



# Illawarra Shoalhaven Joint Organisation Code of Meeting Practice 2025

## Table of Contents

1.	INTRODUCTION .....	3
2.	MEETING PRINCIPLES .....	5
3.	BEFORE THE MEETING.....	6
4.	PUBLIC FORUMS .....	10
5.	COMING TOGETHER .....	11
6.	THE CHAIRPERSON .....	16
7.	MODES OF ADDRESS .....	17
8.	ORDER OF BUSINESS FOR ORDINARY JOINT ORGANISATION MEETINGS .....	18
9.	CONSIDERATION OF BUSINESS AT JOINT ORGANISATION MEETINGS .....	19
10.	RULES OF DEBATE.....	21
11.	VOTING .....	24
12.	COMMITTEE OF THE WHOLE .....	26
13.	DEALING WITH ITEMS BY EXCEPTION.....	27
14.	CLOSURE OF JOINT ORGANISATION MEETINGS TO THE PUBLIC .....	28
15.	KEEPING ORDER AT MEETINGS.....	32
16.	CONFLICTS OF INTEREST .....	36
17.	DECISIONS OF THE JOINT ORGANISATION .....	37
18.	TIME LIMITS ON JOINT ORGANISATION MEETINGS .....	39
19.	AFTER THE MEETING.....	40
20.	JOINT ORGANISATION COMMITTEES .....	42
21.	IRREGULARITIES .....	45
22.	DEFINITIONS .....	46

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## 1. INTRODUCTION

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The Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act)<sup>1</sup> and the *Local Government (General) Regulation 2021* (the Regulation)<sup>2</sup>.

### Application to Joint Organisations

The Model Meeting Code applies to meetings of Councils, County Councils and Joint Organisations.

The Model Meeting Code also applies to committees, in the case of the Illawarra Shoalhaven Joint Organisation (the ISJO) are Joint Organisation Board Members.

Joint Organisation committees whose members include persons other than Joint Organisation Board Members may adopt their own rules for meetings unless the Joint Organisation determines otherwise.

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#### <sup>1</sup> **Local Government Act 1993 - Section 360**

##### **Conduct of meetings of councils and committees**

##### **1. 360 Conduct of meetings of councils and committees**

- (1) The regulations may prescribe a model code of meeting practice for the conduct of meetings of councils and committees of councils of which all the members are councillors.
- (2) The model code may contain both mandatory and non-mandatory provisions.
- (3) A council must, not later than 12 months after an ordinary election of councillors, adopt a code of meeting practice that incorporates the mandatory provisions of the model code prescribed by the regulations. The adopted code may also incorporate the non-mandatory provisions and other provisions.
- (4) A code adopted or amended by the council must not contain provisions that are inconsistent with the mandatory provisions.
- (5) A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by it.

#### <sup>2</sup> **Local Government (General Regulation) 2021, part 397A**

##### **Application of this Regulation to joint organisations**

- (1) Except as provided by this Regulation, this Regulation applies—
  - (a) to a **joint organisation** in the same way as it applies to a council, and
  - (b) to the representatives on the board of a **joint organisation** in the same way as it applies to the councillors of councils, and
  - (c) to the executive officer of a **joint organisation** in the same way as it applies to the general manager of a council.
- (2) In the application of a provision of this Regulation to a **joint organisation** and to a representative on the board of a **joint organisation**—
  - (a) a reference to the mayor of a council includes a reference to the chairperson of a **joint organisation**, and
  - (b) a reference to mayoral office includes a reference to the office of the chairperson of a **joint organisation**, and
  - (c) a reference to a councillor includes a reference to a voting representative on or a non-voting chairperson of the board of a **joint organisation**, and
  - (d) a reference to the holding of civic office includes a reference to holding office as a voting representative on or a non-voting chairperson of the board of a **joint organisation**, and
  - (e) a reference to the general manager of a council includes a reference to the executive officer of a **joint organisation**, and
  - (f) a reference to the area of a council includes a reference to the **joint organisation** area of a **joint organisation**.
- (2A) Part 8A does not apply to a **joint organisation**.
- (4) Division 11 of Part 13 applies to a **joint organisation**.
- (5) Unless otherwise expressly provided by this Regulation, nothing in this section applies a provision of this Regulation to a **joint organisation** if the provision is made under or for the purposes of a provision of the Act that does not apply to a **joint organisation**.

## New Model Meeting Code introduced

In December 2024, the Office of Local Government (OLG) invited feedback from the local government sector and others on proposed amendments to the Model Meeting Code currently in place.

The proposed amendments to the Model Meeting Code were part of the NSW Government's [Councillor Conduct Framework Reforms](#) and were intended to help ensure that councillors are visibly in control of their councils, demonstrating to the community that decision making is genuinely local.

A total of 181 were submissions received through the Draft Model Meeting Code consultation period and a new Meeting Code was released by the NSW Office of Local Government on 1 September 2025.

## Revised Illawarra Shoalhaven Joint Organisation Code of Meeting Practice

Joint Organisations must adopt a Code of Meeting Practice that incorporates the mandatory provisions of the prevailing Model Meeting Code.

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

The Illawarra Shoalhaven Joint Organisation's Code of Meeting Practice is consistent with all mandatory provisions applying to Joint Organisations within the Model Meeting Code released in 2025.

## Terminology

The Model Meeting Code specifies that Joint Organisations should adapt terminology that is appropriate to their context. For example, "council" should be replaced by "Joint Organisation". "Chairperson" should replace "mayor" and "Executive Officer" should replace "General Manager".

From this point the ISJO Code of Meeting Practice utilises the terms "Board", "Chairperson", "Deputy Chairperson", "voting representative", "voting Board Member", "non-voting Board Member" and "Chief Executive Officer".

## Board Membership

The [Charter of the Illawarra Shoalhaven Joint Organisation](#) specifies that:

1. the Mayors (Lord Mayor) of a Member Council are voting members of the ISJO Board
2. each Member Council is to nominate a Councillor to carry out the role of an additional voting representative of the Council on the Board
3. the Chief Executive Officers / Chief Executive Officers of ISJO Member Councils are non-voting members of the ISJO Board.

There are therefore eight (8) voting Board Members on the Joint Organisation Board.

The Charter also mandates that a representative of the NSW State Government is a non-voting member of the Board. At the time of adoption of this Code of Meeting Practice the State Government representative on the ISJO Board is an employee of the NSW Premier's Department.

## 2. MEETING PRINCIPLES

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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 Joint Organisation and staff act ethically and make decisions in the interests of the whole community.

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

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

**Note:** The Office of Local Government has issued a guideline on free speech in local government in NSW. The Guideline provides practical guidance to councils on what free speech means in the context of NSW local government, including in relation to council meetings. The Guidelines have been issued under section 23A of the Act meaning councils must consider them when exercising their functions at meetings.

### 3. BEFORE THE MEETING

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#### 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 time in a different quarter of the year.

#### Extraordinary meetings

- 3.2 If the Chairperson receives a request in writing, signed by at least two (2) Joint Organisation voting Board Members, the Chairperson 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 Chairperson can be one of the two Joint Organisation voting Board Members requesting the meeting.

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

- 3.3 The Chairperson may call an extraordinary meeting without the need to obtain the signature of two (2) Joint Organisation voting Board Members.

#### Notice to the public of Joint Organisation meetings

- 3.4 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 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the Joint Organisation and of a committee of the Joint Organisation must 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.

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

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

- 3.7 The Chief Executive Officer must send to each Joint Organisation Board Member, 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 3.7 reflects section 367(1) of the Act.

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to Joint Organisation Board Members in electronic form, unless the Joint Organisation determines otherwise, but only if all Joint Organisation Board Members have facilities to access the notice, agenda and business papers in that form.

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

### Notice to Joint Organisation Board Members of extraordinary meetings

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

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

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

- 3.10 A Joint Organisation voting Board Member 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 within such reasonable time before the meeting is to be held as determined by the Joint Organisation.
- 3.11 A Joint Organisation voting Board Member may, in writing to the Chief Executive Officer, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

### Questions with notice

- 3.12 A Joint Organisation Board Member may, by way of a notice submitted under clause 3.10, ask a question for response by the Chief Executive Officer about the performance or operations of the Joint Organisation.
- 3.13 A Joint Organisation Board Member is not permitted to ask a question with notice under clause 3.12 that would constitute an act of disorder.
- 3.14 The Chief Executive Officer or their nominee may respond to a question with notice submitted under clause 3.12 by way of a report included in the business papers for the relevant meeting of the Joint Organisation.

### Agenda and business papers for ordinary meetings

- 3.15 The Chief Executive Officer 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.
- 3.16 The Chief Executive Officer 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) any matter or topic that the Chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.10.
- 3.17 Nothing in clause 3.16 limits the powers of the Chairperson to put a Chairperson's Minute to a meeting without notice under clause 9.7.
- 3.18 The Chief Executive Officer 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 Officer, the business is, or the implementation of the business would be, unlawful.
- The Chief Executive Officer must report, without giving details of the item of business, any

such exclusion to the next meeting of the Joint Organisation.

- 3.19 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the Chief Executive Officer, is likely to take place when the meeting is closed to the public, the Chief Executive Officer must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
  - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

**Note:** Clause 3.19 reflects section 9(2A)(a) of the Act.

- 3.20 The Chief Executive Officer must ensure that the details of any item of business which, in the opinion of the Chief Executive Officer, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Joint Organisation Board Members 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 Joint Organisation Board Member 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

- 3.21 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 3.21 reflects section 9(2) and (4) of the Act.

- 3.22 Clause 3.21 does not apply to the business papers for items of business identified under clause 3.19 as being likely to be considered when the meeting is closed to the public.

**Note:** Clause 3.22 reflects section 9(2A)(b) of the Act.

- 3.23 For the purposes of clause 3.21, 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 Joint Organisation Board Members.

**Note:** Clause 3.23 reflects section 9(3) of the Act.

- 3.24 A copy of an agenda, or of an associated business paper made available under clause 3.21, may in addition be given or made available in electronic form unless the Joint Organisation determines otherwise.

**Note:** Clause 3.24 reflects section 9(5) of the Act.

#### Agenda and business papers for extraordinary meetings

- 3.25 The Joint Organisation 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.
- 3.26 Nothing in clause 3.25 limits the powers of the Chairperson to put a Chairperson's Minute to an extraordinary meeting without notice under clause 9.7.
- 3.27 Despite clause 3.25, business may be considered at an extraordinary meeting of the Joint Organisation at which all Joint Organisation Board Members are present, even though due notice has not been given of the business, if the Joint Organisation resolves to deal with the

business on the grounds that it is urgent and requires a decision by the Joint Organisation before the next scheduled ordinary meeting of the Joint Organisation. A resolution adopted under this clause must state the reasons for the urgency.

- 3.28 A motion moved under clause 3.27 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite any other provision of this code, only the mover of a motion moved under clause 3.27, and the Chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 3.29 If all Joint Organisation Board Members are not present at the extraordinary meeting, the Joint Organisation may only deal with business at the meeting that Joint Organisation Board Members have not been given due notice of, where a resolution is adopted in accordance with clause 3.27 and the Chairperson also rules that the business is urgent and requires a decision by the Joint Organisation before the next scheduled ordinary meeting.
- 3.30 A motion of dissent cannot be moved against a ruling of the Chairperson under clause 3.29 on whether a matter is urgent.

#### Prohibition of pre-meeting briefing sessions

- 3.31 Briefing sessions must not be held to brief Joint Organisation Board Members on business listed on the agenda for meetings of the Joint Organisation or committees of the Joint Organisation.

**Note:** The prohibition on the holding of briefing sessions under clause 3.31 reflects the intent of Chapter 4, Part 1 of the Act which requires business of the Joint Organisation to be conducted openly and transparently at a formal meeting of which due notice has been given and to which the public has access. Pre-meeting briefing sessions are inconsistent with the principles of transparency, accountability and public participation and have the potential to undermine confidence in the proper and lawful decision-making processes of the Joint Organisation.

- 3.32 Nothing in clause 3.31 prevents a Joint Organisation Board Member from requesting information from the Chief Executive Officer about a matter to be considered at a meeting, provided the information is also available to the public. Information requested under this clause must be provided in a way that does not involve any discussion of the information.

## 4. PUBLIC FORUMS

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- 4.1 The Joint Organisation may hold a public forum prior to meetings of the Joint Organisation and committees of the Joint Organisation for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to meetings of other committees of the Joint Organisation.
- 4.2 The Joint Organisation may determine the rules under which public forums are to be conducted and when they are to be held.
- 4.3 The Joint Organisation is not required to livestream a public forum.<sup>3</sup>

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<sup>3</sup> Clause 236 of the Local Government (General Regulation) **Councils to broadcast meetings online** states, in part (5)(b) that the livestreaming requirements of the Clause do not apply to Joint Organisations unless the Joint Organisation otherwise resolves. The Illawarra Shoalhaven Joint Organisation has not resolved to livestream its meetings.

## 5. COMING TOGETHER

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### Attendance by Joint Organisation Board Members at meetings

- 5.1 All Joint Organisation Board Members must make reasonable efforts to attend meetings of the Joint Organisation and of committees of the Joint Organisation of which they are members.

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

- 5.2 The Joint Organisation may determine standards of dress for Joint Organisation Board Members when attending meetings.
- 5.3<sup>4</sup> The Board of the Joint Organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the Chairperson and each other voting representative on the Board have the same voting rights as they have at an ordinary meeting of the Board.
- 5.4 Where a Joint Organisation Board Member is unable to attend one or more meetings of the Joint Organisation or committees of the Joint Organisation, the Joint Organisation Board Member should submit an apology for the meetings they are unable to attend, state the reasons for their absence from the meetings and request that the Joint Organisation grant them a leave of absence from the relevant meetings.
- 5.5 The Joint Organisation must not act unreasonably when considering whether to grant a Joint Organisation Board Member's request for a leave of absence.
- 5.6 Where a Joint Organisation Board Member makes an apology under clause 5.5, the Joint Organisation must determine by resolution whether to grant the Joint Organisation Board Member a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act. If the Joint Organisation resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.
- 5.7 A Joint Organisation Board Member's position will become vacant if the Joint Organisation Board Member 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 5.8 in the Model Code (5.7 in the ISJO Code) reflects section 234(1)(d) of the Act.

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<sup>4</sup> Clause Numbering

Due to the omission, in this Code, of Clause 5.3 in the Model Code the numbering in this section is progressively updated and reflects – by the subtraction of one (.1) in the numbering system – the numbering in the Model Code. The omission of other non-mandatory provisions in the Model Code will have similar effect in the Joint Organisation's code numbering.

### The quorum for a meeting

5.8 The quorum for a meeting of the Joint Organisation is a majority of the voting Board Members of the Joint Organisation who hold office at that time and are not suspended from office.<sup>5</sup>

**Note:** Clause 5.8 (Clause 5.9 in the Model Code) reflects section 368(1) of the Act.

5.9 Clause 5.8 (Clause 5.9 in the Model Code) 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 5.9 (Clause 5.10 in the Model Code) reflects section 368(2) of the Act.

5.10 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.

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

- (a) by the Chairperson, or
- (b) in the Chairperson's absence, by the majority of the Joint Organisation Board Members present, or
- (c) failing that, by the Chief Executive Officer.

5.12 The Chief Executive Officer 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 Joint Organisation Board Members present.

5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of Joint Organisation Board Members, Joint Organisation staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the Chairperson may, in consultation with the Chief Executive Officer and, as far as is practicable, with each Joint Organisation Board Member, cancel the meeting. Where a meeting is cancelled, notice of the cancellation 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 cancellation to the attention of as many people as possible.

5.14 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Joint Organisation or at an extraordinary meeting called by the Chairperson under clause 3.3.

### Meetings held by audio-visual link

5.15 A meeting of the Joint Organisation or a committee of the Joint Organisation may be held by audio-visual link where the Chairperson determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The Chairperson may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of Joint Organisation Board Members and staff at risk.

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<sup>5</sup> On the basis of four (4) Member Councils and eight (8) voting Board Members a quorum for a meeting of the Illawarra Shoalhaven Joint Organisation is therefore five (5) voting Board Members present at the meeting.

The Chairperson must make a determination under this clause in consultation with the Chief Executive Officer and, as far as is practicable, with each Joint Organisation Board Member.

5.16 Where the Chairperson determines under clause 5.16 that a meeting is to be held by audio-visual link, the Chief Executive Officer must:

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

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

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

#### Attendance by Joint Organisation Board Members at meetings by audio-visual link

5.18 Joint Organisation Board Members may attend and participate in meetings of the Joint Organisation and committees of the Joint Organisation by audio-visual link with the approval of the Joint Organisation or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.

5.19 Clause 5.18 does not apply to meetings at which a Chairperson election is to be held.

5.20 A request by a Joint Organisation Board Member for approval to attend a meeting by audio-visual link must be made in writing to the Chief Executive Officer prior to the meeting in question and must provide reasons why the Joint Organisation Board Member will be prevented from attending the meeting in person.

5.21 Joint Organisation Board Members may request approval to attend more than one meeting by audio-visual link. Where a Joint Organisation Board Member requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.

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

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

5.24 A decision whether to approve a request by a Joint Organisation Board Member to attend a meeting of the Joint Organisation or a committee of the Joint Organisation by audio-visual link must be made by a resolution of the Joint Organisation or the committee concerned. The resolution must state the meetings the resolution applies to.

- 5.25 If the Joint Organisation or committee refuses a Joint Organisation Board Member's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 A decision whether to approve a Joint Organisation Board Member's request to attend a meeting by audio-visual link is at the Joint Organisation's or the relevant committee's discretion. The Joint Organisation and committees of the Joint Organisation must act reasonably when considering requests by Joint Organisation Board Members to attend meetings by audio-visual link.
- 5.27 The Joint Organisation and committees of the Joint Organisation may refuse a Joint Organisation Board Member's request to attend a meeting by audio-visual link where the Joint Organisation or committee is satisfied that the Joint Organisation Board Member has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the Joint Organisation or a committee of the Joint Organisation by audio-visual link.
- 5.28 This code applies to a Joint Organisation Board Member attending a meeting by audio-visual link in the same way it would if the Joint Organisation Board Member was attending the meeting in person. Where a Joint Organisation Board Member is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A Joint Organisation Board Member must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The Joint Organisation Board Member's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A Joint Organisation Board Member must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the Joint Organisation or the committee into disrepute.

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

- 5.31 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 5.31 reflects section 10(1) of the Act.
- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.33 A person (whether a Joint Organisation Board Member 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 5.33 reflects section 10(2) of the Act.
- 5.34 On the adoption of this code and at the commencement of each Joint Organisation term, the Joint Organisation must determine whether to authorise the person presiding at a meeting to exercise a power of expulsion.

**Note:** If adopted, Clauses 15.15 and 15.16 confer a standing authorisation on all Chairpersons of meetings of the Joint Organisation and committees of the Joint Organisation to expel persons from meetings. If adopted, clause 15.15 authorises Chairpersons to expel any person, including a Joint Organisation Board Member, from a Joint Organisation or committee meeting. Alternatively, if adopted, clause 15.16 authorises Chairpersons to expel persons other than Joint Organisation Board Members from a Joint Organisation or committee meeting.

#### Livestreaming of meetings

5.35 Joint Organisations are not required to livestream their meetings. Sections 5.36 – 5.41 of the Model Code of Meeting Practice are therefore not included in the ISJO Code.<sup>6</sup>

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

5.36 The Chief Executive Officer 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 Joint Organisation Board Members.

**Note:** Clause 5.36 reflects section 376(1) of the Act.

5.37 The Chief Executive Officer 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 5.37 reflects section 376(2) of the Act.

5.38 The Chief Executive Officer 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 Officer or the terms of employment of the Chief Executive Officer.

**Note:** Clause 5.38 reflects section 376(3) of the Act.

5.39 The attendance of other Joint Organisation staff at a meeting (other than as members of the public) shall be determined by the Chief Executive Officer in consultation with the Chairperson.

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<sup>6</sup> As previously noted, Clause 236 of the Local Government (General Regulation) **Councils to broadcast meetings online** states, in part (5)(b) that the livestreaming requirements of the Clause do not apply to Joint Organisations unless the Joint Organisation otherwise resolves. The Illawarra Shoalhaven Joint Organisation has not resolved to livestream its meetings.

## 6. THE CHAIRPERSON

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### The Chairperson at meetings

6.1 The Chairperson, or at the request of or in the absence of the Chairperson, the Deputy Chairperson presides at meetings of the Joint Organisation.

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

6.2 If the Chairperson and the Deputy Chairperson are absent, a Joint Organisation Board Member elected to chair the meeting by the Joint Organisation Board Members present presides at a meeting of the Joint Organisation.

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

### Election of the Chairperson in the absence of the Chairperson and Deputy Chairperson

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

6.4 The election of a Chairperson must be conducted:

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

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

6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

6.7 The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.

6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

### Chairperson to have precedence

6.9 When the Chairperson rises or speaks during a meeting of the Joint Organisation:

- (a) any Chairperson then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- (b) every Joint Organisation Board Member present must be silent to enable the Chairperson to be heard without interruption.

## **7. MODES OF ADDRESS**

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- 7.1 Where physically able to, Joint Organisation Board Members and staff should stand when the Chairperson enters the meeting room and when addressing the meeting.
- 7.2 A Chairperson is to be addressed (where appropriate in context) as “Chairperson”, “Chair”, “Councillor”, “Mayor” or “Lord Mayor”, “Deputy Lord Mayor” or “Deputy Mayor.
- 7.3 A Deputy Chairperson is to be addressed (where appropriate in context) as “Chairperson”, “Chair”, “Councillor”, “Mayor” or “Lord Mayor”, “Deputy Lord Mayor” or “Deputy Mayor.
- 7.4 Where the Chairperson is not a Member Council (Lord) Mayor or Deputy (Lord) Mayor, they are to be addressed as either “Mr Deputy Chairperson” or “Madam Deputy Chairperson” or ‘Deputy Chair’.
- 7.5 A Joint Organisation voting Board Member is to be addressed as “Councillor [surname]”.
- 7.6 A Joint Organisation non-voting Board Member and any Joint Organisation officer is to be addressed by their official designation or as “Mr/Ms/Mx [surname]”.

## 8. ORDER OF BUSINESS FOR ORDINARY JOINT ORGANISATION MEETINGS

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8.1 At a meeting of the Joint Organisation, the general order of business is as fixed by resolution of the Joint Organisation.

8.2 The order of business as fixed under clause 8.1 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.

**Note:** Part 13 in this Code of Meeting Practice allows the Joint Organisation to deal with items of business by exception.

8.3 Despite any other provision of this code, only the mover of a motion referred to in clause 8.2 and the Chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

## 9. CONSIDERATION OF BUSINESS AT JOINT ORGANISATION MEETINGS

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

- 9.1 The Joint Organisation must not consider business at a meeting of the Joint Organisation:
- (a) unless a voting Board Member has given notice of the business, as required by clause 3.10, and
  - (b) unless notice of the business has been sent to the Joint Organisation in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the Joint Organisation, or
  - (b) is the election of a Chairperson to preside at the meeting, or
  - (c) is a matter or topic put to the meeting by way of a Chairperson's Minute, or
  - (d) is a motion for the adoption of recommendations of a committee of the Joint Organisation.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the Joint Organisation at which all Joint Organisation members are present even though due notice has not been given of the business to the Joint Organisation, if the Joint Organisation resolves to deal with the business on the grounds that it is urgent and requires a decision by the Joint Organisation before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency.
- 9.4 A motion moved under clause 9.3 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 9.3 and the Chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 9.5 If all Joint Organisation Board Members are not present at a meeting, the Joint Organisation may only deal with business at the meeting that Joint Organisation Board Members have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the Chairperson also rules that the business is urgent and requires a decision by the Joint Organisation before the next scheduled ordinary meeting.
- 9.6 A motion of dissent cannot be moved against a ruling by the Chairperson under clause 9.5.

### Chairperson Minutes

- 9.7 The Chairperson may, by minute signed by the Chairperson, put to the meeting without notice any matter or topic that the Chairperson determines should be considered at the meeting.
- 9.8 A Chairperson's Minute, when put to a meeting, takes precedence over all business on the Joint Organisation's agenda for the meeting. The Chairperson may move the adoption of a Chairperson's Minute without the motion being seconded.
- 9.9 A recommendation made in a Chairperson's Minute put by the Chairperson is, so far as it is adopted by the Joint Organisation, a resolution of the Joint Organisation.

### Staff reports

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

### Reports of committees of Joint Organisation

- 9.11 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.
- 9.12 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

- 9.13 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 3.10 and 3.12, unless the Joint Organisation determines otherwise in accordance with this code.
- 9.14 A Joint Organisation Board Member may, through the Chairperson, ask another Joint Organisation Board Member about a matter on the agenda.
- 9.15 A Joint Organisation Board Member may, through the Chairperson, ask the Chief Executive Officer about a matter on the agenda. The Chief Executive Officer may request another Joint Organisation employee to answer the question.
- 9.16 A Joint Organisation Board Member 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 information. Where a Joint Organisation Board Member 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.
- 9.17 Joint Organisation Board Members must ask questions directly, succinctly, and without argument.
- 9.18 The Chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Joint Organisation Board Member or Joint Organisation employee.

## 10. RULES OF DEBATE

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### Motions to be seconded

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

### Notices of motion

- 10.2 A Joint Organisation Board Member who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a Joint Organisation Board Member who has submitted a notice of motion under clause 3.10 wishes to withdraw it, they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to Joint Organisation Board Member, the Chairperson is to note the withdrawal of the notice of motion at the meeting unless the Joint Organisation determines to consider the notice of motion at the meeting.
- 10.4 In the absence of a Joint Organisation Board Member who has placed a notice of motion on the agenda for a meeting of the Joint Organisation:
- (a) any other Joint Organisation Board Member may, with the leave of the Chairperson, move the motion at the meeting, or
  - (b) the Chairperson may defer consideration of the motion until the next meeting of the Joint Organisation.

### Chairperson's duties with respect to motions

- 10.5 It is the duty of the Chairperson at a meeting of the Joint Organisation to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The Chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the Chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

### Amendments to motions

- 10.8 An amendment to a motion must be moved and seconded before it can be debated.
- 10.9 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 Chairperson.
- 10.10 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.11 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 the Joint Organisation at any one time.

- 10.12 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.13 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.14 An amendment may become the motion without debate or a vote where it is accepted by the Joint Organisation Board Member who moved the original motion.

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

- 10.15 A Joint Organisation Board Member 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.
- 10.16 A Joint Organisation Board Member, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.17 A Joint Organisation Board Member 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.
- 10.18 Despite clause 10.17, the Chairperson may permit a Joint Organisation Board Member 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 Joint Organisation Board Member to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.19 Despite clauses 10.15 and 10.16, a Joint Organisation Board Member 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 Joint Organisation Board Member expresses an intention to speak against it, or
  - (b) if at least two (2) Joint Organisation Board Members have spoken in favour of the motion or amendment and at least two (2) Joint Organisation Board Members have spoken against it.
- 10.20 The Chairperson must immediately put to the vote, without debate, a motion moved under clause 10.19. A seconder is not required for such a motion.
- 10.21 If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.15.
- 10.22 If a motion that the original motion or an amendment be now put is lost, the Chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.23 All Joint Organisation Board Members must be heard without interruption and all other Joint Organisation Board Members must, unless otherwise permitted under this code, remain silent while another Joint Organisation Board Member is speaking.
- 10.24 Once the debate on a matter has concluded and a matter has been dealt with, the Chairperson must not allow further debate on the matter.

- 10.25 Clause 10.24 does not prevent a further motion from being moved on the same item of business where the original motion is lost provided the motion is not substantially the same as the one that is lost.

Participation by non-voting representatives in Joint Organisation Board meetings

- 10.26 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.

## 11. VOTING

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### Voting entitlements of Joint Organisation Board Members

11.1 Each Joint Organisation voting Board Member is entitled to one (1) vote.

**Note:** Under section 400T(1) of the Act, voting representatives of Joint Organisation Boards are entitled to one (1) vote each at meetings of the Board.

11.2 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. The Board of the Illawarra Shoalhaven Joint Organisation has not so resolved.

Where a Joint Organisation's charter specifies more stringent voting requirements, clause 11.2 must be adapted to reflect those requirements.<sup>7</sup>

### Voting at Joint Organisation meetings

11.3 A Joint Organisation voting Board Member 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.

11.4 If a Joint Organisation voting Board Member who has voted against a motion put at a Joint Organisation meeting so requests, the Chief Executive Officer must ensure that the Joint Organisation Board Member's dissenting vote is recorded in the Joint Organisation's minutes.

11.5 The decision of the Chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) Joint Organisation Board Members rise and call for a division.

11.6 When a division on a motion is called, the Chairperson must ensure that the division takes place immediately. The Chief Executive Officer 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.

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

11.8 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

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<sup>7</sup> The Charter of the Illawarra Shoalhaven Joint Organisation provides the following:

#### **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 Illawarra Shoalhaven Joint Organisation. Each voting representative 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.

Sections 11.1 to 11.2 of the ISJO Code of Meeting Practice comply with this provision.

Joint Organisation may resolve that the voting in any election by Joint Organisation Board Members for Chairperson or Deputy Chairperson is to be by secret ballot.

**Note:** Clauses 11.12 – 11.17 of the Model Code of Meeting Practice are deleted because Joint Organisation's do not have planning powers.

## 12. COMMITTEE OF THE WHOLE

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

**Note:** Clause 12.1 reflects section 373 of the Act.

- 12.2 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 and encouraging Joint Organisation Board Members and staff to stand when addressing the meeting.

**Note:** Clauses 10.15 – 10.25 limit the number and duration of speeches.

**Note:** Clause 7.1 encourages Joint Organisation Board Members and staff to stand when addressing the meeting where they can.

- 12.3 The Chief Executive Officer or, in the absence of the Chief Executive Officer, an employee of the Joint Organisation designated by the Chief Executive Officer, 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.

- 12.4 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.

### **13. DEALING WITH ITEMS BY EXCEPTION**

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- 13.1 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 where it considers it necessary to expedite the consideration of business at a meeting.
- 13.2 Before the Joint Organisation or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the Chairperson must list the items of business to be adopted and ask Joint Organisation voting Board Members to identify any individual items of business listed by the Chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The Joint Organisation or committee must not resolve to adopt any item of business under clause 13.1 that a Joint Organisation voting Board Member has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Joint Organisation or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Joint Organisation voting Board Members must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1.

## 14. CLOSURE OF JOINT ORGANISATION MEETINGS TO THE PUBLIC

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

- 14.1 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 Joint Organisation voting Board Members),
  - (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, Joint Organisation Board Members, 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,
  - (i) alleged contraventions of the Joint Organisation's code of conduct.

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

- 14.2 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 14.2 reflects section 10A(3) of the Act.

### Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the 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 14.3 reflects section 10B(1) of the Act.

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the Joint Organisation or committee is involved, and

- (b) are clearly identified in the advice,
- (c) are fully discussed in that advice, and
- (d) are subject to legal professional privilege.

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

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

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

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

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

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

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

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

#### Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the 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 3.19 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the Joint Organisation or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
  - (i) should not be deferred (because of the urgency of the matter), and
  - (ii) should take place in a part of the meeting that is closed to the public.

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

#### Representations by members of the public

- 14.9 The 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 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Despite clauses 14.9 and 14.10, the Joint Organisation may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.
- 14.12 Where the matter has been identified in the agenda of the meeting under clause 3.19 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Joint Organisation in a manner determined by the Joint Organisation.

#### Expulsion of Joint Organisation Board Members from meetings closed to the public

- 14.13 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 Joint Organisation Board Member and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.14 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 such force as is reasonably 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.

**Note:** Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

#### Obligations of Joint Organisation Board Members attending meetings by audio-visual link

- 14.15 Joint Organisation Board Members attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

#### Information to be disclosed in resolutions closing meetings to the public

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

**Note:** Clause 14.16 reflects section 10D of the Act.

#### Resolutions passed at closed meetings to be made public

- 14.17 If the Joint Organisation passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be

recorded in the publicly available minutes of the meeting.

- 14.18 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the Chairperson under clause 14.17 during a part of the meeting that is livestreamed where practicable.
- 14.19 The Chief Executive Officer must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the Joint Organisation's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 14.20 The Chief Executive Officer must consult with the Joint Organisation and any other affected persons before publishing information on the Joint Organisation's website under clause 14.19 and provide reasons for why the information has ceased to be confidential.

## 15. KEEPING ORDER AT MEETINGS

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### Points of order

- 15.1 A Joint Organisation voting Board Member may draw the attention of the Chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order must be taken immediately it is raised. The Chairperson must suspend the business before the meeting and permit the Joint Organisation voting Board Member raising the point of order to state the provision of this code they believe has been breached. The Chairperson must then rule on the point of order – either by upholding it or by overruling it.

### Questions of order

- 15.3 The Chairperson, without the intervention of any other Joint Organisation voting Board Member, may call any Joint Organisation voting Board Member to order whenever, in the opinion of the Chairperson, it is necessary to do so.
- 15.4 A Joint Organisation voting Board Member who claims that another Joint Organisation voting Board Member has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter.
- 15.5 The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Joint Organisation.
- 15.6 The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

### Motions of dissent

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

### Acts of disorder

- 15.10 A Joint Organisation voting Board Member commits an act of disorder if the Joint Organisation voting Board Member, at a meeting of the Joint Organisation or a committee of the Joint Organisation:
- (a) contravenes the Act, the Regulation or this code, or
  - (b) assaults or threatens to assault another Joint Organisation voting Board Member or person present at the meeting, or
  - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the 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

- (d) uses offensive or disorderly words, or
- (e) makes gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly, would be considered disorderly, or
- (f) imputes improper motives to or unfavourably personally reflects upon any other Joint Organisation official, or a person present at the meeting, except by a motion, or
- (g) says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

**Note:** Clause 15.10 reflects section 182 of the Regulation.

**Note:** The Legislative Assembly's Speaker's Guidelines state that "Members are not to use language, make gestures, or behave in any way in the Chamber that is sexist, racist, homophobic or otherwise exclusionary or discriminatory. Such conduct may be considered offensive and disorderly, in accordance with Standing Order 74".

15.11 The Chairperson may require a Joint Organisation voting Board Member:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.10(a), (b), (d), (e), or (g), or
- (b) to withdraw a motion or an amendment referred to in clause 15.10(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.10(d), (e), (f) or (g).

**Note:** Clause 15.11 reflects section 233 of the Regulation.

15.12 A failure to comply with a requirement under clause 15.11 constitutes a fresh act of disorder for the purposes of clause 15.10.

15.13 Where a Joint Organisation voting Board Member fails to take action in response to a requirement by the Chairperson to remedy an act of disorder under clause 15.11 at the meeting at which the act of disorder occurred, the Chairperson may require the Joint Organisation voting Board Member to take that action at each subsequent meeting until such time as the Joint Organisation voting Board Member complies with the requirement. If the Joint Organisation voting Board Member fails to remedy the act of disorder at a subsequent meeting, they may be expelled from the meeting under clause 15.17.

#### How disorder at a meeting may be dealt with

15.14 If disorder occurs at a meeting of the Joint Organisation, the Chairperson 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 Chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Joint Organisation Board Members.

#### Expulsion from meetings

15.15 All chairpersons of meetings of the Joint Organisation and committees of the Joint Organisation are authorised under this code to expel any person other than a Board member, from a Joint Organisation or committee meeting, for the purposes of section 10(2)(b) of the Act. Joint Organisation Board Members may only be expelled by resolution of the Joint Organisation Board or a committee of the Joint Organisation.

- 15.16 Clause 15.15 does not limit the ability of the Joint Organisation or a committee of the Joint Organisation to resolve to expel a person, including a Joint Organisation voting Board Member, from a Joint Organisation or committee meeting, under section 10(2)(a) of the Act.
- 15.17 A Joint Organisation Board Member 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 15.11 or clause 15.13. The expulsion of a Joint Organisation Board Member from the meeting for that reason does not prevent any other action from being taken against the Joint Organisation Board Member for the act of disorder concerned.
- Note:** Clause 15.17 reflects section 233(2) of the Regulation.
- 15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Joint Organisation for engaging in or having engaged in disorderly conduct at the meeting.
- 15.19 Members of the public attending a meeting of the Joint Organisation:
- (a) must remain silent during the meeting unless invited by the Chairperson to speak,
  - (b) must not bring flags, signs or protest symbols to the meeting, and
  - (c) must not disrupt the meeting.
- 15.20 Without limiting clause 15.18, a contravention of clause 15.19 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Members of the public may, as provided by section 10(2) of the Act, be expelled from a meeting for a breach of clause 15.19.
- 15.21 Where a Joint Organisation Board Member or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.22 If a Joint Organisation voting Board Member 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 any person authorised for the purpose by the Joint Organisation or person presiding, may, by using such force as is reasonably necessary, remove the Joint Organisation Board Member or member of the public from that place and, if necessary, restrain the Joint Organisation Board Member or member of the public from re-entering that place for the remainder of the meeting.

**Note:** Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

How disorder by Joint Organisation voting Board Member attending meetings by audio-visual link may be dealt with

- 15.23 Where a Joint Organisation voting Board Member is attending a meeting by audio-visual link, the Chairperson or a person authorised by the Chairperson may mute the Joint Organisation Board Member's audio link to the meeting for the purposes of enforcing compliance with this code.
- 15.24 If a Joint Organisation voting Board Member attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the Chairperson of the meeting or a person authorised by the Chairperson, may terminate the Joint Organisation voting Board Member's audio-visual link to the meeting.

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

- 15.25 Joint Organisation Board Members, 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.
- 15.26 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.
- 15.27 Without limiting clause 15.18, a contravention of clause 14.27 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 14.18. Any person who contravenes or attempts to contravene clause 14.26, may, as provided for under section 10(2) of the Act, be expelled from the meeting.
- 15.28 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 such force as is reasonably 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.

**Note:** Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

## 16. CONFLICTS OF INTEREST

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- 16.1 All Joint Organisation Board Member and, where applicable, all other persons, must declare and manage conflicts of interest they 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 must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Joint Organisation Board Members attending a meeting by audio-visual link must declare and manage any conflicts of interest they have in matters being considered at the meeting in accordance with the Joint Organisation's code of conduct. Where a Joint Organisation Board Member has declared a conflict of interest in a matter being discussed at the meeting, the Joint Organisation Board Member's audio-visual link to the meeting must be suspended or terminated and the Joint Organisation Board Member must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the Joint Organisation or committee, or at any time during which the Joint Organisation or committee is voting on the matter.

## 17. DECISIONS OF THE JOINT ORGANISATION

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### Joint Organisation decisions

- 17.1 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 17.1 reflects section 371 of the Act in the case of Joint Organisations and section 400T(8) in the case of Joint Organisations.

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

The charter of the Illawarra Shoalhaven Joint Organisation does not (Section 5.3) specify more stringent conditions in relation to voting requirements.

- 17.2 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

- 17.3 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 in accordance with this code.

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

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

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

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

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

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

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

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

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

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

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

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the Chief Executive Officer no later than one (1) day after the meeting at which the resolution was adopted.
- 17.11 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 17.11 reflects section 372(6) of the Act.

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the Joint Organisation may be moved at the same meeting at which the resolution was adopted, where:
- (a) a notice of motion signed by three Joint Organisation voting Board Members is submitted to the Chairperson at the meeting, and
  - (b) the Joint Organisation resolves to deal with the motion at the meeting on the grounds that it is urgent and requires a decision by the Joint Organisation before the next scheduled ordinary meeting of the Joint Organisation.
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 17.12(b) and the Chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 17.14 A resolution adopted under clause 16.12(b) must state the reasons for the urgency.

#### Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a Joint Organisation voting Board Member may, with the leave of the Chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the Joint Organisation's resolution, or
  - (b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the Chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the Joint Organisation voting Board Member is to propose alternative wording for the resolution.
- 17.17 The Chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 17.15 and the Chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the Chairperson under clause 16.15.
- 17.20 A motion moved under clause 17.15 with the leave of the Chairperson cannot be voted on unless or until it has been seconded.

## 18. TIME LIMITS ON JOINT ORGANISATION MEETINGS

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- 18.1 Meetings of the Joint Organisation and committees of the Joint Organisation are to conclude at a time the Joint Organisation may from time to time determine.
- 18.2 If the business of the meeting is unfinished at the time the Joint Organisation has determined, and the Joint Organisation does not resolve to extend the meeting, the Chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the Joint Organisation, or
  - (b) adjourn the meeting to a time, date and place fixed by the Chairperson.
- 18.3 Clause 18.2 does not limit the ability of the Joint Organisation or a committee of the Joint Organisation to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.4 Where a meeting is adjourned under clause 18.2 or 18.3, the Chief Executive Officer must:
- (a) individually notify each Joint Organisation Board Member of the time, date and place at which the meeting will reconvene, and
  - (b) publish the time, date and place at which the meeting will reconvene on the Joint Organisation's website and in such other manner that the Chief Executive Officer is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

## 19. AFTER THE MEETING

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### Minutes of meetings

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

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

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

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

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

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

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

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

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

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

19.7 The confirmed minutes of a 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

19.8 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 19.8 reflects section 11(1) of the Act.

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

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

19.10 Clause 19.8 does not apply if the 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 19.10 reflects section 11(3) of the Act.

19.11 Correspondence or reports to which clauses 18.9 and 18.10 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

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

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

## 20. JOINT ORGANISATION COMMITTEES

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### Application of this Part

20.1 This Part only applies to committees of the Joint Organisation whose members are all Joint Organisation Board Members .

### Joint Organisation committees whose members are all Joint Organisation voting Board Members

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

20.3 A committee of the Joint Organisation is to consist of the Chairperson and such other Joint Organisation Board Members as are elected by the Joint Organisation voting Board Members or appointed by the Joint Organisation.

20.4 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

20.5 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

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

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

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

### Non-members entitled to attend committee meetings

20.8 A Joint Organisation voting Board Member 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 Joint Organisation voting Board Member 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

20.9 The Chairperson of each committee of the Joint Organisation must be:

- (a) the Chairperson, or
- (b) if the Chairperson does not wish to be the Chairperson of a committee, a member of the committee elected by the Joint Organisation, or

(c) if the Joint Organisation does not elect such a member, a member of the committee elected by the committee.

- 20.10 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.
- 20.11 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.
- 20.12 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. If neither the Chairperson nor the deputy Chairperson is able or willing to preside, the acting Chairperson is to preside at the meeting.

#### Procedure in committee meetings

- 20.13 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.
- 20.14 A motion at a committee of a Joint Organisation is taken to be lost in the event of an equality of votes.
- 20.15 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).

#### Chairperson Minutes

- 20.16 The provisions of this code relating to Chairperson Minutes also apply to meetings of committees of the Joint Organisation in the same way they apply to meetings of the Joint Organisation.

#### Closure of committee meetings to the public

- 20.17 The provisions of the Act and Part 14 of this code apply to the closure of meetings of 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.
- 20.18 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.
- 20.19 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 19.19 during a part of the meeting that is livestreamed where practicable.
- 20.20 The Chief Executive Officer must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the Joint Organisation's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 20.21 The Chief Executive Officer must consult with the committee and any other affected persons before publishing information on the Joint Organisation's website under clause 19.21 and provide reasons for why the information has ceased to be confidential.

### Disorder in committee meetings

20.22 The provisions of the Act, the Regulation, 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 they apply to meetings of the Joint Organisation.

### Minutes of Joint Organisation committee meetings

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

20.24 The minutes of meetings of each committee of the Joint Organisation must be confirmed at a subsequent meeting of the committee.

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

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

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

20.28 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.

## 21. IRREGULARITIES

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

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any Joint Organisation Board Members or committee member, or
- (c) any defect in the election or appointment of a Joint Organisation voting Board Member or committee member, or
- (d) a failure of a Joint Organisation Board Member 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 21.1 reflects section 374 of the Act.

## 22. DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 14.10 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
Chairperson	in relation to a meeting of the 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 19.9 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 Joint Organisation Board Members) or the Joint Organisation when it has resolved itself into committee of the whole under clause 12.1
Joint Organisation official	includes Joint Organisation Board Members, members of staff of a Joint Organisation, administrators, Joint Organisation committee members, delegates of Joint Organisation and any other person exercising functions on behalf of the Joint Organisation
day	means calendar day
division	means a request by two Joint Organisation voting Board Members under clause 11.5 of this code requiring the recording of the names of the Joint Organisation voting Board Members who voted both for and against a motion
livestream	a video broadcast of a meeting transmitted across the internet concurrently with the meeting
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
performance improvement order	means an order issued under section 438A of the Act

quorum	means the minimum number of Joint Organisation voting Board Members or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
year	means the period beginning 1 July and ending the following 30 June