

BUSINESS PAPER

FOR THE

**NEW ENGLAND
JOINT ORGANISATION
MEETING**

**TO BE HELD ON
MONDAY, 25 JUNE 2018**

NEW ENGLAND JOINT ORGANISATION

Notice is herewith given of an
ORDINARY MEETING

That will be held at the Moree Plains Shire Council on:
Monday, 25 June 2018 at 10.00am

ORDER OF BUSINESS

1	ACKNOWLEDGEMENT TO COUNTRY.....	3
2	APOLOGIES.....	3
3	DISCLOSURE OF CONFLICT OF INTERESTS / PECUNIARY AND NON-PECUNIARY INTERESTS.....	3
4	MINUTES OF THE PREVIOUS MEETING OF THE FORMER NEW ENGLAND GROUP OF COUNCILS TO BE NOTED	3
5	REPORTS.....	4
	5.1 Election of Chairperson	4
	5.2 Code of Meeting Practice.....	6
	5.3 Code of Conduct and Panel of Conduct Reviewers	8
	5.4 Disclosure of Delegates - Designated Persons (Section 449 of the Local Government Act 1993)	11
	5.5 Narrabri Shire Council's Request to Joint the New England Joint Organisation.....	13
	5.6 Media and Communication Policy.....	16
	5.7 Expenses and Facilities Policy.....	17
	5.8 New England Joint Organisation Draft Charter.....	18
	5.9 Timeline and Other Ancillary Matters	21
	5.10 Appointment of Interim Executive Officer	23
	5.11 Delegations to the Interim Executive Officer.....	26
	5.12 Authorisation of Funding Agreement	29
	5.13 Meetings Schedule	30

6	CORRESPONDENCE, MINUTES, PRESS RELEASES	31
6.1	Correspondence	31
7	URGENT MATTERS.....	32

Hein Basson
Returning Officer
/Secretariat

1 ACKNOWLEDGEMENT TO COUNTRY

“I acknowledge the Kamilaroi people as the traditional custodians of this land and pay my respect to the Elders both past and present. I also extend that respect to Aboriginal people here today.”

2 APOLOGIES

3 DISCLOSURE OF CONFLICT OF INTERESTS / PECUNIARY AND NON-PECUNIARY INTERESTS

4 MINUTES OF THE PREVIOUS MEETING OF THE FORMER NEW ENGLAND GROUP OF COUNCILS TO BE NOTED

5 REPORTS

5.1 *Election of Chairperson*

REPORT FROM: NEJO RETURNING OFFICER
Author: Hein Basson – Returning Officer

ANNEXURES

Annexure A Nomination Form

PURPOSE

The purpose of this report is for the Board to determine the method of voting for the election of a Chairperson of the New England Joint Organisation, as well as to provide for the actual election of the Chairperson.

COMMENTARY

The New England Joint Organisation was created by proclamation in the Government Gazette dated 11 May 2018.

The first item of business for the new Joint Organisation will be the election of a Chairperson, with the Presiding Officer being Mr Hein Basson who has been appointed by the Chief Executive of the Office of Local Government on 31 May 2018 as the Returning Officer. The Joint Implementation Guidance document, distributed under separate cover to the Business Paper, provides further information in this regard on page 10 (Section 2.2).

Upon election, the Chairperson will assume the Chair and preside at the meeting.

The Joint Organisation Implementation Guidance also provides details of the election process in section 2.3, page 13 Electing a Chairperson.

Voting for the position of Chairperson can be carried out by one of the following methods:

- (a) Open voting (i.e. show of hands);
- (b) Ordinary ballot (i.e. secret ballot);
- (c) Preferential ballot (i.e. place 1, 2, 3 against each candidate).

Voting representatives for the Board are the Mayors of the member Councils as listed in the Proclamation. These are:

- Armidale – Cr S Murray;
- Glen Innes – Cr S Toms;
- Inverell – Cr P Harmon;
- Moree – Cr K Humphries;
- Tenterfield – Cr P Petty;
- Uralla – Cr M Pearce.

Nominations have previously been called for, but will be received up until and including the item at the meeting at which the election of the Chairperson occurs.

RECOMMENDATION

1. *That the Board determines the method of voting for the position of Chairperson.*
2. *That the Board elects Councillor, Mayor of the Council, as Chairperson of the New England Joint Organisation for a two (2) year period.*

5.2 Code of Meeting Practice

REPORT FROM: NEJO SECRETARIAT
Author: Hein Basson – Secretariat

ANNEXURES

Annexure A Draft Code of Meeting Practice

PURPOSE

The purpose of this report is to present the Board with a draft Code of Meeting Practice, for referral to member Councils for comment.

COMMENTARY

It is a requirement that the Joint Organisation adopt a Code of Meeting Practice. The Joint Implementation Guidance document, distributed under separate cover to the Business Paper, provides further information in this regard on page 41 (Section 2.8).

The Code of Meeting Practice is to be developed in consultation with member Councils. The Code of Meeting Practice is to comply with the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation (2005)*. The main variations to the protocols adopted by Councils are:

- (i) The Board of a Joint Organisation may transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if the representative who is speaking can be heard by all other representatives;
- (ii) A motion at a Joint Organisation Board Meeting is taken to be defeated in the event of an equality of votes – in other words, unlike Councils, the Chairperson or a Joint Organisation Board does not have a casting vote;
- (iii) To allow non-voting representatives to participate in debate, however, non-voting representatives should be permitted to speak but not move, second, amend or vote on motions.

The development of the interim Code of Meetings Practice has been based on the existing Code of the Glen Innes Severn Council, with amendments. It is important to note that, under yet-to-commence amendments to the Act, all Councils and Joint Organisations will be required to adopt a Code of Meeting Practice based on the *Model Code of Meeting Practice for Local Councils in NSW*, as developed by the Office of Local Government (OLG). Further guidance from this Office will be provided once the relevant amendments commence.

In order to make the proposed interim Code of Meeting Practice a little more manageable, and to conform to the established operating practice of the former New England Group of Councils (NEGOC), all references to the establishment of committees have been taken out of this document. It was not a working practice of NEGOC to establish separate committees, and it is not foreseen that there will be any need for such action in the short term; as the initial workload would not require it and would potentially not be conducive to the establishment of a regional team approach – especially in the early stages. As this proposed Code of Meeting Practice would only be an interim measure to see the organisation through for the first number of months

until the official Model Code of the OLG gets implemented, it is suggested for the Board to adopt it as such.

A draft Code of Meeting Practice is attached as Annexure A relating to this report for the consideration of member Councils.

RECOMMENDATION

- 1. That the draft Code of Meeting Practice, , attached as Annexure A to the Business Paper, be referred to member Councils for their comment for a period of 42 days.***
- 2. That the draft Code of Meeting Practice and comments from member Councils be referred to a future meeting of the Board for consideration and adoption of the policy as amended (if required).***

5.3 Code of Conduct and Panel of Conduct Reviewers

REPORT FROM: NEJO SECRETARIAT
Author: Hein Basson – Secretariat

ANNEXURES

Annexure A Model Code of Conduct
Annexure B Procedures for the Administration of the Model Code of Conduct
Annexure C Draft Public Interest Disclosures Internal Reporting Policy

PURPOSE

The purpose of this report is for the Board to adopt a Code of Conduct.

COMMENTARY

Joint Organisations must adopt a Code of Conduct based on the Model Code of Conduct for Local Councils in NSW (the Model Code) and procedures for dealing with Code of Conduct complaints based on the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (the Procedures) – as developed by the Office of Local Government. The Joint Implementation Guidance document, distributed under separate cover to the Business Paper, provides further information in this regard on pages 23 and 24 (Section 2.5). The procedures for the Administration of the Model Code of Conduct for Local Councils in NSW is available on the OLG website <https://www.olg.nsw.gov.au/sites/default/files/Procedures-for-the-Administration-of-Model-Code-of-Conduct.pdf>

It is proposed that the New England Joint Organisation adopts the Model Code and Procedures as applicable to Local Councils in NSW. In reading and interpreting these documents, “Council” will have to be substituted by “Joint Organisation” and “General Manager will have to be substituted by “(Interim) Executive Officer”. No other material changes are anticipated.

The new Joint Organisation will also need to appoint a panel of conduct reviewers. The role of conduct reviewers is to undertake preliminary assessments and investigations of code of conduct complaints about Board members of Joint Organisations (including the Chairperson) and the Executive Officer, where the complaint has not been declined or resolved at the outset.

It is proposed that the panel of conduct reviewers appointed by the Glen Innes Severn Council be appointed by the New England Joint Organisation:

- Monica Kelly, Prevention Partners NSW
0438 280 621
enquiry@preventionpartnersnsw.com
- Kath Roach, SINC Solutions Pty Ltd
0414 193 755
solutions@sinc solutions.com.au
- Linda Petterson, Linda Petterson Consulting Pty Ltd
0413 552 155
linda.petterson@iinet.net.au

- Emma Broomfield, Locale Consulting
0421 180 881
emma@localeconsulting.com.au
- Belinda Nolan, Pinnacle Integrity
0419 472 133
b.nolan@pinnacleintegrity.com.au
- Shane White, Pinnacle Integrity
0439 485 428
s.white@pinnacleintegrity.com.au
- Andrew Hedges, LKA Group Pty Ltd
1300 139 321
sydney@lkagroup.com.au
- Greg Wright, Wright Associates
0418 225 027
greg.wright@wrightassociates.com.au

The Joint Organisation must also appoint a Complaints Coordinator. The role of the Complaints Coordinator is to:

- (i) Coordinate the management of complaints;
- (ii) Liaise with and provide administrative support to a conduct reviewer;
- (iii) Liaise with Office of Local Government;
- (iv) Arrange the annual reporting of code of conduct complaints statistics.

The person chosen as the Complaints Coordinator must also be a nominated Disclosures Coordinator appointed for the purpose of receiving and managing reports of wrong doing under the *Public Interest Disclosures Act 1994*. The nominated Disclosures Coordinator will be appointed by the Interim Executive Officer. To facilitate this, the Joint Organisation needs to adopt a Public Interest Disclosures Internal Reporting Policy. A proposed policy, originally developed by the Inverell Shire Council, is attached as Annexure C relating to this report. The Code of Conduct Complaints Coordinator will also be appointed by the Interim Executive Officer, as this last mentioned officer cannot fulfil this function.

RECOMMENDATION

- 1. That the New England Joint Organisation adopts:**
 - (a) the Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW with the understanding that in reading and interpreting these documents, the term “Council” be substituted by “Joint Organisation”, the term “Councillor” be substituted by “Board Member” and the term “General Manager” be substituted by “(Interim) Executive Officer”, as well as any other changes**

necessary to ipso facto make the contents of this Code applicable to the Joint Organisation.

(b) the following Panel of Conduct Reviewers:

- Monica Kelly, Prevention Partners NSW;***
- Kath Roach, SINC Solutions Pty Ltd;***
- Linda Pettersen, Linda Pettersen Consulting Pty Ltd;***
- Emma Broomfield, Locale Consulting;***
- Belinda Nolan, Pinnacle Integrity;***
- Shane White, Pinnacle Integrity;***
- Andrew Hedges, LKA Group Pty Ltd;***
- Greg Wright, Wright Associates.***

(c) the Public Interest Disclosures Internal Reporting Policy, attached as Annexure C to the Business Paper.

- 2. That the Interim Executive Officer be requested to appoint a suitably qualified Complaints Coordinator from the human resources pool of the Inverell Shire Council.***

5.4 Disclosure of Delegates - Designated Persons (Section 449 of the Local Government Act 1993)

REPORT FROM: NEJO SECRETARIAT
Author: Hein Basson – Secretariat

ANNEXURES

Annexure A Disclosures Form

PURPOSE

The purpose of this report is to comply with the provisions of Section 449 of the *Local Government Act 1993*.

COMMENTARY

Section 449 of the *Local Government Act 1993* (the Act) applies to Joint Organisations as it is in Chapter 14, which is not an excluded provision. The return therefore needs to be completed by representatives on the Board, who are taken to be Councillors for the purposes of this mentioned Section. For ease of reference, Section 449 reads as follows:

449 Returns Disclosing Interests of Councillors and Designated Persons

- (1) A councillor or designated person must complete and lodge with the general manager, within 3 months after becoming a councillor or designated person, a return in the form prescribed by the regulations.*
- (1A) A person must not lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.*
- (2) A person need not lodge a return within the 3-month period after becoming a councillor or designated person if the person lodged a return in that year or the previous year or if the person ceases to be a councillor or designated person within the 3-month period.*
- (3) A councillor or designated person holding that position at 30 June in any year must complete and lodge with the general manager within 3 months after that date a return in the form prescribed by the regulations.*
- (4) A person need not lodge a return within the 3-month period after 30 June in a year if the person lodged a return under subsection (1) within 3 months of 30 June in that year.*
- (5) Nothing in this section prevents a councillor or designated person from lodging more than one return in any year.*
- (6) Nothing in this section or the regulations requires a person to disclose in a return lodged under this section an interest of the person's spouse or de facto partner or a relative of the person.*

Section 400ZH of the Act also needs to be read in conjunction with the afore-mentioned Section 449. Again, for ease of reference, the relevant provision of 400ZH reads as follows:

400ZH Application of Act to Joint Organisations

- (1) *Except as provided by subsection (3), this Act applies:*
- (b) *to the representatives on the board of a joint organisation in the same way as it applies to the councillors of councils.*

The above provisions include the alternate members while acting in the place of voting representatives. In the instance of the Deputy Mayors of member Councils being included as non-voting members of the Board, they could be deemed the alternate for the Mayor (if the Mayor requests his/her Deputy Mayor to represent him/her at a NEJO meeting) or in the instance where a member Council has appointed an alternate for the Mayor for the purposes of attending NEJO meetings. (Please refer in this regard to Section 231 of the Act, read in conjunction with Regulation 397F(1) of the *Local Government (General) Regulation 2005*, or for the mentioned Regulation to be read in isolation. Regulation 397F(4) makes it abundantly clear that the appointed alternate person, while acting in the place of the voting representative on the Board, has all the functions of a representative and is taken to be a voting representative. It would therefore be prudent for Deputy Mayors or other appointed alternates to also sign a declaration in case they have to attend and vote at any meeting.

A Disclosure of Interest form is attached to this report as Annexure A.

Subsequent to this resolve, the Interim Executive Officer will seek forms from the Mayors, Deputy Mayors or other appointed alternates of the Joint Organisation.

RECOMMENDATION

- 1. That the Board notes that all Board members and the (Interim) Executive Officer are automatically designated persons for the purposes of Section 449 of the Local Government Act 1993.***
- 2. That the Board notes that as alternatives, Deputy Mayors or other appointed alternates of member Councils, should also be treated as designated persons.***
- 3. That the Board notes the responsibility of designated persons in returning disclosures of interest forms within a period of three (3) months after the implementation of the New England Joint Organisation.***

5.5 Narrabri Shire Council's Request to Joint the New England Joint Organisation

REPORT FROM: NEJO SECRETARIAT
Author: Hein Basson – Secretariat

ANNEXURES

There are no annexures to this report.

PURPOSE

The purpose of this report is for the Board to consider the request from Narrabri Shire Council to join the New England Joint Organisation (NEJO).

BACKGROUND

Following an approach by Narrabri Shire Council to join NEJO, the Board of the former New England Group of Councils resolved the following at its February 2018 meeting:

That the Board expresses its goodwill toward the request received from the Mayor of the Narrabri Shire Council to potentially join the proposed New England Joint Organisation; however, notes some concern with the perceived community of interest around Tamworth ahead of Armidale, travel distances, renewable energy development versus extractive industries; and agricultural land versus extractive industry priorities that may exist with such membership within the to-be-established New England Joint Organisation.

The Narrabri Shire Council has adopted the following resolution at its meeting held on 22 March 2018:

MINUTE 001/2018

Moved: Cr Robert Kneale

Seconded: Cr Ann Loder

That Council:

1. *Inform the Minister for Local Government (Minister) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation (JO) in accordance with this resolution.*
2. *Approve the inclusion of the Council's area in the Joint Organisation's area.*
3. *That the Joint Organisation be established to cover the Council's area and any one or more of the following council areas:*
 - a. *Armidale Regional,*
 - b. *Glen Innes Severn,*
 - c. *Inverell Shire,*
 - d. *Moree Plains Shire,*
 - e. *Tenterfield Shire; and*
 - f. *Uralla Shire.*
4. *Provide the Minister with a copy of this resolution including the date on which Council made this resolution.*

Item 5.5

5. *On the expiry of a period of 28 days from the making of this resolution, Council inform the Minister that this resolution has not been rescinded.*
6. *Request the Minister to provide ongoing financial support towards the operational costs of Joint Organisations, as Joint Organisations have been established by the NSW Government to better facilitate collaboration, setting of regional priorities, delivery of important projects on a regional scale and better coordination between State Agencies and Local Government.*

Armidale Regional, Glen Innes Severn, Moree Plains Shire and Tenterfield Shire Councils have all passed an amended resolution in relation to their JO nomination, to include Narrabri Shire Council in the area of NEJO, while Uralla and Inverell Shire Councils have both voted against amending their resolutions to include this Council.

Further correspondence was received from Narrabri Shire Council dated 18 May 2018, conveying the rationale behind Narrabri Shire Council's request to join NEJO, with the primary reasons listed as being:

- The misalignment of Roads and Maritime Services boundaries,
- Regional Economic Development Strategy and Functional Economic Regions,
- Existing strong ties with Moree Plains Shire Council, and
- The Inland Rail Project.

COMMENTARY

At the former New England Group of Councils' meeting held on 28 May 2018, it was *inter alia* resolved that Narrabri Shire Council be allowed to present their case to the Board at the start of the first NEJO meeting.

Accordingly the Mayor of Narrabri Shire Council, Cr Cathy Redding, will attend this meeting in order to present further information for the consideration of the Board, before the request for inclusion is formally considered.

If the Board favourably considers the request received from Narrabri Shire Council, it will have to adopt a resolution in the following format, to comply with the direction received from the Office of Local Government:

That the Board of the New England Joint Organisation (NEJO) resolves to:

1. Welcomes and supports the inclusion of the Narrabri Shire Council as a Member Council of NEJO.
2. Writes to the Minister for Local Government in order to provide her with a copy of this resolution of the NEJO-Board.

RECOMMENDATION

1. ***That the Board considers the request received from the Narrabri Shire Council to join the New England Joint Organisation.***
2. ***That, if the Board favourably considers the above-mentioned request, a motion as phrased in paragraph three (3) below be moved and seconded and voted upon to constitute a resolution that will adhere to the direction received from the Office of Local Government.***

- 3. That the Board of the New England Joint Organisation (NEJO) resolves to:**
 - 3.1 Welcome and support the inclusion of the Narrabri Shire Council as a Member Council of NEJO.**
 - 3.2 Write to the Minister for Local Government in order to provide her with a copy of this resolution of the NEJO-Board.**

5.6 Media and Communication Policy

REPORT FROM: NEJO SECRETARIAT
Author: Hein Basson – Secretariat

ANNEXURES

Annexure A Draft Media and Communication Policy

PURPOSE

The purpose of this report is to present the Board with a draft Media and Communications Policy for adoption. Please refer to Annexure A relating to this report.

COMMENTARY

The Joint Implementation Guidance document, distributed under separate cover to the Business Paper, provides information regarding effective communication and media liaison on page 46 (Section 2.10).

Early media priorities can be to:

- Determine the NEJO spokesperson/s;
- Clarify responsibilities for preparing and approving media releases and managing media enquiries;
- Consider the use of social media tools and develop and implement appropriate procedures;
- Monitor media coverage.

A draft Policy, roughly based on the Glen Innes Severn Council Media Policy, is attached as Annexure A relating to this report for consideration by members. It is suggested that this draft Policy will provide for adequate guidance and direction to get the organisation functioning. As time progresses, this Policy can be further developed and refined in the spirit of continuous improvement.

It is an additional requirement for the New England Joint Organisation to prepare a Communication and Engagement Plan within three (3) months of its establishment. The development of this document will therefore require the organisations' further attention.

RECOMMENDATION

That the draft Media and Communications Policy, attached as Annexure A to the Business Paper, be adopted by the Board.

5.7 Expenses and Facilities Policy

REPORT FROM: NEJO SECRETARIAT
Author: Hein Basson – Secretariat

ANNEXURES

Annexure A Draft Expenses and Facilities Policy

PURPOSE

The purpose of this report is to present the Board with a draft Expenses and Facilities Policy, for referral to member Councils for comment. Please refer to Annexure A relating to this report.

COMMENTARY

It is a requirement that the Joint Organisation adopt an expenses and facilities policy. The Joint Implementation Guidance document, distributed under separate cover to the Business Paper, provides further information in this regard on page 25 (Section 2.6).

The policy is to be developed in consultation with member Councils. The policy must comply with the Office of Local Government's Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW. Please refer in this regard to: <https://www.olg.nsw.gov.au/strengthening-local-government/supporting-and-advising-councils/directory-of-policy-advice/councillor-expenses-and-facilities>

A draft Policy is attached as Annexure A relating to this report for referral to member Councils for consideration. A minimalist approach has been undertaken in the allocation of proposed amounts for the different categories of expenses, and Board members might want to make changes to these suggested quantities.

Funding for Board Members' expenses and facilities will be provided for in future budgets, funded through Member Councils' annual contributions. Current expenses can be met through the NSW Government's seed funding of \$300,000 for the implementation of newly established Joint Organisations.

RECOMMENDATION

- 1. That the draft policy for the Payment of Expenses and the Provision of Facilities to New England Joint Organisation Board Members be considered by the Board and once adopted in principle (with or without amendments), be referred to member Councils for their comment for a period of 42 days.***
- 2. That the draft policy for the Payment of Expenses and the Provision of Facilities to New England Joint Organisation Board Members and comments from member Councils be referred to a future meeting of the Board for consideration and adoption of the final policy (with or without amendments, as required).***

5.8 *New England Joint Organisation Draft Charter*

REPORT FROM: NEJO SECRETARIAT
Author: Hein Basson – Secretariat

ANNEXURES

Annexure A Draft Charter

PURPOSE

The purpose of this report is to present the Board with a draft Charter for the **New England Joint Organisation (NEJO)**. Please refer to Annexure A relating to this report.

COMMENTARY

All Joint Organisations are required to adopt a draft Charter at their first meeting, for individual members' consultation.

The Joint Implementation Guidance document, distributed under separate cover to the Business Paper, provides further information in this regard, including a template Charter, starting at page 34 (Section 2.7.2).

Using a minimalist approach that has the least amount of prescription in the Charter, would enable NEJO to be as flexible as possible. It is suggested that the Charter be viewed as a living document, as it would be able to be updated at any time at the discretion of the Board.

It is further suggested that members be given 42 days to respond on this draft Charter and that this advice informs the next Board meeting where any requisite changes can be made and the Charter then be formally adopted for display on NEJO's website.

Preliminary Vision and Principles

The Vision Statement of the former New England Group of Councils read as follows and is suggested to be incorporated with the draft Charter:

The New England Region is recognised as a contributing region and an essential element for a sustainable future of NSW and Australia.

The Board will have ample opportunity to revisit the development of a Vision Statement as part of the Statement of Regional Strategic Priorities, which will be pursued over the next six (6) months.

The Joint Organisation Implementation Guidance document makes provision on pages 28 and 29 for the following principles:

Joint Organisations will:

- Be owned by, and accountable to, member Councils;
- Not impose significant red tape, cost or risks on member Councils;
- Ensure benefits delivered for the region it serves outweigh costs and risks;

- Work collaboratively with other levels of government, other partners and stakeholders;
- Enable significant projects and initiatives, and associated funding and assets, to be managed regionally where doing so is consistent with the shared vision for the region;
- Ensure good governance;
- Serve the best interests of the region and its communities.

It is suggested for these principles to be enshrined within the draft Charter.

Principal Functions

The principal functions of the New England Joint Organisation will be to:

- Establish strategic regional priorities for the Joint Organisation Area and develop strategies and plans for delivering these priorities;
- Provide regional leadership for the Joint Organisation Area and to be an advocate for strategic regional priorities;
- Identify and take up opportunities for inter-governmental cooperation on matters relating to the Joint Organisation Area.

Financial Contributions – Equal Contribution Methodology

Past discussions held at the former New England Group of Councils meetings were based on the principle that all member Councils make an equal financial contribution towards the annual operational and capital costs associated with the adopted functions and strategies of the regional organisation. Unless the sentiment has changed, it is suggested for this principle to be included with the draft Charter.

Option of the Board to have a Non-voting Chairperson

The Joint Organisation Implementation Guidance document makes provision, as an option, for the Board to have a non-voting Chairperson. In the instance of this option being pursued, the member Council which the Chairperson represents is to nominate a Councillor to represent and vote on behalf of the particular Council on the Board.

Considering that the Chairperson will not have a casting vote (meaning that where an equal number of votes are received for and against a particular item, the item will be deemed to be defeated), this option of having a non-voting Chairperson almost feels contrary to established Local Government practice. However, this opinion is a subjective one and the benefit of this option adding to the perception of an impartial Chairperson is acknowledged.

For purposes of the draft Charter, this option has not been included. Therefore, the Board will have to change the draft Charter if it wants to include this option.

Additional Voting Representatives from Member Councils

The Joint Organisation Implementation Guidance document makes provision on page 40 for JOs to also have additional voting representatives of the Member Councils who are entitled to one (1) vote at Meetings. This provision should be interpreted as additional voting representatives other than the Mayors of Member Councils, who also are entitled to one (1) vote at Meetings.

The opinion is expressed that this provision could have some merit in the instance of JOs with only three (3) or four (4) members, but in the instance of NEJO with six (6) members (and a potential of adding another member), a Board consisting of 12 or 14 Councillor representatives, plus the six (6) or seven (7) General Managers as non-voting representatives, becomes an unwieldy decision-making body. It is therefore suggested that the Board adopts the draft Charter, which makes provision for only the Mayors of Member Councils to act as voting representatives.

Non-voting Representatives on the Board

The Joint Organisation Implementation Guidance document makes provision on page 60 for the NSW Government, as represented by the particular Regional Director of the Department of Premier and Cabinet, to be a non-voting member of the Joint Organisation.

It is also suggested for General Managers of member Councils to be allowed to form part of the non-voting representatives on the Board. It is further suggested for it to be written into the draft Charter for these General Managers to act in an advisory capacity to the Board (which means that they may have separate meetings to crystallise their thoughts and recommendations to the Board as the decision-making body).

Method of Voting – majority vote where a quorum is present (may consider 75% majority or consensus decision-making)

The Joint Organisation Implementation Guidance document makes provision for the Board to consider 75% majority or consensus decision-making as an option, although the template Charter document does not include this. It is suggested for the Board not to pursue these options at this point in time, but to adhere to the simple majority principle.

Chairperson has no casting vote

It is important to note that the Chairperson does not have a casting vote and therefore a motion with an equality of votes will be taken as defeated.

RECOMMENDATION

- 1. That the Board adopts the draft Charter for the New England Joint Organisation attached to the Business Paper as Annexure A relating to this report.***
- 2. That this draft Charter be referred to member Councils for a period of 42 days – seeking their feedback by way of written submissions.***
- 3. That a further report be prepared for consideration of the Board, detailing the feedback received from member Councils, for the adoption of a final Charter for the organisation (with or without amendments, as required).***

5.9 Timeline and Other Ancillary Matters

REPORT FROM: NEJO SECRETARIAT
Author: Hein Basson – Secretariat

ANNEXURES

There are no annexures to this report.

PURPOSE

The purpose of this report is for the Board to note the timeline for the execution of particular action steps associated with the proper implementation of the New England Joint Organisation.

COMMENTARY

A timeline for the action steps relating to the implementation of Joint Organisations, as provided by the Office of Local Government, is shown below.

Action	By
<ul style="list-style-type: none"> Obtain relevant insurances and workers compensation coverage Hold the first meeting of the Joint Organisation Board Adopt a Code of Conduct Appoint an Interim Executive Officer Obtain an ABN and TFN Establish a Bank Account and obtain signatories Reserve a domain name Establish a phone number and email address Investigate whether a seal would be necessary to obtain 	First month
Return signed funding agreement to OLG	29 June 2018
<ul style="list-style-type: none"> Adopt a Charter—and publish on website Adopt an Expenses and Facilities Policy Prepare a Communication and Engagement Plan Organise for any relevant Regional Organisation of Councils grants and contracts to be transferred to the Joint Organisation 	First three months
Adopt a Statement of Revenue Policy for 2018/19, including budget	31 August 2018
Submit a plan to the OLG for the expenditure of the Establishment Fund, noting key milestone to be met	28 September 2018
Adopt a Statement of Regional Strategic Priorities	30 December 2018
<ul style="list-style-type: none"> Adopt a logo and other key elements of visual identity Deliver a website featuring the adopted visual identify 	First six months

Action	By
Submit six-monthly progress and expenditure report to OLG on the Establishment Funds	28 February 2019
Adopt Statement of Revenue Policy for 2019/20, including budget	30 July 2019
Submit six-monthly progress and expenditure report to OLG on the Establishment Funds	31 August 2019
Prepare audited financial reports for the period ending on the last day of the financial year after the year in which the joint organisation is established	31 October 2019
Prepare an Annual Performance Statement	30 November 2019

At the time of writing, investigations on relevant insurances, the opening of a Bank Account, obtaining an Australian Business Number and Tax File Number, reserving a domain name, establishing a phone number and email address, are all action steps in the process of being pursued.

As an example, the application for an ABN and a domain name requires that the person making the application is an “Authorised Person”. NEJO must be able to state who the authorised person for the entity is on the application form. This person must be authorised to make changes or update information on behalf of the entity.

In practice, this means that in most instances a JO will need to hold its first meeting in order to delegate the authority to the (Interim) Executive Officer or appropriate person to be able to make the necessary applications.

Mr Paul Henry will be able to provide the Board with a verbal update in the above regard.

RECOMMENDATION

1. ***That the Board notes the timeline for the execution of particular action steps associated with the proper implementation of the New England Joint Organisation (NEJO).***
2. ***That the Board authorises the Interim Executive Officer to sign all relevant and necessary documentation on behalf of the New England Joint Organisation in pursuing the following action steps:***
 - ***Opening a bank account;***
 - ***Obtaining an Australian Business Number and registering the organisation for tax purposes;***
 - ***Reserving a domain name;***
 - ***Establishing a phone number;***
 - ***Establishing an email address.***
3. ***That the Interim Executive Officer be requested to implement the other outstanding actions listed in the timeline table within the body of the report.***

5.10 Appointment of Interim Executive Officer

REPORT FROM: NEJO SECRETARIAT
Author: Hein Basson – Secretariat

ANNEXURES

Annexure A Position Description

PURPOSE

The purpose of this report is for the Board to appoint an Interim Executive Officer for the **New England Joint Organisation (NEJO)** and consider the recruitment of a permanent Executive Officer.

COMMENTARY

All Joint Organisations are required to employ an Executive Officer. This Executive Officer performs the same role in a Joint Organisation as a General Manager in a Council.

Following establishment, a Joint Organisation may appoint an Interim Executive Officer for a period of up to 12 months without advertising the position in accordance with merit based selection criteria.

It is possible for an existing General Manager of one of the member Councils to be appointed to this interim role, with the relevant Council giving its approval by way of resolution to such a General Manager to undertake this function.

It is not necessary for the Interim Executive Officer to be appointed under a fixed-term, performance based contract approved by the Chief Executive of the Office of Local Government.

To ensure the smooth implementation of NEJO, it is suggested that Mr Paul Henry, General Manager of the Inverell Shire Council, be appointed to this role for a fixed period of time. The aforementioned Council has adopted the necessary resolution in this regard at a Meeting held on 13 June 2018. The conditions attached to this Council's approval is for Mr Henry to be available in this interim capacity until 31 December 2018, provided that the Board pursues the necessary steps leading up to the recruitment and selection of a permanent or permanent part time Executive Officer within the next number of months and for a candidate to be appointed to this position by 31 December 2018. Further, the Inverell Shire Council would like the Board to determine a monthly amount to be paid over to this Council as compensation for recognising the work that will be done in implementing the newly established regional Joint Organisation.

The permanent appointment of an Executive Officer will be a matter to be considered by the Joint Organisation as part of the implementation process over the next three (3) to six (6) months.

It will be possible to initially fund the monthly compensation amount, as well as the remuneration of a permanent Executive Officer, from the \$300,000 seed funding that will be provided by the State Government to this organisation. Member Councils will

have to make annual financial contributions towards the ongoing operational cost of employing an Executive Officer.

The Interim Executive Officer will have to be appointed as the Public Officer of the Joint Organisation in accordance with the provisions of Section 342 of the *Local Government Act 1993*.

It is suggested for the Board to pursue the following action steps as highlighted in the Joint Organisation Implementation Guidance document in the ensuing months:

- Obtain quotations from reputable recruitment agencies;
- Decide on an interview panel, if not all member Councils are going to be involved with this action;
- Determine appropriate hours of service for the permanent full or part time Executive Officer – having regard to the nature of duties to be performed;
- Determine an appropriate organisation structure for the new Joint Organisation.

The Office of Local Government has designed a sample document for new Joint Organisations to refer to when filling the position of Executive Officer. It provides a template Position Description, along with a list of suggested capabilities for this role. Please refer to Annexure A relating to this report.

The Board may therefore decide to have another meeting within a month's time or so in order to commence the recruitment of a permanent Executive Officer.

RECOMMENDATION

- 1. That Mr Paul Henry, General Manager of the Inverell Shire Council, be appointed as the Interim Executive Officer of the New England Joint Organisation for a period of time up to 31 December 2018 and that it be acknowledged that all official records of this organisation will be held at the Inverell Shire Council for this mentioned time.**
- 2. That the appointed Interim Executive Officer also be appointed as the Public Officer of the New England Joint Organisation pursuant to Section 342 of the Local Government Act 1993.**
- 3. That the Board considers the appropriateness of scheduling another meeting in the short term to discuss and commence the recruitment and selection processes pertaining to the appointment of a permanent Executive Officer, inter alia considering the following:**
 - **Obtain quotations from reputable recruitment agencies;**
 - **Decide on an interview panel , if not all member Councils are going to be involved with this action;**
 - **Determine appropriate hours of service for the permanent full or part time Executive Officer – having regard to the nature of duties to be performed;**
 - **Determine an appropriate organisation structure for the new Joint Organisation.**

- 4. That the Board determines an appropriate monthly compensation amount to be paid over to the Inverell Shire Council in recognition of the work that will need to be done in regards to the formal implementation of the New England Joint Organisation.**

5.11 Delegations to the Interim Executive Officer

REPORT FROM: NEJO SECRETARIAT

Author: Hein Basson – Secretariat

ANNEXURES

Annexure A Delegations to the Executive Officer

PURPOSE

The purpose of this report is for the Board to adopt a list of delegations to the Interim Executive Officer.

COMMENTARY

Under Section 400Y of the *Local Government Act 1993*, Executive Officers have the following functions:

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

Further, if the Joint Organisation determines an organisation structure requiring other staff, the Executive Office may also:

- (i) appoint staff in accordance with the organisation structure and the resources approved by the Joint Organisation;
- (ii) direct and dismiss staff.

It is suggested for the Board to adopt an interim organisation structure consisting of only the Interim Executive Officer as a staff member of the New England Joint Organisation. It would be possible to change the organisation structure into the future depending on the functions and strategies adopted by the Board to achieve the to-be-identified strategic goals and objectives of the regional Joint Organisation.

The Joint Implementation Guidance document, distributed under separate cover to the Business Paper, provides further information in this regard on page 21 (Section 2.4).

Section 377 of the *Local Government Act (1993)* also provides for a General Power to delegate. The section provides that:

- (1) *A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:*
 - (a) *the appointment of a general manager,*
 - (b) *the making of a rate,*
 - (c) *a determination under section 549 as to the levying of a rate,*
 - (d) *the making of a charge,*
 - (e) *the fixing of a fee,*
 - (f) *the borrowing of money,*

- (g) *the voting of money for expenditure on its works, services or operations,*
 - (h) *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
 - (i) *the acceptance of tenders to provide services currently provided by members of staff of the council,*
 - (j) *the adoption of an operational plan under section 405,*
 - (k) *the adoption of a financial statement included in an annual financial report,*
 - (l) *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
 - (m) *the fixing of an amount or rate for the carrying out by the council of work on private land,*
 - (n) *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
 - (o) *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979 ,*
 - (p) *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
 - (q) *a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
 - (r) *a decision under section 234 to grant leave of absence to the holder of a civic office,*
 - (s) *the making of an application, or the giving of a notice, to the Governor or Minister,*
 - (t) *this power of delegation,*
 - (u) *any function under this or any other Act that is expressly required to be exercised by resolution of the council.*
- (1A) *Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:*
- (a) *the financial assistance is part of a specified program, and*
 - (b) *the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
 - (c) *implement without delay, lawful decisions of the joint organisation the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
 - (d) *the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.*
- (2) *A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.*
- (3) *A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.*

Further, Section 378 of the *Local Government Act 1993* provides the power for the General Manager to delegate functions. The section provides that:

- (1) *the general manager may delegate any of the functions of the general manager, other than this power of delegation;*
- (2) *the general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council);*
- (3) *subsection (2) extends to a function sub-delegated to the general manager by the council under section 377(2).*

It is proposed that the delegations instrument attached as Annexure A relating to this report be adopted.

RECOMMENDATION

- 1. That the Board adopts the Delegations Instrument pertaining to the Interim Executive Officer, attached as Annexure A relating to this report, and review it once a permanent Executive Officer has been appointed.**
- 2. That the Board adopts an interim organisation structure consisting of only the Interim Executive Officer as a staff member of the New England Joint Organisation.**

5.12 Authorisation of Funding Agreement

REPORT FROM: NEJO SECRETARIAT
Author: Hein Basson – Secretariat

ANNEXURES

There are no annexures to this report.

PURPOSE

The purpose of this report is for the Board to authorise the execution of the Funding Agreement for seed funding (for the implementation of the Joint Organisation) between the Office of Local Government and the New England Joint Organisation (NEJO).

COMMENTARY

The NSW Government has allocated a total of \$3.3 million in seed funding for the implementation of the network of 11 Joint Organisations; meaning that each Joint Organisation will receive an amount of \$300,000.

The necessary Funding Agreement and Guidelines have not been received at the time of preparing this report, however, it is anticipated that it will be received prior to the meeting date. Once received, it will be distributed to members, and the secretariat will provide a verbal update at the Board meeting.

The execution of the Funding Agreement will be necessary for the transfer of funds from the NSW Government to NEJO in accordance with the conditions outlined therein.

RECOMMENDATION

That the Board resolves to authorise the Interim Executive Officer to sign the Funding Agreement between the Office of Local Government and the New England Joint Organisation (NEJO); in order for the seed funding to be paid over into NEJO's bank account.

5.13 Meetings Schedule

REPORT FROM: NEJO SECRETARIAT
Author: Hein Basson – Secretariat

ANNEXURES

There are no annexures to this report.

PURPOSE

The purpose of this report is for the Board to determine a meetings schedule.

COMMENTARY

The New England Group of Councils resolved at its meeting held on 28 May 2018 that the following dates be earmarked for future New England Joint Organisation (NEJO) meetings:

- 25 June 2018 (Moree);
- 27 August 2018 (Glen Innes);
- 26 November 2018 (Armidale).

It was further acknowledged that further meetings might be required after the inaugural meeting of NEJO in order to facilitate the proper implementation of this new organisation – in accordance with the expectations of the Office of Local Government. The Board may decide to have another meeting within a month's time or so in order to commence the recruitment of a permanent Executive Officer.

RECOMMENDATION

- 1. That the following dates be accepted for future New England Joint Organisation (NEJO) meetings:***
 - ***Possible meeting in July 2018 to consider the recruitment of a permanent Executive Officer;***
 - ***27 August 2018 (Glen Innes);***
 - ***26 November 2018 (Armidale).***
- 2. That the Board acknowledges that further meetings might be required in order to facilitate the proper implementation of this new organisation – in accordance with the expectations of the Office of Local Government.***

6 CORRESPONDENCE, MINUTES, PRESS RELEASES

6.1 Correspondence

REPORT FROM: NEJO SECRETARIAT
Author: Hein Basson – Returning Officer

ANNEXURES

Annexure A Correspondence advising of the establishment of NEJO
Annexure B Correspondence from OLG - Instrument of Delegation - Returning Officer

PURPOSE

The following items of correspondence is listed for the information of the Board.

- Letter dated 24 May 2018 from The Hon. John Barilaro, MP, Deputy Premier, and The Hon. Gabrielle Upton, MP, Minister for Local Government advising of the establishment of the New England Joint Organisation;
- Letter dated 31 May 2018 from the Office of Local Government giving formal approval for Mr Hein Basson to fulfil the role of Returning Officer at the first New England Joint Organisation meeting.

RECOMMENDATION

That the Board notes the contents of the following items of correspondence:

- *Letter dated 24 May 2018 from The Hon. John Barilaro, MP, Deputy Premier, and The Hon. Gabrielle Upton, MP, Minister for Local Government advising of the establishment of the New England Joint Organisation;*
- *Letter dated 31 May 2018 from the Office of Local Government giving formal approval for Mr Hein Basson to fulfil the role of Returning Officer at the first New England Joint Organisation meeting.*

7 URGENT MATTERS