



Office of  
Local Government

# SUPPORTING JOINT ORGANISATION SUCCESS

REGULATION CONSULTATION GUIDE

February 2018



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# Contents

<b>1 INTRODUCTION AND PURPOSE</b>	<b>1</b>
<b>2 PROVIDING FEEDBACK ON THE DRAFT REGULATION</b>	<b>2</b>
<b>3 KEY ASPECTS OF THE DRAFT REGULATION</b>	<b>3</b>
3.1 THE CHARTER	3
3.2 ELECTION OF THE CHAIR	3
3.3 TIED VOTES	3
3.4 ALTERNATES	3
3.5 EXPENSES AND FACILITIES	4
3.6 REMOTE PARTICIPATION AND VOTING	4
3.7 PLANNING AND REPORTING	4
3.8 EXECUTIVE OFFICERS	5
3.9 OTHER STAFF	5
3.10 APPLICATION OF ACT AND REGULATION	5
<b>APPENDICES</b>	<b>6</b>
APPENDIX A	7
APPENDIX B	11
APPENDIX C	16

# 1 Introduction and Purpose

## Joint Organisations (JOs) will officially “open for business” in regional NSW from 1 July 2018.

JOs will transform the way local and state governments work together to plan and deliver the things that matter to regional communities. They will give local councils a seat at the table in planning for important regional infrastructure and investment.

The NSW Government is providing \$3.3 million in seed funding to establish JOs and the Office of Local Government (OLG) will continue to support local councils and JOs during the establishment phase.

A key milestone was to pass [amendments to the Local Government Act 1993](#) (the Act) to allow JOs to be established. The amendments set out the principal functions of JOs and provide the framework for JOs to operate in an effective and accountable way.

The next step is to finalise the regulations that support the Act amendments. This will be delivered via amendments to the Local Government (General) Regulation 2005. A draft of the Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018 (the [Draft Regulation](#)) has been prepared for consultation.

This guide explains the Draft Regulation to enable councils to make informed submissions.

The proposed regulations are minimal, to ensure that JOs can focus on their core business and build organisations that reflect the unique characteristics of their region.

# 2 Providing feedback on the draft regulation

## The NSW Government is inviting feedback on the Draft Regulation.

This Guide explains the key aspects of the Draft Regulation and how they relate to the Act. It also explains how JOs might use these provisions in their day to day operations. The Government is inviting council feedback on the Draft Regulation and some key questions.

Councils are invited to provide feedback on the draft regulation to support JOs by **5pm on Friday 16 March 2018**.

A list of focus questions is included in **Appendix A** to assist in preparing submissions. Submissions may be made using an online feedback form. Go to [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) and follow the link to the JO webpage.

Alternatively, submissions can be made by printing the form at Appendix A and scanning and emailing to [jointorganisations@olg.nsw.gov.au](mailto:jointorganisations@olg.nsw.gov.au) or mailing to:

**Office of Local Government**

**Joint Organisation Regulation Consultation**

**Locked Bag 3015**

**Nowra NSW 2541**

OLG staff are available to speak to councils to answer any queries they may have in relation to the proposed regulations on (02) 4428 4100.

# 3 Key aspects of the Draft Regulation

## 3.1 The Charter

The Charter will be unique to each JO. It outlines how the JO will operate.

### What the Act requires

The Act (section 400U(3)) requires each JO to prepare and adopt a Charter that contains, but is not limited to, the following:

- Operational principles for the JO
- Governance principles for the JO.

### What is proposed in the Draft Regulation

The Draft Regulation proposes to require JO's Charters to include a methodology for determining annual financial contributions to the JO by member councils to ensure transparency (clause 397B(1) of the Draft Regulation). It will be up to each individual JO to develop its own methodology.

The Draft Regulation also proposes requiring that each JO makes its Charter available to the public by publishing it on its website (clause 397B(2)).

## 3.2 Election of the Chair

The JO Chairperson will play an important leadership role in representing the region and ensuring the efficient conduct of JO business. Councils have made it clear that they want the Chairperson to be a serving Mayor, chosen from amongst the voting members.

### What the Act requires

The Act (sections 400T and 400V) prescribes that the Chairperson:

- is elected by the mayors who are voting representatives on the Board
- preside at meetings of the Board
- does not have a casting vote, and
- holds office for a term of 2 years.

The Act also allows each JO to decide whether or not it would like to have an independent, non-voting Chairperson to facilitate decision-making. Where this is the case the following will apply:

- the non-voting chair must still be the Mayor of a member council
- the Deputy Mayor of that council will be appointed to vote on their behalf as a member of the Board
- where there is no Deputy Mayor (or the Deputy is already a voting member), another councillor may be appointed to vote.

### What is proposed in the Draft Regulation

The Draft Regulation proposes a process for electing the JO Chairperson that is similar to the way that the chair of a county council is currently chosen. In essence, it requires that:

- a Chairperson must be elected at the first meeting of the Board, at the first meeting after each two year term expires, or any time the position becomes vacant;
- the Executive Officer will usually be the election returning officer;
- the election can be either by open vote, ordinary ballot or preferential ballot; and
- where the vote is tied, the Chairperson can be chosen by lot.

For more details of the process see Schedule 7A of the Draft Regulation.

## 3.3 Tied votes

Member councils of JOs have equal voting rights on the Board as an equal partnership is fundamental to the success of JOs.

### What the Act requires

Section 400T (10) of the Act provides that the regulations may prescribe a mechanism for resolving decisions of a board in the event of an equality of votes.

### What is proposed in the draft Regulation

The Draft Regulation (clause 397D) clarifies that, in the event of an equality of votes, a motion at a JO Board meeting is taken to be defeated.

## 3.4 Alternates

There will be circumstances where the Mayor is not able to attend a JO meeting, for example due to illness or leave, so it is important to provide a process for appointing an alternate representative.

### What the Act requires

The Act (section 400W) allows the regulations to make provisions about the appointment and functions of alternates for voting representatives on the JO Board.

### What is proposed in the Draft Regulation

The Draft Regulation (clause 397E) proposes that the Deputy Mayor of a member council is to be the standing alternate for the Mayor. If there is no Deputy Mayor, or if the Deputy Mayor is already a voting member of the JO, the member council is to appoint another councillor as alternate for a 2 year period (or any other period that they see fit). The alternate has all the functions of the JO representative when acting in their place on the Board and is legally taken to be a representative.

## 3.5 Expenses and facilities

Like a council, a JO will be required to have an expenses and facilities policy and JOs will only be able to reimburse expenses in accordance with that policy.

### What the Act requires

The Act (Schedule 6, item 17B) allows for regulations to be made about matters including travel and other expenses payable to board representatives.

### What is proposed in the draft Regulation

The Draft Regulation (clause 397J) proposes to apply section 252 of the Act to JOs. This will require JOs to adopt an expenses and facilities policy within 12 months of being established and require reimbursement to be in accordance with that policy. JOs would be required to consult their member councils in developing this policy.

## 3.6 Remote participation and voting

JOs may cover very large geographic areas and it may not be practical for voting representatives to attend every meeting in person. Board members are to be enabled to attend and vote at Board meetings remotely - either by telephone or videoconferencing. This and other key differences in JO meeting practices are proposed to be reflected in a Model Code of Meeting Practice.

### What the Act requires

Schedule 6 Regulations (Item 17B) of the Act provides for various regulations to be made in relation to JOs and lists examples that include remote voting and remote participation in a meeting.

### What is proposed in the Draft Regulation

The Draft Regulation (clause 397F) provides that the Board of a JO may transact any business at a meeting in which representatives participate by telephone or other electronic means, as long as the representative speaking can be heard by the other representatives.

## 3.7 Planning and Reporting

Planning and reporting requirements for JOs are proposed to be minimal, fit for purpose and aligned to Integrated Planning and Reporting (IP&R) requirements for councils.

### What the Act requires

The Act says that a principal function for JOs is to establish strategic regional priorities for the local government areas covered by the JO, and to develop plans to deliver those priorities (see section 400R of the Act). The Act requires the relevant strategic priorities or plans of member councils (including Community Strategic Plans) and those of the NSW Government are considered by a JO in establishing its strategic regional priorities.

The Act (section 413(1)) also requires each JO to prepare financial reports for each year, and refer them for audit as soon as practicable after the end of that year.

### What is proposed in the Draft Regulation

Three key planning and reporting requirements are proposed in the Draft Regulation:

1. a Statement of Strategic Regional Priorities;
2. an Annual Performance Statement - reporting on progress in implementing its priorities; and
3. financial reports.

### Statement of Strategic Regional Priorities

It is proposed in the Draft Regulation (clause 397G) that each JO will have a succinct Statement of Strategic Regional Priorities (SSRP) outlining the JO's vision for its region and how it plans to work with others towards achieving that vision. This builds on, rather than duplicates, the planning work of councils in their Community Strategic Plans and provides important connections between local and regional planning.

The Draft Regulation proposes the JO Board prepare and adopt the SSRP following the adoption by councils of their Community Strategic Plans so that the JO can take these into account. A JO must consult with member councils about the content of the proposed SSRP.

To assist JOs in their first year, it is proposed that the first SSRP be prepared and adopted by the end of 2018 or six months after the date JOs officially commence (whichever is later)(clause 397G(3) of the Draft Regulation). After this, JOs must prepare and adopt a SSRP within 12 months of the local government general elections (i.e. generally every 4 years).

### Annual Performance Statement

It is also proposed that each JO produce a succinct Annual Performance Statement (APS) (clause 397H of the Draft Regulation) each year to show how the JO has progressed against its strategic priorities and plans. APS documents are to be prepared for each financial year and adopted and published before 30 November each year. JOs may, but need not, prepare an Annual Performance Statement for the first year they are established (clause 397H(3) of the Draft Regulation).

### Financial Reports

To assist JOs in their first year of operations, the Draft Regulation allows JOs to wait until after their first full year of operations to prepare their first financial report (clause 397K).

## 3.8 Executive Officers

It will be up to each JO to determine whether to engage a full-time person in the Executive Officer role, the level of remuneration to be offered and the performance-based requirements to be applied.

### What the Act requires

The Act (section 400Y) provides for the role of the Executive Officer. The role has responsibility for the day-to-day management of the JO in accordance with the strategic regional priorities and other plans, programs, strategies and policies of the organisation, and, to implement, without delay, lawful decisions of the JO.

### What is proposed in the Draft Regulation

The Draft Regulation (clause 397L) assists JOs through their first year of operations by providing that the standard provisions to advertise the Executive Officer position and make an appointment on merit are suspended for 12 months. This will allow JOs to make an interim appointment of the Executive Officer, should they choose to do so, to enable a smooth start-up process. After this period, the JO must advertise the position and make an appointment on merit.

## 3.9 Other Staff

While JOs are not required to have any staff other than the Executive Officer, some may wish to do so, particularly where they have agreed to take on other functions delegated by member councils.

Once each JO is proclaimed, the NSW Government will seek the support of the Commonwealth Government to order that each specific JO is not a national system employer. This will ensure that future staff are covered by the State industrial relations system.

### What the Act requires

The Act (section 400ZG) says that staff, other than the Executive Officer, may only be appointed by a JO if the entity is not a national system employer for the purposes of the Fair Work Act 2009 (Cth).

### What is proposed in the Draft regulation

The Draft Regulation (clause 397M) proposes to allow for the transfer of staff between JOs or between a JO and a council (including a county council) without loss of entitlements. This would maintain any long service and sick leave accrued under the Local Government (State) Award.

Importantly, this will rely on the Award containing the relevant provisions and does not affect any leave entitlement of a senior staff member of a council under his or her employment contract.

The draft regulation (clause 397M(2)) also proposes to modify how clauses 406C and 406D of the Local Government (General) Regulation 2005 apply to JO staff. This essentially extends the effect of those provisions, which deal with the transfer of entitlements of senior staff, to senior staff of a JO whose employment is transferred by Proclamation.

Further, it is proposed (clause 397M (3)) to enable lateral transfers of staff that are not senior staff in connection with any transfer of functions to, or from, a JO and a council. This extends the effect of section 354G of the Act to staff in these circumstances, so that:

- lateral transfer of staff can occur through an internal process in which staff have the opportunity to apply, but external advertising of position/s is not required;
- preference is then given to employees performing substantially the same duties; and
- if there is more than one employee performing substantially the same duties, the employee with the greatest merit must be given preference in the filling of available positions.

## 3.10 Application of Act and Regulation

JOs are part of the system of local government in NSW so it is important that they share the same legislative framework as local councils.

Many of the provisions of the Local Government Act 1993 will also apply to JOs – for example the requirement for JO Board representatives to comply with the Code of Conduct. Some provisions do not apply – for example the capacity to raise rates will remain with local councils and not be applied to JOs.

Where a JO is delegated a function by its member councils, dis-applied provisions will apply to the JO in carrying out those functions as delegate of the councils.

**Appendix B and C provide further details on these provisions.**



# Appendices

**Appendix A** - Feedback form and questions

**Appendix B** - The Local Government Act - What applies and does not apply to JOs

**Appendix C** - The Local Government (General) Regulation - What applies and does not apply to JOs.

# Appendix A – Feedback Form

## Below is a copy of the online feedback form containing questions about the regulation of Joint Organisations (JOs)

Submissions can be made online by 5pm on Friday 16 March 2018. To complete the submission go to [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) and follow the link to the Joint Organisations webpage.

For further information please contact the Joint Organisations Team in the Office of Local Government on **02 4428 4100**, via email to

[jointorganisations@olg.nsw.gov.au](mailto:jointorganisations@olg.nsw.gov.au), or

**Office of Local Government**

**Levels 1 & 2**

**5 O’Keefe Avenue**

**Locked Bag 3015**

**NOWRA NSW 2541**

## Privacy Notice

When you give us your feedback, the Office of Local Government (OLG) will be collecting some personal information about you, in particular:

- your name
- your email address
- the name of your organisation (if provided)
- any personal information you decide to put in the additional comments fields.

All feedback received may be made publicly available. Please do not include any personal information in your feedback that you do not want published.

This information is being collected by OLG to help the Government develop the regulations to support the establishment of Joint Organisations. As part of that process, we may need to share your information with people outside OLG, including other public authorities and government agencies. We may also use your email contact details to send you notifications about further feedback opportunities or the outcome of consultation.

There may also be circumstances when OLG is required by law to release information (for example, in accordance with the requirements of the Government Information (Public Access) Act 2009. There is also a privacy policy located on the OLG website that explains how some data is automatically collected (such as your internet protocol (IP) address) whenever you visit the OLG’s website. The link to that policy is <http://www.olg.nsw.gov.au/privacy>

## General Information

**Name:**

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**Position:**

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**Organisation Name:**

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**Organisation category (please tick applicable box below):**

- Council
- ROC/Pilot JO
- Peak industry body
- State agency

**Other**

If ‘Other’, please specify:

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**Postal or email address:**

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# Appendix A – Feedback Form



## Feedback Questions

Question	Support
<b>The Charter - Section 3.1</b>	
Are the proposed provisions for the Charter appropriate?	Yes No In-part

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What improvements could be made, if any?	Comment
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## Election of the Chair - Section 3.2

Are the proposed provisions setting out how a Chair may be elected appropriate?	Yes No In-part
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What improvements could be made, if any?	Comment
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## Alternates - Section 3.4

Are the proposed provisions for the appointment of alternates appropriate?	Yes No In-part
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What improvements could be made, if any?	Comment
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## Expenses and Facilities - Section 3.5

Are the proposed provisions on expenses and facilities appropriate?	Yes No In-part
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What improvements could be made, if any?	Comment
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# Appendix A – Feedback Form

## Feedback Questions

Question	Support
<b>Remote participation and voting - Section 3.6</b>	
Are the proposed provisions about remote voting appropriate?	Yes No In-part

What improvements could be made, if any?	Comment
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## Planning and reporting - Section 3.7

Are the proposed provisions for planning and reporting appropriate?	Yes No In-part
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What improvements could be made, if any?	Comment
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## Executive Officers - Section 3.8

Are the proposed provisions allowing JOs to appoint their first Executive Officer without needing to advertise or undertake merit-based selection for a period of up to 12 months appropriate?	Yes No In-part
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What improvements could be made to the provisions for appointing Executive Officers, if any?	Comment
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## Other staff - Section 3.9

Are the proposed provisions enabling the lateral transfer of staff between councils and JOs to support the local government workforce appropriate?	Yes No In-part
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What improvements could be made to the provisions for staff transfers, if any?	Comment
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# Appendix A – Feedback Form



## Feedback Questions

Question	Support
<b>Application of Act and Regulation - Section 3.10</b>	
Is the proposed application of the Local Government Act and regulations to JOs appropriate?	Yes No In-part
What improvements could be made, if any?	Comment

## Other comments

What other comments do you have about the proposed regulations to support JOs? Comment

# Appendix B – Local Government Act and JOs – What applies and does not apply

*Note: The table below provides an indication only, please seek your own legal advice. Please also note the effect of section 400ZH(4) of the Local Government Act in relation to excluded provisions which may apply in certain circumstances*

Reference	Subject/s	Application
<b>Chapter 1</b>	<b>Preliminary</b> <ul style="list-style-type: none"> <li>• Application to Crown</li> <li>• Geographical application</li> </ul>	Yes
<b>Chapter 2</b>	<b>Purposes of the Act</b>	Yes
<b>Chapter 3</b>	<b>Principles for Local Government</b> <ul style="list-style-type: none"> <li>• Object of principles</li> <li>• Guiding principles</li> <li>• Financial management</li> <li>• IP&amp;R principles</li> </ul>	No
<b>Chapter 4 Part 1</b>	<b>How the community can influence what council does</b> <ul style="list-style-type: none"> <li>• Open meetings</li> <li>• Guidelines from Departmental Chief Executive</li> </ul>	Yes
<b>Chapter 4 Part 3</b>	<b>How the community can influence what council does</b> <ul style="list-style-type: none"> <li>• Expressions of Community Opinion – council polls and referenda</li> </ul>	No
<b>Chapter 5</b>	<b>What are council's functions</b> <ul style="list-style-type: none"> <li>• Functions under this Act</li> <li>• Other functions</li> <li>• Supplementary, incidental and consequential functions</li> <li>• DCE Guidelines</li> </ul>	Yes
<b>Chapter 6 except for Part 3</b>	<b>Service functions of councils</b> <ul style="list-style-type: none"> <li>• General (provision of goods, services, facilities etc)</li> <li>• Public land</li> <li>• Environmental Upgrade Agreements</li> </ul> <p><i>Note: Part 2A Minister for Environment portfolio</i></p>	No
<b>Chapter 6 Part 3</b>	<b>Service functions of councils</b> <ul style="list-style-type: none"> <li>• Restraints and qualifications that apply to service functions including: <ul style="list-style-type: none"> <li>- Tendering</li> <li>- Extension of requirements to council related entities</li> <li>- Water supply, sewerage and stormwater drainage works and facilities</li> <li>- Private works</li> </ul> </li> </ul>	Yes

# Appendix B – Local Government Act and JOs – What applies and does not apply

Reference	Subject/s	Application
<b>Chapter 7</b>	<b>Regulatory functions</b> <ul style="list-style-type: none"> <li>• Activities that require approval</li> <li>• Crown activities</li> <li>• Making and determining applications for approval</li> <li>• Approvals for filming</li> <li>• Accreditation of components, processes and designs</li> <li>• Orders and Local Policies</li> <li>• Appeals</li> </ul>	No
<b>Chapter 8</b>	<b>Ancillary council functions</b> <ul style="list-style-type: none"> <li>• Acquisition of land (clause 397N of the Regulation)</li> </ul>	No
<b>Part 1</b>		
<b>Chapter 8</b>	<b>Ancillary council functions</b> <ul style="list-style-type: none"> <li>• Entry onto land and other powers</li> </ul>	Yes
<b>Part 2</b>		
<b>Chapter 9 - section 252 (except for 252(2))</b>	<b>How councils are established</b> <ul style="list-style-type: none"> <li>• Fees, expenses and facilities</li> </ul>	Yes
<b>Chapter 9 except for section 252</b>	<b>How councils are established</b> <ul style="list-style-type: none"> <li>• Areas - constitution and dissolution, amalgamation and alteration of boundaries</li> <li>• Councils - constitution, the mayor, councillors, Local Government Remuneration Tribunal</li> <li>• Local Government Boundaries Commission</li> </ul>	No
<b>Chapter 10</b>	<b>How people are elected to civic office</b> <ul style="list-style-type: none"> <li>• Who may vote and who may be elected</li> <li>• System and timing of elections</li> <li>• Filling of casual vacancies</li> <li>• How elections are conducted</li> <li>• Postponement of elections</li> <li>• Political parties and political donations</li> <li>• Dismissal from civic office</li> </ul>	No
<b>Chapter 11 - sections 335 and 342</b>	<b>How councils are staffed</b> <ul style="list-style-type: none"> <li>• Functions of General Manager</li> <li>• Appointment of Public Officer</li> </ul>	No
<b>Chapter 11 - sections 348(1) and (2) and 349</b>	<b>Advertising and merit appointments for first executive officers</b> <ul style="list-style-type: none"> <li>• A JO may choose not to comply with these provisions in appointing the first executive officer, if the appointment is for less than 12 months. Otherwise the provisions do apply.</li> </ul>	Modified

# Appendix B – Local Government Act and JOs – What applies and does not apply

Reference	Subject/s	Application
<b>Chapter 11 – section 354G</b>	<b>Staff transfers</b> <ul style="list-style-type: none"> <li>The application of section 354G is expanded so that it applies to transfers of staff between JOs and councils or county councils.</li> </ul>	Modified
<b>Chapter 11 (except for 335 and 342)</b>	<b>How councils are staffed</b> <ul style="list-style-type: none"> <li>Organisation structure</li> <li>General Manager and other senior staff* (except s.335 - functions of GM)</li> <li>The public officer – functions. While section 342 does not apply to enable appointment, note section 400Y which allows an executive officer to designate another member of staff (if there is any) as public officer</li> <li>Equal Employment Opportunity</li> <li>Other provisions about staffing (including merit, advertising, temporary appointments, restrictions etc)</li> <li>Arrangements for staff affected by amalgamations etc</li> </ul>	Yes
<b>Chapter 12 –sections 355, 365, 370, 371, 375A, 377-380 and Part 5</b>	<b>How councils operate</b> <ul style="list-style-type: none"> <li>How councils exercise functions</li> <li>How often councils meet</li> <li>Voting entitlements of councillors</li> <li>What constitutes a council decision</li> <li>Recording votes on planning matters</li> <li>Delegations <ul style="list-style-type: none"> <li>General power of council to delegate</li> <li>Delegations by the GM</li> <li>Delegations of regulatory functions</li> <li>Review of delegations</li> </ul> </li> <li>County councils</li> </ul>	No
<b>Chapter 12 (except for sections 355, 365, 370 371, 375A, 377-380 and Part 5</b>	<b>How councils operate</b> <ul style="list-style-type: none"> <li>Financial assistance to other councils</li> <li>Exercise of functions outside council areas</li> <li>Restrictions on forming corporations and other entities</li> <li>Councils acting as agents</li> <li>Decision making – Code of Meeting Practice</li> <li>Other council meeting requirements except <ul style="list-style-type: none"> <li>How often council meets</li> <li>Voting entitlement of councillors</li> <li>What constitutes a council decision</li> <li>Recording votes on planning matters</li> </ul> </li> <li>Delegation of functions – ONLY: <ul style="list-style-type: none"> <li>Exercise of functions conferred or imposed on council employees under other Acts</li> </ul> </li> <li>Insurance against liability</li> <li>Public private partnerships</li> </ul>	Yes



# Appendix B – Local Government Act and JOs – What applies and does not apply

Reference	Subject/s	Application
<b>Chapter 13 – Parts 2 &amp; 4, s.438T, 438ZA and 438ZB</b>	<b>How councils are accountable for their actions</b> <ul style="list-style-type: none"> <li>Strategic planning</li> <li>Annual reports</li> <li>No amalgamations or alterations to area during temporary suspension of council</li> </ul>	No
<b>Chapter 13 – section 406</b>	<b>Statement of strategic regional priorities</b> <ul style="list-style-type: none"> <li>Section 406 applies so that a reference in the section to a community strategic plan is to be read as a statement of strategic regional priorities.</li> </ul>	Modified
<b>Chapter 13 Part 3</b>	<b>First annual report</b> <ul style="list-style-type: none"> <li>The first annual report for a JO is to be prepared for the period that ends at the expiry of the first full year after the JO is established.</li> </ul>	Modified
<b>Chapter 13 (except for Parts 2 &amp; 4, sections 406, 438T, 438ZA and 438ZB)</b>	<b>How councils are accountable for their actions</b> <ul style="list-style-type: none"> <li>Financial management – including funds, accounting records and auditing, other audit functions, auditors</li> <li>Inquiries, reviews and surcharging</li> <li>Performance management – including PIOs, temporary advisers and financial controllers</li> <li>Temporary suspension of council except: <ul style="list-style-type: none"> <li>s.438T - No amalgamations or alterations to area</li> </ul> </li> <li>Public inquiries <ul style="list-style-type: none"> <li>s.438ZA - Ordinary election during suspension period</li> <li>s.438ZB - Election of Mayor during suspension period</li> </ul> </li> <li>Service of ministerial and departmental documents</li> </ul>	Yes
<b>Chapter 14</b>	<b>Honesty and disclosure of interests</b> <ul style="list-style-type: none"> <li>Conduct</li> <li>Serious corrupt conduct</li> <li>Misconduct</li> <li>Duties of disclosure, written returns and meetings</li> <li>Complaints about non-disclosure, investigations and NCAT proceedings</li> <li>Miscellaneous – acts of disorder, recovery of monetary benefits</li> </ul>	Yes
<b>Chapter 15 – Parts 10, 12 and 13 and section 620</b>	<b>How councils are financed</b> <ul style="list-style-type: none"> <li>Council fees for services and activities, certain annual charges</li> <li>Loans and restrictions</li> <li>Investments</li> <li>Minister's grants</li> </ul>	Yes
<b>Chapter 15 (except for Parts 10, 12 and 13 and section 620)</b>	<b>How councils are financed</b> <ul style="list-style-type: none"> <li>Limit of annual income from rates and charges</li> <li>Ordinary rates, charges</li> <li>Making and levying of rates and charges</li> <li>Rateable land</li> <li>Payment of rates and charges, concessions</li> <li>Miscellaneous – records, certificates, expenses, coastal protection service charges, writing off rates, charges, accrued interest</li> <li>Grants [Local Government Grants Commission]</li> </ul>	No

# Appendix B – Local Government Act and JOs – What applies and does not apply

Reference	Subject/s	Application
<b>Chapter 16</b>	<b>Offences</b> <ul style="list-style-type: none"> <li>• Failure re approvals and orders</li> <li>• Public places</li> <li>• Water, sewerage and stormwater drainage</li> <li>• Street drinking</li> <li>• Parking, immobilisation and detention of vehicles                             <ul style="list-style-type: none"> <li>– Acting in civic office while disqualified</li> </ul> </li> <li>• Miscellaneous e.g. obstruction, wilful destruction</li> </ul>	Yes
<b>Chapter 17 – Part 2 Divisions 4 and 5</b>	<b>Enforcement</b> <ul style="list-style-type: none"> <li>• Proceedings by the council or its employees for the recovery of rates and charges through legal action</li> <li>• Sale of land for unpaid rates and charges (proposed by draft regulation)</li> </ul>	No
<b>Chapter 17 (except for Part 2 Divisions 4 and 5)</b>	<b>Enforcement</b> <ul style="list-style-type: none"> <li>• Legal proceedings and other remedies</li> <li>• Proceedings by the council or its employees except:                             <ul style="list-style-type: none"> <li>• Division 4 - for the recovery of rates and charges</li> </ul> </li> <li>• Proceedings against councils, councillors and staff including liability and exemptions</li> <li>• Miscellaneous except s.736(2) below.</li> </ul>	Yes
<b>Chapter 18 - Section 736(2)</b>	<b>Miscellaneous</b> <ul style="list-style-type: none"> <li>• Proclamations</li> </ul>	No
<b>Chapter 18 (except for Section 736(2))</b>	<b>Miscellaneous</b> <ul style="list-style-type: none"> <li>• General – public hearings, preliminary inquiries, proclamations (except s.736(2)) privacy, correcting errors, notice, record keeping dispute resolution, property in waste, DCE and Ministerial delegation of functions, authorised officers, review of Act</li> <li>• Regulations</li> <li>• Savings transitional and other provisions</li> </ul>	Yes
<b>Schedules 1-5</b>	<ul style="list-style-type: none"> <li>• Local Government Remuneration Tribunal</li> <li>• Boundaries Commission</li> <li>• Project Review Committees (PPPs)</li> <li>• Local Government Grants Commission</li> </ul>	No
<b>Schedules 6-9</b>	<ul style="list-style-type: none"> <li>• Regulations</li> <li>• Code of Conduct</li> <li>• Savings, transitional and consequential provisions – this Act and other Acts</li> <li>• Special provisions for winding up of Cudgegong County Council</li> </ul>	Yes
<b>Dictionary</b>	<b>All terms</b>	Yes

# Appendix C – The Local Government (General) Regulation 2005 – What applies and does not apply to JOs

Clause references		Subject of clauses	Applies?
<b>Part 1</b>	<b>all</b>	<b>Preliminary</b>	Yes
<b>Part 2</b>	<b>all</b>	<b>Approvals</b>	No
<b>Part 3</b>	<b>all</b>	<b>Orders</b>	No
<b>Part 4</b>	<b>all</b>	<b>Community Land</b>	No
<b>Part 5</b>	<b>all</b>	<b>Rates and charges</b>	No
<b>Part 5A</b>	<b>all</b>	<b>Environmental upgrade agreements</b>	No
<b>Part 6</b>	<b>all</b>	<b>Water services</b>	Yes
<b>Part 7</b>	<b>all</b>	<b>Tendering</b>	Yes
<b>Part 8</b>	<b>all</b>	<b>Honesty and disclosure of interests</b>	Yes
<b>Part 9</b>	<b>clause 201, 217 – 219</b>	<b>Management and accountability</b> <ul style="list-style-type: none"> <li>• Annual statement of council's revenue policy</li> <li>• Additional matters for annual reports</li> <li>• County councils</li> </ul>	No
<b>Part 9</b>	<b>remainder</b>	<b>Management and accountability</b> <ul style="list-style-type: none"> <li>• Budgeting by councils including system for budget control and budget review statements/revision of estimates except annual statement of council's revenue policy</li> <li>• Council's funds</li> <li>• Accounting records and accounting practices</li> <li>• Annual financial reports</li> <li>• Auditor's matters</li> <li>• Half yearly inspection</li> <li>• Loans to council to be charge on income</li> <li>• General manager to notify borrowings</li> </ul>	Yes
<b>Part 10</b>	<b>clause 235 and 236</b>	<b>Meetings</b> <ul style="list-style-type: none"> <li>• Remote attendance at meetings prohibited</li> <li>• Councillor elected to preside at certain meetings</li> </ul>	No
<b>Part 10</b>	<b>remainder</b>	<b>Meetings</b> <ul style="list-style-type: none"> <li>• Definition of "councillor" will be amended to include a voting representative of a non-voting chairperson of a JO Board, so the Part will apply to them in the same way as to a councillor.</li> <li>• Convening of, and attendance at, meetings</li> <li>• Procedure for the conduct of council meetings – except councillor to be elected to preside at certain meetings – including: Chair to have precedence, Order of business, agendas, meeting papers, extraordinary meetings, motions, official minutes, speeches, voting, meetings are public</li> <li>• Keeping order at meetings</li> <li>• Council committees</li> <li>• Miscellaneous including inspection of minutes, tape recording requires permission</li> </ul>	Yes
<b>Part 11</b>	<b>all</b>	<b>Elections</b>	No

# Appendix C – The Local Government (General) Regulation 2005 – What applies and does not apply to JOs

Clause references		Subject of clauses	Applies?
<b>Part 12</b>	<b>all</b>	<b>Penalty notices</b>	Yes
<b>Part 13</b>	<b>division 3, 6 and 11, and clause 404</b>	<b>Miscellaneous</b> <ul style="list-style-type: none"> <li>• Surveys and polls relating to council amalgamations or boundary changes</li> <li>• Payments to councillors</li> <li>• Winding up of Cudgegong (Abattoir) County Council</li> <li>• Functions of general manager</li> </ul>	No
<b>Part 13</b>	<b>Clauses 406A, 406C and 406D</b>	<b>Transfer of staff</b> <ul style="list-style-type: none"> <li>• The relevant provisions concerning staff transfers apply to transfers from JO to JO, JO to councils and councils to JOs.</li> </ul>	Modified
<b>Part 13</b>	<b>remainder</b>	<b>Miscellaneous</b> <ul style="list-style-type: none"> <li>• Council seal</li> <li>• Compulsory acquisition for resale (section 188)</li> <li>• Council staffing matters</li> <li>• Certain exclusions</li> <li>• Bathing control notices (section 633)</li> <li>• Disclosure and misuse of information</li> <li>• Application of certain penalties</li> <li>• Standards of coastal protection services</li> <li>• Performance management criteria and suspension criteria</li> </ul>	Yes
<b>Part 14</b>	<b>all</b>	<b>Savings and transitional provisions</b>	No
<b>Sch. 1-2</b>	<b>all</b>	<b>Standards relating to approvals and enforceable by orders</b>	No
<b>Sch. 3</b>	<b>all</b>	<b>Form of return - disclosure of interest</b>	Yes
<b>Sch. 3A</b>	<b>all</b>	<b>Form of special disclosure of pecuniary interest</b>	Yes
<b>Sch. 4</b>	<b>all</b>	<b>Counting of votes - optional preferential system</b>	No
<b>Sch. 5</b>	<b>all</b>	<b>Counting of votes - proportional system</b>	No
<b>Sch. 7</b>	<b>all</b>	<b>Election of mayor by councillors</b>	No
<b>Sch. 7A</b>	<b>all</b>	<b>Election of chairpersons of joint organisations</b>	Yes
<b>Sch. 8</b>	<b>all</b>	<b>Election of members and chairs - county councils</b>	No
<b>Sch. 10&amp;11</b>	<b>all</b>	<b>Constitutional referendums, council polls, forms</b>	No
<b>Sch. 12</b>	<b>all</b>	<b>Penalty notice offences</b>	Yes

