



New South Wales

Local Government Amendment (Regional Joint Organisations) Bill 2017

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are to amend the *Local Government Act 1993* and other legislation as follows:

- (a) to provide for the constitution of joint organisations of councils (*joint organisations*), if the councils concerned resolve to be included in the joint organisations,
- (b) to provide for the functions and operation of joint organisations,
- (c) to make consequential amendments as a result of the provision for joint organisations.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be proclaimed.

Schedule 1 Amendment of Local Government Act 1993 No 30

Schedule 1 [10] inserts proposed Part 7 of Chapter 12. The proposed Part provides as follows for joint organisations:

- (a) it enables the making of proclamations by the Governor to constitute joint organisations and provides for the area of the joint organisation (a *joint organisation area*) to consist of at least 2 council areas,
- (b) it prohibits a council area from being included in a joint organisation area unless the council has resolved to approve inclusion of the council's area in the joint organisation area,

- (c) a joint organisation established under a proclamation is constituted as a body corporate with the powers of an individual both in and outside the State,
- (d) the principal functions of a joint organisation are to establish strategic regional priorities, provide regional leadership and identify and take up opportunities for inter-governmental co-operation on regional matters,
- (e) joint organisations may also deliver services to or on behalf of councils and provide assistance to councils (including capacity building), subject to any restrictions imposed by the regulations,
- (f) a joint organisation is to make decisions through its board, which will contain voting and non-voting representatives. The voting representatives will be the mayor of each council whose area is included in the joint organisation (a *member council*) as well as one additional representative for each member council if the board determines that additional representatives are to be added,
- (g) the role of the board is to direct and control the affairs of the joint organisation. The board is to prepare and adopt a charter for the joint organisation,
- (h) the chairperson of the joint organisation is to be elected by the voting representatives from the representatives who are mayors and is to hold office for 2 years and may, if the board so determines, be a non-voting chairperson,
- (i) regulations may be made to enable alternates to be appointed for voting representatives and may provide that the alternates may only act for limited periods,
- (j) a voting representative will cease to hold office when he or she ceases to be the mayor or councillor of a member council, resigns, has a nomination revoked or is removed from office by the Minister and will be suspended for any period of suspension as a mayor or councillor,
- (k) a member council may request that the Minister remove the mayor of the council from the board on the ground of exceptional circumstances, with or without the consent of the mayor,
- (l) the role of the executive officer of a joint organisation is to conduct the day-to-day management of the joint organisation and to give effect to lawful decisions of the joint organisation,
- (m) the functions of the joint organisation may be exercised by means of the representatives, by a committee or by other provision or means, jointly with another person or persons or a member council or by a delegate,
- (n) a joint organisation cannot require a member council to delegate a function to it,
- (o) if an administrator is appointed for a member council, the administrator may exercise the functions, and has the same number of votes as, all of the voting representatives of that council,
- (p) the Governor may make proclamations amending the constitution of, or dissolving, a joint organisation,
- (q) provisions enabling savings and transitional provisions to be included in proclamations constituting councils will apply to proclamations made under the proposed Part,
- (r) a function of the joint organisation may be delegated to a committee, the executive officer or any other person or body. The executive officer may sub-delegate the function as well as delegate his or her functions. A joint organisation may also sub-delegate to a committee, the executive officer or any other person or body functions delegated to the joint organisation by the Chief Executive of the Office of Local Government or a member council,
- (s) the regulations will be able to provide for the making of financial contributions by member councils to a joint organisation and this may include making employees available for the purposes of the joint organisation,
- (t) limitations are imposed on the employment of staff pending certain declarations,

- (u) provisions of the *Local Government Act 1993* that apply to councils are applied to joint organisations as if they were councils, subject to specified exclusions. Regulations may also be made to exclude the application of additional provisions and to apply excluded provisions.

Schedule 1 [1] enables proclamations that constitute, dissolve or change a council area to contain transitional provisions that enable changed council areas to be included in or excluded from a joint organisation area. **Schedule 1 [2]** makes a consequential amendment.

Schedule 1 [3] enables a council to exercise its functions jointly with another council or councils by means of a joint organisation.

Schedule 1 [4] enables a council to delegate functions to a joint organisation, but only if the board of the joint organisation approves of the delegation.

Schedule 1 [5] enables a regulatory function of a council to be delegated to a joint organisation.

Schedule 1 [6] requires the board of a joint organisation to approve the delegation to the joint organisation of a regulatory function of a council.

Schedule 1 [7] enables a regulatory function that is delegated to a joint organisation to be delegated or sub-delegated to the executive officer and an employee of the joint organisation.

Schedule 1 [8] requires a county council to take into account the strategic regional priorities and other plans, programs, strategies and policies of a joint organisation, that apply to land within the county council's area of operations or that are relevant to its operational functions, when exercising functions.

Schedule 1 [9] excludes the Part containing provisions applying to the constitution of joint organisations from applying to county councils.

Schedule 1 [12] makes it clear that a provision that does not give rise to or affect legal proceedings retains that protection in circumstances when it is applied by another provision of the Act (for example, to a county council). **Schedule 1 [11]** makes a consequential amendment.

Schedule 1 [13] enables regulations to be made with respect to joint organisations, including with respect to staffing, voting and meeting procedures of the board and governance.

Schedule 1 [14] inserts definitions of *joint organisation*, *joint organisation area* and *member council*.

Schedule 2 Amendment of other Acts

Schedule 2 amends various Acts to apply provisions in those Acts, that already apply to county councils, to joint organisations.



New South Wales

Local Government Amendment (Regional Joint Organisations) Bill 2017

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New South Wales

Local Government Amendment (Regional Joint Organisations) Bill 2017

No. , 2017

A Bill for

An Act to amend the *Local Government Act 1993* with respect to joint organisations of councils; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Local Government Amendment (Regional Joint Organisations) Act 2017*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

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Schedule 1	Amendment of Local Government Act 1993 No 30	1
[1] Section 213 Facilitating provisions of proclamations		2
	Insert “or related joint organisation” after “related county council” in section 213 (1).	3
[2] Section 213 (3)		4
	Omit the subsection. Insert instead:	5
	(3) In this section:	6
	<i>related county council</i> , in relation to an area constituted or dissolved by a proclamation of the Governor, means a county council that has an area of operations that includes the whole or part of the area so constituted or dissolved.	7 8 9 10
	<i>related joint organisation</i> , in relation to an area constituted or dissolved by a proclamation of the Governor, means a joint organisation for a joint organisation area that includes the whole or part of the area so constituted or dissolved.	11 12 13 14
[3] Section 355 How a council may exercise functions		15
	Insert “joint organisation or a” before “Voluntary Regional Organisation of Councils” wherever occurring in section 355 (d) and (e).	16 17
[4] Section 377 General power of the council to delegate		18
	Insert after section 377 (2):	19
	(3) A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.	20 21
[5] Section 379 Delegation of regulatory functions		22
	Insert at the end of section 379 (1) (c):	23
	, or	24
	(d) a joint organisation.	25
[6] Section 379 (2A)		26
	Insert after section 379 (2):	27
	(2A) A council may delegate a regulatory function to a joint organisation only with the approval, by resolution, of the board of the joint organisation.	28 29
[7] Section 379 (3) (c)		30
	Insert at the end of section 379 (3) (b):	31
	, or	32
	(c) a regulatory function is delegated to a joint organisation, the function may be delegated to the executive officer and by the executive officer to an employee of the joint organisation.	33 34 35
[8] Section 394A		36
	Insert after section 394:	37
394A County councils to consider regional strategies		38
	A county council must, when exercising its functions, take into account any strategic regional priorities and other plans, programs, strategies and policies	39 40

of a joint organisation that apply to any relevant part of the county council's area of operations or that are relevant to the county council's operational functions.	1 2 3
[9] Section 400 Application of Act to county councils	4
Insert “, Part 7 of this Chapter” after “section 365” in section 400 (1).	5
[10] Chapter 12, Part 7	6
Insert after Part 6:	7
Part 7 Joint organisations	8
400O Formation of joint organisations	9
(1) The Governor may, by proclamation, establish joint organisations for the purposes of this Act.	10 11
(2) A proclamation under this section must contain the following particulars:	12
(a) the name of the joint organisation,	13
(b) the council areas that are to form the area of the joint organisation (which is to consist of the whole of 2 or more council areas).	14 15
(3) A proclamation under this section may contain transitional provisions to facilitate the establishment and early operation of the joint organisation.	16 17
(4) Each council whose area is within the joint organisation area is a <i>member council</i> of the joint organisation.	18 19
400P Council must approve inclusion of council area in joint organisation area	20
The Minister must not recommend the making of a proclamation under this Part (including an amending proclamation) that includes the area of a council in a joint organisation area unless the Minister certifies that:	21 22 23
(a) not less than 28 days before the certificate was given, the council, by resolution, approved the inclusion of the council's area in the joint organisation area, and	24 25 26
(b) when the certificate was given, the resolution had not been rescinded.	27
400Q Legal status of joint organisations	28
(1) A proclamation establishing a joint organisation operates to constitute the joint organisation as a body corporate.	29 30
(2) A joint organisation as so constituted has the legal capacity and powers of an individual, both in and outside the State.	31 32
Note. While the main functions of joint organisations are provided for under this Part, powers are also conferred on the joint organisation as a statutory corporation under section 50 of the <i>Interpretation Act 1987</i> .	33 34 35
400R Principal functions of joint organisations	36
(1) A joint organisation has the following principal functions:	37
(a) to establish strategic regional priorities for the joint organisation area and to establish strategies and plans for delivering those strategic regional priorities,	38 39 40
(b) to provide regional leadership for the joint organisation area and to be an advocate for strategic regional priorities,	41 42

(c)	to identify and take up opportunities for inter-governmental co-operation on matters relating to the joint organisation area.	1 2
(2)	In establishing strategic regional priorities for the joint organisation area, a joint organisation is to consider any relevant strategic priorities or plans of member councils and the State government.	3 4 5
(3)	A strategic regional priority, or a plan or strategy for delivering a strategic regional priority, established by a joint organisation does not limit the operation of or otherwise affect any regional plan or strategy given effect to under the <i>Environmental Planning and Assessment Act 1979</i> (including any regional plan made under Part 3B of that Act).	6 7 8 9 10
400S	Other functions of joint organisations	11
(1)	A joint organisation may deliver services and provide assistance to or on behalf of councils (including capacity building), as agreed with the councils, and subject to any restrictions imposed by the regulations. Note. Some functions may also be delegated to a joint organisation by a council, see sections 377 and 379.	12 13 14 15 16
(2)	A joint organisation has any other function conferred on the joint organisation by or under this Act or any other law.	17 18
400T	Board of joint organisation	19
(1)	The board of a joint organisation is to consist of:	20
(a)	the mayors of each of the member councils, who are each entitled to 1 vote at a meeting of the board, and	21 22
(b)	any additional voting representatives of the member councils appointed under this section, who are each entitled to 1 vote at a meeting of the board, and	23 24 25
(c)	other non-voting representatives, who may attend but are not entitled to vote at a meeting of the board.	26 27
(2)	The following persons are the non-voting representatives on the board of a joint organisation:	28 29
(a)	an employee of the Public Service nominated by the Secretary of the Department of Premier and Cabinet,	30 31
(b)	any other person invited by the board to be a non-voting representative on the board,	32 33
(c)	any other person, or a member of a class of persons, prescribed by the regulations.	34 35
(3)	The general manager of each member council may attend meetings of the board.	36 37
(4)	The chairperson (or, in the absence of the chairperson, a person elected by the voting representatives who are present at a meeting of the board) is to preside at a meeting of the board.	38 39 40
(5)	The board may, by resolution, determine to expand the voting representatives on the board to include 1 additional representative nominated by each member council.	41 42 43
(6)	Each additional voting representative must be a councillor of the member council. A nomination of a councillor as an additional voting representative may be revoked by the member council at any time without notice and for no stated or any reason.	44 45 46 47

(7)	The quorum for a meeting of the board is a majority of the voting representatives for the time being.	1 2
(8)	A decision of the board supported by a majority at which a quorum is present is a decision of the joint organisation. The chairperson or person presiding at a meeting of the board does not have, in the event of an equality of votes, a second or casting vote.	3 4 5 6
(9)	The board is required to meet at least 4 times each year, each time in a different quarter of the year.	7 8
(10)	The regulations may:	9
	(a) prescribe a mechanism for resolving decisions of a board in the event of an equality of votes, and	10 11
	(b) provide for the operation of the board during a period when councillors or mayors cease to hold office because of pending council elections.	12 13
400U	Role of board	14
(1)	The role of the board of a joint organisation is to direct and control the affairs of the joint organisation in accordance with this Act.	15 16
(2)	The board is to consult with the executive officer in directing and controlling the affairs of the joint organisation.	17 18
(3)	The board is to prepare and adopt a charter for the joint organisation containing (but not limited to) the following:	19 20
	(a) operational principles for the joint organisation,	21
	(b) governance principles for the joint organisation.	22
(4)	A charter may adopt requirements for a joint organisation that are additional or supplementary to, or more stringent than, requirements made by or under this Act but cannot adopt requirements that:	23 24 25
	(a) are less stringent than requirements made by or under this Act, or	26
	(b) are inconsistent with or contravene regulations under this Act relating to charters.	27 28
(5)	The regulations may:	29
	(a) make provision for or with respect to requirements for the form and content of a charter, and	30 31
	(b) require a charter to be made publicly available.	32
400V	Chairperson	33
(1)	The chairperson of a joint organisation is the person elected to the office of chairperson by the voting representatives on the board from among the voting representatives who are mayors.	34 35 36
(2)	The chairperson holds office for 2 years and may, if otherwise qualified, be re-elected as chairperson.	37 38
(3)	The office of chairperson:	39
	(a) commences on the day the person elected to the office is declared to be so elected, and	40 41
	(b) becomes vacant when the person's successor is declared to be elected to the office, or on the occurrence of a casual vacancy in the office.	42 43
	Note. Section 400X (1) sets out when a casual vacancy occurs.	44

(4)	The joint organisation may determine that the chairperson is to be a non-voting chairperson and, if that occurs, the relevant member council is to nominate a councillor to be the voting representative for the council concerned instead of the person appointed as a non-voting chairperson for the period for which the chairperson holds office.	1 2 3 4 5
(5)	The councillor nominated is to be the deputy mayor of the relevant member council or another councillor if there is no deputy mayor or if the deputy mayor is already a voting representative.	6 7 8
400W	Alternates for voting representatives	9
(1)	The regulations may make provision for or with respect to the appointment, and functions, of alternates for voting representatives on the boards of joint organisations.	10 11 12
(2)	The regulations may impose limitations on the use and appointment of alternates.	13 14
400X	Vacancy in office of representatives or non-voting chairperson	15
(1)	A voting representative on or a non-voting chairperson of a joint organisation ceases to hold office as a voting representative or chairperson if the person:	16 17
(a)	ceases to be the mayor or a councillor of a member council, or	18
(b)	is a voting representative (other than a mayor) and resigns the office by writing addressed to the chairperson, or	19 20
(c)	is a voting representative (other than a mayor) and the person's nomination as a voting representative is revoked, or	21 22
(d)	is removed from office by the Minister.	23
	Note. See section 275 for the circumstances in which a person is disqualified from holding civic office.	24 25
(2)	A voting representative who is suspended from office as a mayor or councillor of a member council (other than as a result of the suspension of a council and the appointment of an administrator) is suspended from office as a voting representative for the duration of the suspension.	26 27 28 29
(3)	A member council may make a written request to the Minister that the mayor of the council be removed by the Minister as a voting representative on the board of a joint organisation on the ground of exceptional circumstances. The request may, but need not, be supported by the mayor.	30 31 32 33
(4)	The Minister may remove a person from office as a voting representative on the board of a joint organisation at any time without notice and for no stated or any reason.	34 35 36
(5)	However, the Minister must provide a written statement setting out the reasons for any such removal and make those reasons publicly available.	37 38
(6)	If a person ceases to be a voting representative on the board of a joint organisation because the person is removed from office under this section, the relevant member council must appoint a councillor of the council to be a voting representative instead of the former representative for the remainder of the former representative's term of office.	39 40 41 42 43
400Y	Executive officer	44
(1)	The executive officer of a joint organisation is:	45

(a)	to 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, and	1 2 3
(b)	to implement, without delay, lawful decisions of the joint organisation.	4
(2)	The executive officer may also, if the joint organisation determines an organisation structure requiring other staff:	5 6
(a)	appoint staff in accordance with the organisation structure and the resources approved by the joint organisation, and	7 8
(b)	direct and dismiss staff.	9
(3)	The executive officer is to be the public officer of the joint organisation or is to designate another member of staff as the public officer.	10 11
400Z	Exercise of functions	12
	A function of a joint organisation may, subject to this Part, be exercised:	13
(a)	by the joint organisation by means of the voting representatives or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or	14 15 16 17
(b)	by a committee of the board, or	18
(c)	partly or jointly by the joint organisation and another person or persons, or	19 20
(d)	jointly by the joint organisation and a member council or councils or another joint organisation, or	21 22
(e)	by a delegate of the joint organisation (which may, for example, be a member council or a committee of the board).	23 24
400ZA	Decisions and powers of joint organisations	25
(1)	A council cannot be required, by a decision of a joint organisation, to delegate any of its functions to the joint organisation.	26 27
(2)	A decision made, in good faith, by a voting representative on the board of a joint organisation is taken for the purposes of provisions of this Act relating to the functions and conduct of councillors not to have been taken by the representative in his or her capacity as the mayor or a councillor of a council.	28 29 30 31
400ZB	Effect of appointment of administrator for member council	32
(1)	If an administrator is appointed for a member council, the administrator who exercises the functions of the mayor of the council has:	33 34
(a)	the functions of the mayor of a member council under this Part, including the functions of chairperson if the mayor was the chairperson, and	35 36 37
(b)	the functions of any additional voting representative from the member council on the board of the joint organisation immediately before the appointment of the administrator.	38 39 40
(2)	A voting representative is taken not to be absent from a meeting of the board if an administrator exercising the representative's functions under this Part is present.	41 42 43
(3)	An administrator who is exercising the functions of a mayor or other voting representative of a member council that has 2 voting representatives on the	44 45

board may cast a vote at a meeting of the board for each representative of the member council.	1 2
400ZC Amendment and dissolution of joint organisations	3
(1) The Governor may, by proclamation, amend or revoke a proclamation in force under this Part for the purpose of amending the constitution of, or of dissolving, a joint organisation.	4 5 6
(2) A proclamation for the purpose of amending the constitution of a joint organisation:	7 8
(a) may change the name of the joint organisation, or	9
(b) may vary the joint organisation area by adding or removing council areas and may specify the name of each council whose area is included in or removed from the joint organisation area.	10 11 12
400ZD Facilitating provisions of proclamations	13
A proclamation of the Governor for the purposes of this Part may include provisions of the kind referred to in section 213.	14 15
400ZE Delegations	16
(1) A joint organisation may delegate to the executive officer, a committee of the board of the joint organisation or any other person or body (not including another employee of the joint organisation) any of the functions of the joint organisation, other than a function prescribed by the regulations for the purposes of this section.	17 18 19 20 21
(2) A joint organisation may sub-delegate to the executive officer, a committee of the board of the joint organisation or any other person or body (not including another employee of the joint organisation) any function delegated to the joint organisation by the Departmental Chief Executive or a council, except as provided by the regulations or the instrument of delegation to the joint organisation.	22 23 24 25 26 27
(3) The executive officer may delegate any of the functions of the executive officer, other than this power of delegation.	28 29
(4) The executive officer may sub-delegate a function delegated to the executive officer by the joint organisation to any person or body (including another employee of the joint organisation).	30 31 32
(5) Subsection (4) extends to a function sub-delegated to the executive officer under subsection (2).	33 34
400ZF Financial matters	35
(1) The regulations may make provision for or with respect to the making of financial contributions to a joint organisation by the member councils, including the following:	36 37 38
(a) the purposes for which contributions may be made,	39
(b) the circumstances in which contributions may be required,	40
(c) the assessment of contributions,	41
(d) the payment of contributions,	42
(e) the recovery of contributions.	43

(2)	For the purposes of this section, a financial contribution by a member council may include making employees of the member council available for the purposes of the joint organisation.	1 2 3
(3)	A joint organisation may obtain income from charges, fees, grants, borrowings and investments. This subsection does not prevent a joint organisation exercising the functions of a council from obtaining income from other sources that may be used by the council.	4 5 6 7
400ZG	Staff	8
(1)	Despite any other provision of this Act, a joint organisation (including an executive officer) may only appoint staff if the joint organisation is not a national system employer for the purposes of the <i>Fair Work Act 2009</i> of the Commonwealth.	9 10 11 12
(2)	This section does not apply to the appointment of an executive officer.	13
400ZH	Application of Act to joint organisations	14
(1)	Except as provided by subsection (3), this Act applies:	15
(a)	to a joint organisation in the same way as it applies to a council, and	16
(b)	to the representatives on the board of a joint organisation in the same way as it applies to the councillors of councils, and	17 18
(c)	to the executive officer of a joint organisation in the same way as it applies to the general manager of a council.	19 20
(2)	In the application of this Act to a joint organisation and to a representative on the board of a joint organisation:	21 22
(a)	a reference to the mayor of a council includes a reference to the chairperson of a joint organisation, and	23 24
(b)	a reference to mayoral office includes a reference to the office of the chairperson of a joint organisation, and	25 26
(c)	a reference to a councillor includes a reference to a voting representative on or a non-voting chairperson of the board of a joint organisation, and	27 28 29
(d)	a reference to the holding of civic office includes a reference to holding office as a voting representative on or a non-voting chairperson of the board of a joint organisation, and	30 31 32
(e)	a reference to the general manager of a council includes a reference to the executive officer of a joint organisation, and	33 34
(f)	a reference to the area of a council includes a reference to the joint organisation area of a joint organisation, and	35 36
(g)	a reference to a proclamation under Chapter 9 includes a reference to a proclamation under this Part.	37 38
(3)	The following provisions (the <i>excluded provisions</i>) of this Act do not apply to or in respect of a joint organisation:	39 40
(a)	Chapter 3,	41
(b)	Part 3 of Chapter 4,	42
(c)	Chapter 6 (other than Part 3),	43
(d)	Chapter 7,	44
(e)	Chapter 9,	45

(f)	Chapter 10,	1
(g)	sections 335 and 342,	2
(h)	sections 355, 365, 370, 371, 375A and 377–380 and Part 5 of Chapter 12,	3 4
(i)	Parts 2 and 4 of Chapter 13 and sections 438T, 438ZA and 438ZB,	5
(j)	Chapter 15 (other than Parts 10, 12 and 13 and section 620),	6
(k)	Division 4 of Part 2 of Chapter 17,	7
(l)	section 736 (2),	8
(m)	Schedules 1–5,	9
(n)	any other provisions prescribed by the regulations for the purposes of this section.	10 11
(4)	Despite subsection (3), an excluded provision applies to or in respect of a joint organisation if:	12 13
(a)	the joint organisation is exercising a function of a council conferred on the joint organisation by or under this Act and the excluded provision is applicable to or in respect of the function, or	14 15 16
(b)	the regulations provide that the provision is not an excluded provision in relation to the specified joint organisation, a class of joint organisations (that includes that organisation) or all joint organisations, or	17 18 19 20
(c)	the provision applies expressly to a joint organisation or applies expressly or impliedly to all bodies constituted under this Act.	21 22
(5)	The regulations may:	23
(a)	modify the application of any provision of this Act that applies to or in respect of a council for the purpose of its application to a joint organisation, or	24 25 26
(b)	exclude a provision of this Act from applying to or in respect of a joint organisation.	27 28
	Note. The provisions applied to joint organisations by this section include provisions relating to codes of conduct and protection against personal liability (section 731).	29 30
[11]	Section 674A Provisions of Act that do not give rise to or affect legal proceedings	31
	Omit “(or that applies)” from section 674A (1) (a).	32
[12]	Section 674A (1A)	33
	Insert after section 674A (1):	34
(1A)	A provision is also a relevant provision to the extent that it applies a provision referred to in subsection (1).	35 36
[13]	Schedule 6 Regulations	37
	Insert after item 17A:	38
17B	Joint organisations	39
	Examples. Staffing (including use of staff of member councils and other organisations)	40
	Voting (including remote voting) and meeting procedures of board (including remote participation in a meeting)	41 42
	Governance	43
	Planning and reporting	44
	Travel and other expenses payable to board representatives	45
	Operational guides	46

Principles for joint organisations	1
Roles and responsibilities of board representatives, board chairpersons and executive officers	2
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[14] Dictionary	4
Insert in alphabetical order:	5
<i>joint organisation</i> means a joint organisation established under Part 7 of Chapter 12.	6
	7
<i>joint organisation area</i> means the area of a joint organisation established under Part 7 of Chapter 12.	8
	9
<i>member council</i> of a joint organisation—see section 400O (4).	10

Schedule 2	Amendment of other Acts	1
2.1	Anti-Discrimination Act 1977 No 48	2
	Section 4 Definitions	3
	Omit “or a county council” from the definition of <i>council</i> in section 4 (1).	4
	Insert instead “, a county council or a joint organisation”.	5
2.2	Biosecurity Act 2015 No 24	6
[1]	Section 7 General definitions	7
	Omit “or county council” from paragraph (d) of the definition of <i>government agency</i> .	8
	Insert instead “, county council or joint organisation”.	9
[2]	Section 370 Local control authority—meaning	10
	Insert “or joint organisation (within the meaning of the <i>Local Government Act 1993</i>)” after “county council” where firstly occurring in section 370 (1).	11 12
[3]	Section 370 (1)	13
	Insert “or joint organisation” after “county council” where secondly and thirdly occurring.	14
2.3	Building and Construction Industry Long Service Payments Act 1986 No 19	15 16
	Section 3 Definitions	17
	Omit “or a county council” from paragraph (b) of the definition of <i>worker</i> in section 3 (1).	18
	Insert instead “, a county council or a joint organisation”.	19
2.4	Children (Education and Care Services National Law Application) Act 2010 No 104	20 21
	Section 7 Meaning of generic terms in Education and Care Services National Law for the purposes of this jurisdiction	22 23
	Omit “or county council” from the definition of <i>public authority</i> .	24
	Insert instead “, county council or joint organisation”.	25
2.5	Dams Safety Act 2015 No 26	26
	Section 4 Definitions	27
	Omit “or a county council” from paragraph (e) of the definition of <i>public authority</i> in section 4 (1).	28 29
	Insert instead “, a county council or a joint organisation”.	30
2.6	Data Sharing (Government Sector) Act 2015 No 60	31
	Section 4 Definitions	32
	Omit “or county council” from paragraph (d) of the definition of <i>government sector agency</i> in section 4 (1).	33 34
	Insert instead “, county council or joint organisation”.	35

2.7 Defamation Act 2005 No 77	1
Schedule 1 Additional publications to which absolute privilege applies	2
Insert “or joint organisation” after “county council” in paragraph (b) of the definition of <i>local government money</i> in clause 26 (2).	3 4
2.8 Duties Act 1997 No 123	5
[1] Section 222 Exempt mortgages and supporting instruments	6
Omit “or county council” from section 222 (4) (a).	7
Insert instead “, county council or joint organisation”.	8
[2] Section 277 Councils, county councils and joint organisations	9
Omit “or county council” from section 277 (1).	10
Insert instead “, county council or joint organisation”.	11
[3] Dictionary	12
Insert “joint organisation,” after “county council,” in paragraph (c) of the definition of <i>government body</i> in clause 1.	13 14
2.9 Environmental Planning and Assessment Act 1979 No 203	15
Section 115U Development that is State significant infrastructure	16
Omit “or county council” from section 115U (3).	17
Insert instead “, county council or joint organisation under the <i>Local Government Act 1993</i> ”.	18 19
2.10 Geographical Names Act 1966 No 13	20
Section 2 Definitions	21
Omit “or area of operations of a county council” from the definition of <i>Place</i> .	22
Insert instead “, area of operations of a county council or a joint organisation area”.	23
2.11 Government Information (Public Access) Act 2009 No 52	24
Schedule 4 Interpretative provisions	25
Omit “or county council” from the definition of <i>local authority</i> in clause 1.	26
Insert instead “, county council or joint organisation”.	27
2.12 Health Records and Information Privacy Act 2002 No 71	28
Section 4 Definitions	29
Omit “or a county council,” from the definition of <i>local government authority</i> in section 4 (1).	30 31
Insert instead “a county council or a joint organisation”.	32

2.13 Independent Commission Against Corruption Act 1988 No 35	1
[1] Section 3 Definitions	2
Omit “or a county council” from the definition of <i>local government authority</i> in section 3 (1).	3
Insert instead “, a county council or a joint organisation”.	4
[2] Section 3 (1), definition of “local government authority”	5
Omit “or county council”. Insert instead “, county council or joint organisation”.	6
2.14 Independent Pricing and Regulatory Tribunal Act 1992 No 39	7
Section 24GA Definitions	8
Omit “or county council” wherever occurring in the definition of <i>local authority</i> .	9
Insert instead “, county council or joint organisation”.	10
2.15 Land Acquisition (Just Terms Compensation) Act 1991 No 22	11
Section 4 Definitions	12
Omit “or a county council” from paragraph (c) of the definition of <i>authority of the State</i> in section 4 (1).	13
Insert instead “, a county council or a joint organisation”.	14
2.16 Land Development Contribution Management Act 1970 No 22	15
[1] Section 3 Definitions	16
Insert in alphabetical order in section 3 (1):	17
<i>joint organisation</i> has the same meaning as in the <i>Local Government Act 1993</i> .	18
[2] Section 7 Time when declared land becomes liable for contribution	19
Insert “, a joint organisation” after “county council” in section 7 (6).	20
2.17 Land Tax Management Act 1956 No 26	21
[1] Section 3 Definitions	22
Insert in alphabetical order in section 3 (1):	23
<i>joint organisation</i> has the same meaning as in the <i>Local Government Act 1993</i> .	24
[2] Section 21C Liability of lessees of land owned by Crown or local government bodies	25
Omit “or a county council” wherever occurring in section 21C (1), (2) and (6).	26
Insert instead “, a county council or a joint organisation”.	27
[3] Section 21C (2)	28
Omit “or county council”. Insert instead “, county council or joint organisation”.	29
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[4] Section 21D Liability of lessees of leasehold strata lots	1
Omit “or a county council” from section 21D (4).	2
Insert instead “, a county council or a joint organisation”.	3
2.18 Motor Vehicles Taxation Act 1988 No 111	4
Section 16 Vehicles totally exempt from tax	5
Omit “or a county council” from section 16 (1) (c).	6
Insert instead “, a county council or a joint organisation”.	7
2.19 National Parks and Wildlife Act 1974 No 80	8
[1] Section 11 Use of services of personnel of public authorities	9
Omit “or county council” from section 11 (2).	10
Insert instead “, county council or joint organisation”.	11
[2] Section 69A Definitions	12
Omit “or a county council” from paragraph (c) of the definition of <i>statutory authority</i> in section 69A (1).	13
Insert instead “, a county council or a joint organisation”.	14
2.20 Ombudsman Act 1974 No 68	16
Section 5 Definitions	17
Omit “or a county council” from the definition of <i>local government authority</i> in section 5 (1).	18
Insert instead “, a county council or a joint organisation”.	19
2.21 Payroll Tax Act 2007 No 21	21
Section 58 Local government bodies	22
Omit “or county council”. Insert instead “, a county council or a joint organisation”.	23
2.22 Pipelines Act 1967 No 90	24
Section 3 Definitions	25
Omit “or county council” from paragraph (b) of the definition of <i>public authority</i> in section 3 (1).	26
Insert instead “, county council or joint organisation”.	27
2.23 Plumbing and Drainage Act 2011 No 59	29
[1] Section 3 Definitions	30
Insert in alphabetical order in section 3 (1):	31
<i>joint organisation</i> has the same meaning as in the <i>Local Government Act 1993</i> .	32
	33

[2] Section 4 Plumbing and drainage work—meaning	1
Insert “, joint organisation” after “local council” in section 4 (5) (c).	2
[3] Section 16 Supply of plans	3
Insert “, a joint organisation of the joint organisation area” after “local council of the area” in section 16 (3).	4 5
[4] Section 16 (3)	6
Insert “, joint organisation” after “that local council”.	7
[5] Section 21 Delegation	8
Insert “, joint organisation” after “local council” wherever occurring.	9
[6] Section 21 (2) (a)	10
Insert “or executive officer of the joint organisation” after “council”.	11
[7] Section 21 (2) (b)	12
Insert “or joint organisation” after “council” wherever occurring.	13
[8] Section 22 Appointment of inspectors	14
Insert “, joint organisation” after “local council” in section 22 (2) (b).	15
[9] Section 23 Appointment of enforcement officers	16
Insert “, joint organisation” after “local council” in section 23 (2) (b).	17
[10] Section 47 Certain information may be provided to and by plumbing regulator	18
Insert “, joint organisation” after “local council” wherever occurring.	19
[11] Section 47 (1) (a)	20
Insert “or joint organisation” after “the council” wherever occurring.	21
[12] Section 48 Exclusion of liability	22
Insert “, joint organisation” after “local council” in paragraph (c) of the definition of <i>protected person</i> in section 48 (2).	23 24
[13] Section 52 Regulations	25
Insert “, joint organisations” after “local councils” in section 52 (3).	26
[14] Section 52 (3) (a) and (b)	27
Insert “or joint organisations” after “the councils” wherever occurring.	28
2.24 Privacy and Personal Information Protection Act 1998 No 133	29
Section 3 Definitions	30
Omit “or a county council” from the definition of <i>local government authority</i> in section 3 (1).	31 32
Insert instead “a county council or a joint organisation”.	33

2.25 Protection of the Environment Operations Act 1997 No 156	1
Section 317 Appointment of persons to exercise certain functions	2
Insert “, a joint organisation under the <i>Local Government Act 1993</i> ” after “county council” in section 317 (1) (a).	3 4
2.26 Public Authorities (Financial Arrangements) Act 1987 No 33	5
[1] Section 3 Definitions	6
Omit “or county council” wherever occurring in the definition of <i>local government authority</i> in section 3 (1).	7 8
Insert instead “, county council or joint organisation”.	9
[2] Section 29 Definitions	10
Omit “or county council” from the definition of <i>public authority</i> .	11
Insert instead “, county council or joint organisation”.	12
2.27 Public Interest Disclosures Act 1994 No 92	13
[1] Section 4 Definitions	14
Insert at the end of paragraph (b) of the definition of <i>local government authority</i> in section 4 (1):	15 16
or	17
(c) a joint organisation,	18
[2] Section 12B Disclosure concerning local government	19
Insert after section 12B (1) (b) (v):	20
(vi) a representative on the board of a joint organisation within the meaning of the <i>Local Government Act 1993</i> .	21 22
2.28 Real Property Act 1900 No 25	23
Section 45D Application for title by possession	24
Omit “or county council” from section 45D (3) (d).	25
Insert instead “, county council or joint organisation”.	26
2.29 Rural Fires Act 1997 No 65	27
Dictionary	28
Omit “or county council” from the definition of <i>council</i> .	29
Insert instead “, county council or joint organisation”.	30

2.30 Service NSW (One-stop Access to Government Services) Act 2013 No 39	1
	2
[1] Section 3 Definitions	3
Omit “or a county council” from paragraph (i) of the definition of <i>Government agency</i> in section 3 (1).	4
Insert instead “, a county council or a joint organisation”.	5
	6
[2] Section 7 Delegation of customer service functions to CEO under other Acts or instruments	7
	8
Omit “or a county council” from section 7 (5).	9
Insert instead “, a county council or a joint organisation”.	10
	11
[3] Section 7 (5)	11
Omit “or county council” wherever occurring.	12
Insert instead “, county council or joint organisation”.	13
	14
[4] Section 8 CEO may enter into agreements to exercise customer service functions	14
Omit “or a county council” from section 8 (4).	15
Insert instead “, a county council or a joint organisation”.	16
	17
[5] Section 8 (4)	17
Omit “or county council” wherever occurring.	18
Insert instead “, county council or joint organisation”.	19
	20
[6] Section 12 Agreements authorising agents to act for Service NSW	20
Omit “or a county council” from section 12 (2).	21
Insert instead “, a county council or a joint organisation”.	22
	23
[7] Section 19 Transfer of assets, rights and liabilities of Government agencies in connection with transfer of customer service functions	23
	24
Omit “or a county council” from section 19 (5).	25
Insert instead “, a county council or a joint organisation”.	26
	27
2.31 State Records Act 1998 No 17	27
	28
Section 3 Definitions	28
Omit “or county council” from paragraph (c) of the definition of <i>public office</i> in section 3 (1).	29
Insert instead “, county council or joint organisation”.	30
	31
2.32 Western Sydney Parklands Act 2006 No 92	32
	33
Section 3 Definitions	33
Omit “or county council” from the definition of <i>local authority</i> in section 3 (1).	34
Insert instead “, county council or joint organisation”.	35

2.33 Wilderness Act 1987 No 196

1

Section 2 Definitions

2

Omit “or a county council” from paragraph (c) of the definition of *statutory authority* in section 2 (1).

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Insert instead “, a county council or a joint organisation”.

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2.34 Work Health and Safety Act 2011 No 10

6

Section 4 Definitions

7

Omit “or county council” from the definition of *local authority*.

8

Insert instead “, county council or joint organisation”.

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