

POLICY

TITLE:	Local Authority Policy		
DIRECTORATE:	Council		
ADOPTED BY:	Council Resolution: OMC-24/355		
DATE OF ADOPTION:	29 November 2024	DATE OF REVIEW:	1 July each year
POLICY NUMBER:	116		
LEGISLATIVE REF:	<i>Local Government Act 2019; Chapter 5</i> <i>MINISTERIAL GUIDELINE 1- Local Authority</i>		

1. INTRODUCTION

1.1. Purpose

Local Authorities are governed by the Local Government Act 2019 ('the Act'), Local Government Regulations, and Ministerial Guideline Number 1. This policy establishes the process for appointments, resignations, and terminations of Local Authority membership and provides information on delegations, Local Authority meetings, and sitting fees.

1.2. Scope

This policy applies to Barkly Regional Council's (BRC) Local Authorities and includes areas, appointments, termination/resignation, delegations, membership and roles and responsibilities of Local Authorities.

1.3. Definitions

Council: the elected members as a whole of BRC.

BRC: Barkly Regional Council as a whole.

CEO: Chief Executive Officer of BRC.

Local Authority (LA): as established under the NT Local Government Act, 2019.

Elected member: a member elected to the Council of BRC.

Appointed member: a member nominated from the community and appointed by the Council to represent the community within the Local Authority area.

Chair: elected by the Local Authority and responsible for running the meeting as per the Local Government Act, Regulations and council policies applicable.

1.4. Responsibilities

It is the responsibility of the Local Authority to:

- Act in accordance with this Policy and its associated legislation
- Elect a Chairperson and if applicable, a Deputy Chairperson
- Provide leadership to the community in relation to local matters
- Actively participate and raise views of their community in LA meetings
- Consider and promote the views of all community members
- Report back to the community regarding recommendations raised by Council
- Make recommendations to the Council and the CEO on local matters
- Make sure that the meeting only approves projects within budget

- Not make decisions that are the responsibility of the Council to make
- Provide Council with items for discussion to be included in LA agenda

It is the responsibility of The Council and the CEO to:

- Act in accordance with this Policy and its associated legislation
- Provide effective secretarial support to ensure compliance with relevant legislation
- Provide training and guidance to all members of the Local Authority in conjunction with NTG
- Advertise meetings in a timely fashion
- Provide sufficient notice to members of meeting dates and times, including changes.
- The Agenda is prepared in consultation with the LA Chairperson before the meeting
- Receive and consider LA recommendations for the benefit of the local community
- Contact external bodies such as government offices on behalf of LA
- Handle LA nominations and resignation process
- Maintain a Register of Nominated Local Authority Membership as required

1.5. Policy Objectives

- 1) Local Authorities and The Council must adhere to compliance requirements as set out in this policy and the Ministerial Guidelines.
- 2) This Policy should be read in conjunction with the Ministerial Guideline 1 for full context. Where there is any discrepancy between the documents, the Ministerial Guideline will take precedence.

2. POLICY STATEMENT

2.1 Policy

- 1) Local Authorities represent the constituents of their communities and assist BRC in achieving effective integration and involvement in local decision-making within their community as it relates to BRC's region.
- 2) Nominations to fill a vacancy within a Local Authority will only be accepted from a permanent resident within the Ward where the Local Authority has been established.
- 3) The minimum age required to become a Local Authority member is eighteen (18) years.
- 4) Members will be appointed for a term not exceeding four (4) years.
- 5) In accordance with s 77 (2) of the Act, a member of a Council's staff is eligible for appointment as a member of a Local Authority provided such a member of staff is a permanent resident within the Ward in which the Local Authority has been established and is aged 18 or more.
- 6) The Council must resolve the number of members for each Local Authority. In resolving, the number of each Local Authority must be at least six (6) members and not exceeding fourteen (14) members.
- 7) Each Local Authority must meet for a minimum of four (4) times annually, according to the schedule set by the CEO.
- 8) This policy will ensure local decision-making and good governance practices in the appointment, resignation, and termination of Local Authority members in the BRC area.

3. LOCAL AUTHORITY AREAS

- Ali Curung LA,
- Alpururulam LA,
- Ampilatwatja LA,
- Arlparra LA,
- Elliott LA,
- Tennant Creek LA, and
- Wutunugurra LA.

4. DELEGATIONS

To empower local decision-making, and expediate Local Authorities projects, the CEO has been delegated authority to approve the Local Authority proposals for expenditure of funds from the Northern Territory Government's 'Local Authority Project Funding' program (within budget).

Local Authorities must not make decisions on behalf of the Council which are outside of the delegated authority. Local Authority decisions and recommendations that are outside their delegation need the endorsement of a Council resolution before they can be progressed, for example Major Projects.

5. NOMINATION AND APPOINTMENT PROCESS

Council encourages community members from all demographic sections to represent their community on the Local Authority. Council will manage this according to the following process.

- 1) The Council must seek nominations from within each community where the Council has established and maintains a local authority.
- 2) The CEO will call for nominations as soon as practicable after a vacancy arises and will allow at least twenty-one (21) days for nominations to be received.
- 3) Notice of local authority vacancies will be published on the Council's website, Council social media platforms and displayed on community notice boards.
- 4) Nominations must be in writing via the authorised *Local Authority Member Nomination Form*, available on the Council's website <https://www.barkly.nt.gov.au> or at any of the Council offices.
- 5) Completed Nomination Forms must be submitted to the Council Via the Office of the CEO, for appointment at the next Ordinary Meeting of the Council, unless the Local Authority membership has been rescinded, in which case nominations would be considered by Council only.
- 6) Following an election, the Council may rescind Local Authority membership and call for nominations by resolution of Council.
- 7) Filling of vacancies within three (3) months of a local government general election year are to occur after the declaration of the incoming Council.
- 8) Council considers all Local Authority nominations at the first ordinary meeting of Council after nominations close and appointment is established by resolution of Council.
- 9) A Local Authority will consist of at least one member of the Council appointed by Council resolution.
- 10) Once appointed, a Register of Local Authority members will be maintained by the Chief Commercial Officer. This Register is accessible on the Council's website and via the Council's public office.

6. LOCAL AUTHORITY MEETING REQUIREMENTS

- 1) Each Local Authority must appoint a Chairperson for no less than six (6) months and no more than twelve (12) months by resolution of the Local Authority.
- 2) It is up to each Local Authority to decide whether to appoint a Deputy Chairperson.
- 3) A quorum at a meeting of a Local Authority consists of a majority of its members holding office at the time of the meeting.
- 4) The elected member for the Ward in which the Local Authority is established is considered to be counted in the quorum and is eligible to vote.
- 5) If a quorum is not attained for a Local Authority meeting, but one-third of the total members are present, the members who are in attendance may hold a provisional meeting (refer to clause 11.1 of the Ministerial Guideline 1 for more information. See: <https://cmc.nt.gov.au/>)
- 6) Each Local Authority member must consider if they have a conflict of interest in the matter, and if they do, they must declare their interest and leave the meeting while the matter is being considered.

- 7) The Agenda for LA meetings must be prepared in consultation with the Chairperson for the LA and include the following:
 - Any declarations of conflicts of interest by members;
 - Previous minutes;
 - Items requested by members;
 - A report from the CEO (or delegate) on all LA matters before Council; including a progress and final report on LA projects, an LA financial report, and a report on current Council services and projects in the LA;
 - Visitor presentations;
 - General business and community questions.

- 8) Once in each financial year, the LA Agenda must include a review of:
 - The Council's Annual Report for the previous financial year;
 - The Council's proposed Regional Plan for the next financial year;
 - The Council's budget for proposed projects for the LA area for the next financial year;
 - Community Plans of the Council or LA where they exist.

7. LOCAL AUTHORITY MEETING PROCESSES

- 1) Per Section 97 of the Act, the CEO convenes meetings of a Local Authority, which includes the Agenda, which must be publicly available on the Council's website and the Council's public office.
- 2) The Council's LA Coordinator will provide the LA secretarial support to LA.
- 3) Local Authority meetings allow members, staff, and guests who cannot attend in person to attend via audiovisual conferencing.
- 4) The agenda for the Local Authority meeting must be submitted to Regional office and will be published on the Council's website at least three (3) business days before the meeting.
- 5) The unconfirmed minutes of the Local Authority meeting must be sent to Regional office within ten (10) business days and must be published on the Council's website and included in the agenda for the next ordinary meeting.
- 6) The Council will consider all recommendations that are outside of the CEO's delegation and respond to the Local Authority at the subsequent meeting.
- 7) Please refer to the Ministerial Guidelines for information on provisional meetings.
- 8) Per Section 97 of the Act, a copy of the LA minutes must be publicly available on the Council's website and at the Council's public office within 10 business days after the meeting.

8. PROXY MEMBERSHIP

A Local Authority may recommend to the Council that proxies are allowed.

Where a Local Authority and the Council agree to proxy membership, a proxy can only substitute for each LA member at a maximum of two (2) meetings in a financial year.

Appointment of a proxy for a meeting should be notified to Council at least 2 days prior to a meeting. Council will provide a briefing to the proxy member, including:

- Minutes from the previous meeting
- Current agenda items for discussion
- An outline of the role and expectations of the local authority member (which may include a copy of this Policy)

9. LOCAL AUTHORITY PROJECT FUNDING

- 1) Projects chosen must not jeopardize Council's financial, social or environmental sustainability.
- 2) The ongoing maintenance costs of projects funded with Local Authority special project grants must be considered.
- 3) The projects that need additional funds from the Council or rely upon grant applications must go to the Council for approval.
- 4) Projects that rely on in-kind support from the Council must be related to core services and must have prior approval from the Council.
- 5) The purchase of any product or service must comply with the Council's Procurement Policy
- 6) Cash will not be given out under any circumstances.
- 7) Funding should not go to projects that are ordinarily the responsibility of another level of government.
- 8) Salaries cannot be paid from this funding.
- 9) Vehicles and/or fuel cannot be procured with this funding.
- 10) The use of project funds must be approved at the Local Authority meeting with a quorum.
- 11) The approval of the LA project must be within the budget as delegated by the Council to LA.
- 12) Any actual or perceived conflicts of interest must be declared, and the member must remove themselves from the meeting before a decision is made when making decisions on the use of Local Authority project funding. Any conflicts of interest not declared will undermine the reputation of Council and the Local Authority and may result in termination of membership.
- 13) LA major project requires Council approval. After which it must be submitted to the Department of Local Government for approval.

10. LOCAL AUTHORITY SITTING FEES

- 1) Eligible members, including proxy and provisional members are entitled to the respective LA payment as determined by the Remuneration Tribunal if they comply with the requirements of this Policy and the Ministerial Guideline, and are present for at least 75% of the scheduled meeting time for which the meeting payment is claimed.
- 2) Council members are not eligible for an LA payment in relation to attending LA meetings but may be entitled to claim extra meeting allowance.
- 3) In compliance with the Ministerial Guideline, eligible members' allowances are determined by the Remuneration Tribunal. The following allowances will be paid for each meeting of the Local Authority, and which are reviewed each financial year. Current rates are in compliance with the Ministerial Guidelines.

11. LOCAL AUTHORITY ALLOWANCE GUIDE

- 1) The Council will provide Local Authority member allowance to the member in a manner that adheres to the *NT Remuneration Tribunal – Determination of Allowances for Members of Local Authorities*.
- 2) Accommodation costs may be paid if the member is required to stay overnight to attend Local Authority business. Prior notification and authorization by CEO is required.
- 3) Elected Members (Councillors) are entitled to the extra meeting allowance for attending Local Authority meetings as per *NT Remuneration Tribunal – Determination of Allowances for Members of Local Government Councils*.
- 4) In accordance with Ministerial Guideline No 1, Council Elected Members and Council staff are not eligible for a local authority payment in relation to attending local authorities' meetings or provisional meetings.

12. RESIGNATION AND TERMINATION OF MEMBERSHIP

- 1) Where a member no longer wishes to be a member of the Local Authority, they are required to resign from the post.
- 2) Resignations are to be made in writing, addressed to the Mayor, and delivered to Office of the CEO.
- 3) All Local Authority resignations are noted by Council at the next Ordinary meeting following receipt of the resignation.
- 4) The member will receive a letter of acknowledgement of their resignation.

13. REVOCATION OF MEMBERSHIP

- 1) The membership of an appointed Local Authority member may be revoked by Council where the member passes away or ceases to permanently reside within the Ward in which the Local Authority has been established.
- 2) Membership may also be revoked where a member is absent from two consecutive meetings without apology of the scheduled meeting per financial year.
- 3) If a Local Authority member offers an apology, it must be noted in the minutes of the meeting to be accepted or rejected by the Authority at the meeting.
- 4) Council may also revoke the membership of a Local Authority member should either of the following be considered to have occurred by Council:
 - a. If Council believes that the member is not performing their duties to an acceptable standard, or, if it loses confidence in the member's ability, commitment, or performance.
 - b. For breaching Council policy, or for conduct which brings the Local Authority or Council into disrepute, or any other conduct which is inconsistent with the public interest.
 - c. If a Local Authority member offers an apology, it must be noted in the minutes of the meeting and accepted or rejected by the Authority at the meeting.
 - d. All Local Authority resignations are noted by Council at the next Ordinary meeting following receipt of the resignation.
 - e. Once the Council has received the LA recommendation for revocation of membership, it shall resolve to approve it, and the CEO shall call for a new nomination to fill the vacancy as soon as reasonable.
 - f. The notice will be sent to notify the member of the appointment or revocation of their LA Membership.
- 5) The final decision to appoint persons to a Local Authority as appointed members rests with Council, which may rescind its decision and appointment if it believes it is in the public interest to do so.
- 6) Once the Council has received the LA recommendation for revocation of membership, it shall resolve to approve it, and the CEO shall call for a new nomination to fill the vacancy as soon as reasonable.
- 7) The Council shall write to the member whose membership has been revoked via their nominated contact submitted to council during nomination and notify them of the revocation.

14. DEPUTATION

Anyone wishing to make a deputation or presentation to a Local Authority needs to seek permission from the Chairperson and complete a *Request Form*. The completed Request Form must be sent to the Office of the CEO at least 10 days before the meeting date so that it can be included in the LA Agenda.

15. RELEVANT POLICIES

Policies and procedures to be read in conjunction with this policy are:

- 1) Local Authority Member Nomination Form
- 2) Local Authority Member Register
- 3) Council Committee Terms of Reference Policy
- 4) Council Meeting Protocols

16. IMPLEMENTATION AND REVIEW

16.1. Implementation

Relevant personnel will be made aware of this Policy. It is not a requirement of the Act for this Policy to be published on the Barkly Regional Council website.

16.2. Review

This policy will be reviewed on or before 1 July each year.

17. VARIATIONS, REVOCATIONS AND/OR CHANGES

Barkly Regional Council reserves the right to revoke and/or amend this policy from time to time as is considered necessary to better manage its business and/or to comply with any legislative requirements.

18. APPROVAL

This policy is approved.

Chris Kelly
Chief Executive Officer


Signature

29 Nov 2024
Dated

END