

Summary

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 arises in their office). 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 *Local Government Act 1993* (the Act) and, with some variations detailed below, the *Local Government (General) Regulation 2005* (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 by the board 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 Office of Local Government 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 Office of Local Government website.

Office of Local Government

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