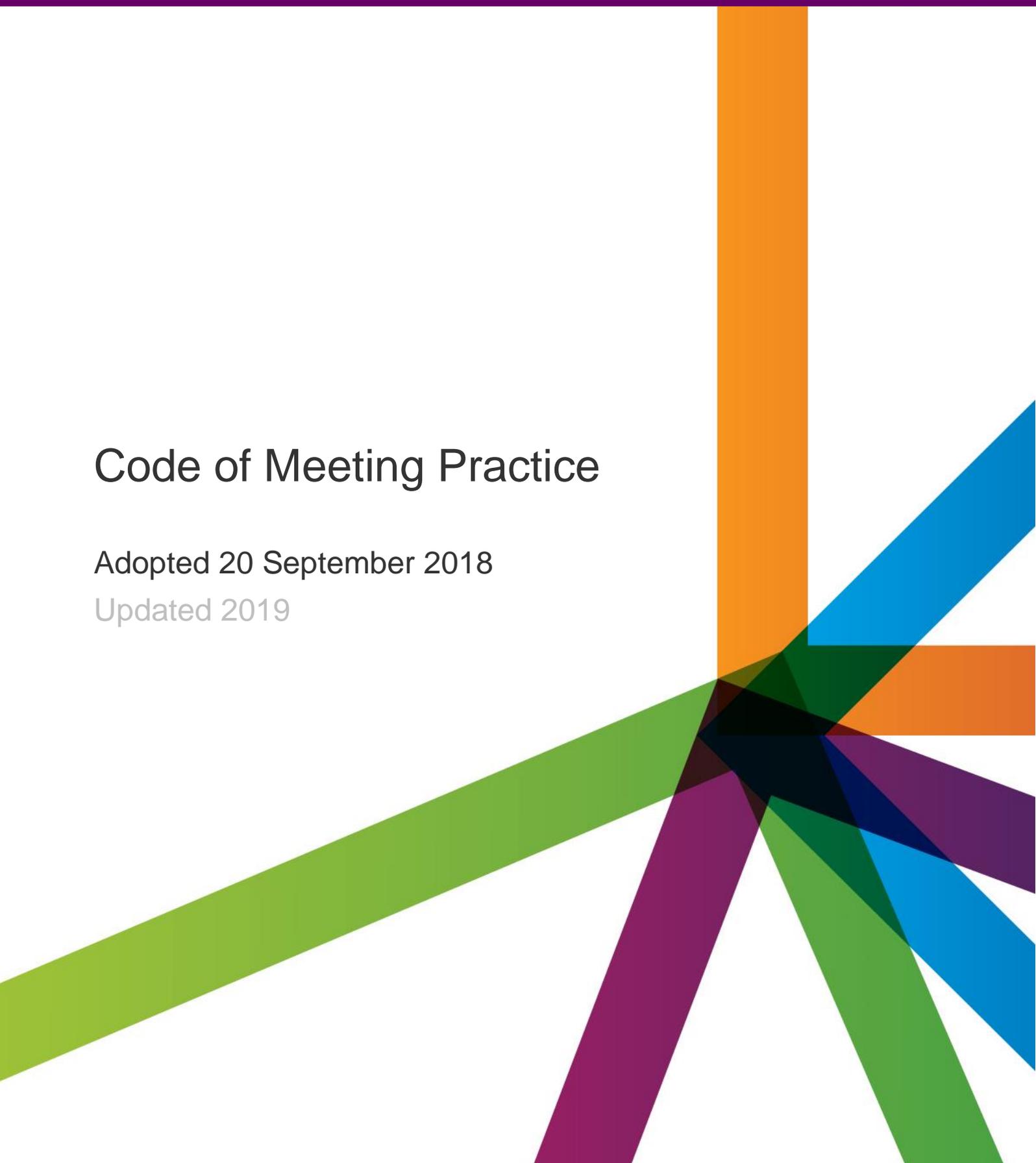


# Illawarra Shoalhaven Joint Organisation Board Manual

## Code of Meeting Practice

Adopted 20 September 2018

Updated 2019



## Table of Contents

1. Introduction.....	3
2. Meeting Principles.....	3
3. Before the Meeting.....	3
4. Coming Together .....	7
5. The Chair.....	9
6. Modes of Address .....	10
7. Order of Business for Joint Organisation Meetings.....	10
8. Consideration of business at Joint Organisation Meetings .....	10
9. Rules of Debate .....	12
10. Voting .....	15
11. Committee of the Whole .....	16
12. Dealing with items by exception.....	16
13. Closure of Joint Organisation Meetings to the public .....	17
14. Keeping Order at Meetings .....	21
15. Conflicts of Interest .....	23
16. Decisions of the Joint Organisation .....	23
17. After the Meeting.....	24
18. Joint Organisation Committees.....	26
19. Irregularities.....	28
20. Definitions.....	30

IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/12/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

## 1. Introduction

This Model Code of Meeting Practice for Local Joint Organisations in NSW (the Model Meeting Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This code applies to and includes all meetings of Joint Organisations (JOs) and committees of Joint Organisations of which all the members are Board delegates (committees of JOs). JO committees whose members include persons other than delegates may adopt their own rules for meetings unless the JO determines otherwise.

Joint Organisations must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A Joint Organisation's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a JO must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

## 2. Meeting Principles

2.1 Joint Organisation and committee meetings should be:

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

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

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

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

*Trusted:* The community has confidence that Board delegates and staff act ethically and make decisions in the interests of the whole community.

*Respectful:* Board delegates, staff and meeting attendees treat each other with respect.

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

*Orderly:* Board delegates, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

## 3. Before the Meeting

### Timing of ordinary Joint Organisation meetings

3.1 The Joint Organisation shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

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

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Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

### Extraordinary meetings

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

**Note: Clause 3.2 reflects section 366 of the Act.**

### Notice to the public of Joint Organisation meetings

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

**Note: Clause 3.3 reflects section 9(1) of the Act.**

- 3.4 For the purposes of clause 3.3, notice of a meeting of the Joint Organisation and of a committee of Joint Organisation is to be published before the meeting takes place. The notice must be published on the Joint Organisation's website, and in such other manner that the Joint Organisation is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 3.5 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

### Notice to Board delegates of ordinary Joint Organisation meetings

- 3.6 The Chief Executive must send to each Board delegate, at least three (3) days before each meeting of the Joint Organisation, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

**Note: Clause 3.6 reflects section 367(1) of the Act.**

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

**Note: Clause 3.7 reflects section 367(3) of the Act.**

### Notice to Board delegates of extraordinary meetings

- 3.8 Notice of less than three (3) days may be given to Board delegates of an extraordinary meeting of the Joint Organisation in cases of emergency.

**Note: Clause 3.8 reflects section 367(2) of the Act.**

### Giving notice of business to be considered at Joint Organisation meetings

- 3.9 A Board delegate may give notice of any business they wish to be considered by the Joint Organisation at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted at least ten (10) business days before the meeting is to be held.

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IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

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Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

- 3.10 A Board delegate may, in writing to the Chief Executive, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

#### Questions with notice

- 3.11 A Board delegate may, by way of a notice submitted under clause 3.9, ask a question for response by the Chief Executive about the performance or operations of the Joint Organisation.
- 3.12 A Board delegate is not permitted to ask a question with notice under clause that comprises a complaint against the Chief Executive or a member of staff of the Joint Organisation, or a question that implies wrongdoing by the Chief Executive or a member of staff of the Joint Organisation.
- 3.13 The Chief Executive or their nominee may respond to a question with notice submitted under clause 3.11 by way of a report included in the business papers for the relevant meeting of the Joint Organisation or orally at the meeting.

#### Agenda and business papers for ordinary meetings

- 3.14 The Chief Executive must cause the agenda for a meeting of the Joint Organisation or a committee of the Joint Organisation to be prepared as soon as practicable before the meeting.
- 3.15 The Chief Executive must ensure that the agenda for an ordinary meeting of the Joint Organisation states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the Joint Organisation, and
  - (b) if the Chair is the Chair – any matter or topic that the Chair proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.9.
- 3.16 Nothing in clause 3.15 limits the powers of the Chair to put a Chair minute to a meeting under clause 8.6.
- 3.17 The Chief Executive must not include in the agenda for a meeting of the Joint Organisation any business of which due notice has been given if, in the opinion of the Chief Executive, the business is, or the implementation of the business would be, unlawful. The Chief Executive must report, without giving details of the item of business, any such exclusion to the next meeting of the Joint Organisation.
- 3.18 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the Chief Executive, is likely to take place when the meeting is closed to the public, the Chief Executive must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
  - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

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See shared drive for up-to-date document

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Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

**Note: Clause 3.18 reflects section 9(2A)(a) of the Act.**

The Chief Executive must ensure that the details of any item of business which, in the opinion of the Chief Executive, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Board delegates for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a Board delegate or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

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

**Note: Clause 3.20 reflects section 9(2) and (4) of the Act.**

3.21 Clause 3.20 does not apply to the business papers for items of business that the Chief Executive has identified under clause 3.18 as being likely to be considered when the meeting is closed to the public.

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

3.22 For the purposes of clause 3.20, copies of agendas and business papers must be published on the Joint Organisation's website and made available to the public at a time that is as close as possible to the time they are available to Board delegates.

**Note: Clause 3.22 reflects section 9(3) of the Act.**

3.23 A copy of an agenda, or of an associated business paper made available under clause 3.20, may in addition be given or made available in electronic form.

**Note: Clause 3.23 reflects section 9(5) of the Act.**

Agenda and business papers for extraordinary meetings

3.24 The Chief Executive must ensure that the agenda for an extraordinary meeting of the Joint Organisation deals only with the matters stated in the notice of the meeting.

3.25 Despite clause 3.24, business may be considered at an extraordinary meeting of the Joint Organisation, even though due notice of the business has not been given, if:

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

3.26 A motion moved under clause 3.25(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

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Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

- 3.27 Despite clauses 9.20–9.30, only the mover of a motion moved under clause 3.25(a) can speak to the motion before it is put.
- 3.28 A motion of dissent cannot be moved against a ruling of the Chair under clause 3.25(b) on whether a matter is of great urgency.

#### 4. Coming Together

##### Attendance by Board delegates at meetings

- 4.1 All voting representatives must make reasonable efforts to attend meetings of the Joint Organisation and of committees of the Joint Organisation of which they are members.
- 4.2 The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the Chair and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.
- 4.3 Where a voting representative is unable to attend one or more ordinary meetings of the Joint Organisation, the voting representative should request that the Joint Organisation grant them a leave of absence from those meetings. This clause does not prevent a voting representative from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 4.4 Member councils that choose to appoint an alternate voting representative from amongst its councillors, must notify the joint organisation in writing of that person’s name, position and term of appointment. While acting in the place of a voting representative on the board, that person has all the functions of a representative, including voting.
- 4.5 A voting representative’s request for leave of absence from Joint Organisation meetings should, if practicable, identify (by date) the meetings from which the voting representatives intends to be absent and the grounds upon which the leave of absence is being sought.
- 4.6 The Joint Organisation must act reasonably when considering whether to grant a voting representative’s request for a leave of absence.
- 4.7 A voting representative’s civic office will become vacant if the voting representative is absent from three (3) consecutive ordinary meetings of the Joint Organisation without prior leave of the Joint Organisation, or leave granted by the Joint Organisation at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Joint Organisation has been suspended under the Act, or as a consequence of a compliance order under section 438HA.
- Note: Clause 4.7 reflects section 234(1)(d) of the Act.**
- 4.8 A Board delegate who intends to attend a meeting of the Joint Organisation despite having been granted a leave of absence should, if practicable, give the Chief Executive at least two (2) days’ notice of their intention to attend.

IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

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Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

### The quorum for a meeting

4.9 The quorum for a meeting of the Joint Organisation is a majority of the Board delegates of the Joint Organisation who hold office at that time and are not suspended from office.

**Note: Clause 4.9 reflects section 368(1) of the Act.**

4.10 Clause 4.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Joint Organisation.

**Note: Clause 4.10 reflects section 368(2) of the Act.**

4.11 A meeting of the Joint Organisation must be adjourned if a quorum is not present:

- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
- (b) within half an hour after the time designated for the holding of the meeting, or
- (c) at any time during the meeting.

4.12 In either case, the meeting must be adjourned to a time, date and place fixed:

- (a) by the Chair, or
- (b) in the Chair's absence, by the majority of the Board delegates present, or
- (c) failing that, by the Chief Executive.

4.13 The Chief Executive must record in the Joint Organisation's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Joint Organisation, together with the names of the Board delegates present.

### Entitlement of the public to attend Joint Organisation meetings

4.14 Everyone is entitled to attend a meeting of the Joint Organisation and committees of the Joint Organisation. The Joint Organisation must ensure that all meetings of the Joint Organisation and committees of the Joint Organisation are open to the public.

**Note: Clause 4.14 reflects section 10(1) of the Act.**

4.15 Clause 4.14 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

4.16 A person (whether a Board delegate or another person) is not entitled to be present at a meeting of the Joint Organisation or a committee of the Joint Organisation if expelled from the meeting:

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

**Note: Clause 4.16 reflects section 10(2) of the Act.**

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IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

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Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

#### Attendance of the Chief Executive and other staff at meetings

4.18 The Chief Executive is entitled to attend, but not to vote at, a meeting of the Joint Organisation or a meeting of a committee of the Joint Organisation of which all of the members are Board delegates.

**Note: Clause 4.17 reflects section 376(1) of the Act.**

4.19 The Chief Executive is entitled to attend a meeting of any other committee of the Joint Organisation and may, if a member of the committee, exercise a vote.

**Note: Clause 4.18 reflects section 376(2) of the Act.**

4.20 The Chief Executive may be excluded from a meeting of the Joint Organisation or a committee while the Joint Organisation or committee deals with a matter relating to the standard of performance of the Chief Executive or the terms of employment of the Chief Executive.

**Note: Clause 4.19 reflects section 376(3) of the Act.**

4.21 The attendance of other Joint Organisation staff at a meeting, (other than as members of the public) shall be with the approval of the Chief Executive.

## 5. The Chair

#### The Chair at meetings

5.1 The Chair, or at the request of or in the absence of the Chair, the deputy Chair (if any) presides at meetings of the Joint Organisation.

**Note: Clause 5.1 reflects section 369(1) of the Act.**

5.2 If the Chair and the deputy Chair (if any) are absent, a Board delegate elected to chair the meeting by the Board delegates present presides at a meeting of the Joint Organisation.

**Note: Clause 5.2 reflects section 369(2) of the Act.**

#### Election of the Chair in the absence of the Chair and deputy Chair

5.3 If no Chair is present at a meeting of the Joint Organisation at the time designated for the holding of the meeting, the first business of the meeting must be the election of a Chair to preside at the meeting.

5.4 The election of a Chair must be conducted:

- (a) by the Chief Executive or, in their absence, an employee of the Joint Organisation designated by the Chief Executive to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the Chief Executive nor a designated employee is present at the meeting, or if there is no Chief Executive or designated employee.

5.5 If, at an election of a Chair, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the Chair is to be the candidate whose name is chosen by lot.

IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

- 5.6 For the purposes of clause 5.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 5.7 The candidate whose name is on the drawn slip is the candidate who is to be the Chair.
- 5.8 Any election conducted under clause 5.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

#### Chair to have precedence

- 5.9 When the Chair rises or speaks during a meeting of the Joint Organisation:
- (a) any Board delegate then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
  - (b) every Board delegate present must be silent to enable the Chair to be heard without interruption.

### **6. Modes of Address**

- 6.1 If the chairperson is the elected Chair, they are to be addressed as 'Mr Chair' or 'Madam Chair'.
- 6.2 Where the chairperson is not the elected Chair, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 6.3 A Board delegate is to be addressed as 'Councillor [surname]'.
- 6.4 A Joint Organisation officer is to be addressed by their official designation or as Mr/Ms [surname].

### **7. Order of Business for Joint Organisation Meetings**

- 7.1 At a meeting of the Joint Organisation, the general order of business is as fixed by resolution of the Joint Organisation.
- 7.2 The order of business as fixed under clause 7.1 may be altered for a particular meeting of the Joint Organisation if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 7.3 Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 7.2 may speak to the motion before it is put.

### **8. Consideration of business at Joint Organisation Meetings**

#### Business that can be dealt with at a Joint Organisation meeting

- 8.1 The Joint Organisation must not consider business at a meeting of the Joint Organisation:
- (a) unless a Board delegate has given notice of the business, as required by clause 3.9, and

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See shared drive for up-to-date document

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Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

- (b) unless notice of the business has been sent to the Board delegates in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.8 in the case of an extraordinary meeting called in an emergency.

8.2 Clause 8.1 does not apply to the consideration of business at a meeting, if the business:

- (a) is already before, or directly relates to, a matter that is already before the Joint Organisation, or
- (b) is the election of a Chair to preside at the meeting, or subject to clause 8.9, is a matter or topic put to the meeting by way of a Chair minute, or
- (c) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Joint Organisation.

8.3 Despite clause 8.1, business may be considered at a meeting of the Joint Organisation even though due notice of the business has not been given to the Board delegates if:

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

8.4 A motion moved under clause 8.3(a) can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 8.3(a) can speak to the motion before it is put.

8.5 A motion of dissent cannot be moved against a ruling by the Chair under clause 8.3(b).

#### Chair minutes

8.6 Subject to clause 8.9, if the elected Chair is the chairperson at a meeting of the Joint Organisation, the Chair may, by minute signed by the Chair, put to the meeting without notice any matter or topic that is within the jurisdiction of the Joint Organisation, or of which the Joint Organisation has official knowledge.

8.7 A Chair minute, when put to a meeting, takes precedence over all business on the Joint Organisation's agenda for the meeting. The Chair (but only if the chairperson is the elected Chair) may move the adoption of a Chair minute without the motion being seconded.

8.8 A recommendation made in a Chair minute put by the elected Chair is, so far as it is adopted by the Joint Organisation, a resolution of the Joint Organisation.

8.9 A Chair minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Joint Organisation before the next scheduled ordinary meeting of the Joint Organisation.

#### Staff reports

8.10 A recommendation made in a staff report is, so far as it is adopted by the Joint Organisation, a resolution of the Joint Organisation.

IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

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Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

## Reports of committees of Joint Organisation

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

## Questions

- 8.13 A question must not be asked at a meeting of the Joint Organisation unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.9 and 3.10.
- 8.14 A Board delegate may, through the Chair, put a question to another Board delegate about a matter on the agenda.
- 8.15 A Board delegate may, through the Chief Executive, put a question to a Joint Organisation employee about a matter on the agenda. Joint Organisation employees are only obliged to answer a question put to them through the Chief Executive at the direction of the Chief Executive.
- 8.16 A Board delegate or Joint Organisation employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a Board delegate or Joint Organisation employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Joint Organisation.
- 8.17 Board delegates must put questions directly, succinctly, respectfully and without argument.
- 8.18 The Chair must not permit discussion on any reply to, or refusal to reply to, a question put to a Board delegate or Joint Organisation employee.

## **9. Rules of Debate**

### Motions to be seconded

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

### Notices of motion

- 9.2 A Board delegate who has submitted a notice of motion under clause 3.9 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 9.3 If a Board delegate who has submitted a notice of motion under clause 3.9 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Board delegates, the Board delegate may request the withdrawal of the motion when it is before the Joint Organisation.
- 9.4 In the absence of a Board delegate who has placed a notice of motion on the agenda for a meeting of the Joint Organisation:

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See shared drive for up-to-date document

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Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

- (a) any other Board delegate may, with the leave of the Chair, move the motion at the meeting, or
- (b) the Chair may defer consideration of the motion until the next meeting of the Joint Organisation.

Chair's duties with respect to motions

- 9.5 It is the duty of the Chair at a meeting of the Joint Organisation to receive and put to the meeting any lawful motion that is brought before the meeting.
- 9.6 The Chair must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 9.7 Before ruling out of order a motion or an amendment to a motion under clause 9.6, the Chair is to give the mover an opportunity to clarify or amend the motion or amendment.
- 9.8 Any motion, amendment or other matter that the Chair has ruled out of order is taken to have been lost.

Amendments to motions

- 9.10 An amendment to a motion must be moved and seconded before it can be debated.<sup>1</sup>
- 9.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the Joint Organisation and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the Chair.
- 9.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 9.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before Joint Organisation at any one time.
- 9.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 9.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 9.16 An amendment may become the motion without debate or a vote where it is accepted by the Board delegate who moved the original motion.

Foreshadowed motions

- 9.17 A Board delegate may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Joint Organisation, without a seconder during debate on the

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<sup>1</sup> Note that the adopted Code of Conduct contains a missed numerical reference. This is to be corrected. Clause 9.10 will then become Clause 9.9 with subsequent cumulative impact

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See shared drive for up-to-date document

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Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.

- 9.18 Where an amendment has been moved and seconded, a Board delegate may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Joint Organisation at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 9.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

#### Limitations on the number and duration of speeches

- 9.20 A Board delegate who, during a debate at a meeting of the Joint Organisation, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 9.21 A Board delegate, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 9.22 A Board delegate must not, without the consent of the Joint Organisation, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 9.23 Despite clause 9.22, the Chair may permit a Board delegate who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Board delegate to make a statement limited to explaining the misrepresentation or misunderstanding.
- 9.24 Despite clause 9.22, the Joint Organisation may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 9.25 Despite clauses 9.20 and 9.21, a Board delegate may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no Board delegate expresses an intention to speak against it, or
  - (b) if at least two (2) Board delegates have spoken in favour of the motion or amendment and at least two (2) Board delegates have spoken against it.
- 9.26 The Chair must immediately put to the vote, without debate, a motion moved under clause 9.25. A seconder is not required for such a motion.
- 9.27 If a motion that the original motion or an amendment be now put is passed, the Chair must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 9.20.
- 9.28 If a motion that the original motion or an amendment be now put is lost, the Chair must allow the

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IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

debate on the original motion or the amendment to be resumed.

- 9.29 All Board delegates must be heard without interruption and all other Board delegates must, unless otherwise permitted under this code, remain silent while another Board delegate is speaking.
- 9.30 Once the debate on a matter has concluded and a matter has been dealt with, the Chair must not allow further debate on the matter.

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

- 9.31 Non-voting representatives of joint organisation boards may speak on but must not move, second or vote on any motion or an amendment to a motion.

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

### 10. Voting

#### Voting entitlements of Board delegates

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

**Note: Clause 10.1 reflects section 370(1) of the Act.**

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

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

**Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making.**

#### Voting at Joint Organisation meetings

- 10.3 A voting representative who is present at a meeting of the Joint Organisation but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 10.4 If a voting representative who has voted against a motion put at a Joint Organisation meeting so requests, the Chief Executive must ensure that the Board delegate's dissenting vote is recorded in the Joint Organisation's minutes.
- 10.5 The decision of the Chair as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) voting representatives rise and call for a division.
- 10.6 When a division on a motion is called, the Chair must ensure that the division takes place immediately. The Chief Executive must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Joint Organisation's minutes for the meeting.
- 10.7 When a division on a motion is called, any voting representative who fails to vote will be recorded as having voted against the motion in accordance with clause 10.3 of this code.

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IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

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

#### Voting on planning decisions

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

10.10 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Joint Organisation or a Joint Organisation committee.

10.11 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

10.12 Clauses 10.9-10.12 apply also to meetings that are closed to the public.

**Note: Clauses 10.9-10.12 reflect section 375A of the Act.**

### **11. Committee of the Whole**

11.1 The Joint Organisation may resolve itself into a committee to consider any matter before the Joint Organisation.

**Note: Clause 11.1 reflects section 373 of the Act.**

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

**Note: Clauses 9.20–9.30 limit the number and duration of speeches.**

11.2 The Chief Executive or, in the absence of the Chief Executive, an employee of the Joint Organisation designated by the Chief Executive, is responsible for reporting to the Joint Organisation the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

11.3 The Joint Organisation must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Joint Organisation's minutes. However, the Joint Organisation is not taken to have adopted the report until a motion for adoption has been made and passed.

### **12. Dealing with items by exception**

12.1 The Joint Organisation or a committee of Joint Organisation may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.

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IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

- 12.2 Before the Joint Organisation or committee resolves to adopt multiple items of business on the agenda together under clause 12.1, the Chair must list the items of business to be adopted and ask voting representatives to identify any individual items of business listed by the Chair that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 12.3 The Joint Organisation or committee must not resolve to adopt any item of business under clause 12.1 that a voting representative has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 12.4 Where the consideration of multiple items of business together under clause 12.1 involves a variation to the order of business for the meeting, the Joint Organisation or committee must resolve to alter the order of business in accordance with clause 7.2.
- 12.5 A motion to adopt multiple items of business together under clause 12.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 12.6 Items of business adopted under clause 12.1 are to be taken to have been adopted unanimously.
- 12.7 Board delegates must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 12.1 in accordance with the requirements of the Joint Organisation's code of conduct.

### **13. Closure of Joint Organisation Meetings to the public**

#### Grounds on which meetings can be closed to the public

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

IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

- (i) alleged contraventions of the Joint Organisation’s code of conduct.

**Note: Clause 13.1 reflects section 10A(1) and (2) of the Act.**

13.2 The Joint Organisation or a committee of the Joint Organisation may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

**Note: Clause 13.2 reflects section 10A(3) of the Act.**

Matters to be considered when closing meetings to the public

13.3 A meeting is not to remain closed during the discussion of anything referred to in clause 13.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Joint Organisation or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**Note: Clause 13.3 reflects section 10B(1) of the Act.**

13.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 13.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the Joint Organisation or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

**Note: Clause 13.4 reflects section 10B(2) of the Act.**

13.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 13.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 13.1.

**Note: Clause 13.5 reflects section 10B(3) of the Act.**

13.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
  - (i) cause embarrassment to the Joint Organisation or committee concerned, or to Board delegates or to employees of the Joint Organisation, or
  - (ii) cause a loss of confidence in the Joint Organisation or committee.

**Note: Clause 13.6 reflects section 10B(4) of the Act.**

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IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

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

**Note: Clause 13.7 reflects section 10B(5) of the Act.**

Notice of likelihood of closure not required in urgent cases

13.8 Part of a meeting of the Joint Organisation, or of a committee of the Joint Organisation, may be closed to the public while the Joint Organisation or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.18 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 13.1, and
- (b) the Joint Organisation or committee, after considering any representations made under clause 13.9, resolves that further discussion of the matter:
  - (i) should not be deferred (because of the urgency of the matter), and
  - (ii) should take place in a part of the meeting that is closed to the public.

**Note: Clause 13.8 reflects section 10C of the Act.**

Representations by members of the public

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

**Note: Clause 13.9 reflects section 10A(4) of the Act.**

13.10 A representation under clause 13.9 is to be made after the motion to close the part of the meeting is moved and seconded.

13.11 Where the matter has been identified in the agenda of the meeting under clause 3.18 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 13.9, members of the public must first make an application to the Joint Organisation in the approved form. Applications must be received by 12 noon on the working day before the meeting at which the matter is to be considered.

13.12 The Chief Executive (or their delegate) may refuse an application made under clause 13.11. The Chief Executive or their delegate must give reasons in writing for a decision to refuse an application.

13.13 No more than two speakers are to be permitted to make representations under clause 13.9.

13.14 If more than the permitted number of speakers apply to make representations under clause 13.9, the Chief Executive or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Joint Organisation. If the speakers are not able to agree on whom to nominate to make representations under clause 13.9, the Chief Executive or their delegate is to determine who will make representations to the Joint Organisation.

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IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

- 13.15 The Chief Executive (or their delegate) is to determine the order of speakers.
- 13.16 Where the Joint Organisation or a committee of the Joint Organisation proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.18 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 13.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than two speakers to make representations in such order as determined by the chairperson.
- 13.17 Each speaker will be allowed five minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-Board delegates from meetings closed to the public

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

Information to be disclosed in resolutions closing meetings to the public

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

**Note: Clause 13.20 reflects section 10D of the Act.**

Resolutions passed at closed meetings to be made public

- 13.21 If the Joint Organisation passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chair must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

13.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the Chair under clause 13.21 during a part of the meeting that is webcast

## 14. Keeping Order at Meetings

### Points of order

14.1 A Board delegate may draw the attention of the Chair to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.

14.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.

14.3 A point of order must be taken immediately it is raised. The Chair must suspend the business before the meeting and permit the Board delegate raising the point of order to state the provision of this code they believe has been breached. The Chair must then rule on the point of order – either by upholding it or by overruling it.

### Questions of order

14.4 The Chair, without the intervention of any other Board delegate, may call any Board delegate to order whenever, in the opinion of the Chair, it is necessary to do so.

14.5 A Board delegate who claims that another Board delegate has committed an act of disorder, or is out of order, may call the attention of the Chair to the matter.

14.6 The Chair must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Joint Organisation.

14.7 The Chair's ruling must be obeyed unless a motion dissenting from the ruling is passed.

### Motions of dissent

14.8 A Board delegate can, without notice, move to dissent from a ruling of the Chair on a point of order or a question of order. If that happens, the Chair must suspend the business before the meeting until a decision is made on the motion of dissent.

14.9 If a motion of dissent is passed, the Chair must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the Chair must restore the motion or business to the agenda and proceed with it in due course.

14.10 Despite any other provision of this code, only the mover of a motion of dissent and the Chair can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

### Acts of disorder

14.11 A Board delegate commits an act of disorder if the Board delegate, at a meeting of the Joint Organisation or a committee of the Joint Organisation:

- (a) contravenes the Act or any regulation in force under the Act or this code, or assaults or threatens to assault another Board delegate or person present at the meeting, or

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IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

- (b) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Joint Organisation or the committee, or addresses or attempts to address the Joint Organisation or the committee on such a motion, amendment or matter, or
- (c) insults or makes personal reflections on or imputes improper motives to any other Joint Organisation official, or alleges a breach of the Joint Organisation's code of conduct, or
- (d) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Joint Organisation or the committee into disrepute.

14.12 The Chair may require a Board delegate:

- (a) to apologise without reservation for an act of disorder referred to in clauses 14.11(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 14.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 14.11(d) and (e).

How disorder at a meeting may be dealt with

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

Expulsion from meetings

14.14 All Chairpersons of meetings of the Joint Organisation and committees of the Joint Organisation are authorised under this code to expel any person, including any Board delegate, from a Joint Organisation or committee meeting, for the purposes of section 10(2)(b) of the Act.

14.15 Clause 14.14 does not limit the ability of the Joint Organisation or a committee of the Joint Organisation to resolve to expel a person, including a voting representative, from a Joint Organisation or committee meeting, under section 10(2)(a) of the Act.

14.16 A Board delegate may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Joint Organisation for having failed to comply with a requirement under clause 14.12. The expulsion of a Board delegate from the meeting for that reason does not prevent any other action from being taken against the Board delegate for the act of disorder concerned.

14.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Joint Organisation for engaging in or having engaged in disorderly conduct at the meeting.

14.18 Where a Board delegate or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

14.19 If a Board delegate or a member of the public fails to leave the place where a meeting of the Joint Organisation is being held immediately after they have been expelled, a police officer, or

IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

any person authorised for the purpose by the Joint Organisation or person presiding, may, by using only such force as is necessary, remove the Board delegate or member of the public from that place and, if necessary, restrain the Board delegate or member of the public from re-entering that place for the remainder of the meeting.

#### Use of mobile phones and the unauthorised recording of meetings

- 14.21 Board delegates, Joint Organisation staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Joint Organisation and committees of the Joint Organisation.
- 14.22 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Joint Organisation or a committee of the Joint Organisation without the prior authorisation of the Joint Organisation or the committee.
- 14.23 Any person who contravenes or attempts to contravene clause 14.22, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 14.24 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Joint Organisation or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

### **15. Conflicts of Interest**

- 15.1 All Board delegates and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Joint Organisation and committees of the Joint Organisation in accordance with the Joint Organisation's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

### **16. Decisions of the Joint Organisation**

#### Joint Organisation decisions

- 16.1 A decision supported by a majority of the votes at a meeting of the Joint Organisation at which a quorum is present is a decision of the Joint Organisation.

**Note: Clause 16.1 reflects section 400T(8) in the case of joint organisations.**

- 16.2 Decisions made by the Joint Organisation must be accurately recorded in the minutes of the meeting at which the decision is made.

#### Rescinding or altering Joint Organisation decisions

- 16.3 A resolution passed by the Joint Organisation may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.9.

**Note: Clause 16.3 reflects section 372(1) of the Act.**

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IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

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

**Note: Clause 16.4 reflects section 372(2) of the Act.**

16.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.8.

**Note: Clause 16.5 reflects section 372(3) of the Act.**

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

**Note: Clause 16.6 reflects section 372(4) of the Act.**

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

**Note: Clause 16.7 reflects section 372(5) of the Act.**

16.8 The provisions of clauses 16.5–16.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 16.8 reflects section 372(7) of the Act.**

16.9 A notice of motion submitted in accordance with clause 16.6 may only be withdrawn under clause 3.10 with the consent of all signatories to the notice of motion.

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

**Note: Clause 16.10 reflects section 372(6) of the Act.**

## 17. After the Meeting

### Minutes of meetings

17.1 The Joint Organisation is to keep full and accurate minutes of the proceedings of meetings of the Joint Organisation.

**Note: Clause 17.1 reflects section 375(1) of the Act.**

17.2 At a minimum, the Chief Executive must ensure that the following matters are recorded in the Joint Organisation's minutes:

- (a) details of each motion moved at a Joint Organisation meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,

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IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

17.3 The minutes of a Joint Organisation meeting must be confirmed at a subsequent meeting of the Joint Organisation.

**Note: Clause 17.3 reflects section 375(2) of the Act.**

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

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

**Note: Clause 17.5 reflects section 375(2) of the Act.**

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

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

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

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

**Note: Clause 17.8 reflects section 11(1) of the Act.**

17.9 Clause 17.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

**Note: Clause 17.9 reflects section 11(2) of the Act.**

17.10 Clause 17.8 does not apply if the Joint Organisation or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

**Note: Clause 17.10 reflects section 11(3) of the Act.**

17.11 Correspondence or reports to which clauses 17.9 and 17.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the Joint Organisation

17.12 The Chief Executive is to implement, without undue delay, lawful decisions of the Joint Organisation.

**Note: Clause 17.12 reflects section 335(b) of the Act.**

IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

## 18. Joint Organisation Committees

### Application of this Part

18.1 This Part only applies to committees of the Joint Organisation whose members are all voting representatives.

### Joint Organisation committees whose members are all voting representatives

18.2 The Joint Organisation may, by resolution, establish such committees as it considers necessary.

18.3 A committee of the Joint Organisation is to consist of the Chair and such other voting representatives as are elected by the voting representatives or appointed by the Joint Organisation.

18.4 The quorum for a meeting of a committee of the Joint Organisation is to be:

- (a) such number of members as the Joint Organisation decides, or
- (b) if the Joint Organisation has not decided a number – a majority of the members of the committee.

### Functions of committees

18.5 The Joint Organisation must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

### Notice of committee meetings

18.6 The Chief Executive must send to each Board delegate, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

- (a) the time, date and place of the meeting, and
- (b) the business proposed to be considered at the meeting.

18.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

### Attendance at committee meetings

18.8 A committee member (other than the Chair) ceases to be a member of a committee if the committee member:

- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

18.9 Clause 18.8 does not apply if all of the members of the Joint Organisation are members of the committee.

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IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

### Non-members entitled to attend committee meetings

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

### Chairperson and deputy Chairperson of Joint Organisation committees

- 18.11 The Chair of each committee of the Joint Organisation must be:
- (a) the Chair, or
  - (b) if the Chair does not wish to be the Chairperson of a committee, a member of the committee elected by the Joint Organisation, or
  - (c) if the Joint Organisation does not elect such a member, a member of the committee elected by the committee.
- 18.12 The Joint Organisation may elect a member of a committee of the Joint Organisation as deputy chairperson of the committee. If the Joint Organisation does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 18.13 If neither the chairperson nor the deputy chairperson of a committee of the Joint Organisation is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 18.14 The chairperson is to preside at a meeting of a committee of the Joint Organisation. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

### Procedure in committee meetings

- 18.15 Subject to any specific requirements of this code, each committee of the Joint Organisation may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the Joint Organisation unless the Joint Organisation or the committee determines otherwise in accordance with this clause.
- 18.16 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.

**Note: Clause 18.16 reflects clause 397E of the Regulation.**

- 18.17 Voting at a Joint Organisation committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

### Closure of committee meetings to the public

- 18.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of

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IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

committees of the Joint Organisation to the public in the same way they apply to the closure of meetings of the Joint Organisation to the public.

- 18.19 If a committee of the Joint Organisation passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Joint Organisation. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 18.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

#### Disorder in committee meetings

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

#### Minutes of Joint Organisation committee meetings

- 18.22 Each committee of the Joint Organisation is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
  - (b) the names of the mover and seconder of the motion or amendment,
  - (c) whether the motion or amendment was passed or lost, and
  - (d) such other matters specifically required under this code.
- 18.23 The minutes of meetings of each committee of the Joint Organisation must be confirmed at a subsequent meeting of the committee.
- 18.24 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 18.25 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 18.26 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 18.27 The confirmed minutes of a meeting of a committee of the Joint Organisation must be published on the Joint Organisation's website. This clause does not prevent the Joint Organisation from also publishing unconfirmed minutes of meetings of committees of the Joint Organisation on its website prior to their confirmation.

### **19. Irregularities**

- 19.1 Proceedings at a meeting of a Joint Organisation or a Joint Organisation committee are not invalidated because of:

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IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any Board delegate or committee member, or
- (c) any defect in the election or appointment of a Board delegate or committee member, or
- (d) a failure of a Board delegate or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Joint Organisation or committee meeting in accordance with the Joint Organisation's code of conduct, or
- (e) a failure to comply with this code.

**Note: Clause 19.1 reflects section 374 of the Act.**

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IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

## 20. Definitions

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the Joint Organisation – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the Joint Organisation’s adopted code of meeting practice
committee of the Joint Organisation	means a committee established by the Joint Organisation in accordance with clause 20.2 of this code (being a committee consisting only of voting representatives) or the Joint Organisation when it has resolved itself into committee of the whole under clause 12.1
Joint Organisation official	has the same meaning it has in the Model Code of Conduct for Local Joint Organisations in NSW
day	means calendar day
division	means a request by two voting representatives under clause 11.7 of this code requiring the recording of the names of the voting representatives who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a voting representative under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a voting representative under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means

IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		

planning decision	means a decision made in the exercise of a function of a Joint Organisation under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
Performance improvement order	means an order issued under section 438A of the Act
quorum	Means the minimum number of voting representatives or committee members necessary to conduct a meeting
the Regulation	Means the <i>Local Government (General) Regulation 2005</i>
webcast	A video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

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IF PRINTED THIS MAY NOT BE THE CURRENT VERSION

See shared drive for up-to-date document

Document Name:	Code of Meeting Practice	Author:		Approved by:	Board
Date:	20 September 2018	Review Date	1/3/2022	Doc ID:	
Version:	1	Amendment notes:	Cited amendment 14 June 2019		