

LATE ITEMS

MAYORAL MINUTE

34 LATE [MM-CM] Northern Rivers Joint Organisation

SUBMITTED BY: Cr K Milne, Mayor

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Making decisions with you
2.2	Engagement
2.2.4	Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

Councillors

At the Council meeting of 5 April 2018 Council considered joining the Northern Rivers Joint Organisation. Council resolved the following:

1. *In accordance with Part 7 of Chapter 12 of the Local Government Act 1993:*
 - i) *Council informs the Minister for Local Government of Council's endorsement of the Minister recommending to the NSW Governor the establishment of the Northern Rivers Joint Organisation in accordance with this resolution.*
 - ii) *Council approves the inclusion of the Council's area in the Northern Rivers Joint Organisations area.*
 - iii) *The Northern Rivers Joint Organisation be established to cover the Council's area and any one or more of the following council areas:*
 - *Ballina Shire.*
 - *Byron Shire,*
 - *Kyogle,*
 - *Lismore City*
 - *Richmond Valley, and*
 - *Tweed Shire.*

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iv) *Consideration also be given to extending non-voting associate membership to the following organisations:*

- *Rous County Council; and*
- *Gold Coast City Council.*

where matters of interest may have relevance.

v) *On the expiry of a period of 28 days from the making of this resolution, the General Manager provides the Minister for Local Government:*

- a) *with a copy of this resolution including the date on which Council made this resolution, and*
- b) *inform the Minister for Local Government that this resolution has not been rescinded, for the purpose of the Minister for Local Government issuing a certificate under section 400P of the Local Government Act 1993.*

2. a) *Council delegates to the Mayor or any other representative the requirement to seek consensus decision-making to be included in the Charter for the proposed Northern Rivers Joint Organisation.*

b) *The Mayor writes to fellow Northern Rivers Organisation of Councils (NOROC) Mayors, who have resolved for the Joint Organisation, to advise of Council's decision and to seek their commitment to support consensus decision-making within the Charter and that this commitment be provided by 13 April 2018 to enable Tweed Shire Council time to reconsider its decision should consensus decision-making not be supported.*

3. *Council flags its intention of withdrawing as a member of the Northern Rivers Organisation of Councils (NOROC).*

As per the resolution other NOROC Mayors were written to seeking their commitment to support consensus decision making (refer attachment "1"). In addition advice was also provided through the Office of Local Government in relation to consensus or two factor voting where both majority of Councils and majority of population is required to pass a resolution. The advice is included (refer attachment "2"). The following responses were received.

Ballina Shire Council

Further to your email I'm not in a position to provide Council's position by that date as this is a matter I feel the elected Council would need to make a determination on and our next Council meeting is not until Thursday 26 April 2018.

Byron Shire Council

It would be great to push the consensus model as far as possible.

Kyogle Shire Council

In considering the establishment of a Joint Organisation of Councils in the region, Kyogle Council was focused on addressing the matters identified in the nomination form provided by the OLG. As such, Kyogle Council did not consider matters such as the method of voting. Nor did Council consider other such matters that are intended to be covered by the Charter for the JO once it is established, other than noting the requirements of the Local Government Act.

In response to the specific questions asked by Tweed Shire, I am not in a position to provide a position that is supported by a resolution of Council. I can however state that Council would be more than willing to consider any options for inclusion in the Charter for the JO, with the Councils who are members of the JO, once the JO is established.

It would be good for the region if we were all part of the JO. I'm not sure how we reconcile the different perspectives on the voting model though I am sure we can collaboratively work out a way forward.

Lismore City Council

I am concerned about the two factor voting system proposed here as it appears to be an unnecessary layer which doesn't add value to the process. Tweed is involved in RTRL and has never expressed any concerns with the voting process. We are also involved on Rous which has the same system with no issues raised by constituent councils, so I don't see why it would become an issue here either.

Tweed is well within its rights to request these considerations and their involvement, but I don't see a compelling argument here. The analogy of an upper and lower house does not apply, as these are houses of review. They look at the proposals with a fresh eye whereas the proposed voting system really just gives the same people another bite at the cherry so to speak.

To be honest I actually think this suggestion runs counter to the motion that was passed by Tweed, as there is no mention of anything other than support for a consensus model. The proposed voting system appears to run contrary to that amendment, but I will leave that discussion to Tweed.

So will this be proposed at a later date, as it is not currently part of the question to Mayors?

I was also concerned with the legality of proposing something that wasn't part of your JO motion. Where does Tweed stand on that issue?

Richmond Valley Shire Council

I have read with interest the emails regarding the Joint Organisations proposed voting process & contacted Richmond Valley Councillors for their opinion. Along with myself there has been overall support for the voting process outlined in the legislation that Danielle (Mayor Kyogle and President of NOROC) has mentioned in her email. Consensus or the Two Factor Voting Model are not supported.

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From the above a number of councils are willing continue to discuss the merits of alternative voting models at meetings yet to be held. The Joint Organisation will be required to formally consult on the Joint Organisation's Charter before it is adopted.

The NSW Government, led by the Deputy Premier have publically stated that they will be working closely with the Joint Organisations once they are established. Tweed may miss out on opportunities if it is not a member of a Joint Organisation.

Office of Local Government advise that over 90% of councils in regional NSW have resolved to form a Joint Organisation. Only one council outside of the Orana and Far West region has resolved not to join a Joint Organisation.

From discussion with the Office of Local Government it has been confirmed there is no casting vote with the new Joint Organisations therefore four of the six votes are needed for a matter to pass.

Tweed Shire Council likes to work regionally and is of the belief the voting described in the regulations needs to be enhanced.

CONCLUSION

There is no clear consensus view provided by the other Northern Rivers Mayors on supporting a consensus or two factor voting. Therefore Council needs to resolve to affirm its membership as Part 1 of its resolution of 5 April 2018 and delegate to the Mayor to continue to advocate for the preferred voting system as the charter is developed or to rescind its resolution of 5 April 2018 and for the General Manager to advise the Minister and Office of Local Government accordingly.

OPTIONS:

1. Mayor to continue to advocate for the preferred voting system as the charter is developed.
2. That Council rescinds the resolution of 5 April 2018 and advises the Minister of Local Government that due to other Northern Rivers Joint Organisation members being unable to support a consensus or two factor voting model which would require Councils with the majority population such as the Tweed Shire that the Tweed Shire Council elected not to be a member of the new Joint Organisation.

RECOMMENDATION:

That Council determines option 1 or option 2 as outlined in the report in relation to its membership of the Northern Rivers Joint Organisation.

REPORT:

As per above.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Initial establishment funding of the Joint Organisation will be provided by the State Government, with \$3.3 million to be allocated to the Joint Organisations across the state.

Should NOROC be disbanded the assets of that organisation will need to be distributed to the member councils in accordance with the Membership Charter.

c. Legal:

Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018.

d. Communication/Engagement:

Chris Presland – Director of Reform Implementation – Office of Local Government – presented a Workshop to Councillors on Thursday 15 February 2018 and on Thursday 5 April 2018, preceding the Council Meeting.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Letter from Mayor Milne to NOROC Mayors dated 3 April 2018 (ECM 5186052)

Attachment 2. Response from Office of Local Government (ECM 5215984)

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