

JOINT ORGANISATION IMPLEMENTATION GUIDANCE

Working together for regional communities

May 2018



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ISBN XXX-X-XXXXXX-XX-X

Produced by the Office of Local Government

www.olg.nsw.gov.au

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DEFINITIONS

In this document the following terms are used:

Act	Refers to the <i>Local Government Act 1993</i> .
Board	Refers to the joint organisation board, consisting of the mayors of member councils, 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 joint organisation meeting.
Charter	Refers to the charter document which outlines the operational and governance principles for each joint organisation and any other agreed matters, consistent with the Act and other laws.
Chairperson	Refers to 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 mayors.
Chief executive	Refers to the Chief Executive of the Office of Local Government.
Code of Conduct	Refers to the code of conduct each joint organisation must adopt based on the <i>Model Code of Conduct for Local Councils in NSW</i> and the procedures for dealing with code of conduct complaints based on the Procedures for the Administration of the <i>Model Code of Conduct for Local Councils in NSW</i> .
Councillor	Refers to a person elected or appointed to civic office, including a mayor.
Executive officer	Refers to 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.
Member council	Refers to those councils proclaimed under the Act to be part of a joint organisation.
Mayor	Refers to a person elected or appointed to civic office, who is the leader of the council.
Model Code	Refers to the <i>Model Code of Conduct for Local Councils in NSW</i> .
Model Meeting Code	Refers to the <i>Model Code of Meeting Practice for Local Councils in NSW</i> .
Non-voting member	Refers to those councils and other organisations or individuals that are members of a joint organisation but do not have the right to vote.

Non-voting representative	• Refers to 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.
OLG	Refers to the Office of Local Government.
Procedures	Refers to the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> .
Regulation	Refers to the <i>Local Government (General) Regulation 2005</i> .
Statement of Strategic Regional Priorities	Refers to the requirement of the Regulation for each joint organisation to prepare a short statement outlining its strategic regional priorities and how it will achieve them.
Voting representative	Refers to a representative of a member council on the joint organisation board.

01 INTRODUCTION

1.1 Summary

The NSW Government established joint organisations under the *Local Government Act 1993* (the Act) in 2018.

The Office of Local Government (OLG) has prepared a range of materials—including this booklet—to support new joint organisations and their member councils as they commence operation.

For further assistance, please also see the ‘additional support’ section of this booklet.

1.2 What are the joint organisations?

Joint organisations are new local government entities with legal powers to support councils to work together for better rural and regional outcomes.

1.3 Why were they created?

Joint organisations are an important initiative to build stronger councils and improve service delivery and infrastructure across rural and regional communities.

Joint organisations will enhance the way local and state governments work together to plan and deliver important regional infrastructure and investment.

1.4 Legislative context

In 2017, amendments to the Act were passed to enable joint organisations to be established. These amendments provide the operating framework for joint organisations.

Supporting Regulations have been made to enable joint organisations to operate effectively from the date of proclamation.

The Regulation ensures that joint organisations will be subject to or similar to the operating and governance framework that applies to councils.

The provisions of the Regulation are principally concerned with the governance of joint organisations, such as the election of chairpersons, alternates for voting members of the board, the content of charters of joint organisations, reporting obligations and staffing.

The Regulations provide flexibility for joint organisations to focus on core business and build organisations that reflect the unique characteristics of the region.

1.5 How will they operate

The operation and priorities of each joint organisation are determined by a joint organisation board, which comprises voting and non-voting representatives.

The voting members of a joint organisation are representatives of member councils.

A NSW government employee nominated by the Secretary of the Department of Premier and Cabinet will sit on each board as a non-voting representative.

Joint organisations will elevate the shared priorities of member councils' strategic plans, programs, priorities and policies to perform three principle functions in their region:

- strategic planning and priority setting
- intergovernmental collaboration
- shared leadership and advocacy.

Each joint organisation will define their priorities in a Statement of Strategic Regional Priorities. Boards of joint organisations will provide annual progress reports on these priorities.

Joint organisations may also choose to carry out additional functions, such as delivering shared services.

Boards of joint organisations all have a joint organisation charter that outlines the key operational and governance structure of the organisation. This charter includes provisions for such things as non-voting representation, requirements for decision making and financial contributions from member councils.

The day-to-day management of joint organisations is supported by an executive officer. All joint organisations are required to appoint an executive officer, who performs a similar role in a joint organisation as that of a general manager in a council.

1.6 What support is available?

The NSW Government has worked closely with councils for over three years to build the joint organisation framework. It will provide seed funding to all joint organisations to help them get established.

Together, OLG and the Department of Premier and Cabinet are supporting member councils and joint organisations through the establishment phase.

Support for regional organisations of councils wanting to transfer some or all of their functions to a joint organisation is also available. Joint organisations will be encouraged to work together to share experiences and address common challenges.

02 ESTABLISHMENT

2.1 Pathway for setting up a joint organisation

This section outlines the 18-month pathway for setting up a joint organisation. It lists the major governance, financial, legal, risk and communications actions which should be undertaken in approximate chronological order.

Some actions in the pathway have **required timelines** which are set in the Act, Regulations or funding agreement; these actions are indicated with an asterisk (*).

Other actions have suggested timelines; these actions are indicated with a dot (•).

Where actions are linked to sections in this document, they have been hyperlinked for ease of navigation.

What to do	When to do it by
• Communicate effectively with member councils and their staff, the community and other key stakeholders	Throughout
• Obtain relevant insurances and workers compensation coverage	First month
• Hold the first meeting of the joint organisation board	First month
• Adopt a code of conduct	First month
• Appoint an interim executive officer	First month
• Obtain an ABN and TFN	First month
• Reserve a domain name	First month
• Establish a phone number and email address	First month
* Return signed funding agreement to OLG	29 June 2018
• Adopt a charter —and publish on website	First three months
• Adopt an expenses and facilities policy	First three months
• Prepare a communication and engagement plan	First three months
* Adopt a statement of revenue policy for 2018/19, including budget	31 August 2018
• Organise for any relevant regional organisation of councils grants and contracts to be transferred to the joint organisation	First three months
* Submit a plan to OLG for the expenditure of the Establishment Fund, noting key milestones to be met	28 September 2018
* Adopt a statement of regional strategic priorities	30 December 2018



What to do	When to do it by
● Adopt a logo and other key elements of visual identity	First six months
● Deliver a website featuring the adopted visual identity	First six months
* Submit six-monthly progress and expenditure report to OLG on the Establishment Funds	28 February 2019
* Adopt statement of revenue policy for 2019/20, including budget	30 July 2019
* Submit six-monthly progress and expenditure report to OLG on the Establishment Funds	31 August 2019
* Prepare an annual performance statement	30 November 2019
* Prepare audited financial reports for the period ending on the last day of the financial year after the year in which the joint organisation is established	31 October 2019

2.2 Holding the first board meeting

There are a number of early critical decisions that joint organisations need to make to establish their operations. These include electing a chairperson, adopting a charter and appointing an executive officer.

The boards of joint organisations need to meet as soon as is practical after proclamation to make these decisions. This document provides guidance about:

- key tasks to be carried out ahead of proclamation in preparation for the first board meeting
- decisions to be made at the first board meeting
- tasks to be carried out after the first board meeting to establish the operations of the joint organisation.

Before the first meeting

A number of key tasks need to be carried out prior to the proclamation of joint organisations and in preparation for the first board meeting. It is recommended that member councils of prospective joint organisations establish working groups to carry out and coordinate these tasks.

Nominating a returning officer for the election of a chairperson

An election for chairperson must be held at the first board meeting after the joint organisation is established. As the joint organisation will not have formally appointed an executive officer by then, the returning officer is to be a person appointed by the Chief Executive of the Office of Local Government (the Chief Executive).

Mayors of member councils must collectively nominate in writing to the Chief Executive, one of their general managers (or another, suitably qualified staff member) to be appointed as the returning officer for the first election of the chairperson.

For more information, see [electing a chairperson](#).

Preparing a joint organisation charter

Please refer to the [charter section](#) in this document for more information about preparing a joint organisation charter.

Selecting an interim executive officer

Following establishment, joint organisations may appoint an interim executive officer for up to 12 months without advertising and merit selection.

One of the first items of business for the first board meeting will be to appoint an interim executive officer, who can only be appointed by a resolution of the board.

Prior to the establishment of the joint organisation and its first board meeting, mayors of member councils should select a person for appointment at the meeting as interim executive officer.

For more information, see [appointing an executive officer](#).

Preparing draft delegations to the executive officer

At the first board meeting, joint organisations must make a delegation to the executive officer so they can exercise the functions of the joint organisation. It is up to each joint organisation board to determine what delegations to make subject to the restrictions on delegation contained in clause 397k of the Regulation.

Before the first board meeting, delegations for the executive officer should be prepared for adoption at the meeting. These could be modelled on the delegations made by member councils to their general managers.

For more information, see [appointing an executive officer](#).

Preparing a draft code of conduct

At the first board meeting, joint organisations must adopt a code of conduct based on the Model Code of Conduct for Local Councils in NSW (the Model Code) and administrative procedures for dealing with code of conduct complaints based on the prescribed *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures).

The current Model Code and Procedures are available on the [OLG website](#).

Joint organisations' codes of conduct and procedures will need to be adapted to reflect the fact that they have voting representatives of the board (instead of councillors), a chairperson (instead of a mayor) and an executive officer (instead of a general manager).

This can be done through a simple adjustment to the definitions contained in the Model Code and the Procedures.

Joint organisations must also appoint a panel of conduct reviewers. This can be done by simply adopting an existing regional panel, or a member council's panel.

For more information, see [adopting a code of conduct](#).

Preparing a code of meeting practice

In the absence of an adopted code of meeting practice, the rules governing the conduct of the first board meeting will be those prescribed under the Act and the Regulation.

In the absence of an adopted code of meeting practice, the rules governing the conduct of the first board meeting will be those prescribed under the *Local Government Act 1993* (the Act) and the Regulation.

The following changes will need to be made:

- the board of a joint organisation may transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if the representative who is speaking can be heard by all other representatives
- a motion at a joint organisation board meeting is taken to be defeated in the event of an equality of votes—in other words, unlike councils, the chairperson of a joint organisation board does not have a casting vote
- to allow non-voting representatives to participate in debate, non-voting representatives should be permitted to speak (but not move, second, amend or vote) on motions.

Joint organisations are not required to give public notice or exhibit a draft of the code of meeting practice prior to or adopting.

For more information, see [holding regular board meetings](#).

Preparing a draft expenses and facilities policy

Joint organisations must adopt an expenses and facilities policy as soon as possible. Expenses may only be paid and facilities provided to board members in accordance with the policy adopted by the joint organisation.

Joint organisations must consult with member councils on the content of their expenses and facilities policy.

A draft policy should be prepared prior to the first board meeting ready for adoption for consultation with member councils.

For more information, see [expenses and facilities](#).

Calling and giving notice of the first board meeting

Under the Regulation, the Chief Executive is responsible for calling the first meetings of boards of joint organisations and nominating the business to be transacted at the meeting.

Mayors of member councils should nominate in writing to the Chief Executive the date, time and place of the meeting so that the meeting may be called.

Staff of member councils should prepare an agenda and business paper for the first board meeting on behalf of the joint organisation and OLG Chief Executive Officer and in consultation with the mayor of each member council.

Public notice is not required to be given for the first board meeting.

However, member councils may wish to consider notifying the time, date and place of the first meeting on their websites and making the agenda and business papers publicly available.

At the first board meeting

At the first meeting, membership of the board will comprise voting representatives (the mayor of each member council) and a non-voting representative (a person nominated by the Secretary of the Department of Premier and Cabinet).

The meeting will open with the election of the chairperson, which will be presided over by the returning officer appointed by the Chief Executive. Once a chairperson is elected, they will assume the chair and preside at the meeting.

It is suggested that joint organisations deal with the following items at the first board meeting in the following order:

- electing the chairperson
- adopting the draft joint organisation charter for consultation with member councils
- appointing an interim executive officer
- delegations to the interim executive officer
- adopting a code of conduct and administrative procedures
- appointing a panel of conduct reviewers
- adopting a code of meeting practice
- adopting a draft expenses and facilities policy for consultation with member councils
- meetings schedule (joint organisations can consider scheduling more regular meetings early on to facilitate the decision making necessary to establish operations)
- any other matters that have been identified in the agenda for decision at the first board meeting.

After the meeting

There are a number of additional decisions required by the board at subsequent meetings to give effect to the decisions made at the first board meeting and to establish the operations of the joint organisation.

These include the following:

- adopting the joint organisation charter following consultation with member councils
- adopting the expenses and facilities policy following consultation with member councils
- determining the organisation structure, if the joint organisation is to employ staff other than the executive officer (see [recruiting staff](#))
- commencing recruitment of an executive officer (see [appointing executive officer](#)).

2.3 Electing a chairperson

Voting representatives on the boards of joint organisations must elect a chairperson from among the voting representatives of the board who are mayors of the member councils.

Election of the chairperson must be conducted in accordance with the requirements of the Regulation.

The purpose of this document is to assist the boards of joint organisations as they conduct elections for their chairpersons. It includes scripts for key activities to help returning officers exercise their functions.

It also includes schedule 7A of the Regulation: Election of chairpersons of joint organisations.

How can joint organisations use this information?

Electing a chairperson is an important activity. It is vital that the process is smooth, open and easy to follow, and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of board members, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help board members understand the election process.

First meeting of the joint organisation

An election for chairperson must be held at the first meeting of the board after the joint organisation is established. As no chairperson will be present at the start of the meeting, the first business of the meeting must be to elect a chairperson to preside at the meeting.

As the joint organisation will not have formally appointed an executive officer before its first meeting, the returning officer is to be a person appointed by the Chief Executive.

Procedures

Prior to the meeting

Before the first board meeting, the returning officer must give notice of a vacancy in the office of chairperson to the Chief Executive and to general managers of the joint organisation member councils.

The notice is to set out how a person may be nominated as a candidate for election as chairperson.

As returning officer, I now invite nominations for the position of chairperson for the [name of joint organisation] for a two-year period.

In accordance with the Regulation, two or more mayors of member councils may nominate a voting representative of the joint organisation board who is a mayor for the position of chairperson (one of whom may be the nominee). Nominations must be in writing and the nominee must consent to their nomination in writing

A voting representative who is the mayor of a member council may be nominated without notice for election as chairperson of the joint organisation. The nomination is to be made in writing by two or more mayors of member councils of the joint organisation (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

At the meeting

In the absence of a chairperson, the returning officer assumes the chair at the start of the first board meeting and announces that the first item of business is to elect a chairperson.

The returning officer reads out the names of nominees and seeks confirmation that the nominee has accepted the nomination.

If only one voting representative has been nominated for the position of chairperson, the nominee is elected.

As there is only one nominee for the role of chairperson, I declare that [name of successful candidate] is elected as chairperson for the ensuing two years.

If more than one candidate is nominated, the voting representatives must determine by resolution the method of voting for the position of chairperson, by one of the following methods:

- open voting (i.e. show of hands)
- ordinary ballot (i.e. secret ballot)
- preferential ballot (i.e. place 1, 2, 3 against each candidate).

The returning officer must ask for a motion to be put to the meeting by one of the voting representatives of the board on the preferred method of voting. This must then be seconded and voted on by the voting representatives.

Open voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explain the process.

It has been resolved that the method of voting for the position of chairperson will be by show of hands.

Each voting representative is entitled to vote for only one candidate in each round of voting.

I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with the second name out being written second on the tally sheet, etc.

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

Would those voting representatives voting for [name of candidate] please raise your hand.

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each voting representative.

The returning officer should check with the minute taker that each voting representative has voted. If a voting representative has not voted it should be confirmed that they are abstaining (an informal vote).

Two candidates

If there are only two candidates for the position of chairperson and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

[Name of candidate] has the higher number of formal votes and as a result I declare that [name of candidate] is elected as chairperson for two years.

In the event of a tied vote, the returning officer will advise the meeting of the following process:

In accordance with clause 14 of Schedule 7A of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as chairperson.

It is appropriate to show the meeting the names and the barrel. Voting representatives may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as chairperson for the ensuing two years.

The returning officer then draws out the remaining name and reads it for the purpose of completeness. The second name should be shown to the meeting.

Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of chairperson is excluded.

[Name of candidate], having the lowest number of votes, is excluded.

The voting continues as above until there are only two candidates remaining (see voting for two candidates above).

In the event that the lowest number of votes are tied, the returning officer advises the meeting of the following process:

In accordance with clause 14 of Schedule 7A of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Voting representatives may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Ordinary ballot (secret ballot)

The returning officer advises the meeting of the method of voting and explains the process.

It has been resolved that the method for voting for the position of chairperson will be by ordinary ballot, in other words by placing an 'X' against the candidate of the voting representative's choice.

The returning officer announces the names of the candidates for chairperson and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box and gives it to the returning officer who counts the votes and records them on the tally sheet.

The returning officer announces the results.

[Name of candidate], having the lowest number of votes, is excluded.

The returning officer writes the names on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and gives them to the returning officer who again counts the votes, records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

[Name of candidate] has the highest number of votes and hence I declare that [name of candidate] is elected as chairperson for the ensuing two years.

In the event of a tied vote, the returning officer makes the following statement and announces the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 14 of schedule 7A of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel.

Please note that the candidate whose name is drawn out will be declared as chairperson.

It is appropriate to show the meeting the names and the barrel. Voting representatives may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as chairperson for the ensuing two years.

The returning officer then draws out the remaining name and reads it for the purpose of completeness. The second name should be shown to the meeting.

Preferential ballot

The returning officer explains the process.

It has been resolved that the method for voting for the position of chairperson will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the voting representative's choice in order of preference for all candidates.

The returning officer announces the names of the candidates for chairperson and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

[Name of candidate], having an absolute majority of first preference votes, is elected as chairperson for the ensuing two years

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

[Name of candidate], having the lowest number of first preference votes, is excluded.

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

[Name of candidate], having an absolute majority of votes, is elected as chairperson for the ensuing two years.

In the event of a tied vote where there are only two candidates remaining in the election, the returning officer explains the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 14 of schedule 7A of the Local Government (General) Regulation 2005, I will write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as chairperson.

It is appropriate to show the meeting the names and the barrel. Voting representatives may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as chairperson for the ensuing two years.

The returning officer then draws out the remaining name and reads it for the purpose of completeness. The second name should be shown to the meeting.

In the event that the lowest number of votes are tied and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

In accordance with clause 14 of Schedule 7A of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.

It is appropriate to show the meeting the names and the barrel. Voting representatives may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is excluded and any votes cast for them will be distributed by preference

The returning officer then draws out the remaining name and reads it for the purpose of completeness. The second name should be shown to the meeting.

Schedule 7A – Election of chairpersons of joint organisations

PART 1 PRELIMINARY

1. When election is to be held

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

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

2. Returning officer

The returning officer is to be:

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

3. Notification of vacancy

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

4. Nomination

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

5. Election

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

PART 2 ORDINARY BALLOT OR OPEN VOTING

6. Application of Part

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

7. Marking of ballot-papers

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

8. Count—two candidates

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

9. Count—three or more candidates

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

PART 3 PREFERENTIAL BALLOT

10. Application of Part

This Part applies if the election proceeds by preferential ballot.

11. Ballot-papers and voting

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

12. Count

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

13. Tied candidates

1. If, on any count of votes, there are two candidates in, or remaining in, the election and the numbers of votes cast for the two candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
2. If, on any count of votes, there are three or more candidates in, or remaining in, the election and the numbers of votes cast for two or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

PART 4 GENERAL

14. Choosing by lot

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

15. Result

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

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

16. By-elections

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

2.4 Appointing an executive officer

All joint organisations are required to appoint an executive officer. The executive officer performs the same role in a joint organisation that a general manager performs in a council.

Executive officers must be appointed by a resolution of the joint organisation board and are to be employed under a fixed-term, performance-based contract in the form of one approved by the Chief Executive.

Recruiting an executive officer

As with general managers of councils, before appointing an executive officer, joint organisations must first advertise the position in accordance with the requirements of the Act and undertake a merit-based recruitment process.

Following establishment, joint organisations may appoint an interim executive officer for up to 12 months without advertising and merit-based selection.

In such cases, the joint organisation should advertise the position and commence recruitment in time to ensure that a permanent appointment can be made before the 12-month anniversary of the appointment of the interim executive officer. The interim executive officer may apply for appointment to the permanent position.

Appointing an executive officer

Executive officers must be appointed by a resolution of the board of the joint organisation. Boards should hold a meeting as soon as possible for the purpose of appointing an interim executive officer and delegating functions to the executive officer.

The executive officer must be a natural person and not a corporation or other entity.

Can the general manager or a member of staff of a member council be the interim executive officer?

There is nothing to prevent the board of a joint organisation from appointing the general manager, existing executive officer. The interim executive officer role can be carried out concurrently with their role with the member council or as a secondment.

Before the general manager of a member council can be appointed as an interim executive officer, the member council must, by resolution, give its approval to the general manager undertaking this role.

If a member of staff of a member council is appointed interim executive officer, the general manager of that council must first give their approval. Alternatively, the existing executive officer of the regional organisation of councils may be appointed as an interim executive officer of the joint organisation.

Executive officer functions

Under the Act, executive officers have the following functions:

- 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
- implement, without delay, lawful decisions of the joint organisation.

If the joint organisation determines an organisation structure requiring other staff, the executive officer may also:

- appoint staff in accordance with the organisation structure and the resources approved by the joint organisation
- direct and dismiss staff.

The executive officer is also the public officer of the joint organisation, unless they designate another member of staff to this role.

Executive officer delegations

The board of a joint organisation can delegate any of the functions of the joint organisation to the executive officer, other than those identified in clause 397k of the Regulation.

The executive officer may, in turn, delegate any of their functions and sub-delegate any function delegated to them by the board of the joint organisation.

At their first meeting, boards of joint organisations must make a delegation to the executive officer to enable them to exercise the functions of the joint organisation.

It is a matter for boards of each joint organisation to determine what delegations to make, subject to the restrictions contained in clause 397k of the Regulation.

Executive officer employment conditions

As with general managers of councils, executive officers must be employed under a fixed-term performance based contract in the form of the one approved by the Chief Executive. Executive officers may be employed for between one and five years and their contracts may be renewed.

Interim executive officers may also be employed under a contract based on the approved standard contract of employment of executive officers of joint organisations.

The approved standard contract of employment for executive officers of joint organisations is available on the OLG website.

Executive officer remuneration

It is a matter for each joint organisation to determine the executive officer's remuneration.

Like general managers of councils, but unlike senior staff of councils, executive officers may be remunerated at a level below the minimum remuneration package payable to senior executives whose positions are graded Band 1 under the *Government Sector Employment Act 2013*.

Can executive officers work part time?

Under the approved standard contract of employment for executive officers of joint organisations, executive officers are required to work such reasonable hours as are necessary to carry out the duties and functions of the position and their obligations under the contract.

It is up to joint organisations to determine what hours of service are appropriate, having regard to the nature of the duties to be performed by the executive officer.

Managing the employment relationship

The Office of Local Government's *Guidelines for the Appointment and Oversight of General Managers* apply to the management of the employment relationship between joint organisations and executive officers, in the same way that they apply to the management of the employment relationship between councils and general managers.

These Guidelines are available on the [OLG website](#).

2.5 Adopting and implementing a code of conduct

Like councils, joint organisations must adopt a code of conduct based on the *Model Code of Conduct for Local Councils in NSW* (the Model Code) and procedures for dealing with code of conduct complaints based on the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures).

Joint organisation board members and staff that are designated persons must also submit returns of their interests.

Adopting a code of conduct and administrative procedures

Like councils, joint organisations must adopt a code of conduct based on the Model Code and administrative procedures for dealing with code of conduct complaints based on the prescribed Procedures.

The current Model Code and the Procedures are available on the [OLG website](#).

Joint organisations' adopted codes of conduct may include provisions that supplement the Model Code. However, a joint organisation's adopted code of conduct will have no effect if it is inconsistent with the Model Code unless, it imposes more onerous requirements than those prescribed under the Model Code.

Similarly, joint organisations' administrative procedures may supplement the provisions contained in the Procedures but must not be inconsistent with them.

The Model Code and the Procedures are currently under review. The new 2018 versions of both will be adapted to reflect the establishment of joint organisations.

Appointment of a panel of conduct reviewers

Joint organisations must appoint a panel of conduct reviewers. The role of conduct reviewers is to undertake preliminary assessments and investigations of code of conduct complaints about board members of joint organisations

(including the chairperson) and the executive officer, where the complaint has not been declined or resolved at the outset.

As panels of conduct reviewers may be shared, joint organisations can adopt a pre-existing panel established by one of their member councils or a regional panel established by their member councils or a regional organisation of councils.

If establishing a standalone panel, joint organisations must comply with the Procedures by conducting an expression of interest process and appointing appropriately qualified and eligible persons.

For more information about these requirements, refer to the Procedures on the [OLG website](#).

Appointing a complaints coordinator

The executive officer must appoint a senior and suitably qualified staff member to act as a complaints coordinator. The executive officer must not undertake the role of complaints coordinator.

If there is no member of staff who can undertake the role of complaints coordinator within the joint organisation, the executive officer may instead appoint a staff member from one of the member councils, with the consent of the general manager of that council.

This could be a person who is already carrying out this role for a member council.

The person appointed as complaints coordinator must also be a nominated disclosures coordinator appointed for receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.

The role of the complaints coordinator is to:

- coordinate the management of complaints
- liaise with and provide administrative support to a conduct reviewer
- liaise with OLG
- arrange the annual reporting of code of conduct complaints statistics.

Regional arrangements for code of conduct complaints management

The new 2018 Procedures will be designed to allow member councils to centralise management of code of conduct complaints through a joint organisation should they choose to do so.

For example, this could be done by establishing a broader internal ombudsman function in joint organisations to service member councils.

In particular:

- joint organisations can appoint and maintain regional panels of conduct reviewers on behalf of their member councils
- a staff member of a joint organisation can be appointed by general managers of member councils as the complaints coordinator for all member councils (in consultation with the executive officer of the joint organisation)
- general managers and mayors of member councils can delegate their complaints management functions under the Procedures to the joint organisation (in consultation with the joint organisation).

This offers a number potential benefits:

- centralisation of these functions through a joint organisation may deliver efficiencies and economies of scale and support development of a body of expertise within the region
- it allows general managers and mayors to divest themselves of the sometimes-onerous responsibilities associated with code of conduct
- complaints management, allowing them to focus on core responsibilities
- it allows all code of conduct complaints about mayors, councillors and general managers to be managed independently of the councils they relate to.

Completion of returns of interests

Board members of joint organisations, executive officers and other persons who have been identified by the joint organisation as designated

persons, are all required to complete returns of interests under section 449 of the Act within three months of their appointment.

Designated persons include:

- the executive officer
- senior staff of the joint organisation
- any other person, (including staff, delegates of the joint organisation or members of committees that are delegates of the joint organisation) who holds a position identified by the joint organisation as the position of a designated person because it involves the exercise of functions (such as regulatory or contractual functions) that could give rise to a conflict of interest.

The executive officer must maintain a register of returns of interests and returns must be tabled at the first meeting of the board of the joint organisation after they are required to be lodged.

Application of the code of conduct to non-voting representatives who are not council officials

Non-voting representatives, who are not council officials for the purposes of section 440 of the Act and the Model Code, will not automatically be subject to the joint organisation's adopted code of conduct. Council officials include councillors and staff and delegates of councils.

However, there is nothing to prevent a joint organisation from modifying its code of conduct to extend its application to non-voting representatives.

Where the joint organisation's code of conduct has not been modified to cover non-voting representatives, in exercising their functions as board members of joint organisations, non-voting representatives who are not council officials will be subject to their employers' codes of conduct.

Alleged code of conduct breaches by non-voting representatives should be reported and dealt with under the employer's code of conduct.

2.6 Board member expenses and facilities

All joint organisations must, in consultation with their member councils, adopt a policy for payment of expenses and the provision of facilities to board members who are voting representatives and the chairperson (an expenses and facilities policy).

Expenses may only be paid, and facilities provided, in accordance with each joint organisation's expenses and facilities policy.

Adopting an expenses and facilities policy

Joint organisations must adopt an expenses and facilities policy as soon as possible. Expenses may only be paid and facilities provided to board members who are voting representatives and the chairperson in accordance with the policy adopted by the joint organisation.

Joint organisations are required to consult with their member councils on the content of their expenses and facilities policy.

As with councils' expenses and facilities policies, joint organisations' policies must comply with the OLG's *Guidelines for the payment of expenses and the provision of facilities for mayors and councillors in NSW*, which is available OLG website.

Relationship between joint organisations' and member councils' expenses and facilities policies

Joint organisations' expenses and facilities policies should be designed to complement and supplement the expenses and facilities policies of member councils.

Because membership of the board of a joint organisation arises from board members' role as mayor (or in the case of alternate or additional voting representatives, as the deputy mayor or councillor of a member council) the exercise of their functions as board members in effect forms part of the exercise of their functions as mayor, deputy mayor or councillor of a member council.

This means that many of the expenses incurred by board members (e.g. travel expenses incurred to attend board meetings) may be recoverable under member councils' expenses and facilities policies.

Joint organisations' expenses and facilities policies should be framed with this in mind. They should be designed to cover any needs associated with the exercise by board members and chairpersons of their joint organisation functions that are not otherwise covered under their member councils' expenses and facilities policies.

Expenses and facilities policies of joint organisations and their member councils should also contain provisions to prevent 'double dipping'.

It should be clear that board members are not entitled to make a claim under a joint organisation's expenses and facilities policy where the claim has been covered under a member council's policy and vice versa.

2.7 Preparing a charter

Every joint organisation must prepare its own Charter.

Joint organisations can decide whether to use the [Charter template](#) provided in this guidance or prepare a different Charter, provided it still meets legislative requirements.

This section provides guidance about completing each section of the charter template.

Prescribed elements of the Charter

Under the Act and *Local Government (General) Regulation 2008* the prescribed requirements for the Charter are as follows:

- the board is to prepare and adopt a Charter containing (but not limited to):
 - operational principles for the joint organisation
 - governance principles for the joint organisation
- the Charter is to contain the methodology for determining annual financial contributions to the joint organisation by member councils
- a Charter may adopt requirements that are additional or supplementary to, or more significant than, requirements made by or under the Act but cannot adopt requirements that:
 - are less stringent than requirements made by or under the Act
 - are inconsistent with or contravene regulations under the Act relating to Charters
- the Charter must be made publicly available on a website administered by the joint organisation within 30 days of adoption of the Charter.

Optional elements of Charter

Each joint organisation can determine the content of its own Charter, provided it includes the prescribed information above.

This guidance has been prepared to help joint organisations develop their own Charter and can be used in conjunction with the Charter template document in Part 3 of this document.

2.7.1 Guidance to using the Charter template

This section provides guidance to completing each section of the sample Charter template.

1. Introduction

1.1 Preamble

Joint organisations may include an optional preamble. This may be a generic statement about joint organisations and their purpose or can be more tailored to the region. A sample preamble is provided below:

Joint organisations provide a forum for local councils and the NSW Government and others to work together to deliver priorities for communities in regional NSW.

Member councils in the [insert name of the joint organisation] have made a commitment to collaborate towards achieving a shared vision for the region.

The operation of and governance principles for the [insert name of joint organisation] is guided by this Charter, which has been adopted by resolution of the board.

1.2 Name and legal status

If a joint organisation chooses to use a business or trading name it should be included here.

1.3 Interpretation

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

1.4 Definitions

Following is a list of standard Charter definitions. Joint organisations may choose to define other terms as they apply to their own Charter:

Act means the *Local Government Act 1993*.

Board means the 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.

Note: Joint organisations may choose to have non-voting chairperson, in this instance the following text may be added to the definition of chairperson: The chairperson is elected as a non-voting chairperson and is therefore not entitled to vote.

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 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.

Joint organisation means an organisation proclaimed under Part 7 Chapter 12 of the *Local Government Act 1993*

Member council means those councils proclaimed under the Act to be part of the *[insert name of joint organisation]*.

Mayor means a person elected or appointed to civic office, who is the leader of the 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, and
- any other person or a member of a class of persons prescribed by the Regulation.

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

Voting representative means a representative of a member council on the board.

1.5 Adopting the Charter

Joint organisations are required to consult member councils about the proposed content of the Charter. While member councils are not required to pass a resolution in support of the Charter, joint organisations may wish to invite resolutions of support. In such cases, details of the resolutions can be captured in this section.

1.6 Amending the Charter

Joint organisations may choose to review their charter from time to time, for example following local government elections. This section can include a statement about the circumstances and timing in which a joint organisation will review its charter.

Joint organisations can also review, amend or re-adopt their Charter after the election of the chairperson (i.e. every two years) and/or after the local government general elections which are held every four years.

Joint organisations may choose to undertake a review more or less often. This section can include a statement about the circumstances and timing in which a joint organisation will review its Charter.

2. Establishment

2.1 Vision and principles

In its Charter, a joint organisation must identify the operational and governance principles by which it will function. The joint organisation may choose to include a vision statement. The vision and principles will be unique to each joint organisation and should align with the vision statement in their Statement of Strategic Regional Priorities.

Vision statements previously used by some regions include:

- Riverina: *Strong region, strong local government, vibrant communities*
- Illawarra: *A confident, vibrant and productive region that maximises its potential and looks after its people and environment.*

Previous commonly supported principles prepared during the development of joint organisation include that joint organisations will:

- be owned by, and accountable to, member councils
- not impose significant red tape, cost or risks on member councils

- ensure benefits delivered for the region it serves outweighs costs and risks
- work collaboratively with other levels of government, other partners and stakeholders
- enable significant projects and initiatives, and associated funding and assets, to be managed regionally where doing so is consistent with the shared vision for the region
- ensure good governance
- serve the best interests of the region and its communities.

2.2 Principal functions

The principal functions of joint organisations are those defined in the Act and cannot be added to by a joint organisation.

Any other functions that a joint organisation agrees to undertake should be listed under section 2.3 'other functions'.

2.3 Other functions

Joint organisations are not required to perform any functions outside of the principal functions.

It is up to joint organisation boards to decide whether the joint organisation will carry out other functions or not. Some or all members may choose to participate in other functions.

If a joint organisation agrees to carry out other functions, or to stop carrying out other functions, not contemplated in the Charter, the Charter should be amended to reflect this decision.

If a joint organisation carried out significant other functions for one or more member councils, a separate agreement should be established to govern these arrangements.

3. Membership

3.1 Voting Members

This section should provide details of the joint organisation member councils.

3.2 Non-voting members

The Act requires that the NSW Government, as represented by a nominee of the Secretary of the Department of Premier and Cabinet, is a non-voting member of the board.

Any additional non-voting members determined by the voting members of the board should be listed in this section.

3.3 Changes in membership

Strong and stable joint organisation membership promotes active participation by member councils and supports planning and budgeting to achieve better regional outcomes.

Voting members

However, from time to time a joint organisation may wish to invite a new voting member to join. In rare instances, it may also be appropriate for a voting member to leave the joint organisation.

Changes in voting membership need to be made by proclamation.

Non-voting members

From time to time a joint organisation may wish to invite a new non-voting member to join. It may also be appropriate for a non-voting member to leave the joint organisation. This is a matter for the board to determine by resolution.

3.4 Financial contributions

Each member council is required by the Regulation to make a financial contribution to the joint organisation. Each joint organisation is to determine the amount of the annual contribution in accordance with a methodology adopted by the board in this Charter.

The Regulation specifies that:

- a contribution may be a monetary payment or in any other form agreed by the joint organisation with the member council
- a joint organisation must consult member councils about proposed contributions.

3.5 Decision resolution

Well informed and high-quality decision making is critical for the board to be effective.

Joint organisations may at times require a decision-resolution process to ensure that the work of the joint organisation is able to progress.

An example decision-resolution process is outlined in the Charter template document. Joint organisations may choose to adopt this process and include it in their Charter or adopt another decision-resolution process instead.

It is suggested member councils seek legal advice about this process.

3.6 Dispute resolution

Joint organisations may wish to provide for an agreed dispute resolution process as part of their Charter.

This could capture matters such as notification of a dispute, informal resolution options and any formal procedure to be adopted if informal options fail.

It is suggested member councils seek legal advice about this process.

4. The board

4.1 Governing board and role

The board may resolve that an additional councillor from each council may be a voting representative of a member council on the board. The number of voting representatives from each council must remain equal at all times. Only councillors can be voting representatives.

4.2 Chairperson and role

The chairperson is to be elected 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 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.

Joint organisations may include the following text where the board agrees:

The board has elected to have a non-voting chairperson. The member council which the chairperson represents is to nominate a councillor to represent and vote on behalf of the council on the board.

4.3 Alternates

The Regulations specify that a member council may choose to appoint an alternate representative from its councillors. This may be or may not be the deputy mayor if that council has one.

While acting in the place of a voting representative on the board, a person has all the functions of a representative, including voting.

Member councils that choose to appoint an alternate representative must notify the joint organisation of that person's name and position.

4.4 Advisory committees and working groups

The board may establish committees or advisory groups as it considers appropriate and assign to them the functions and powers enabled under law and that the board considers appropriate.

The board may direct the role and duties of the committee, the manner in which it conducts its business and how it formally reports and makes recommendations to the board.

Joint organisations may wish to agree governance arrangements for any such committee or advisory group in this section of the Charter.

5. Meetings

5.1 Meeting frequency

The Act requires that joint organisations meet no less than four times per year, each time in a different quarter of the year. Joint organisations may choose to meet more frequently than this.

Joint organisations can agree other arrangements, such as meeting more often, and may wish to record those arrangements in this section of the Charter.

5.2 Participation and quorum

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, provided they can be heard by the other representatives. Participation by electronic means does not affect the voting rights of the chairperson or other representatives.

The joint organisation should include a statement in this section that either supports or precludes the use of technology for participating in a meeting of the joint organisation.

Joint organisations may also include the following text where the board agrees:

The board has resolved to enable remote participation in meetings by telephone or other electronic means. Representatives must be able to hear each other and be heard by other representatives.

The quorum for a meeting of the board is a majority of voting representatives entitled to vote under this Charter being at the meeting. No business is to be transacted at a general meeting without a quorum.

5.3 Voting and decision making

For principal functions, the Act requires that for a decision to be made it must be supported by a majority at which a quorum is present. This is the minimum standard for decision making and joint organisations may choose to implement more stringent voting requirements—such as a 75% majority or consensus decision making. Whichever voting requirements are agreed, they should be recorded in this section.

For other functions, joint organisations may choose to adopt different voting arrangements. These may be recorded in this section of the Charter or in other documents about those functions.

Decisions about principal functions

A decision of the board supported by a majority at which a quorum is present is a decision of *[insert name of joint organisation]*.

Each voting member of the board has one vote each in relation to decisions taken about principal functions.

A motion at a meeting of the board is taken to be defeated in the event of an equality of votes. The chairperson, or person presiding at a meeting of the board, does not have a casting vote.

Decisions about other functions

This section is to be used to record voting arrangements for any other functions, where agreed to include in this Charter.

5.4 Annual general meetings

While there is no requirement for an annual meeting, a joint organisation may choose to provide for an annual meeting to present its annual performance statement, audited financial statements, review its Charter (if necessary) and make future operational decisions.

Joint organisations may include the following text in this section, where the board agrees:

The board has resolved to hold an annual meeting during the month of [insert month].

6. Planning and reporting

6.1 Consultation and publication

Joint organisations are required to publish a statement of Strategic Regional Priorities, an annual performance statement, an annual revenue statement and audited financial reports. Guidance on how to prepare each of these documents is provided separately.

Joint organisations do not need to prepare an annual performance statement in the first year but may choose to do so. If a joint organisation chooses not to, the Charter should still refer to annual performance statements as the Charter will guide ongoing operations.

As financial reports are to be audited, arrangements for these audits should also be included in this section.

7. Other matters

7.1 Records

Joint organisations may choose to provide a statement about access to records by members and/or the general public. This may, for example, capture obligations under the *State Records Act 1998*, *Privacy and Personal Information Protection Act 1998* and *Government Information (Public Access) Act 2009*.

Each joint organisation must have a public officer, who will be the executive officer unless another staff member is designated to fulfil that role.

7.2 Insurance

The joint organisation should ensure appropriate insurance arrangements are in place and may wish to record those arrangements here.

7.3 Indemnity

Under the Act, representatives of members and staff of the 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

Joint organisations must adopt an expenses and facilities policy for voting representatives of the board and consult members in preparing this policy.

They must also adopt a Code of Meeting Practice and a Code of Conduct under the Act. Further policies may also be adopted and detailed in this section.



8. Transitional arrangements

If a Regional Organisation of Councils is transferring some or all of its functions to a joint organisation, details of the transitional arrangements should be included in this section.

2.7.2 Charter template

1. Introduction

1.1 Preamble

The operation of and governance principles for the **[insert name of the 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 **[insert name]**.

[insert name of the joint organisation] is a body corporate proclaimed under the *Local Government Act 1993* (the Act) with the legal capacity and powers of an individual. See the proclamation forming this joint organisation at **[insert link to proclamation]** for further information about the membership and functions of **[insert name]** and other key matters.

While the principal functions of the 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 *Local Government Act 1993* and *Local Government (General) Regulation 2005* 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 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 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.

Joint organisation means an organisation established under Part 7 Chapter 12 of the *Local Government Act 1993*

Member council means those councils proclaimed under the Act to be part of the **[insert name of the joint organisation]**.

Mayor means a person elected or appointed to civic office, who is the leader of the 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 2005*.

Voting representative means a representative of a member council on the board.

1.5 Adopting the Charter

This Charter was formally adopted by the **[insert name of joint organisation]** on **[date]**.

This Charter will be made publicly available via the following website administered by the joint organisation within 30 days of adoption **[insert website]**.

1.6 Amending the Charter

This Charter will be reviewed every **[insert]** years at the time of the election of **[insert]**. Other amendments may be made from time to time by resolution of the board.

2. Establishment

2.1 Vision and principles

The vision of **[insert name of joint organisation]** for the **[insert name of region]** is:

The **[insert name of joint organisation]** will act in accordance with the following principles:

2.2 Principal functions

The principal functions of the **[insert name]** joint organisation will be to:

- 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 joint organisation area.

2.3 Other functions

The other services, functions or types of functions the **[insert name of joint organisation]** will undertake are:

- **[List optional services, functions and types of functions the joint organisation will undertake, including any delegated by councils e.g. delivery of a service to member councils, delivery of a service to the community, sharing of a resource or resources, enhancing capacity of members].**

The board may, from time to time, determine whether and how to undertake any other functions.

3. Membership

3.1 Voting Members

The following are 'member councils' of the **[insert name]** joint organisation:

- council 1
- council 2 etc.

3.2 Non-voting members

The following organisations are non-voting members of the joint organisation:

- the NSW Government, as represented by a nominee of the Secretary of the Department of Premier and Cabinet, currently the Department of Premier and Cabinet, Director **[Insert]** Region
- Non-voting member 2 etc.

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 **[x months]** written notice.

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 **[insert name]** 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:

[list here a methodology that could include: fixed administration/membership contribution fees, variable service delivery fees etc.]

Member councils will be consulted about proposed contributions by:

[set out consultation process].

3.5 Decision resolution

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 **[\$X]**.

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 **[LG NSW/OLG]** 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 board to resolve the decision.
- Where the arbitrator cannot be agreed, the board could ask **[LG NSW/OLG]** to appoint an arbitrator.

Critical matters to be determined by the board include:

- adoption of a Statement of Strategic Regional Priorities
- adoption of the Annual Performance Statement and Financial Statements
- decisions to commit financial contributions from member councils over **[\$XX]**.

3.6 Dispute resolution

In the event of a dispute between board members that arises from or relates to the **[insert name of joint organisation]**, the following steps will be taken to resolve that dispute:

- relevant members will advise the joint organisation 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 **[insert name of joint organisation]** consists of:

- the mayors of each member council
- any additional voting representatives of these member councils, which are **[list by name or position as appropriate]**

- a representative of the NSW Government, nominated by the Secretary of the Department of Premier and Cabinet, who is **[list by name or position as appropriate]**
- the following other non-voting representatives **[list by name and/or position as appropriate]**.

The role of the board is to direct and control the affairs of the joint organisation. The board is to consult with the executive officer in directing and controlling the affairs of the joint organisation.

The joint organisation executive officer and general manager of each member council may also attend meetings of the board in an advisory capacity.

4.2 Chairperson and role

The chairperson is to be elected 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 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.

4.3 Alternates

Member councils that choose to appoint an alternate representative must notify the joint organisation of that person's name and position.

4.4 Advisory committees and working groups

The **[insert name of joint organisation]** establishes the following committees and advisory groups, which are to report to the board as set out in their Terms of Reference:

[insert names of committees and advisory groups].

Committees and advisory groups may also be established from time to time by board resolution.

5. Meetings

5.1 Meeting frequency

The board will meet every [insert months/meeting schedule] on [insert day/time]. Meetings will be conducted in accordance with the Code of Meeting Practice adopted by the board from time to time. Where necessary, the chair may call further meetings.

5.2 Participation and quorum

The quorum for a meeting of the board is a majority of voting representatives entitled to vote under this Charter being at the meeting. No business is to be transacted at a general meeting without a quorum.

5.3 Voting and decision making

Decisions about principal functions

A decision of the board supported by a majority at which a quorum is present is a decision of **[insert name of joint organisation]**.

Each voting member of the board has one vote each in relation decisions taken about principal functions.

A motion at a meeting of the board is taken to be defeated in the event of an equality of votes. The chairperson, or person presiding at a meeting of the board, does not have a casting vote.

Decisions about other functions

[Record voting arrangements for any other functions, where agreed to include in this Charter].

5.4 Annual general meetings

Optional:

The **[insert name]** will hold an annual general meeting on **[insert date, e.g. first week of November]** to present the annual report, Audited Financial Statements and review charter (if required)..

6. Planning and reporting

6.1 Consultation and publication

The **[insert name of joint organisation]** joint organisation will consult with all members in preparing the following documents required under the Act and will publish the adopted versions on the joint organisation website **[insert website]**:

- statement of Strategic Regional Priorities
- annual revenue statement
- audited financial reports.

The **[insert name of joint organisation]** joint organisation will also publish an annual performance statement on its website **[insert website]**.

7. Other matters

7.1 Records

The joint organisation will keep records and provide access to relevant information in accordance with the following legislation: **[insert website]**.

The public officer of **[insert name of joint organisation]** is the **[insert title]** who may be contacted at [contact details].

7.2 Insurance

The **[insert name of joint organisation]** joint organisation has made the following insurance arrangements: **[insert details]**.

7.3 Indemnity

Representatives of members of the board and staff of the **[insert name of joint organisation]** 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 **[insert name of joint organisation]** joint organisation has adopted the following policies **[insert details]**:

- **[insert name of joint organisation]** expenses and facilities policy
- **[insert name of joint organisation]** Code of Meeting Practice,
- **[insert name of joint organisation]** Code of Conduct, and
- **[insert name of joint organisation]** **[any further policies]**.

Further policies may be adopted by the board from time to time and will be published on the **[insert name of joint organisation]** joint organisation's website at **[insert website details]**.

8. Transitional arrangements

The **[insert name of joint organisation]** joint organisation has made the following transitional arrangements: **[insert details]**.

2.8 Holding regular board meetings

The meeting rules that apply to meetings of councils, and committees of councils comprising only councillors, also apply to meetings of boards of joint organisations.

The only differences are that meetings of joint organisations may be held by telephone or other electronic means and the chairperson does not have a casting vote.

Because joint organisations have both voting and non-voting representatives, boards of joint organisations may need to adapt their meeting practices to allow participation by non-voting representatives.

Composition of the board

Boards of joint organisations comprise voting and non-voting representatives.

Voting representatives include:

- the mayors of each of the member councils who are entitled to one vote at meetings
- any additional voting representatives of the member councils who are entitled to one vote at meetings.

Non-voting representatives include:

- a NSW government employee nominated by the Secretary of the Department of Premier and Cabinet
- any other person invited by the board to be a non voting representative of the board.

Chairperson

Chairpersons of joint organisations are elected by the voting representatives on the board and from among the voting representatives who are mayors.

The chairperson holds office for two years (unless a casual vacancy). A person elected as chairperson on the occurrence of a casual vacancy in the office of chairperson, holds the office for the remaining period of the term of office of the previous chairperson. A chairperson of a joint organisation may be re-elected as chairperson.

If the joint organisation determines that the chairperson is to be a non-voting chairperson, the relevant member council is to nominate a councillor to be their voting representative for the period for which the chairperson holds office.

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.

The role of the chairperson is to preside at board meetings of the joint organisation. Chairpersons have the same functions and powers as mayors of councils with respect to the conduct of meetings.

Alternates for board representatives

Member councils may appoint the deputy mayor, or another councillor, to attend board meetings in place of a mayor if the mayor is unable to attend

Absence of the chairperson

In the event that the chairperson is absent from a meeting, the board must elect a voting representative to chair the meeting in the chairperson's absence.

Application of meeting rules to meetings of the board

Meetings of boards are subject to the same rules that apply to meetings of councils and committees of councils comprising only councillors.

These are prescribed by the Act and, with some variations detailed below, the Regulation and any code of meeting practice adopted by the joint organisation.

Under yet-to-commence amendments to the Act, all councils and joint organisations will be required to adopt a code of meeting practice based on the *Model Code of Meeting Practice for Local Councils in NSW* (the Model Meeting Code).

Further guidance will be provided once the relevant amendments commence.

Adoption of a code of meeting practice

Pending the prescription of the Model Meeting Code, joint organisations should consider adopting a code of meeting practice. In doing so, joint organisations may wish to adopt one of their member council's codes of meeting practice.

Joint organisations' adopted meeting codes must be consistent with the meeting rules prescribed under the Act and the Regulation. In adopting a member council's code of meeting practice, joint organisations will need to adapt them to reflect the meeting rules prescribed under the Regulation that uniquely apply to meetings of boards of joint organisations.

These are as follows:

- 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 can be heard by the other representatives
- 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. In effect this means that, unlike councils, the chairperson of a joint organisation board does not have a casting vote
- Joint organisations are not required to give public notice or exhibit a draft of the code of meeting practice prior to adoption.

Participation by non-voting representatives

Only voting representatives of joint organisation boards may move and vote on motions.

To allow non-voting representatives to participate in debate, joint organisations should include a supplementary provision in their codes of meeting practice to allow non-voting representatives to speak on (but not move, second, amend or vote on) motions.

To allow open discussion on items of business before the board involving non-voting representatives, boards may also need to resolve into committee of the whole. This serves to suspend the rules limiting the number and duration of speeches.

Recommendations made by the board when meeting in committee of the whole must be reported to and adopted by the board when it resumes its formal meeting. Only voting representatives can vote on recommendations made by the committee.

Attendance and participation of general managers of member councils

General managers of member councils are entitled to attend board meetings but cannot participate unless they have been invited to be a non-voting representative of the board.

Where general managers of member councils are non-voting representatives of the board, the rules described above will govern their participation at board meetings.

General managers of member councils are not automatically entitled to attend parts of board meetings that have been closed to the public, unless permitted to do so by the board.

Members of the board may, through the chairperson, put a question to general managers of member councils attending a board meeting. However, that general manager is entitled to be given reasonable notice of the question and sufficient notice to enable reference to be made to other persons or documents.

Attendance of the executive officer at board meetings

Executive officers are entitled to attend board meetings unless excluded by the board. The board may only exclude the executive officer from a meeting if it is dealing with a matter relating to the standard of their performance or the terms of their employment.

Members of the board may, through the chairperson, put a question to the executive officer at a board meeting. However, the executive officer is entitled to be given reasonable notice of the question and, sufficient notice to enable reference to be made to other persons or documents.

Presence of the public

As with council meetings, board meetings of joint organisations must be open to the public unless grounds exist under section 10A of the Act that would permit the board to close its meeting to the public.

In closing meetings to the public, joint organisation boards must comply with the requirements of the Act that apply to the closure of council meetings to the public.

The OLG has issued guidance on the Closure of Council Meetings to the Public which also applies to meetings of joint organisation boards. This is available on the OLG website.

2.9 Preparing a statement of strategic regional priorities

The *Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018* requires that each joint organisation prepare a short statement of strategic regional priorities and the strategies and plans required to deliver them.

The statement of strategic regional priorities (statement) should set out a vision for the region and an overview of the joint organisation's strategic work program to achieve this vision.

The statement is a key tool for joint organisations and must be developed by 31 December 2018 or within six months of establishment, whichever is later.

Content

Under the integrated planning and reporting framework, all NSW councils must engage with their community to prepare a community strategic plan. Community strategic plans identify community aspirations and priorities for the future of the local area. These priorities may include issues that are common across the region and are therefore better addressed by working through the joint organisation.

Local and regional priorities are also described in many NSW Government documents.

The statement should draw from community strategic plans, regional plans and other strategic documents to clearly identify the top regional priorities for the joint organisation.

It should focus on the highest priorities for the region. The statement does not need to list every activity the joint organisation may work on, or all the issues which are important to each member council. These activities and issues can be documented in other, more detailed supporting plans.

Due to the long-term nature of strategic projects, the priorities identified in the statement are likely to extend over a number of years. It is therefore

suggested that the statement covers four years and is aligned to the integrated planning and reporting cycle.

At a minimum, each statement of regional priorities should include:

- **vision**—the joint organisation's vision for the region
- **priorities**—approximately five strategic priorities the joint organisation plans to focus on
- **strategies**—a small number of strategies the joint organisation will undertake to deliver each priority
- **stakeholders**—agencies and organisations the joint organisation will work with to deliver activities and achieve its priorities.

In addition to the vision, priorities, strategies and stakeholders, the statement may also describe the knowledge or evidence base used to identify the priorities and a small number of measures which the joint organisation will use to demonstrate its success.

If the statement does not include timelines, it should be supported with documentation that sets out key milestones for achieving each of the identified activities. This documentation can also be used for more detailed implementation planning and to monitor progress.

An example of a joint organisation's vision for a region is provided by Namoi Unlimited, which has a vision of, "A productive, smart and liveable Namoi Region that is recognised for its strong leadership, innovation and excellence in regional collaboration".

Where existing regions have already prepared strategic plans or similar documents these may fulfil the requirement to prepare a statement of regional priorities.

Joint organisations will need to assess that the requirements have been met, and the plan meets the needs of the board, prior to formally adopting the plan.

Audience

The audience for the statement includes member councils, regional communities, government agencies, neighbouring councils and other key stakeholders.

The statement will be an important communication tool about the joint organisation's vision and priorities, particularly in the first year of its operation.

Format

It is up to each joint organisation to choose an appropriate format for the statement. It could take the form of a 'plan on a page' which succinctly expresses the joint organisation's vision, priorities, strategies and stakeholders on a single or double-sided page. An example of this approach is provided by the *Illawarra Shoalhaven Joint Organisation's Organisational Strategic Plan 2017-20*.

The statement could also be a longer document which sets out the roles of the joint organisation, analyses the regional challenges and opportunities and provides more context about the organisation's priorities and strategies. An example of this approach is provided by the *Hunter Joint Organisation's Strategic Plan 2018-21*.

The overarching objective is to create a succinct and practical document to guide decision making.

Process

The process for developing the statement does not need to be lengthy.

In accordance with the Regulation, the process must incorporate consultation with member councils. This consultation could take the form of interviews with mayors and general managers, workshops with senior staff and/or meetings with the executive team.

The process should include:

- a review of the community strategic plans of member councils, as well as key regional plans prepared by the NSW Government and other key stakeholders
- a small number of targeted workshops with representatives from all member councils, with relevant agencies and other stakeholders
- preparation of a draft statement for review and adoption by the board.

As the priorities in the statement draw on the community strategic plans of member councils, there is no requirement for the joint organisation to carry out community consultation on the statement of regional priorities.

Once the statement is adopted by the board, it must be published on the joint organisation's website.

Timeframes

All joint organisations must prepare their first statement of regional priorities by 31 December 2018 or within six months of establishment, whichever is later.

To meet these timeframes, joint organisations should aim to have a draft statement prepared within three months of establishment. This will allow time for the statement to be reviewed by member councils and potentially by stakeholders. It will also allow time for discussion about how the joint organisation, government agencies and other stakeholders can work together on agreed priorities.

The Department of Premier and Cabinet's Regional Directors can help to facilitate inter-governmental discussion on shared priorities and actions.

As noted previously, it is suggested the statement look forward at least four years. This will mean the second and subsequent statements prepared by joint organisations will align with the terms of office of council members.

Subsequent statements must be prepared no later than 12 months after each ordinary election of councillors for all member councils.

Reviewing the statement

The statement should be reviewed annually to ensure it continues to reflect the organisation's direction, as well as progress on its priorities and strategies.

A complete review of the statement should be carried out every four years.

2.10 Supporting communications and engagement

Effective communication and engagement will be important to support a functional and effective joint organisation. It will help establish a strong identity and inspire confidence in a coordinated, well managed and responsive organisation.

The key stakeholders of a joint organisation are joint organisation staff and board members, member councils and their communities, and partner organisations.

This document provides advice about how joint organisations can engage and communicate effectively about their role and purpose, particularly during the early period of establishment.

Preparing a communication and engagement plan

One of the first responsibilities for executive officers of joint organisations will be to oversee development of a communication and engagement plan, which can then be closely monitored and reviewed to ensure it remains relevant and effective.

The plan should include key messages about the role of the joint organisation and its commitment to achieving strategic priorities. It should show how the joint organisation will communicate effectively with member councils and stakeholders on progress in implementing joint organisation priorities, including celebrating the achievement of key milestones and successes.

A sample table of contents for a communication and engagement plan is provided at the end of this document.

Establishing effective communication and media liaison

Effective and targeted communication, including media liaison, can enhance awareness of the role of joint organisations and generate confidence in their ability to deliver tangible benefits for member councils and regional communities.

Staff of joint organisations can review and adapt media and communications policies and procedures of member councils or develop new ones. Early media priorities can be to:

- determine the designated joint organisation spokesperson
- clarify responsibilities for preparing and approving media releases and managing media enquiries
- consider the use of social media tools and develop and implement appropriate procedures
- monitor media coverage.

It is expected that chairpersons of joint organisations will act as designated media spokespersons, unless this role is delegated to the executive officer, or interim executive officer, of each joint organisation.

Joint organisations can use a range of communication methods to engage stakeholders, such as media releases, newsletters, websites and social media.

Communication and engagement units of member councils can provide advice and assistance about communicating effectively with local communities and media management. The OLG's strategic communications unit can also provide assistance at media@olg.nsw.gov.au.

Developing a visual identity

An early task for joint organisations will be to investigate creating a visual identity to help promote the new organisation. Visual identities typically include elements such as a logo and colour palette, which in turn can be supported by a style guide to show how these visual elements should be consistently presented.

Joint organisations are advised to adopt a logo and other key visual identity elements early on. This identity can be used to promote the new joint organisation, as well as the shared values of communities within the joint organisation region.

It will be important for member councils, stakeholders and the joint organisation chairperson, board members and staff to provide input to the visual identity of joint organisations. The process for developing a new visual identity can be included in the communication and engagement plan.

Creating a new website

It is expected joint organisations will be supported by a customised website providing a single entry-point to information about the joint organisation and its initiatives. Some steps to consider when preparing a new website include:

- determine budget and resources required
- consider who will use the website and for what purpose
- consult with joint organisation key stakeholders about functionality, usability and content
- determine responsibility for maintaining website content
- choose the domain name and host
- prepare website architecture
- design the landing page, using elements of the visual design outlined above.

Communication and Engagement Plan

Suggested Table of Contents

This table of contents for a communication and engagement plan is provided as a starting point, to be amended to suit the needs and circumstances of each joint organisation.

1. Introduction

This section could set out the broader context for the plan, such as:

- background
- key objectives, such as:
 - communicating about joint organisation regional priorities
 - communicating about joint organisation priority projects
 - developing a new visual identity
 - developing a new website
- risks and opportunities
- roles and responsibilities
- project resources and budget.

2. Communication and engagement approach

This section can focus on the joint organisation approach to communication and engagement, including:

- purpose and objectives
- communication and engagement milestones, linked to project or joint organisation milestones.

3. Key stakeholder identification and analysis

This section can include key staff of joint organisation member councils, as well as regional communities, government and other partners.

4. Communication and engagement program

This section can comprise:

- key messages
- communication and engagement tools and their audience
- detailed program with actions and timings.

5. Monitoring and communicating progress

This section can include an overview of who will be responsible for delivery of the communication and engagement plan and monitoring progress against stated actions and timings. The plan should be regularly reviewed to ensure it remains relevant and on task.

2.11 Recruiting staff

Joint organisations are not required to appoint staff other than the executive officer.

Where a joint organisation chooses to employ staff other than the executive officer, they are to be appointed by the executive officer in accordance with the organisation structure and resources approved by the joint organisation. Staff are accountable to the executive officer for their performance.

Staff other than the executive officer may not be appointed until joint organisations have been declared not to be national system employers.

Appointing staff other than the executive officer

Under the Act, staff (other than the executive officer) may only be appointed if the joint organisation has been declared not to be a national system employer for the purposes of the *Commonwealth Fair Work Act 2009*.

Joint organisations must not appoint staff other than the executive officer until the OLG has notified them that joint organisations have been declared not to be national system employers.

Determining an organisation structure

Where a joint organisation has staff other than the executive officer, it must determine an organisation structure and approve resources for the employment of staff to positions within the organisation structure.

The board of the joint organisation must, after consulting the executive officer, determine the following:

- any senior staff positions within the organisation structure
- the roles and reporting lines of any senior staff positions
- the resources to be allocated towards the employment of staff.

The executive officer must, after consulting the board of the joint organisation, determine the positions (other than any senior staff positions) within the organisation structure of the joint organisation.

Role of the executive officer

If the joint organisation determines an organisation structure requiring other staff, it is the executive officer's role under the Act to:

- appoint staff in accordance with the organisation structure and the resources approved by the joint organisation
- direct and dismiss staff.

Staff of joint organisations are accountable to the executive officer of the joint organisation in the performance of their duties.

Recruiting staff

Before appointing staff, the joint organisation must first advertise the position in accordance with the requirements of the Act and undertake a merit-based recruitment process (unless the staff are transferred from a council to perform a function delegated by the council to the joint organisation).

Joint organisations may appoint temporary staff for up to 12 months without advertising and merit selection.

Transfer of staff from councils

Where councils delegate their functions to joint organisations under section 377 of the Act, or transfer them by agreement under section 400S, non-senior staff that formerly performed those functions for those councils may be transferred by agreement to the joint organisation.

The advertising and merit selection provisions of the Act do not apply to appointments made by joint organisations as a result of a transfer of staff from councils.

Where the number of staff to be transferred exceeds the number of positions in the joint organisation, the joint organisation must notify eligible council staff members of the position, give them a reasonable opportunity to apply for the position and not externally advertise the position. If there is more than one person eligible for appointment to a position, the applicant who has the greatest merit must be selected.

Where councils delegate or transfer functions to a joint organisation, and non-senior council staff who formerly performed those functions are transferred to the joint organisation to perform those functions, the contract and period of employment of the transferred staff member is taken to be unbroken. This means that staff continue to be employed under the same terms and conditions as they were under the transferee council (unless subsequently altered) and any accrued entitlements (including in relation to recreation leave, sick leave, long service leave and superannuation) are preserved.

However, transferred staff members are not entitled to receive any payment or other benefit merely because they cease to be a staff member of the former council.

Once appointed to a position in a joint organisation, the terms and conditions of employment of transferred staff may be altered in accordance with the award or an enterprise agreement, salary systems or agreements made under the award, or other local policies and agreements.

Terms and conditions of employment of non-senior staff

Joint organisations are not national system employers for the purposes of the *Commonwealth Fair Work Act 2009*. The employment relationship between joint organisations and their non-senior staff is regulated under the *NSW Industrial Relations Act 1996*.

The terms and conditions of employment of non-senior staff of joint organisations are prescribed under the *Local Government (State) Award 2017* or any applicable enterprise agreement approved by the Industrial Relations Commission of NSW.

Senior staff

Boards of joint organisations may, in consultation with the executive officer, identify senior staff positions. For a position to be identified as a senior staff position it must meet the following criteria:

- the responsibilities, skills and accountabilities of the position must be generally equivalent to those applicable to the *Executive Band of the Local Government (State) Award 2017*
- the total remuneration package payable with respect to the position must be equal to or greater than the minimum remuneration package (within the meaning of Part 3B of the *Statutory and Other Offices Remuneration Act 1975*) payable with respect to senior executives whose positions are graded Band 1 under the *Government Sector Employment Act 2013*.

Executive officers are automatically deemed to be senior staff and the above requirements do not apply to them.

Senior staff of joint organisations must be employed under a fixed-term performance-based contract in the form of the one approved by the Chief Executive of OLG. The contract must be between one and five years and may be renewed.

The approved standard contract of employment for senior staff of joint organisations is available on OLG's website.

Staff delegations

The executive officer may delegate any of their functions and sub-delegate any function delegated to them by the board of the joint organisation to staff of the joint organisation.

03 RESOURCES

3.1 Templates

- A Charter template**
- B How to apply for an Australian business number and taxation registration**
- C How to apply for a new nsw.gov.au domain name**

A Charter template



Charter

[NAME OF JOINT ORGANISATION] CHARTER

[Date of endorsement and effect]

[Member council logos]

Contact Details

[Contact details for the joint organisation]

How to use this Charter template

This template Charter is designed for use by new joint organisations. Joint organisations can use this Charter template or prepare a different Charter, provided it still meets legislative requirements.

Prescribed elements of the Charter

Under the Local Government Act 1993 (the Act) and Local Government (General) Regulation 2008 the prescribed requirements for the Charter are as follows:

- the board is to prepare and adopt a Charter containing (but not limited to):
 - operational principles for the joint organisation
 - governance principles for the joint organisation
- the Charter is to contain the methodology for determining annual financial contributions to the joint organisation by member councils
- a Charter may adopt requirements that are additional or supplementary to, or more significant than, requirements made by or under the Act but cannot adopt requirements that:
 - are less stringent than requirements made by or under the Act
 - are inconsistent with or contravene regulations under the Act relating to Charters
- the Charter must be made publicly available on a website administered by the joint organisation within 30 days of adoption of the Charter.

Optional elements of the Charter

Each joint organisation can determine the content of its own Charter, provided it includes the prescribed information above. Please refer to the supporting Preparing charter template guidance document for further additional information.

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1 Introduction

1.1 Preamble

The operation of and governance principles for the **[insert name of the 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 **[insert name]**.

[insert name of the joint organisation] is a body corporate proclaimed under the *Local Government Act 1993* (the Act) with the legal capacity and powers of an individual. See the proclamation forming this joint organisation at **[insert link to proclamation]** for further information about the membership and functions of **[insert name]** and other key matters.

While the principal functions of the 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 *Local Government Act 1993* and *Local Government (General) Regulation 2005* 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 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 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.

Joint organisation means an organisation established under Part 7 Chapter 12 of the *Local Government Act 1993*

Member council means those councils proclaimed under the Act to be part of the **[insert name of the joint organisation]**.

Mayor means a person elected or appointed to civic office, who is the leader of the 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 2005*.

Voting representative means a representative of a member council on the board.

1.5 Adopting the Charter

This Charter was formally adopted by the **[insert name of joint organisation]** on **[date]**.

This Charter will be made publicly available via the following website administered by the joint organisation within 30 days of adoption **[insert website]**.

1.6 Amending the Charter

This Charter will be reviewed every [insert] years at the time of the election of **[insert]**. Other amendments may be made from time to time by resolution of the board.

2 Establishment

2.1 Vision and principles

The vision of **[insert name of joint organisation]** for the **[insert name of region]** is:

The **[insert name of joint organisation]** will act in accordance with the following principles:

2.2 Principal functions

The principal functions of the **[insert name]** joint organisation will be to:

- 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 joint organisation area.

2.3 Other functions

The other services, functions or types of functions the **[insert name of joint organisation]** will undertake are:

- **[List optional services, functions and types of functions the joint organisation will undertake, including any delegated by councils e.g. delivery of a service to member councils, delivery of a service to the community, sharing of a resource or resources, enhancing capacity of members].**

The board may, from time to time, determine whether and how to undertake any other functions.

3 Membership

3.1 Voting Members

The following are 'member councils' of the [insert name] joint organisation:

- council 1
- council 2 etc.

3.2 Non-voting members

The following organisations are non-voting members of the joint organisation:

- the NSW Government, as represented by a nominee of the Secretary of the Department of Premier and Cabinet, currently the Department of Premier and Cabinet, Director [Insert] Region
- Non-voting member 2 etc.

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 [x months] written notice.

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 [insert name] 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:

[list here a methodology that could include: fixed administration/membership contribution fees, variable service delivery fees etc.]

Member councils will be consulted about proposed contributions by:

[set out consultation process].

3.5 Decision resolution

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 [\$X].

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 [LG NSW/OLG] 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 board to resolve the decision.
- Where the arbitrator cannot be agreed, the board could ask **[LG NSW/OLG]** to appoint an arbitrator.

Critical matters to be determined by the board include:

- adoption of a Statement of Strategic Regional Priorities
- adoption of the Annual Performance Statement and Financial Statements
- decisions to commit financial contributions from member councils over **[\$XX]**.

3.6 Dispute resolution

In the event of a dispute between board members that arises from or relates to the **[insert name of joint organisation]**, the following steps will be taken to resolve that dispute:

- relevant members will advise the joint organisation 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 **[insert name of joint organisation]** consists of:

- the mayors of each member council
- any additional voting representatives of these member councils, which are **[list by name or position as appropriate]**
- a representative of the NSW Government, nominated by the Secretary of the Department of Premier and Cabinet, who is **[list by name or position as appropriate]**
- the following other non-voting representatives **[list by name and/or position as appropriate]**.

The role of the board is to direct and control the affairs of the joint organisation. The board is to consult with the executive officer in directing and controlling the affairs of the joint organisation.

The joint organisation executive officer and general manager of each member council may also attend meetings of the board in an advisory capacity.

4.2 Chairperson and role

The chairperson is to be elected 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 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.

4.3 Alternates

Member councils that choose to appoint an alternate representative must notify the joint organisation of that person's name and position.

4.4 Advisory committees and working groups

The **[insert name of joint organisation]** establishes the following committees and advisory groups, which are to report to the board as set out in their Terms of Reference:

[insert names of committees and advisory groups].

Committees and advisory groups may also be established from time to time by board resolution.

5 Meetings

5.1 Meeting frequency

The board will meet every [insert months/meeting schedule] on [insert day/time]. Meetings will be conducted in accordance with the Code of Meeting Practice adopted by the board from time to time. Where necessary, the chair may call further meetings.

5.2 Participation and quorum

The quorum for a meeting of the board is a majority of voting representatives entitled to vote under this Charter being at the meeting. No business is to be transacted at a general meeting without a quorum.

5.3 Voting and decision making

Decisions about principal functions

A decision of the board supported by a majority at which a quorum is present is a decision of **[insert name of joint organisation]**.

Each voting member of the board has one vote each in relation decisions taken about principal functions.

A motion at a meeting of the board is taken to be defeated in the event of an equality of votes. The chairperson, or person presiding at a meeting of the board, does not have a casting vote.

Decisions about other functions

[Record voting arrangements for any other functions, where agreed to include in this Charter].

5.4 Annual general meetings

Optional:

The **[insert name]** will hold an annual general meeting on **[insert date, e.g. first week of November]** to present the annual report, Audited Financial Statements and review charter (if required)..

6 Planning and reporting



6.1 Consultation and publication

The **[insert name of joint organisation]** joint organisation will consult with all members in preparing the following documents required under the Act and will publish the adopted versions on the joint organisation website **[insert website]**:

- statement of Strategic Regional Priorities
- annual revenue statement
- audited financial reports.

The **[insert name of joint organisation]** joint organisation will also publish an annual performance statement on its website **[insert website]**.

7 Other matters

7.1 Records

The joint organisation will keep records and provide access to relevant information in accordance with the following legislation: **[insert website]**.

The public officer of **[insert name of joint organisation]** is the **[insert title]** who may be contacted at **[contact details]**.

7.2 Insurance

The **[insert name of joint organisation]** joint organisation has made the following insurance arrangements: **[insert details]**.

7.3 Indemnity

Representatives of members of the board and staff of the **[insert name of joint organisation]** 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 **[insert name of joint organisation]** joint organisation has adopted the following policies **[insert details]**:

- **[insert name of joint organisation]** expenses and facilities policy
- **[insert name of joint organisation]** Code of Meeting Practice,
- **[insert name of joint organisation]** Code of Conduct, and
- **[insert name of joint organisation]** **[any further policies]**.

Further policies may be adopted by the board from time to time and will be published on the **[insert name of joint organisation]** joint organisation's website at **[insert website details]**.

8 Transitional arrangements

The **[insert name of joint organisation]** joint organisation has made the following transitional arrangements: **[insert details]**.





B How to apply for an Australian business number and taxation registration

HOW TO APPLY FOR AN AUSTRALIAN BUSINESS NUMBER AND TAXATION REGISTRATION

Joint organisations will need to apply to the Australian Taxation Office for Australian Business Number and taxation registration.

Australian Taxation Office Application Form and Guide

Application form is attached

Application guide is attached

The ATO will accept emailed applications from councils. Submit the application and supporting information via email to LMGTechnicalIssues@ato.gov.au AND cc alison.murphy@olg.nsw.gov.au

Please ensure your application includes the requested supporting information:

- ☐ Copy of the proclamation or link to the proclamation
- ☐ A list of business locations if the council would like to register multiple locations (question 8)
- ☐ A list of any additional authorised contacts (question 13) including all information requested at (question 11)

Further information about applying for an ABN and taxation registration

**Client Services,
Service Delivery
(CAS)**



abr.gov.au/For-Government-agencies/Applying-for-and-updating-an-ABN/Apply-for-a-government-ABN/

**Australian Taxation
Office**



LMGTechnicalIssues@ato.gov.au

C How to apply for a new nsw.gov.au domain name

HOW TO APPLY FOR A NEW NSW.GOV.AU DOMAIN NAME



The following steps set out the process required to apply for a new nsw.gov.au domain name.

STEPS

1

Determine a domain name for the joint organisation

The domain name must be unique and should be easy to learn, recognise and remember.

2

Confirm the proposed domain name meets policy guidelines

All domain registration and administration activities for NSW Government agencies and councils must comply with the following national policies and guidelines:

Policy and Governance Framework:

<https://www.domainname.gov.au/domain-policies/policy-and-governance-framework>

Eligibility and Allocation Policy:

<https://www.domainname.gov.au/domain-policies/eligibility-and-allocation-policy>

Domain Name Guidelines:

<https://www.domainname.gov.au/guidelines>

DPC Circular:

<https://arp.nsw.gov.au/c2012-08-nsw-government-website-management>

3

Check the proposed domain name is available

Check the availability of the proposed domain name through Ausregistry:

http://whois.ausregistry.net.au/whois/whois_local.jsp?tab=0

If the domain name is not available, select another suitable name.

4

Register domain name

Apply for a new nsw.gov.au domain name

Complete the form to apply for a new nsw.gov.au domain name:

<https://www.domainname.gov.au/apply-new-nswgovau-domain-name>

Name servers

If you do not currently have name servers ready, they can be added after the domain has been registered.

The NSW Government Domain Name Administrator will review the request to ensure it complies with registration policies and guidelines. If approved, you will be contacted to provide the registrant and tech contact names, email address and phone number.

How to apply for a new nsw.gov.au domain name

5

Approval confirmed

An email will be sent to the registered email account within three days advising if the application has been approved and the new domain name registered.

Further information about website guidelines and applying for a new domain name

NSW Government Domain Name Administrator
Communications and Engagement
Department of Premier and Cabinet



<https://sc.dpc.nsw.gov.au/digital/nsw-gov-au-domain-names/>



domainadmin@dpc.nsw.gov.au

3.2 Table of what is excluded and included from the Act

JOINT ORGANISATIONS AND THE *LOCAL GOVERNMENT ACT 1993*

The table below provide an indication only, please seek your own legal advice.

Please also note the effect of section 400ZH(4) of the Act in relation to excluded provisions which may apply in certain circumstances

Reference	Subject/s	Application
Chapter 1	Preliminary • Application to Crown • Geographical application	Yes
Chapter 2	Purposes of the Act	Yes
Chapter 3	Principles for Local Government • Object of principles • Guiding principles • Financial management • IP&R principles	No
Chapter 4 Part 1	How the community can influence what council does • Open meetings • Guidelines from Departmental Chief Executive	Yes
Chapter 4 – section 9	Open meetings • Public notice of the first meeting is not required	Modified
Chapter 4 Part 3	How the community can influence what council does • Expressions of Community Opinion – council polls and referenda	No
Chapter 5	What are council's functions • Functions under this Act • Other functions • Supplementary, incidental and consequential functions • DCE Guidelines	Yes
Chapter 6 except for Part 3	Service functions of councils • General (provision of goods, services, facilities etc • Public land • Environmental Upgrade Agreements <i>Note: Part 2A Minister for Environment portfolio</i>	No

Reference	Subject/s	Application
Chapter 6 Part 3	Service functions Restraints and qualifications that apply to service functions including: • Tendering • Extension of requirements to council related entities • Water supply, sewerage and stormwater drainage works and facilities • Private works	Yes
Chapter 7	Regulatory functions • Activities that require approval • Crown activities • Making and determining applications for approval • Approvals for filming • Accreditation of components, processes and designs • Orders and Local Policies • Appeals	No
Chapter 8 Part 1	Ancillary council functions • Acquisition of land (Cl. 397N of the Regulation)	No
Chapter 8 Part 2	Ancillary council functions • Entry onto land and other powers	Yes
Chapter 9 – section 252 (except for 252(2))	Fees, expenses and facilities policy • Fees, expenses and facilities policy	Yes
Chapter 9 except for section 252 (excluding section 252(2))	How councils are established • Areas – constitution and dissolution, amalgamation and alteration of boundaries • Councils – constitution, the mayor, councillors, Local Government Remuneration Tribunal • Local Government Boundaries Commission	No
Chapter 10	How people are elected to civic office • Who may vote and who may be elected • System and timing of elections • Filling of casual vacancies • How elections are conducted • Postponement of elections • Political parties and political donations • Dismissal from civic office	No

Reference	Subject/s	Application
Chapter 11 – sections 335 and 342	How councils are staffed • Functions of General Manager • Appointment of Public Officer	No
Chapter 11 – sections 348(1) and (2) and 349	Advertising and merit appointments for first executive officers • A JO may choose not to comply with these provisions in appointing the first executive officer, if the appointment is for less than 12 months. Otherwise the provisions do apply.	Modified
Chapter 11 – section 354D and 354G	Staff transfers • The application of section 354D and 354G is expanded so that it applies to transfers of staff between JOs and councils or county councils.	Modified
Chapter 11(except for 335 and 342)	How councils are staffed • Organisation structure • General manager and other senior staff* (except s.335 – functions of GM) • The public officer – functions. While section 342 does not apply to enable appointment, note section 400Y which allows an executive officer to designate another member of staff (if there is any) as public officer • Equal Employment Opportunity • Other provisions about staffing (including merit, advertising, temporary appointments, restrictions etc) • Arrangements for staff affected by amalgamations etc	Yes
Chapter 12 – sections 355, 361(2) – (5), 365, 370, 371, 375A, 377-380 and Part 5 NB: note modifications below to 361(2) – (5)	How councils operate • How councils exercise functions • How often councils meet • Voting entitlements of councillors • What constitutes a council decision • Recording votes on planning matters • Delegations • General power of council to delegate • Delegations by the GM • Delegations of regulatory functions • Review of delegations • County councils	No

Reference	Subject/s	Application
Chapter 12 (except for sections 355, 361(2) – (5), 365, 370 371, 375A, 377-380 and Part 5	How councils operate - Financial assistance to other councils - Exercise of functions outside council areas - Restrictions on forming corporations and other entities - Councils acting as agents - Decision making – Code of Meeting Practice - Other council meeting requirements except - How often council meets - Voting entitlement of councillors - What constitutes a council decision - Recording votes on planning matters - Delegation of functions – ONLY: - Exercise of functions conferred or imposed on council employees under other Acts - Insurance against liability - Public private partnerships	Yes
Chapter 12 – section 361(2) – (5)	Code of meeting practice Consultation on preparation and adoption of code does not apply, but the Regulation requires consultation with member councils	Modified
Chapter 13 – Parts 2 & 4, s.438T, 438ZA and 438ZB	How councils are accountable for their actions - Strategic planning - Annual reports - No amalgamations or alterations to area during temporary suspension of council	No
Chapter 13 – section 406 NB: see modifications below to section 406	Statement of strategic regional priorities - Section 406 applies so that a reference in the section to a community strategic plan is to be read as a statement of strategic regional priorities. Statement of revenue policy - Section 406(3), (5) and (6) applies so that a reference to an operational plan were a reference to the revenue policy statement Annual performance statement - Section 406 applies so that a reference in the section to an annual report as if it were a reference to an annual performance statement.	Modified

Reference	Subject/s	Application
Chapter 13 Part 3	First annual report The first annual report for a JO is to be prepared for the period that ends at the expiry of the first full year after the JO is established.	Modified
Chapter 13 (except for Parts 2 & 4, sections 406, 438T, 438ZA and 438ZB)	How councils are accountable for their actions - Financial management – including funds, accounting records and auditing, other audit functions, auditors - Inquiries, reviews and surcharging - Performance management – including PIOs, temporary advisers and financial controllers - Temporary suspension of council except: - s.438T – No amalgamations or alterations to area - Public inquiries - s.438ZA – Ordinary election during suspension period - s.438ZB – Election of Mayor during suspension period - Service of ministerial and departmental documents	Yes
Chapter 14	Honesty and disclosure of interests - Conduct - Serious corrupt conduct - Misconduct - Duties of disclosure, written returns and meetings - Complaints about non-disclosure, investigations and NCAT proceedings - Miscellaneous – acts of disorder, recovery of monetary benefits	Yes
Chapter 15 – Parts 10 (excluding Division 2), 12 and 13 and section 620 NB: see modifications below section 610F	How councils are financed - Council fees for services and activities, certain annual charges - Loans and restrictions - Investments - Minister's grants	Yes

Reference	Subject/s	Application
Chapter 15 (except for Parts 10 (excluding Division 2), 12 and 13 and section 620)	How councils are financed - Limit of annual income from rates and charges - Ordinary rates, charges - Making and levying of rates and charges - Rateable land - Payment of rates and charges, concessions - Miscellaneous – records, certificates, expenses, coastal protection service charges, writing off rates, charges, accrued interest - Grants [Local Government Grants Commission]	No
Chapter 15 – section 610F	Public notice of fees Section 610F applies so that a reference to an operational plan is taken to be a reference to the annual revenue statement	Modified
Chapter 16	Offences - Failure re approvals and orders - Public places - Water, sewerage and stormwater drainage - Street drinking - Parking, immobilisation and detention of vehicles - Acting in civic office while disqualified - Miscellaneous e.g. obstruction, wilful destruction	Yes
Chapter 17 – Part 2 Divisions 4 and 5	Enforcement - Proceedings by the council or its employees for the recovery of rates and charges through legal action - Sale of land for unpaid rates and charges (proposed by draft regulation)	No
Chapter 17 (except for Part 2 Divisions 4 and 5)	Enforcement - Legal proceedings and other remedies - Proceedings by the council or its employees <i>except</i>: - Division 4 – for the recovery of rates and charges - Proceedings against councils, councillors and staff including liability and exemptions - Miscellaneous except s.736(2) below.	Yes
Chapter 18 – Section 736(2)	Miscellaneous Proclamations	No

Reference	Subject/s	Application
Chapter 18 (except for Section 736(2))	Miscellaneous • General – public hearings, preliminary inquiries, proclamations (except s.736(2)) privacy, correcting errors, notice, record keeping dispute resolution, property in waste, DCE and Ministerial delegation of functions, authorised officers, review of Act • Regulations • Savings transitional and other provisions	Yes
Schedules 1-5	• Local Government Remuneration Tribunal • Boundaries Commission • Project Review Committees (PPPs) • Local Government Grants Commission	No
Schedules 6-9	• Regulations • Code of Conduct • Savings, transitional and consequential provisions – this Act and other Acts • Special provisions for winding up of Cudgegong County Council	Yes
Dictionary	All terms	Yes

3.3 Table of what is excluded and included from the Regulation

JOINT ORGANISATIONS AND THE *LOCAL GOVERNMENT (GENERAL) REGULATION 2005*

The table below provide an indication only, please seek your own legal advice.

Reference	Subject/s	Application
Part 1 (excluding clause 4)	Preliminary	Yes
Part 1 – clause 4	Application of Regulation	No
Part 2	Approvals	No
Part 3	Orders	No
Part 4	Community land	No
Part 5	Rates and charges	No
Part 5A	Environmental upgrade agreements	No
Part 6	Water Services	Yes
Part 7	Tendering	Yes
Part 8	Honesty and disclosure of interest	Yes
Part 9 (clauses 201, 217(1)(a4), (e), (e1) and (f), 218 and 219)	Management and accountability • Annual statement of council's revenue policy • Additional matters for annual reports • County councils	No
Part 9 (excluding clauses 201, 217(1)(a4), (e), (e1) and (f), 218 and 219)	Management and accountability • Budgeting by councils including system for budget control and budget review statements/revision of estimates except annual statement of council's revenue policy • Council's funds • Accounting records and accounting practices • Content of annual performance statements • Annual financial reports • Auditor's matters • Half yearly inspection • Loans to council to be charge on income • General manager to notify borrowings	Yes

Reference	Subject/s	Application
Part 10 (clause 235)	Meetings - Remote attendance at meetings prohibited - Councillor elected to preside at certain meetings	No
Part 10 (excluding clauses 235) NB: note modifications below to clause 232 and 234	Meetings - Definition of “councillor” will be amended to include a voting representative of a non-voting chairperson of a JO board, so the Part will apply to them in the same way as to a councillor. - Convening of, and attendance at, meetings - Procedure for the conduct of council meetings – except councillor to be elected to preside at certain meetings – including: - Chair to have precedence, Order of business, agendas, meeting papers, extraordinary meetings, motions, official minutes, speeches, voting, meetings are public - Keeping order at meetings - Council committees - Miscellaneous including inspection of minutes, tape recording requires permission	Yes
Part 10 Clause 232 and 234	First meetings - Notice of first meeting not required - Chief Executive to exercise functions conferred on the Minister under clause 234 in relation to convening the first meeting	Modified
Part 11	Elections	No
Part 12	Penalty notices	Yes
Part 13 (Division 2, 3, clause 404, 6 and 13)	Miscellaneous - Compulsory acquisition for resale (section 188) - Surveys and polls relating to council amalgamations or boundary changes - Standards of coastal protection services - Winding up of Cudgegong (Abattoir) County Council - Functions of general manager	No

Reference	Subject/s	Application
Part 13 (excluding Division 2, 3, clause 404, 6 and 13) NB: note modifications below	Miscellaneous • Council seal • Council staffing matters • Payments to councillors to be in accordance with expenses policy • Certain exclusions • Bathing control notices (section 633) • Disclosure and misuse of information • Application of certain penalties • Performance management criteria and suspension criteria	Yes
Part 13 Division 5	Staffing matters • The application of clauses 406A, 406C and 406D have been expanded to ensure that they apply adequately to relevant circumstances relating to joint organisations. • Note that the un-modified provisions also apply but did not require explicit modification for them to have the intended effect	Modified
Part 14	Savings and transitional provisions	No
Schedule 1	Standards relating to approvals	No
Schedule 2	Standards relating to enforceable orders	No
Schedule 3	Form of return—disclosure of interest	Yes
Schedule 3A	Form of special disclosure of pecuniary interest	Yes
Schedule 4	Counting of votes – optional preferential system	No
Schedule 5	Counting of votes – proportional system	No
Schedule 7	Election of mayor by councillors	No
Schedule 7A	Election of chairpersons of joint organisations	Yes
Schedule 8	Election of chairpersons of county councils	No
Schedule 9	Election of members of county councils	No
Schedule 10	Constitutional referendums, council polls	No
Schedule 11	Forms	No
Schedule 12	Penalty notice offences	Yes

3.4 Additional support

The NSW Government will provide assistance to support the establishment and operation of joint organisations. Each joint organisation will be assigned an Office of Local Government Engagement Manager whose role will be to:

- respond quickly to questions
- facilitate connections between joint organisation staff
- identify and address areas where joint organisations may need more guidance and support.

The NSW Government will also support joint organisations with:

- establishment funding
- written guidance and resources
- forums for joint organisation chairpersons and executive officers to discuss approaches, ideas and issues
- online portal with information and resources
- links to NSW Government agencies through the Department of Premier and Cabinet regional officers to help progress regional priorities.



