NSW JO	FT Exec Officer	10	\$ 809,799	\$ 797,044	\$ 752,000	\$ 731,000	\$ -	\$ -	\$ 608,000	\$ 613,000	\$ 195,347	no disclosure	5	
Hunter JO	FT Exec Officer	10		\$ 557,431	\$ 552,500	\$ 164,869	\$ -	\$ -	\$ 314,355	\$ 308,378	no disclosure	\$ 301,921	6	
Illawarra Shoalhaven JO	FT Exec Officer	4	\$ 231,942	\$ 370,940	\$ 394,000	\$ 385,000	\$ 10,000	\$ -	\$ 1,056,000	\$ 942,000	\$ 221,000	no disclosure	7.4	
Northern Rivers JO	PT Exec Officer	6	\$ 251,300	\$ 201,000	\$ 160,800	\$ 128,600	\$ -	\$ -	\$ 92,240	\$ 104,541	\$ 94,084	\$ 94,084	0.6	
Riverina JO		8		\$ 173,631	\$ 173,631	\$ 45,000	\$ -	\$ -	\$ 114,326	\$ 92,517	\$ 93,184	\$ 93,184	0.4	*
Mid North Coast JO	PT EO, GM Bellingen), PT Project Officer	3		\$ 75,000	\$ 203,000	\$ 185,000	\$ -	\$ -	\$ 101,762	\$ 188,860	\$ 44,995	no disclosure	no disclosure	*
Namoi JO	EO resigned, Walcha GM Interim EO - members exploring options	5			\$ 156,670									No business papers on website since 2020
New England JO - Financial Statements not online	EO resigned - mothballed until more state funding.	7	\$ 147,430	\$ 133,155	\$ 130,710				\$ 80,392			\$ 70,246		
Orana JO	Mothballed													
Riverina and Murray JO - Financial Statements not online	PT Exec Officer	11	\$ 216,710	\$ 211,993	\$ 216,710	\$ 211,993							7.6	No business papers on website since 2021
Far North West JO - Statement from 4/7/18 to 30/06/2020	PT EO / Locum GM	3			\$ 94,348								0.6	
Far South West JO	Mothballed													

- Notes:
- 2020/21 data from financial statements
 - 2021/22 and 2022/23 data has several gaps as these JO's don't have the information available on their website.
 - Central NSW JO has an agreement in place whereby Bathurst Regional and Orange City Council undertake payroll and accounts payable
 - Riverina JO pays contribution towards the use of ther office space. The Riverina JO is for activities, operational activites are undertake by the ROC.
 - Mid North Cost JO - Member councils contribute \$25k each towards operational costs, in addition contributre significant in kind contributions to administration (inlcuding website), IT Support, attendance at meetings and financial management
 - Goldenfields Water and Riverina Water County Councils are asociated members of Riverina JO and pay assocated member contributions \$9,713.67 each (50% of full member fee)
 - Central NSW JO (CNSWJO) core membership fee \$309,568, NSWJO water utilities alliance membership fee \$280,694, CNSWJO Regional Tourism Group fee \$102,691, CNSWJO Operational membership fee \$107,270 and WRAS (Sports Academy) fee \$9,576

Attachment 3.2- Compliance/Gap Analysis

NORTHERN RIVERS JOINT ORGANISATION COMPLIANCE AUDIT

Northern Rivers Joint Organisation Compliance Audit – 12 May 2022

1.0 Executive Summary

Following the resignation of the former Executive Officer of the Northern Rivers Joint Organisation (NRJO) in April 2022, the Chair requested the General Manager of associate member Rous County Council (RCC) act as an interim Executive Officer for the NRJO until such time as a replacement could be found.

To ensure proper governance and separation of powers and responsibilities, a compliance audit has been undertaken to review the existing processes and structure of the NRJO, with a view to identifying any non-compliance issues and addressing them during this interim period.

The NRJO Compliance Audit was conducted in May 2022 under the guidance of RCC's Governance and Risk Team.

The audit scored the NRJO's compliance to the Local Government Act 1993 as **100%**, compliance to the Local Government (General) Regulation 2021 as **99%** and compliance to other associated Acts as **64%**.

Overall compliance to the legislation was rated as Partially Effective.

There are 10 proposed management actions identified as an outcome of the audit to be considered and adopted by the NRJO.

Further recommendations have also been provided and a list of action items for the NRJO to be aware of moving forward.

2.0 Background

In 2017, the NSW Parliament passed the Local Government Amendment (Regional Joint Organisations) Act 2017, to establish a network of Joint Organisations (JOs). JOs are local government entities with legal powers to enable councils to work together at a regional level and with state agencies and other organisations to achieve better planning, economic development, and service delivery outcomes in regional NSW. In June 2018, the Northern Rivers Regional Organisation of Councils was formally dissolved, and the NRJO was formed.

Six member councils currently make up the NRJO – Ballina Shire, Byron Shire, Kyogle, Lismore City, Richmond Valley and Tweed Shire councils.

The NRJO also comprises 8 associate (non-voting) members, one of which is RCC.

JOs are entities with robust legislative and regulatory frameworks held to the same governance requirements as member councils to ensure accountability and like councils are subject to annual external audits. It follows that JOs must have a Code of Conduct, a Charter, policies including an Annual Statement of Revenue Policy (and budget) and a Statement of Regional Priorities. JOs must have a website, and a social media presence. They are required to observe formal processes including

procedures for meetings (including minuting these) and the formal mechanisms required for presenting new material to the Board, such as developing business papers. This audit showed that the NRJO is compliant in some cases by virtue of the legislation.

JOs were established with seed funding from the NSW Government. It was intended that JOs would become financially sustainable without ongoing state investment, deriving income in three main ways: member contributions, project delivery and delivery of shared services across member councils.

3.0 Purpose

The purpose of the compliance audit was to:

- Ensure legislative compliance by the NRJO
- Identify process / knowledge gaps
- Address immediate areas of non-compliance

4.0 Scope

The compliance audit aligns to the following legislation:

- Local Government Act 1993 (see section 400ZH especially, which sets out the application of the Act to JOs)
- Local Government (General) Regulation 2021 (see regulation 397A especially, which sets out the application of the Regulation to JOs).

The audit also considered the draft Guidelines for Risk Management and Internal Audit Framework for Local Councils in NSW.

5.0 Scoring

An audit tool was used to assess the current activities and processes of the NRJO in accordance with the legislation and provides data collection comments for each of the legislated areas of responsibility for the NRJO. The risk matrix document is available in Attachment 1 and details the findings of the NRJO Compliance Audit.

6.0 Audit Entry

The audit was conducted with the NRJO's interim Executive Officer on 12 May 2022.

7.0 Recommendations

Based on the compliance audit's outcomes, it is recommended the NRJO:

1. Review its strategic regional priorities and ensure methodologies for determining the priorities are available (Local Government Act 1993 – section 400R).
2. Establish a risk management framework.
3. Develop a Procurement Policy / process.
4. Develop a Government Information (Public Access) Act 2009 information guide to be reviewed on an annual basis.

5. Develop an Access Disclosure Log to maintain a register that records information about formal access applications under the Government Information (Public Access) Act 2009.
6. Prepare and implement a Privacy Management Plan and provide a copy to the Privacy Commissioner each time it is amended.
7. Develop a Public Interest Disclosure Policy of obligations under the Public Interest Disclosures Act 1994 for the Minister and Ombudsman (section 31).
8. Ensure instruments of delegation are provided to relevant staff (Local Government Act 1993 – section 400Z).
9. Ensure financial arrangements are in accordance with the Local Government Act 1993 (section 400ZF):
 - a. Confirm mechanism/recording of consultation method etc in relation to the Executive Officer functions (section 400U).
 - b. Renew and update Charter (section 400U).
10. Confirm consultation with its member councils regarding payment of expenses (regulation 397M).
11. Prepare and publish an annual revenue statement (regulation 397I).
12. Confirm whether a JO is a “public authority” for the purposes of the Disability Inclusion Act 2014 and other relevant legislation, particularly in relation to reporting.
13. Update its website with instructions for public access to Board Meetings. The website could also include a calendar of upcoming meetings that are open to the public inclusive of upcoming agenda items and any relevant business papers. The NRJO could also provide more regular updates on performance statements linked to the Integrated Planning & Reporting framework. A good example to benchmark would be the Hunter or the Illawarra JO performance reports that are disseminated quarterly.

Attachments

- 2.1 Audit Methodology
- 2.2 Joint Organisation Checklist
- 2.3 Local Government Act
- 2.4 Local Government Regulation
- 2.5 Associated Acts

Attachment 3.2.1 - Audit Methodology

Methodology

Score	Governance measure	Control effectiveness	Description
X	X	X	No longer relevant e.g. historical legislation
0	No process / procedure in place	Largely ineffective (LI)	No confidence that any degree of risk modification is being achieved. Controls need to be redesigned.
1	Informal process / procedure in place, not fully compliant		
2	Formal process / procedure, not fully compliant	Partially effective (PE)	Controls are only partially effective, require ongoing monitoring and may require to be redesigned, improved or supplemented.
3	Informal process / procedure in place, fully compliant	Substantially Effective (SE)	Existing controls address risk, are in operation and are applied consistently. Ongoing monitoring required.
4	Formal process / procedure in place, fully compliant	Effective (E)	

Attachment 3.2.2 - Joint Organisation Checklist

Checklist			
Description	Reference / comments	Compliance	Comment
Code of Conduct	Northern Rivers Joint Organisation Code of Conduct adopted 22 June 2018. Northern Rivers Joint Organisation Code of meeting adopted 2 November 2018.	yes	Review due by December 2022
Charter	The charter was first consulted to councils 28 May 2018, and adopted 6 August 2018. It was amended and last formally adopted 8 November 2019. It is recommended to review the Charter which states 'This Charter will be reviewed every 2 years at the time of the election of the Chairperson. Other amendments may be made from time to time by resolution of the board'.	yes	Review due by December 2022
Annual Statement of Revenue Policy (and budget)	The NRJO Statement of Revenue Policy states it is prepared in accordance with section 405 of the Local Government Act 1993 ("the Act")	yes	Annual requirement
Statement of Regional Priorities.	The website lists the following regional priorities: ~ Biodiverse natural environments ~ Improved community wellbeing ~ A connected region ~ Sustainable energy water and waste ~ A diverse regional economy	yes	Review due by December 2022
Website, and a social media presence.	Website and social media account created. It is recommended to update the website with an instruction for public access to meetings. The website could also include a calendar of upcoming meetings that are open to the public inclusive of upcoming agenda items and any relevant business papers. The JO could also provide more regular updates on performance statements linked to the IP&R framework. A good example to benchmark would be the Hunter or the Illawarra JO performance report that is disseminated quarterly.	yes	Ongoing social media updates required
Formal Process and procedure	Visible policies are limited to the following: Code of conduct Code of meeting conduct Expenses and facilities Revenue policy Other JOs have policies on 'Expenses and Facilities', 'Public Interest and Disclosure', 'Budget and Statement of Revenue', 'Accounting' 'Submissions' 'Business Ethics statements' Supply / Contractor Conditions 'and readily accessible financial statements and annual reports. Canberra Region JO lists the following procedures CRJO Charter Code of Meeting Practice Model Code of Conduct Public Interest Disclosure Policy Revenue Policy Expenses and Facilities Policy Procurement and Staff Delegations Policy Records Management Policy Credit Card Policy Information and Communication Technology Policy Email and Internet Policy Motor Vehicle Leasing Policy Drug and Alcohol Policy 2 CRJO Policy and Procedures Compendium – October 2021 .	yes	
Policy for payment of expenses and facilities	Expenses and Facilities Policy Adopted 8 November 2019	yes	Review due by December 2022
Meeting minutes	Meeting minutes are posted retrospectively and the net meeting date provided. There is an opportunity to list all upcoming meetings and include meeting agendas for transparency. JOs re required to observe formal processes including procedures for meetings, minuting these, and the formal mechanisms required for presenting new material to the board, such as developing business papers. refer NRJO Code of meeting	yes	
Appointment of an Executive Officer	interim EO	yes	

Legislation	Section	Legislative requirement	Validation	Score	Total potential score	Comments	Rating
Local Government Act 1993 No 30	1.0 (400P) - Council must approve inclusion of council area in joint organisation area.	1.1 The Minister must not recommend the making of a proclamation under this Part (including an amending proclamation) that includes the area of a council in a joint organisation area unless the Minister certifies that-- (a) Not less than 28 days before the certificate was given, the council, by resolution, approved the inclusion of the council's area in the joint organisation area, and (b) When the certificate was given, the resolution had not been rescinded.	Proclamation in place, 9 May 2019.	4	4	This is a ministerial issue outside of the JO's control	Effective
	2.0 (400O) - Formation of joint organisations	2.1 The Governor may, by proclamation, establish joint organisations for the purposes of this Act.	Compliance by virtue of the legislation	4	4	Proclamation sighted.	Effective
		2.2 A proclamation under this section must contain the following particulars-- (a) The name of the joint organisation, (b) The council areas that are to form the area of the joint organisation (which is to consist of the whole of 2 or more council areas).	Proclamation names the NRJO listing each member council.	4	4	Ballina, Byron, Kyogle, City of Lismore, Richmond Valley, Tweed	Effective
		2.3 A proclamation under this section may contain transitional provisions to facilitate the establishment and early operation of the joint organisation.	No correspondence exists to indicate any breach of legislation relating to transitional provisions.	4	4	Compliance by virtue of the legislation. Compliance will be a fact-based assessment if an issue arises, or enquiry made based on a transitional provision.	Effective
		2.4 Each council whose area is within the joint organisation area is a "member council" of the joint organisation.	Refer proclamation that lists Ballina, Byron, Kyogle, City of Lismore, Richmond Valley & Tweed.	4	4		Effective
	3.0 (400Q) - Legal status of joint organisations	3.1 A proclamation establishing a joint organisation operates to constitute the joint organisation as a body corporate.	Compliant by virtue of the legislation.	4	4	Legacy legislative requirement. This provision will be only be relevant if the JO has staff.	Effective
		3.2 A joint organisation as so constituted has the legal capacity and powers of an individual, both in and outside the State. Note: While the main functions of joint organisations are provided for under this Part, powers are also conferred on the joint organisation as a statutory corporation under section 50 of the Interpretation Act 1987.	An organisation has the same rights and powers of an individual under the Corporations Act.	4	4	Refer Corporations Act 2001 and Interpretation Act 1987	Effective

4.0 (400T) - Board of joint organisation	4.1 The board of a joint organisation is to consist of— (a) the mayors of each of the member councils, who are each entitled to 1 vote at a meeting of the board, and (b) any additional voting representatives of the member councils appointed under this section, who are each entitled to 1 vote at a meeting of the board, and (c) other non-voting representatives, who may attend but are not entitled to vote at a meeting of the board.	At the time of audit, the NRJO board consists of current Mayors from each member council (refer NRJO charter). At the last meeting there were no additional voting reps or other non-voting reps (meeting minutes dated 20 May 2022).	4	4		Effective
	4.2 The following persons are the non-voting representatives on the board of a joint organisation: (a) an employee of the Public Service nominated by the Secretary of the Department of Premier and Cabinet, (b) any other person invited by the board to be a non-voting representative on the board, (c) any other person, or a member of a class of persons, prescribed by the regulations.	Nil non voting representatives of the board to date	4	4		Effective
	4.3 The general manager of each member council may attend meetings of the board.	GM's Attend	4	4		Effective
	4.4 The chairperson (or, in the absence of the chairperson, a person elected by the voting representatives who are present at a meeting of the board) is to preside at a meeting of the board.	Chairperson in attendance for meetings in 2022.	4	4	Only valid when chair unavailable. Control - Code of Meeting Practice.	Effective
	4.5 The board may, by resolution, determine to expand the voting representatives on the board to include 1 additional representative nominated by each member council.	Previously voted for Mayors only.	4	4	Only relevant in the future if required	Effective
	4.6 Each additional voting representative must be a councillor of the member council. A nomination of a councillor as an additional voting representative may be revoked by the member council at any time without notice and for no stated or any reason.	Compliant by virtue of the legislation.	4	4	Only relevant in the future if required	Effective
	4.7 The quorum for a meeting of the board is a majority of the voting representatives for the time being.	Compliant by virtue of the legislation.	4	4	Only relevant in the future if required	Effective
	4.8 A decision of the board supported by a majority at which a quorum is present is a decision of the joint organisation. The chairperson or person presiding at a meeting of the board does not have, in the event of an equality of votes, a second or casting vote.	Compliant by virtue of the legislation.	4	4	Only relevant in the future if required	Effective

		4.9 The board is required to meet at least 4 times each year, each time in a different quarter of the year.	There were 4 meetings held in 2021 at quarterly interviews (meeting minutes sighted). Two meetings have been held in Feb and March 2022.	4	4	Note this for future meetings to ensure compliance. On track for 2022. Refer Opportunity for improvement (FYI) - Ensure the JO is awareness of requirement in light of pandemic.	Effective
		4.10 The regulations may-- (a) prescribe a mechanism for resolving decisions of a board in the event of an equality of votes, and (b) provide for the operation of the board during a period when councillors or mayors cease to hold office because of pending council elections.	Compliant by virtue of the legislation.	4	4	See Reg 397E	Effective
	5.0 (400W) - Alternates for voting representatives	5.1 The regulations may make provision for or with respect to the appointment, and functions, of alternates for voting representatives on the boards of joint organisations.	Compliant by virtue of the legislation.	4	4	See Reg 397F	Effective
		5.2 The regulations may impose limitations on the use and appointment of alternates.	Compliant by virtue of the legislation.	4	4	See Reg 397F	Effective
	6.0 (400V) - Chairperson	6.1 The chairperson of a joint organisation is the person elected to the office of chairperson by the voting representatives on the board from among the voting representatives who are mayors.	Cr Sharon Cadwallader (Mayor Ballina Shire Council) was elected as Chairperson at the Joint Organisation Ordinary Board Meeting 20 May 2022 (minutes sighted).	4	4		Effective
		6.2 The chairperson holds office for 2 years and may, if otherwise qualified, be re-elected as chairperson.	Compliant	4	4	Action item - calendar item reminder for 20 May 2024	Effective
		6.3 Despite subsection (2), the term of office of a person elected as chairperson on the occurrence of a casual vacancy is the remaining period of the term of office of the previous chairperson.	x	4	4	Only relevant if required in the future - refer previous action item	NA
		6.4 The office of chairperson-- (a) commences on the day the person elected to the office is declared to be elected, and (b) becomes vacant on the earliest of the following-- (i) when the person's successor is declared to be elected to the office, (ii) on the occurrence of a casual vacancy in the office, (iii) the polling day of the ordinary election of councillors of which the person is a councillor.	Compliant by virtue of the legislation.	4	4		Effective

		6.5 The joint organisation may determine that the chairperson is to be a non-voting chairperson and, if that occurs, the relevant member council is to nominate a councillor to be the voting representative for the council concerned instead of the person appointed as a non-voting chairperson for the period for which the chairperson holds office.	This determination has not been made	4	4	Only relevant in the future if required	Effective
		6.6 The councillor nominated is to be the deputy mayor of the relevant member council or another councillor if there is no deputy mayor or if the deputy mayor is already a voting representative.	x	4	4	Only relevant in the future if required	Effective
	7.0 (400X) - Vacancy in office of representatives or non-voting chairperson	7.1 A voting representative on or a non-voting chairperson of a joint organisation ceases to hold office as a voting representative or chairperson if the person: (a) ceases to be the mayor or a councillor of a member council, or (b) is a voting representative (other than a mayor) and resigns the office by writing addressed to the chairperson, or (c) is a voting representative (other than a mayor) and the person's nomination as a voting representative is revoked, or (d) is removed from office by the Minister.	x	4	4	Only relevant in the future if required Note : See section 275 for the circumstances in which a person is disqualified from holding civic office.	Effective
		7.2 A voting representative who is suspended from office as a mayor or councillor of a member council (other than as a result of the suspension of a council and the appointment of an administrator) is suspended from office as a voting representative for the duration of the suspension.	x	4	4	Only relevant in the future if required	Effective
		7.3 A member council may make a written request to the Minister that the mayor of the council be removed by the Minister as a voting representative on the board of a joint organisation on the ground of exceptional circumstances. The request may, but need not, be supported by the mayor.	x	4	4	Only relevant in the future if required	Effective
		7.4 The Minister may remove a person from office as a voting representative on the board of a joint organisation at any time without notice and for no stated or any reason.	x	4	4	Only relevant in the future if required	Effective
		7.5 However, the Minister must provide a written statement setting out the reasons for any such removal and make those reasons publicly available.	x	4	4	Only relevant in the future if required	Effective

		7.6 If a person ceases to be a voting representative on the board of a joint organisation because the person is removed from office under this section, the relevant member council must appoint a councillor of the council to be a voting representative instead of the former representative for the remainder of the former representative's term of office.	x	4	4	Only relevant in the future if required	Effective
	8.0 (400R) - Principal functions of joint organisations	8.1 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.	Regional priorities available on NRJO website	4	4	Northern Rivers Joint Organisation Strategic Regional Priorities 2019-2022. Several workshops with the GMs and Mayors to identify priorities.	Effective
		8.2 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.	Compliant by virtue of the legislation	3	4	Unclear how specifics of priorities were determined. Priorities are established however no justification or evidence on how priorities have been established or consulted. OFI - record of consultation.	Partially Effective
		8.3 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).	Compliant by virtue of the legislation.	3	4	Unclear if there is an overlap. OFI - record of consultation to validate.	Partially Effective
	9.0 (400S) - Other functions of joint organisations	9.1 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.	x	4	4	Not currently relevant Note : Some functions may also be delegated to a joint organisation by a council, see sections 377 and 379.	Effective
		9.2 A joint organisation has any other function conferred on the joint organisation by or under this Act or any other law.	Compliant by virtue of the legislation	3	4	No other functions conferred at this stage - for future consideration	Partially Effective

	10.0 400 Z - Exercise of functions	100.1 A function of a joint organisation may, subject to this Part, be exercised: (a) by the joint organisation by means of the voting representatives or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or (b) by a committee of the board, or (c) partly or jointly by the joint organisation and another person or persons, or (d) jointly by the joint organisation and a member council or councils or another joint organisation, or (e) by a delegate of the joint organisation (which may, for example, be a member council or a committee of the board).	No delegations, committees, agents, contractors etc have been located	4	4	Only delegations are to the Exec Officer	Effective
	11.0 400ZA - Decisions and powers of joint organisations	11.1 A council cannot be required, by a decision of a joint organisation, to delegate any of its functions to the joint organisation.	Compliant by virtue of the legislation.	4	4	No decisions of the JO have been made which would bind a council.	Effective
		11.2 A decision made, in good faith, by a voting representative on the board of a joint organisation is taken for the purposes of provisions of this Act relating to the functions and conduct of councillors not to have been taken by the representative in his or her capacity as the mayor or a councillor of a council.	compliant by virtue of the legislation	4	4	No decisions of the JO have been made which would invoke this section yet	Effective
	12.0 (400Y) - Executive Officer	12.1 The executive officer of a joint organisation is: (a) 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 organisation, and (b) to implement, without delay, lawful decisions of the joint organisation.	Compliant as of the appointment of Phil Rudd as interim GM.	3	4	Unsure as to compliance prior to the General Manager of Rous County Councils appointment. Meeting minutes do not reflect day to day decision making or lawful decisions. Feb 2022 meeting minutes are not published. OFI - create a register of resolutions.	Partially Effective
		12.2 The executive officer may also, if the joint organisation determines an organisation structure requiring other staff: (a) appoint staff in accordance with the organisation structure and the resources approved by the joint organisation, and (b) direct and dismiss staff.	x	4	4	No staff appointed yet	Effective
		12.3 The executive officer is to be the public officer of the joint organisation or is to designate another member of staff as the public officer	Compliant by virtue of the legislation	4	4		Effective

	13.0 (400ZC) - Amendment and dissolution of joint organisations	13.1 The Governor may, by proclamation, amend or revoke a proclamation in force under this Part for the purpose of amending the constitution of, or of dissolving, a joint organisation.	Compliant by virtue of the legislation	4	4		Effective
		13.2 A proclamation for the purpose of amending the constitution of a joint organisation-- (a) It may change the name of the joint organisation, or (b) It may vary the joint organisation area by adding or removing council areas and may specify the name of each council whose area is included in or removed from the joint organisation area.	x	4	4	No amending proclamations have been made as yet	NA
	14.0 400ZD - Facilitating provisions of proclamations	14.1 Facilitating provisions of proclamations A proclamation of the Governor for the purposes of this Part may include provisions of the kind referred to in section 213.	compliant by virtue of the legislation	4	4		Effective
	15.0 400ZF - Financial matters	15.1 The regulations may make provision for or with respect to the making of financial contributions to a joint organisation by the member councils, including the following— (a) The purposes for which contributions may be made, (b) The circumstances in which contributions may be required, (c) The assessment of contributions, (d) The payment of contributions, (e) The recovery of contributions.	See Reg 397L	4	4	The board has adopted methodology as required by reg 397L(2)	Effective
		15.2 For the purposes of this section, a financial contribution by a member council may include making employees of the member council available for the purposes of the joint organisation.	No contribution of this type currently exists	4	4	Consider this for future arrangements - i.e., interim GM arrangements, shared governance/audit/risk staff. OFI to establish agreement for resource sharing.	Effective
		15.3 A joint organisation may obtain income from charges, fees, grants, borrowings and investments. This subsection does not prevent a joint organisation exercising the functions of a council from obtaining income from other sources that may be used by the council.	Compliant by virtue of the legislation	4	4		Effective

16.0 400ZH - Application of Act to joint organisations	<p>16.1 (1) Except as provided by subsection (3), this Act applies—</p> <p>(a) to a joint organisation in the same way as it applies to a council, and</p> <p>(b) to the representatives on the board of a joint organisation in the same way as it applies to the councillors of councils, and</p> <p>(c) to the executive officer of a joint organisation in the same way as it applies to the general manager of a council.</p>	Compliant by virtue of the legislation	4	4		Effective
	<p>16.2 In the application of this Act to a joint organisation and to a representative on the board of a joint organisation—</p> <p>(a) a reference to the mayor of a council includes a reference to the chairperson of a joint organisation, and</p> <p>(b) a reference to mayoral office includes a reference to the office of the chairperson of a joint organisation, and</p> <p>(c) a reference to a councillor includes a reference to a voting representative on or a non-voting chairperson of the board of a joint organisation, and</p> <p>(d) a reference to the holding of civic office includes a reference to holding office as a voting representative on or a non-voting chairperson of the board of a joint organisation, and</p> <p>(e) a reference to the general manager of a council includes a reference to the executive officer of a joint organisation, and</p> <p>(f) a reference to the area of a council includes a reference to the joint organisation area of a joint organisation, and</p> <p>(g) a reference to a proclamation under Chapter 9 includes a reference to a proclamation under this Part.</p>	compliant by virtue of the legislation	4	4		Effective
	<p>16.3 The following provisions (the "excluded provisions") of this Act do not apply to or in respect of a joint organisation—</p> <p>(a) Chapter 3,</p> <p>(b) Part 3 of Chapter 4,</p> <p>(c) Chapter 6 (other than Part 3),</p> <p>(d) Chapter 7,</p> <p>(e) Chapter 9,</p> <p>(f) Chapter 10,</p> <p>(g) Sections 335 and 342,</p> <p>(h) Sections 355, 365, 370, 371, 375A and 377- 380 and Part 5 of Chapter 12,</p>	compliant by virtue of the legislation	4	4	Presuming that none of the events in subsections 4 or 5 apply?	Effective

	17.0 (400U) - Role of board	17.1 The role of the board of a joint organisation is to direct and control the affairs of the joint organisation in accordance with this Act.	x	4	4		Effective
		17.2 The board is to consult with the executive officer in directing and controlling the affairs of the joint organisation.	Presume compliance by virtue of meeting minutes etc	4	4		Effective
		17.3 The board is to prepare and adopt a charter for the joint organisation containing (but not limited to) the following-- (a) o perational principles for the joint organisation, (b) o overnance principles for the joint organisation.	Charter adopted 8 November 2019	4	4	Action - review and update within council term period (every four years)	Effective
		17.4 A charter may adopt requirements for a joint organisation that are additional or supplementary to, or more stringent than, requirements made by or under this Act but cannot adopt requirements that— (a) a re less stringent than requirements made by or under this Act, or (b) a re inconsistent with or contravene regulations under this Act relating to charters.	Compliant by virtue of the legislation	4	4	May not must. Also see query in point above.	Effective
		17.5 The regulations may— (a) m ake provision for or with respect to requirements for the form and content of a charter, and (b) r equire a charter to be made publicly available.	x	4	4	No such regulations at the moment. Charter in [place.	Effective
		18.1 If an administrator is appointed for a member council, the administrator who exercises the functions of the mayor of the council has— (a) t he functions of the mayor of a member council under this Part, other than the functions of chairperson if the mayor was the chairperson, and (b) t he functions of any additional voting representative from the member council on the board of the joint organisation immediately before the appointment of the administrator.	x	4	4	Not relevant at the moment	Effective

	18.0 (400ZB) - Effect of appointment of administrator for member council	18.2 An administrator who is exercising the functions of the mayor of a council under this section is, while exercising those functions, eligible for election as chairperson in any election for the chairperson (whether or not occurring as a result of a casual vacancy arising because of the administrator's appointment).	x	X	X	Note : The removal of the mayor on an administrator being appointed creates a casual vacancy in the office of chairperson (see sections 400V and 400X).	x
		18.3 A voting representative is taken not to be absent from a meeting of the board if an administrator exercising the representative's functions under this Part is present.	x	4	4	Not currently relevant	NA
		18.4 An administrator who is exercising the functions of a mayor or other voting representative of a member council that has 2 voting representatives on the board may cast a vote at a meeting of the board for each representative of the member council.	x	4	4	Not currently relevant	NA
	19.0 (400ZE) - Delegations	19.1 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.	Compliant by virtue of the legislation	4	4	Check if delegations are required for JO activities. There is no delegation in place or record of resolution of the board. OFI - create delegation or record of resolution.	Effective
		19.2 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.	Compliant by virtue of the legislation	4	4	Check if sub delegations are required	Effective
		19.3 The executive officer may delegate any of the functions of the executive officer, other than this power of delegation.	Compliant by virtue of the legislation	4	4	Check if delegations are required	Effective
		19.4 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).	Compliant by virtue of the legislation	4	4	Check if delegations are required	Effective
		19.5 Subsection (4) extends to a function sub-delegated to the executive officer under subsection (2).	Compliant by virtue of the legislation	4	4	Check if delegations are required for JO activities	Effective

	20.0 400ZG - Staff	20.1 Despite any other provision of this Act, a joint organisation (including an executive officer) may only appoint staff if the joint organisation is not a national system employer for the purposes of the Fair Work Act 2009 of the Commonwealth.	Compliant by virtue of the legislation	4	4	No staff appointed yet	Effective
		20.2 This section does not apply to the appointment of an executive officer.	Compliant by virtue of the legislation	4	4	No staff appointed yet	Effective
	21.0 428A - Audit, Risk and Improvement Committee	21.1 A council must appoint an Audit, Risk and Improvement Committee.	JO shares ARIC with Rous	4	4		Effective
		21.2 The Committee must keep under review the following aspects of the council's operations— (j) compliance, (k) risk management, (l) fraud control, (m) financial management, (n) governance, (o) implementation of the strategic plan, delivery program and strategies, (p) service reviews, (q) collection of performance measurement data by the council, (r) any other matters prescribed by the regulations.	x	4	4	Newly appointed ARIC	Effective
		21.3 The Committee is also to provide information to the council for the purpose of improving the council's performance of its functions.	x	4	4	Newly appointed ARIC - ensure these requirements are met	Effective
	Total Compliance Score			272	276		99%

Legislation	Section	Legislative requirement	Validation	Score	Total potential score	Comments	Compliant / non-compliant	
Local Government (General) Regulation 2021	1.0 (4) - Application of Regulation	1.1 Except as elsewhere provided in this Regulation, this Regulation-- (a) applies to those parts of the State that are constituted as areas for the purposes of the Act, and (b) applies to county councils in the same way as it applies to councils.	x Does not apply to JO - see Reg 397A (5)	4	4	Note : The application of this Regulation to joint organisations is dealt with in reg 397A(5).	Effective	
		2.1 Each meeting of a council or council committee is to be recorded by means of an audio or audio visual device.	NA	x	x	JO exempt	FALSE	
	2.0 (236) - Councils to broadcast meetings online	2.2 The recording is to be made publicly available on the council's website-- (a) at the same time as the meeting is taking place, or (b) as soon as practicable after the meeting.	NA	x	x	JO exempt	FALSE	
		2.3 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.	NA	x	x	JO exempt	FALSE	
		2.4 At the start of each meeting of a council or council committee, the chairperson must inform the persons attending the meeting that-- (a) the meeting is being recorded and made publicly available on the council's website, and (b) persons attending the meeting should refrain from making any defamatory statements.	NA	x	x	JO exempt	FALSE	
		2.5 This section does not apply to— (a) any part of a meeting that has been closed to the public in accordance with section 10A of the Act, or (b) a joint organisation, unless the joint organisation otherwise resolves.	NA	x	x	JO exempt	FALSE	
		2.6 In this section, "council committee" means a committee of a council all the members of which are councillors.	NA	x	x	JO exempt	FALSE	

	3.0 (397A) - Application of this Regulation to joint organisations	<p>3.1 Except as provided by this Regulation, this Regulation applies—</p> <p>(a) to a joint organisation in the same way as it applies to a council, and</p> <p>(b) to the representatives on the board of a joint organisation in the same way as it applies to the councillors of councils, and</p> <p>(c) to the executive officer of a joint organisation in the same way as it applies to the general manager of a council.</p>	Compliant by virtue of the Regulation	4	4		Effective	
		<p>3.2 In the application of a provision of this Regulation to a joint organisation and to a representative on the board of a joint organisation—</p> <p>(a) a reference to the mayor of a council includes a reference to the chairperson of a joint organisation, and</p> <p>(b) a reference to mayoral office includes a reference to the office of the chairperson of a joint organisation, and</p> <p>(c) a reference to a councillor includes a reference to a voting representative on or a non-voting chairperson of the board of a joint organisation, and</p> <p>(d) a reference to the holding of civic office includes a reference to holding office as a voting representative on or a non-voting chairperson of the board of a joint organisation, and</p> <p>(e) a reference to the general manager of a council includes a reference to the executive officer of a joint organisation, and</p> <p>(f) a reference to the area of a council includes a reference to the joint organisation area of a joint organisation.</p>	Compliant by virtue of the Regulation	4	4		Effective	

		<p>(2A) Part 8A does not apply to a joint organisation.</p> <p>(3) [DELIBERATELY BLANK]</p> <p>(4) Division 11 of Part 13 applies to a joint organisation.</p> <p>(5) Unless otherwise expressly provided by this Regulation, nothing in this section applies a provision of this Regulation to a joint organisation if the provision is made under or for the purposes of a provision of the Act that does not apply to a joint organisation.</p>	Compliant by virtue of the Regulation	4	4	<p>Note : The following provisions of this Regulation apply to a joint organisation--</p> <p>Part 1 (other than section 4), Parts 6, 8, 9 (other than Divisions 7 and 8), 10, 12 and 13 (other than Divisions 2, 3, 4 (other than section 403), 6 and 13) and Schedule 12.</p> <p>Note : Section 400ZH(3) of the Act sets out the provisions of the Act that do not apply to joint organisations, subject to any regulations made under that section. However, a provision of the Act and a provision of this Regulation may apply to a joint organisation if the joint organisation is exercising a function of a council conferred on it by or under the Act (see section 400ZH(4)(a)).</p>	Effective	
	4.0 (397D) - Election of chairperson	4.1 Schedule 7A contains provisions for the election of the chairperson of a joint organisation.	Compliant by virtue of the Regulation	4	4	The process undertaken at the February 2022 appears to meet the process in Schedule 7A to the Regulations	Effective	
	5.0 (397E) - Tied votes	5.1 A motion at a meeting of the board of a joint organisation is taken to be defeated in the event of an equality of votes.	Compliant by virtue of the Regulation	4	4		Effective	
	6.0 (Schedule 7A) - SCHEDULE 7A – Election of chairpersons of joint organisations	http://classic.austlii.edu.au/au/legis/nsw/consol_reg/lgr2021328/sch7a.html	Compliant	4	4		Effective	
	7.0 (397B) - Charters of joint organisations	7.1 For the purposes of section 400U(5)(a) of the Act, the charter of a joint organisation is to contain the methodology for determining annual financial contributions to the joint organisation by member councils.	Compliant by charter adopted in 2019	4	4	Review this in light of resolution to change methodology for contributions. Charter may need to be updated to include methodology.	Effective	
		7.2 For the purposes of section 400U(5)(b) of the Act, the charter of a joint organisation is to be made publicly available on a website administered by the joint organisation within 30 days of its adoption by the joint organisation.	Compliant by charter adopted in 2019	4	4		Effective	

		7.3 A joint organisation must consult with the member councils about the content of a proposed charter of the joint organisation.	Compliant (presumably)	4	4		Effective	
	8.0 (397C) - Meetings of joint organisations	8.1 Section 9 of the Act does not apply in respect of the first meeting of a joint organisation.	Compliant	4	4		Effective	
		8.2 For the purposes of the application of section 234 of this Regulation to a joint organisation, the Secretary is to exercise the functions of the Minister under that section.	x	4	4	Note if required in future	Effective	
		8.3 For the purposes of section 400ZH(3)(n) of the Act, section 361(2)-(5) of the Act does not apply to or in respect of a joint organisation.	Compliant by virtue of the Regulation	4	4		Effective	
		8.4 A joint organisation must consult with the member councils about the content of a proposed code of meeting practice of the joint organisation.	compliant (presumably)	4	4		Effective	
	9.0 (397F) - Alternates for voting representatives on board	9.1 A member council may appoint councillors of the council to be the alternate of any of the mayor, deputy mayor or any other councillor who is a voting representative on the board of the joint organisation.	x	4	4	Note if required in future	Effective	
		9.2 A councillor appointed as an alternate may act as the alternate for 2 years, unless another term is specified by the member council or the appointment is revoked by the member council.	x	4	4	Note if required in future	Effective	
		9.3 In the absence of a voting representative on the board of a joint organisation, the representative's alternate may, if available, act in the place of the representative.	x	4	4	Note if required in future	Effective	
		9.4 While acting in the place of a voting representative on the board, a person has all the functions of a representative and is taken to be a voting representative.	x	4	4	Note if required in future	Effective	

	10.0 (397G) - Transaction of business by telephone etc	10.1 The board of a joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives.	compliant	4	4	Meetings conducted by Zoom etc during covid	Effective	
		10.2 For the purposes of a meeting held in accordance with this section, the chairperson and each other representative on the board have the same voting rights as they have at an ordinary meeting of the board.	compliant	4	4	Meetings conducted by Zoom etc during covid and voting occurred as for a face to face meeting	Effective	
	11.0 (397H) - Statement of strategic regional priorities	11.1 A joint organisation must have a statement of strategic regional priorities.	compliant	4	4	Adopted 2019 -2022 (to be updated)	Effective	
		11.2 The statement must set out the strategic regional priorities for the joint organisation area and the strategies and plans for delivering those strategic regional priorities.	compliant	4	4		Effective	
		11.3 The statement is to be prepared not later than-- (a) 6 months after the establishment of the joint organisation, and (b) 12 months after each subsequent ordinary election of councillors for all the member councils.	originally Compliant, needs action now	4	4	To be prepared no later than December 2022. To be in readiness for the November meeting, but ideally consulted in the August meeting.	Effective	
		11.4 A joint organisation must consult with the member councils about the content of a proposed statement of strategic regional priorities.	compliant (presumably)	4	4	No records of consult.	Effective	
		11.5 The statement of strategic regional priorities is to be published by the joint organisation on a website maintained by the organisation.	compliant	4	4		Effective	

		11.6 For the purposes of section 400ZH(4)(b) of the Act, section 406 of the Act applies to a joint organisation as if a reference in that section to a community strategic plan were a reference to a statement of strategic regional priorities required to be prepared by the organisation under this section.	compliant	4	4		Effective	
	12.0 (397I) - Annual statement of revenue policy	12.1 A joint organisation must have a statement of the joint organisation's revenue policy for a year.	compliant	4	4		Effective	
		12.2 The statement of the revenue policy must include the following statements: (a) a statement containing a detailed estimate of the joint organisation's income and expenditure, (b) a statement of the types of fees proposed to be charged by the joint organisation, (c) the amount of any proposed fees to which Division 3 of Part 10 of Chapter 15 of the Act applies, (d) a statement of the amounts of any proposed borrowings (other than internal borrowing), the sources from which they are proposed to be borrowed and the means by which they are proposed to be secured.	compliant	4	4		Effective	
		12.3 The statement of fees need not include information that could confer a commercial advantage on a competitor of the joint organisation.	compliant	4	4		Effective	
		12.4 For the purposes of section 400ZH(4)(b) of the Act, section 406 of the Act applies to a joint organisation as if a reference in those subsections to an operational plan were a reference to the joint organisation's revenue policy statement.	compliant	4	4		Effective	
		12.5 A joint organisation must adopt its revenue policy statement for a year on or before 30 June in the preceding year. If the joint organisation is established on or after 1 March in the preceding year, the date for the adoption of the statement is extended to 31 August in the next year.	Compliant	4	4	Adopted May 2022 meeting	Effective	

		12.6 A joint organisation is not required to prepare an annual revenue statement for the first year in which it is established.	compliant	4	4		Effective	
		12.7 For the purposes of the application of section 610F of the Act to a joint organisation, a reference to an operational plan of a council is taken to be a reference to an annual revenue statement of a joint organisation.	compliant	4	4	Adopted May 2022 meeting	Effective	
	13.0 (397J) - Annual performance statements	13.1 Within 5 months from the end of each year, a joint organisation must prepare a report (its "annual performance statement") for that year reporting as to its progress in implementing its strategies and plans for delivering its strategic regional priorities.	Compliant	4	4		Effective	
		13.2 The annual performance statement is to be published by the joint organisation on a website maintained by the organisation within 28 days after it is made.	compliant	4	4		Effective	
		13.3 Section 217 (other than section 217(1)(a1)(iia) and (iv), (a4), (e), (e1) or (f)) applies to an annual performance statement of a joint organisation in the same way as it applies to an annual report of a council.	compliant	4	4		Effective	
		13.4 A joint organisation is not required to, but may, prepare an annual performance statement for the first year in which it is established.	x	4	4		Effective	
		13.5 For the purposes of section 400ZH(4)(b) of the Act, section 406 of the Act applies to a joint organisation as if a reference in that section to an annual report were a reference to an annual performance statement required to be prepared by the organisation under this section.	compliant	4	4		Effective	

	14.0 (397K) - Delegation of functions	<p>14.1 For the purposes of section 400ZE(1) of the Act, the following functions must not be delegated by a joint organisation:</p> <p>(a) The appointment of an executive officer,</p> <p>(b) The fixing of a fee,</p> <p>(c) The borrowing of money,</p> <p>(d) The voting of money for expenditure on its works, services or operations,</p> <p>(e) The purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),</p> <p>(f) The acceptance of tenders to provide services currently provided by members of staff of the joint organisation,</p> <p>(g) The fixing of an amount for the carrying out by the joint organisation of work on private land,</p> <p>(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,</p> <p>(i) A decision under section 356 of the Act to contribute money or otherwise grant financial assistance to persons,</p> <p>(j) The making of an application, or the giving of a notice, to the Governor or Minister</p>	Compliant	4	4	No delegations exist - presume all decisions are made by a decision of the Board	Effective	
		<p>14.2 Despite subsection (1), a joint organisation may delegate its functions relating to the granting of financial assistance if—</p> <p>(a) The financial assistance is part of a specified program, and</p> <p>(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.</p>	x	4	4	Currently not applicable but check this in the future	Effective	
		15.1 For the purposes of section 400ZF of the Act, each member council of the joint organisation is to make an annual financial contribution to the joint organisation.	Compliant	4	4		Effective	
		15.2 The joint organisation is to determine the amount of the annual contribution in accordance with the methodology adopted by the board in the charter.	Compliant	4	4		Effective	

	15.0 (397L) - Financial contributions by member councils	15.3 The joint organisation may from time to time determine that additional financial contributions are to be made by any or all of the member councils.	x	4	4	Currently not applicable but check this in the future	Effective	
		15.4 A financial contribution of a member council under this section may be in the form of a monetary payment or in any other form agreed by the joint organisation with the member council.	Compliant	4	4	Check this in relation to shared resources/staffing. Rous has no voting rights but is sharing resources (admin). This agreement should be documented if a transaction takes place.	Effective	
		15.5 A joint organisation must consult with the member councils about proposed financial contributions.	compliant	3	4	No evidence of consultation occurring before the budget was adopted	Partially Effective	
	16.0 (397M) - Payment of expenses and provision of facilities	16.1 For the purposes of section 400ZH(4)(b) of the Act, section 252 of the Act (other than section 252(2)) is not an excluded provision of the Act in relation to all joint organisations.	Compliant by virtue of the Regulation	4	4	Should check this against records and the overlapping provisions of the Act and regs	Effective	
		16.2 A joint organisation must consult with the member councils about the content of a proposed policy concerning the payment of expenses.	Policy is compliant	3	4	No evidence of consultation occurring before the policy was adopted	Partially Effective	
	17.0 (397M) - First financial reports and other financial matters	17.1 This section applies to a joint organisation if it is established after 1 July in a year.	Compliant by virtue of the Regulation	4	4		Effective	
		17.2 The first financial reports required to be prepared under Part 3 of Chapter 13 of the Act for a joint organisation are to be prepared for the period commencing on the constitution of the joint organisation and ending on the last day of the year after the year in which the joint organisation is established.	Compliant - financial policy for 11/05/18-30/06/2019 available on website	4	4	retrospective provision	Effective	
		17.3 For the purposes of section 400ZH(5)(a) of the Act, section 413(1) of the Act applies to a joint organisation with the modifications set out in subsection (2).	Compliant by virtue of the Regulation	4	4		Effective	
		17.4 For the purposes of section 400ZH(5)(b) of the Act, the following provisions of the Act do not apply to or in respect of a joint organisation-- (a) Division 2 of Part 10 of Chapter 15, (b) Division 5 of Part 2 of Chapter 17.	Compliant by virtue of the Regulation	4	4	Chapter 15, Part 10, Division 2 - Council fees for business activities. Chapter 17, Part 2, Division 5 - Sale of land for unpaid rates and charges	Effective	

	18.0 (397O) - Application of merit appointment provisions	18.1 Sections 348(1) and (2) and 349 of the Act do not apply to the appointment of a person as the first executive officer of a joint organisation, if the term of appointment is for a period of not more than 12 months.	Compliant by virtue of the Regulation	4	4	Historical - no longer relevant	Effective	
		18.2 However, a joint organisation may comply with any of those provisions if it thinks fit.	Compliant by virtue of the Regulation	4	4	Historical - no longer relevant	Effective	
	19.0 (397P) - Transfer of staff	19.1 Section 406A applies to the following changes of employment— (a) a change of employment from a joint organisation to another joint organisation, (b) a change of employment from a joint organisation to a council, (c) a change of employment from a council to a joint organisation.	x	4	4	Note : Because of section 4, this section, and Division 5 of Part 13 of this Regulation, apply to a county council in the same way as they apply to a council.	Effective	
		19.2 Sections 406C and 406D apply to staff members of a joint organisation, with the following modifications— (a) a staff transfer is taken to include a transfer of staff under a proclamation under Chapter 12 of the Act, (b) a reference to a proclamation under Chapter 9 of the Act is taken to include a reference to a proclamation under Chapter 12 of the Act.	x	4	4		Effective	
		19.3 For the purposes of section 400ZH(5)(a) of the Act— (a) section 354D of the Act applies to staff transfers in connection with the transfer of functions to or from a joint organisation and a council or a county council in the same way as it applies to a staff transfer within the meaning of Part 6 of Chapter 11 of the Act, and (b) section 354G of the Act applies to staff transfers in connection with the transfer of functions to or from a joint organisation and a council or a county council in the same way as it applies to transfers in connection with the constitution of a new area.	x	4	4		Effective	

	420.0 (397Q) - Acquisition of land excluded	20.1 For the purposes of section 400ZH(5)(b) of the Act, Part 1 of Chapter 8 of the Act does not apply to or in respect of a joint organisation.	Compliant by virtue of the Regulation	4	4	The JO doesn't own any land	Effective	
Total Compliance Score				28	28		100%	

Attachment 3.2.3- Local Government Act

Act	Regulation	Regulatory Compliance Function	Reporting Detail	Validation	Score	potential	Rating	Comments
Government Information (Public Access) Act 20	N/A	Access to information	Maintain a register that records information about formal access applications (Disclosure Log)	Access Disclosure Log	0	4	Largely ineffective	
Government Information (Public Access) Act 20	N/A	Access to information	Council to keep certain records available for public inspection	Council webpage	2	4	Partially ineffective	Some records available
Government Information (Public Access) Act 20	N/A	Access to information	GIPA Annual Report information to be included in Council's Annual Report	Council webpage	4	4	Effective	The annual performance statement states that the NRJO received zero formal / informal applications for the reporting year
Government Information (Public Access) Act 20	N/A	Access to information	GIPA Annual Report to be lodged with the OLG (the Minister) and the Information Commissioner within 4 months of EOFY	Unknown	4	4	Effective	Lodgements have been made
Government Information (Public Access) Act 20	N/A	Access to information	Council must review its publication information guide and adopt a new information guide at intervals of not more than 12 months	GIPA information Guide	0	4	Largely ineffective	privacy statements exist but no publication information guide reviewed at regular frequency
Government Information (Public Access) Act 20	N/A	Access to information	Mandatory proactive release of certain government information: Council must keep a record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure. The record is to indicate only the general nature of the information concerned.	Annual Performance Report / Public Interest Disclose Policy	2	4	Partially ineffective	Council report zero requests for the reporting year. Council report no known public interest disclosures on activities. There is no Public interest Disclosure Policy.
Government Information (Public Access) Act 20	N/A	Access to information	Council must prepare and implement a Privacy Management Plan and provide a copy to the Privacy Commissioner each time it is amended.	Privacy Management Plan	1	4	Largely Ineffective	There is a privacy statement on the website that does not include a Privacy Management plan. Unknow whether a copy has been provided to the Privacy Commissioner
Government Information (Public Access) Act 20	N/A	Access to information	Maintain a public register regarding environment protection licences in accordance with section 308 of the POEO Act	Unknown	0	4	Largely ineffective	Not visible on website - none held
Government Information (Public Access) Act 2009	Local Government (General) Regulation 2005	Contracts	Maintain a register of contracts \$150,000 or more. Maintain register for website	NA	0	0	Largely ineffective	Not existing contracts, or contract register available on website.
Local Government Act 1993	Local Government (General) Regulation 2005, 5 cl 202(b)	Budget	Responsible Accounting Officer (RAO) to report material budget variances from the budget to the following Council meeting	Nil staff	2	4	Partially ineffective	Budget plans discussed but no material budget variances reported at council meetings.
Local Government Act 1993	N/A	Budget	Quarterly Budget Review reported to council	Annual basis	1	4	Largely Ineffective	Budget Reviews not reported quarterly
Local Government Act 1993	N/A	Conduct	Council must review all its delegations during the first 12 months of each term of office		2	4	Partially ineffective	Haven't been reviewed since first JO meeting.
Local Government Act 1993	N/A	Disclosures of interest	Lodge completed Pecuniary Interest returns for Councillors & designated persons who held office	Unknown	4	4	Effective	
Local Government Act 1993	Local Government (General) Regulation 2005	Conduct	Reporting Statistics on Code of Conduct Compliant about Councillors and the General Manager. Refer Procedures of the Administration of the Code of Conduct clauses 11.1 for reports to Council and cl11.2 for report to OLG on Compliant statistics	Unknown	0	4	Largely ineffective	Awaiting confirmation from OLG
Local Government Act 1993	N/A	Disclosures of interest	Lodgement of Pecuniary Interest returns for newly elected Councillors	email	4	4	Effective	

Local Government Act 1993	N/A	Councillor support	Each council must determine the level of fees for the remuneration of Councillors each year. This is based on the Annual Report and Determination of the Local Government Remuneration Tribunal	Section 400zh exempt JOs	4	4	Effective	Renew due Dec 2022
Local Government Act 1993	Local Government (General) Regulation 2005	Equal Employment Opportunity (EEO) Management Plan	Councils must prepare and publish an EEO Management Plan. They must also report on implementation of the plan in their annual report.	Nil staff at NRJO - not currently relevant	2	4	Partially ineffective	Nil EEO Management Plan available. Awaiting confirmation from OLG.
Local Government Act 1993	Local Government (General) Regulation 2005 Code of Accounting Practice and Financial Reporting pg A-5	Financial data	Audited financial statements & Financial Data Returns are to be lodged with OLG	Audit report to NSW Gov	3	4	Partially Effective	Late
Local Government Act 1993	Local Government (General) Regulation 2005	Financial data	Last day for Audited financial statements to be presented to the public	General purpose financial report - annual basis	4	4	Effective	
Local Government Act 1993	Local Government (General) Regulation 2005	Financial data	Last day for council's ledgers to be balanced and a list balances to be prepared for six-monthly inspections by council's auditor	Late preparation for auditor	2	4	Partially ineffective	Financial management has been moved.
Local Government Act 1993	Local Government (General) Regulation 2005	Financial data	Proposed Loan Borrowings Return to be submitted to TCORP	NA	4	4	Effective	No borrowings forecasted
Local Government Act 1993	N/A	Grant data	Electronic lodgement of Grants Commission General Data Return	Unknown	0	4	Largely ineffective	Grants included in financial statements
Local Government Act 1993	Local Government (General) Regulation 2005	Investments	Responsible Accounting Officer (RAO) to prepare a written report monthly for Council on money invested under s 625 of the LG Act	Unknown	0	4	Largely ineffective	Awaiting confirmation from OLG
Local Government Act 1993	Local Government (State) Award 2017	Learning and development	Training plan required under the Local Govt (State) Award following consultation with the Consultative Committee. Action arising to be included in the Workforce Mgmt. Plan & DP & OP, as appropriate.	NA	4	4	Effective	If staff are appointed, this would be required.
Local Government Act 1993	Local Government (General) Regulation 2005	IP&R	Annual Report to be furnished to the Minister (by submitting to the Division of Local Government) and posted on Council's website.		4	4	Effective	
Local Government Act 1993	IP&R Guidelines	IP&R	Community Strategic Plan reviewed and updated	Northern Rivers Joint Organisation Strategic Regional Priorities 2019-2022	4	4	Effective	JO requirement
Local Government Act 1993	IP&R Guidelines	IP&R	Delivery Program reviewed and updated	Annual performance report	4	4	Effective	JO requirement
Local Government Act 1993	IP&R Guidelines	IP&R	Operational Plan reviewed and updated	JO is exempt	4	4	Effective	
Local Government Act 1993	IP&R Guidelines	IP&R	Resourcing Strategy reviewed and updated	JO is exempt	4	4	Effective	
Local Government Act 1993	IP&R Guidelines	IP&R	Asset Management Planning (10yrs) as part of IP&R Resourcing Strategy (10 years) (Asset Management Policy, Asset Management Strategy and Asset Management Plan)	Nil assets / relevant?	0	4	Largely ineffective	No assets need to be documented and made available.
Local Government Act 1993	IP&R Guidelines	IP&R	Long Term Financial Plan (10yrs) as part of IP&R Resourcing Strategy (10 years)	JO is exempt	4	4	Effective	
Local Government Act 1993	IP&R Guidelines	IP&R	Workforce Management Strategy (4yrs) as part of IP&R Resourcing Strategy (10 years)	JO is exempt	4	4	Effective	
Local Government Act 1993	N/A	Organisational structure	Re-determine organisation structure within 12 months after any Ordinary election of the Council	Nil staff.	2	4	Partially ineffective	If staff are appointed, this would be required.
Local Government Act 1993	N/A	Performance and reporting	Delivery Program progress report (2nd half of year) provided to Council at least every 6 months - presented to September Council meeting	JO is exempt	4	4	Effective	
Local Government Act 1993	N/A	Performance and reporting	Delivery Program progress reports (1st half of year) provided to Council at least every 6 months - presented to March Council Meeting	JO is exempt	4	4	Effective	

Local Government Act 1993	N/A	Political contributions	Provisions relating to Councils requirement in terms of recording political donations and voting on planning matters. The GM/EO is required to keep a register of Councillors' disclosures of political donations. If not complied with, GM/EO to report to OLG.	Unknown	0	4	Largely ineffective	Awaiting confirmation from OLG
Local Government Act 1993	N/A	Public land	Keep a register of all land owned or managed by Council		4	4	Effective	Nil land owned. Register required when the JO acquires land.
Local Government Act 1993	N/A	Senior staff contracts	Review of GM/EOs and other senior staff performance, undertake contract renewal process subject to the terms of the relevant contract/s	No performance reviews were undertaken with last Exec Officer.	0	4	Largely ineffective	
Public Interest Disclosures Act	N/A	Public interest disclosure	PID first half yearly report lodged with the NSW Ombudsman	Zero requests received NA	4	4	Effective	
Public Interest Disclosures Act	N/A	Public interest disclosure	PID Annual Report of obligations to be lodged with the OLG (the Minister) and Ombudsman	Unknown	0	4	Largely ineffective	Awaiting confirmation from OLG
Local Land Services Act 2013	N/A	Returns of interest	Council is required to submit an annual return of land and stock to Local Land Services	Jo exempt??	x	x	FALSE	Awaiting confirmation from OLG
Work Health Safety Act 2011 (Cth)	N/A	Work health safety	Any serious injury or illness, death or dangerous incident arising out of the conduct of the workplace, that meets the definitions of 'notifiable incident', must be reported.	JO exempt??	x	x	FALSE	Awaiting confirmation from OLG
Independent Commission Against Corruption Act 1988	Independent Commission Against Corruption Regulation 2017	Conduct	Report suspected corrupt conduct to ICAC. Provisions relating to Council's responsibility to promote integrity and accountability of public administration by investigating, exposing and preventing corruption	No formal procedures	0	4	Largely ineffective	no training / formal procedures
Carbon Credits (Carbon Farming Initiative) Act 2011	Carbon Farming (Capture and Combustion of Methane in Landfill Gas from Legacy Waste) Methodology Determination 2012	Contracts	Council must provide an offsets report accompanied by a prescribed audit report prepared by a registered greenhouse and energy auditor - 3rd and final subsequent audit. Assurance on claim for carbon credits under the Carbon Farming Initiative / Emissions Reduction Fund Environmental Protection Licence 6057 - Myocum Landfill	NA	x	x	FALSE	
Disability Inclusion Act 2014	Disability Inclusion Regulation 2014	Disability Inclusion Action Plan	Council must have a plan (a disability inclusion action plan) setting out the measures it intends to put in place (in connection with the exercise of its functions) so that people with disability can access general supports and services available in the community, and can participate fully in the community	A JO is not defined as a public authority for the purpose of the DDA act.	4	4	Effective	
Disability Inclusion Act 2014	Disability Inclusion Regulation 2014	Disability Inclusion Action Plan	Council must consult with people with disability in development of their DIAP	A JO is not defined as a public authority for the purpose of the DDA act.	4	4	Effective	
Disability Inclusion Act 2014	Disability Inclusion Regulation 2014	Disability Inclusion Action Plan	Council must, as soon as practicable after preparing its annual report, give the Minister a copy of the part of the annual report relating to the department's or council's report on the implementation of its disability inclusion action plan	A JO is not defined as a public authority for the purpose of the DDA act.	4	4	Effective	
Disability Inclusion Act 2014	Disability Inclusion Regulation 2014	Disability Inclusion Action Plan	A public authority must review its disability inclusion action plan before the end of each 4-year period after the day the authority is required to have the plan.	A JO is not defined as a public authority for the purpose of the DDA act.	4	4	Effective	

Environmental Planning and Assessment Act 1979	Environmental Planning and Assessment Regulations	Fire safety	Fire safety inspection report - if inadequate provisions for fire safety, council must table any report and recommendations it receives to the next meeting of council in order to determine whether it will exercise its powers to give a fire safety order	NA	x	x	FALSE	Only applicable if the JO buys, leases or occupies a building.
Environmental Planning and Assessment Act 1979	Environmental Planning and Assessment Regulation 2000	Fire safety statements	For BCA building classes 1b to 9, councils to maintain register of annual fire safety statements and send reminder letters to owners.	JO exempt??	x	x	FALSE	Awaiting confirmation from OLG
Protection of Environment Operations Act 1997 & Contaminated Land Management Act 1997	N/A	Environment Protection	Any pollution incident that meets the definition of 'causing or threatening material harm to the environment' must be reported. Incidents that involve the contamination of land or becoming aware of contamination of land, must be reported, if the contamination meets stated criteria.	JO exempt??	x	x	FALSE	Awaiting confirmation from OLG
Protection of Environment Operations Act 1997	Protection of the Environment Operations (General) Regulation 2009	Environment Protection	Prepare and test a Pollution Incident Response Management Plan for each licence activity. Licensees are required to prepare pollution incident response management plans for each licensed activity, in accordance with the requirements set out in Part 5.7A of the POEO Act	NA	x	x	FALSE	
Commonwealth constitution	N/A	GST Reporting	GST Certificate to be submitted to OLG - 31 July		4	4	Effective	
Total Compliance Score					115	180		64%

Attachment 3.3 - Option 1 Long Term Financial Plan

JOINT ORGANISATION - TEN YEAR FINANCIAL FORECAST - PART TIME EXECUTIVE OFFICER (APPROXIMATELY 21 HOURS) Option 1 - Status Quo												
Item	2022/23 Budget	2022/2023 Revised	2022/2023 Estimate	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate	2027/28 Estimate	2028/29 Estimate	2029/30 Estimate	2030/31 Estimate	2031/32 Estimate
Membership Fees												
Ballina Shire	43,265		43,265	50,200	55,400	58,300	59,900	61,600	63,300	65,000	66,800	68,600
Byron Shire	38,600		38,600	44,800	49,400	51,900	53,300	54,700	56,200	57,800	59,400	61,000
Kyogle	25,250		25,250	29,100	31,900	33,500	34,300	35,100	35,900	36,800	37,600	38,500
Lismore City	42,300		42,300	48,800	53,500	56,000	57,100	58,300	59,600	60,800	62,100	63,400
Richmond Valley	32,435		32,435	37,400	41,000	42,900	43,900	44,900	45,900	46,900	47,900	49,000
Tweed Shire	69,450		69,450	78,700	86,700	91,200	93,600	96,100	98,600	101,200	103,900	106,600
Total Membership Fees	251,300	0	251,300	289,000	317,900	333,800	342,100	350,700	359,500	368,500	377,700	387,100
Membership Income Increase PA (%)			0%	15.0%	10.0%	5.0%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%
Forecast Cashflows												
Operating Revenues												
Membership Fees	251,300		251,300	289,000	317,900	333,800	342,100	350,700	359,500	368,500	377,700	387,100
Myroadinfo	16,000		16,000	0	0	0	0	0	0	0	0	0
LG Procurement Rebate	30,000		30,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
State Government Contribution	0		0	0	0	0	0	0	0	0	0	0
Interest	1,000		1,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000
Total	298,300	0	298,300	325,000	353,900	369,800	378,100	386,700	395,500	404,500	413,700	423,100
Operating Expenses												
Bank Charges	100		100	100	100	100	100	100	100	100	100	100
Conferences, Events, Travel	12,250		12,250	12,600	12,900	13,200	13,500	13,800	14,100	14,500	14,900	15,300
Councillors Professional Development	14,250		14,250	14,600	15,000	15,400	15,800	16,200	16,600	17,000	17,400	17,800
Executive Officer - Salary and Oncosts	95,650		95,650	100,000	102,500	105,100	107,700	110,400	113,200	116,000	118,900	121,900
Executive Officer - Vehicle Allowance	8,800		8,800	9,000	9,200	9,400	9,600	9,800	10,000	10,300	10,600	10,900
Executive Officer - Support (RDA)	44,000		35,400	36,300	37,200	38,100	39,100	40,100	41,100	42,100	43,200	44,300
Executive Officer - Financial Mgt (Rous)	30,000		30,000	30,800	31,600	32,400	33,200	34,000	34,900	35,800	36,700	37,600
Committee Support	5,400		5,400	5,500	5,600	5,700	5,800	5,900	6,000	6,200	6,400	6,600
ARIC Fees	2,200		2,200	2,300	10,000	10,300	10,600	10,900	11,200	11,500	11,800	12,100
ARIC Superannuation	300		300	300	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
Chair Stipend	10,000		10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
MyRoadInfo	15,000		15,000	0	0	0	0	0	0	0	0	0
Professional Fees – Audit	11,000		11,000	11,300	11,600	11,900	12,200	12,500	12,800	13,100	13,400	13,700
Media and Communications	5,200		5,200	5,300	5,400	5,500	5,600	5,700	5,800	5,900	6,000	6,200
Laptop / Phone / ipad			0	2,500	3,000	2,500	3,000	2,500	3,000	2,500	3,000	2,500
Vendor Panel Subscription	65,000		65,000	66,600	68,300	70,000	71,800	73,600	75,400	77,300	79,200	81,200
Regional Strategic Priorities activities				30,000	30,800	31,600	32,400	33,200	34,000	34,900	35,800	36,700
Sundry Expenses	5,200		5,200	5,300	5,400	5,500	5,600	5,700	5,800	5,900	6,000	6,200
Total	324,350	0	315,750	342,500	359,800	367,900	377,200	385,600	395,200	404,300	414,600	424,300
Net Cash Movement	(26,050)	0	(17,450)	(17,500)	(5,900)	1,900	900	1,100	300	200	(900)	(1,200)
Retained Earnings - 1 July	780,000	780,000	780,000	762,600	745,100	739,200	741,100	742,000	743,100	743,400	743,600	742,700
Retained Earnings - 30 June	754,000	780,000	762,600	745,100	739,200	741,100	742,000	743,100	743,400	743,600	742,700	741,500
Assumptions												
CPI			2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%
interest on Retained Earnings			3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%
Population Growth Percentage												
Ballina Shire		1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%
Byron Shire		1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%
Kyogle		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lismore City		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Richmond Valley		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Tweed Shire		1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%
Total Population												
Ballina Shire		45,200	45,700	46,200	46,800	47,400	48,000	48,600	49,200	49,800	50,400	51,000
Byron Shire		35,800	36,200	36,600	37,000	37,400	37,800	38,300	38,800	39,300	39,800	40,300
Kyogle		8,800	8,800	8,800	8,800	8,800	8,800	8,800	8,800	8,800	8,800	8,800
Lismore City		43,700	43,700	43,700	43,700	43,700	43,700	43,700	43,700	43,700	43,700	43,700
Richmond Valley		23,500	23,500	23,500	23,500	23,500	23,500	23,500	23,500	23,500	23,500	23,500
Tweed Shire		94,500	95,400	96,400	97,400	98,400	99,400	100,400	101,400	102,400	103,400	104,400
Total	0	251,500	253,300	255,200	257,200	259,200	261,200	263,300	265,400	267,500	269,600	271,700
Percentage of Membership Income												
Ballina Shire	17%	17%	17%	17%	17%	17%	18%	18%	18%	18%	18%	18%
Byron Shire	15%	15%	15%	16%	16%	16%	16%	16%	16%	16%	16%	16%
Kyogle	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%
Lismore City	17%	17%	17%	17%	17%	17%	17%	17%	17%	16%	16%	16%
Richmond Valley	13%	13%	13%	13%	13%	13%	13%	13%	13%	13%	13%	13%
Tweed Shire	28%	28%	28%	27%	27%	27%	27%	27%	27%	27%	28%	28%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Attachment 3.4 - Option 2 Long Term Financial Plan

JOINT ORGANISATION - TEN YEAR FINANCIAL FORECAST - Full-time Executive Officer with Corporate Services in-house Option 2												
Item	2022/23 Budget	2022/2023 Revised	2022/2023 Estimate	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate	2027/28 Estimate	2028/29 Estimate	2029/30 Estimate	2030/31 Estimate	2031/32 Estimate
Membership Fees												
Ballina Shire	43,265		43,265	54,600	68,400	82,300	87,900	90,300	92,800	95,300	97,900	100,600
Byron Shire	38,600		38,600	48,700	61,000	73,200	78,100	80,200	82,500	84,700	87,000	89,400
Kyogle	25,250		25,250	31,600	39,400	47,300	50,300	51,400	52,700	53,900	55,200	56,500
Lismore City	42,300		42,300	53,100	66,100	79,000	83,800	85,500	87,300	89,200	91,000	92,900
Richmond Valley	32,435		32,435	40,600	50,700	60,600	64,400	65,800	67,300	68,800	70,300	71,800
Tweed Shire	69,450		69,450	85,500	107,100	128,700	137,300	140,900	144,600	148,400	152,300	156,300
Total Membership Fees	251,300	0	251,300	314,100	392,600	471,100	501,700	514,200	527,100	540,300	553,800	567,600
Membership Income Increase PA (%)			0%	25.0%	25.0%	20.0%	6.5%	2.5%	2.5%	2.5%	2.5%	2.5%
Forecast Cashflows												
Operating Revenues												
Membership Fees	251,300		251,300	314,100	392,600	471,100	501,700	514,200	527,100	540,300	553,800	567,600
Myroadinfo	16,000		16,000	0	0	0	0	0	0	0	0	0
LG Procurement Rebate	30,000		30,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
State Government Contribution	0		0	0	0	0	0	0	0	0	0	0
Interest	1,000		1,000	12,000	10,000	9,000	9,000	10,000	10,000	10,000	11,000	11,000
Total	298,300	0	298,300	351,100	427,600	505,100	535,700	549,200	562,100	575,300	589,800	603,600
Operating Expenses												
Bank Charges	100		100	100	100	100	100	100	100	100	100	100
Conferences, Events, Travel	12,250		12,250	12,600	12,900	13,200	13,500	13,800	14,100	14,500	14,900	15,300
Councillors Professional Development	14,250		14,250	14,600	15,000	15,400	15,800	16,200	16,600	17,000	17,400	17,800
Executive Officer - Salary and Oncosts	100,000		100,000	171,200	175,500	179,900	184,400	189,000	193,700	198,500	203,500	208,600
Executive Officer - Vehicle Allowance	8,800		8,800	9,000	9,200	9,400	9,600	9,800	10,000	10,300	10,600	10,900
Executive Officer - Staff (Admin Officer)	44,000			75,000	76,900	78,800	80,800	82,800	84,900	87,000	89,200	91,400
Executive Officer - Financial Mgt (Rous)	30,000		30,000	30,800	31,600	32,400	33,200	34,000	34,900	35,800	36,700	37,600
Committee Support	5,400		5,400	5,500	5,600	5,700	5,800	5,900	6,000	6,200	6,400	6,600
Office Lease				15,000	15,400	15,800	16,200	16,600	17,000	17,400	17,800	18,200
ARIC Fees	2,200		2,200	2,300	10,000	10,300	10,600	10,900	11,200	11,500	11,800	12,100
ARIC Superannuation	300		300	300	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
Chair Stipend	10,000		10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
MyRoadInfo	15,000		15,000	0	0	0	0	0	0	0	0	0
Professional Fees – Audit	11,000		11,000	11,300	11,600	11,900	12,200	12,500	12,800	13,100	13,400	13,700
Media and Communications	5,200		5,200	5,300	5,400	5,500	5,600	5,700	5,800	5,900	6,000	6,200
Laptop / Phone / ipad			0	5,000	6,000	5,000	6,000	5,000	6,000	5,000	6,000	5,000
Vendor Panel Subscription	65,000		65,000	66,600	68,300	70,000	71,800	73,600	75,400	77,300	79,200	81,200
Strategic Projects				30,000	30,800	31,600	32,400	33,200	34,000	34,900	35,800	36,700
Sundry Expenses	5,200		5,200	5,300	5,400	5,500	5,600	5,700	5,800	5,900	6,000	6,200
Total	328,700	0	284,700	469,900	490,900	501,700	514,800	526,000	539,500	551,600	566,000	578,800
Net Cash Movement	(30,400)	0	13,600	(118,800)	(63,300)	3,400	20,900	23,200	22,600	23,700	23,800	24,800
Retained Earnings - 1 July	780,000	780,000	780,000	793,600	674,800	611,500	614,900	635,800	659,000	681,600	705,300	729,100
Retained Earnings - 30 June	749,600	780,000	793,600	674,800	611,500	614,900	635,800	659,000	681,600	705,300	729,100	753,900
Assumptions												
CPI			2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%
interest on Retained Earnings			3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%
Population Growth Percentage												
Ballina Shire		1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%
Byron Shire		1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%
Kyogle		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lismore City		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Richmond Valley		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Tweed Shire		1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%
Total Population												
Ballina Shire		45,200	45,700	46,200	46,800	47,400	48,000	48,600	49,200	49,800	50,400	51,000
Byron Shire		35,800	36,200	36,600	37,000	37,400	37,800	38,300	38,800	39,300	39,800	40,300
Kyogle		8,800	8,800	8,800	8,800	8,800	8,800	8,800	8,800	8,800	8,800	8,800
Lismore City		43,700	43,700	43,700	43,700	43,700	43,700	43,700	43,700	43,700	43,700	43,700
Richmond Valley		23,500	23,500	23,500	23,500	23,500	23,500	23,500	23,500	23,500	23,500	23,500
Tweed Shire		94,500	95,400	96,400	97,400	98,400	99,400	100,400	101,400	102,400	103,400	104,400
Total	0	251,500	253,300	255,200	257,200	259,200	261,200	263,300	265,400	267,500	269,600	271,700
Percentage of Membership Income												
Ballina Shire	17%	17%	17%	17%	17%	17%	18%	18%	18%	18%	18%	18%
Byron Shire	15%	15%	15%	16%	16%	16%	16%	16%	16%	16%	16%	16%
Kyogle	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%
Lismore City	17%	17%	17%	17%	17%	17%	17%	17%	17%	17%	16%	16%
Richmond Valley	13%	13%	13%	13%	13%	13%	13%	13%	13%	13%	13%	13%
Tweed Shire	28%	28%	28%	27%	27%	27%	27%	27%	27%	27%	28%	28%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Attachment 3.6 -Option 4 Long Term Financial Plan

JOINT ORGANISATION - TEN YEAR FINANCIAL FORECAST - Appoint Existing GM as Exec Officer with Corp Services Shared through the GM's Council - Option 4												
Item	2022/23 Budget	2022/2023 Revised	2022/2023 Estimate	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate	2027/28 Estimate	2028/29 Estimate	2029/30 Estimate	2030/31 Estimate	2031/32 Estimate
Membership Fees												
Ballina Shire	43,265		43,265	45,900	48,300	50,400	51,800	53,200	54,600	56,100	57,700	59,300
Byron Shire	38,600		38,600	40,900	43,000	44,800	46,000	47,300	48,600	49,900	51,300	52,700
Kyogle	25,250		25,250	26,500	27,800	28,900	29,600	30,300	31,000	31,800	32,500	33,300
Lismore City	42,300		42,300	44,600	46,600	48,300	49,300	50,400	51,400	52,500	53,600	54,800
Richmond Valley	32,435		32,435	34,100	35,800	37,100	37,900	38,700	39,600	40,500	41,400	42,300
Tweed Shire	69,450		69,450	71,800	75,600	78,700	80,800	83,000	85,200	87,400	89,700	92,100
Total Membership Fees	251,300	0	251,300	263,900	277,100	288,200	295,400	302,800	310,400	318,200	326,200	334,400
Membership Income Increase PA (%)			0%	5.0%	5.0%	4.0%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%
Forecast Cashflows												
Operating Revenues												
Membership Fees	251,300		251,300	263,900	277,100	288,200	295,400	302,800	310,400	318,200	326,200	334,400
Myroadinfo	16,000		16,000	0	0	0	0	0	0	0	0	0
LG Procurement Rebate	30,000		30,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
State Government Contribution	0		0	0	0	0	0	0	0	0	0	0
Interest	1,000		1,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Total	298,300	0	298,300	300,900	314,100	325,200	332,400	339,800	347,400	355,200	363,200	371,400
Operating Expenses												
Bank Charges	100		100	100	100	100	100	100	100	100	100	100
Conferences, Events, Travel	12,250		12,250	12,600	12,900	13,200	13,500	13,800	14,100	14,500	14,900	15,300
Councillors Professional Development	14,250		14,250	14,600	15,000	15,400	15,800	16,200	16,600	17,000	17,400	17,800
Executive Officer - Salary and Oncosts	100,000		100,000	0	0	0	0	0	0	0	0	0
Executive Officer - Vehicle Allowance	8,800		8,800	0	0	0	0	0	0	0	0	0
Executive Officer - Support (RDA)	44,000		44,000	0	0	0	0	0	0	0	0	0
Managed Services (Rous)				135,000	138,400	141,900	145,400	149,000	152,700	156,500	160,400	164,400
Committee Support	5,400		5,400	5,535	5,700	5,800	5,900	6,000	6,200	6,400	6,600	6,800
ARIC Fees	2,200		2,200	2,300	10,000	10,300	10,600	10,900	11,200	11,500	11,800	12,100
ARIC Superannuation	300		300	6	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
Chair Stipend	10,000		10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
MyRoadInfo	15,000		15,000	0	0	0	0	0	0	0	0	0
Professional Fees – Audit	11,000		11,000	11,300	11,600	11,900	12,200	12,500	12,800	13,100	13,400	13,700
Media and Communications	5,200		5,200	5,300	5,400	5,500	5,600	5,700	5,800	5,900	6,000	6,200
Laptop / Phone / ipad			0	0	0	0	0	0	0	0	0	0
Vendor Panel Subscription	65,000		65,000	66,600	68,300	70,000	71,800	73,600	75,400	77,300	79,200	81,200
Strategic Projects				30,000	30,800	31,600	32,400	33,200	34,000	34,900	35,800	36,700
Sundry Expenses	5,200		5,200	5,300	5,400	5,500	5,600	5,700	5,800	5,900	6,000	6,200
Total	298,700	0	298,700	298,641	314,800	322,400	330,100	337,900	345,900	354,300	362,800	371,7000
Net Cash Movement	(400)	0	(400)	2,259	(700)	2,800	2,300	1,900	1,500	900	400	(300)
Retained Earnings - 1 July	780,000	780,000	780,000	779,600	781,900	781,200	784,000	786,300	788,200	789,700	790,600	791,0000
Retained Earnings - 30 June	779,600	780,000	779,600	781,900	781,200	784,000	786,300	788,200	789,700	790,600	791,000	790,7000
Assumptions												
CPI			2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%
interest on Retained Earnings			3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%
Population Growth Percentage												
Ballina Shire		1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%
Byron Shire		1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%
Kyogle		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lismore City		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Richmond Valley		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Tweed Shire		1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%
Total Population												
Ballina Shire		45,200	45,700	46,200	46,800	47,400	48,000	48,600	49,200	49,800	50,400	51,000
Byron Shire		35,800	36,200	36,600	37,000	37,400	37,800	38,300	38,800	39,300	39,800	40,300
Kyogle		8,800	8,800	8,800	8,800	8,800	8,800	8,800	8,800	8,800	8,800	8,800
Lismore City		43,700	43,700	43,700	43,700	43,700	43,700	43,700	43,700	43,700	43,700	43,700
Richmond Valley		23,500	23,500	23,500	23,500	23,500	23,500	23,500	23,500	23,500	23,500	23,500
Tweed Shire		94,500	95,400	96,400	97,400	98,400	99,400	100,400	101,400	102,400	103,400	104,400
Total	0	251,500	253,300	255,200	257,200	259,200	261,200	263,300	265,400	267,500	269,600	271,7000
Percentage of Membership Income												
Ballina Shire	17%	17%	17%	17%	17%	17%	18%	18%	18%	18%	18%	18%
Byron Shire	15%	15%	15%	15%	16%	16%	16%	16%	16%	16%	16%	16%
Kyogle	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%
Lismore City	17%	17%	17%	17%	17%	17%	17%	17%	17%	16%	16%	16%
Richmond Valley	13%	13%	13%	13%	13%	13%	13%	13%	13%	13%	13%	13%
Tweed Shire	28%	28%	28%	27%	27%	27%	27%	27%	27%	27%	27%	28%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Attachment 3.7 -Option 5 Long Term Financial Plan

JOINT ORGANISATION - TEN YEAR FINANCIAL FORECAST - Appoint Existing GM as Exec Officer, appoint a Senior Support Officer, with Corp Services Shared through the GM's Council - Option 5												
Item	2022/23 Budget	2022/2023 Revised	2022/2023 Estimate	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate	2027/28 Estimate	2028/29 Estimate	2029/30 Estimate	2030/31 Estimate	2031/32 Estimate
Membership Fees												
Ballina Shire	43,265		43,265	54,600	65,700	74,400	76,500	78,600	80,700	82,900	85,200	87,500
Byron Shire	38,600		38,600	48,700	58,500	66,200	68,000	69,800	71,700	73,700	75,700	77,800
Kyogle	25,250		25,250	31,600	37,900	42,700	43,700	44,800	45,800	46,900	48,000	49,200
Lismore City	42,300		42,300	53,100	63,400	71,400	72,900	74,400	76,000	77,600	79,200	80,900
Richmond Valley	32,435		32,435	40,600	48,600	54,800	56,000	57,200	58,500	59,800	61,200	62,500
Tweed Shire	69,450		69,450	85,500	102,800	116,300	119,400	122,600	125,800	129,200	132,600	136,000
Total Membership Fees	251,300	0	251,300	314,100	376,900	425,900	436,500	447,400	458,600	470,100	481,900	493,900
Membership Income Increase PA (%)			0%	25.0%	20.0%	13.0%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%
Forecast Cashflows												
Operating Revenues												
Membership Fees	251,300		251,300	314,100	376,900	425,900	436,500	447,400	458,600	470,100	481,900	493,900
Myroadinfo	16,000		16,000	0	0	0	0	0	0	0	0	0
LG Procurement Rebate	30,000		30,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
State Government Contribution	0		0	0	0	0	0	0	0	0	0	0
Interest	1,000		1,000	12,000	11,000	10,000	10,000	11,000	11,000	11,000	11,000	11,000
Total	298,300	0	298,300	351,100	412,900	460,900	471,500	483,400	494,600	506,100	517,900	529,900
Operating Expenses												
Bank Charges	100		100	100	100	100	100	100	100	100	100	100
Conferences, Events, Travel	12,250		12,250	12,600	12,900	13,200	13,500	13,800	14,100	14,500	14,900	15,300
Councillors Professional Development	14,250		14,250	14,600	15,000	15,400	15,800	16,200	16,600	17,000	17,400	17,800
Executive Officer - Salary and Oncosts	100,000		100,000	0	0	0	0	0	0	0	0	0
Executive Officer - Vehicle Allowance	8,800		8,800	0	0	0	0	0	0	0	0	0
Executive Officer - Support (RDA)	44,000		44,000	0	0	0	0	0	0	0	0	0
Managed Services (Rous)				135,000	138,400	141,900	145,400	149,000	152,700	156,500	160,400	164,400
Senior Support Officer (FT)				120,000	123,000	126,100	129,300	132,500	135,800	139,200	142,700	146,300
Committee Support	5,400		5,400	5,535	5,700	5,800	5,900	6,000	6,200	6,400	6,600	6,800
ARIC Fees	2,200		2,200	2,300	10,000	10,300	10,600	10,900	11,200	11,500	11,800	12,100
ARIC Superannuation	300		300	6	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
Chair Stipend	10,000		10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
MyRoadInfo	15,000		15,000	0	0	0	0	0	0	0	0	0
Professional Fees – Audit	11,000		11,000	11,300	11,600	11,900	12,200	12,500	12,800	13,100	13,400	13,700
Media and Communications	5,200		5,200	5,300	5,400	5,500	5,600	5,700	5,800	5,900	6,000	6,200
Laptop / Phone / ipad			0	0	0	0	0	0	0	0	0	0
Vendor Panel Subscription	65,000		65,000	66,600	68,300	70,000	71,800	73,600	75,400	77,300	79,200	81,200
Strategic Projects				30,000	30,800	31,600	32,400	33,200	34,000	34,900	35,800	36,700
Sundry Expenses	5,200		5,200	5,300	5,400	5,500	5,600	5,700	5,800	5,900	6,000	6,200
Total	298,700	0	298,700	418,641	437,800	448,500	459,400	470,400	481,700	493,500	505,500	518,000
Net Cash Movement	(400)	0	(400)	(67,541)	(24,900)	12,400	12,100	13,000	12,900	12,600	12,400	11,900
Retained Earnings - 1 July	780,000	780,000	780,000	779,600	712,100	687,200	699,600	711,700	724,700	737,600	750,200	762,600
Retained Earnings - 30 June	779,600	780,000	779,600	712,100	687,200	699,600	711,700	724,700	737,600	750,200	762,600	774,5000
Assumptions												
CPI			2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%
interest on Retained Earnings			3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%
Population Growth Percentage												
Ballina Shire		1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%
Byron Shire		1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%
Kyogle		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lismore City		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Richmond Valley		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Tweed Shire		1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%
Total Population												
Ballina Shire		45,200	45,700	46,200	46,800	47,400	48,000	48,600	49,200	49,800	50,400	51,000
Byron Shire		35,800	36,200	36,600	37,000	37,400	37,800	38,300	38,800	39,300	39,800	40,300
Kyogle		8,800	8,800	8,800	8,800	8,800	8,800	8,800	8,800	8,800	8,800	8,800
Lismore City		43,700	43,700	43,700	43,700	43,700	43,700	43,700	43,700	43,700	43,700	43,700
Richmond Valley		23,500	23,500	23,500	23,500	23,500	23,500	23,500	23,500	23,500	23,500	23,500
Tweed Shire		94,500	95,400	96,400	97,400	98,400	99,400	100,400	101,400	102,400	103,400	104,400
Total	0	251,500	253,300	255,200	257,200	259,200	261,200	263,300	265,400	267,500	269,600	271,700
Percentage of Membership Income												
Ballina Shire	17%	17%	17%	17%	17%	17%	18%	18%	18%	18%	18%	18%
Byron Shire	15%	15%	15%	16%	16%	16%	16%	16%	16%	16%	16%	16%
Kyogle	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%
Lismore City	17%	17%	17%	17%	17%	17%	17%	17%	17%	17%	16%	16%
Richmond Valley	13%	13%	13%	13%	13%	13%	13%	13%	13%	13%	13%	13%
Tweed Shire	28%	28%	28%	27%	27%	27%	27%	27%	27%	27%	28%	28%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%