

GUIDELINE 8

Regional Councils and Local Authorities

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Definitions

- ex officio member:** a member of regional council who is automatically a member of the local authority by virtue of their position – see section 53C of the *Local Government Act*.
- ordinary member:** a member of a local authority who is appointed by the regional council.

Guidelines

1. Where local authorities are to be established and maintained

A regional council must establish and maintain a local authority at the towns and communities listed in the Schedule which are within the regional council area.

2. Establishing a local authority

A regional council must determine the area for each local authority and ensure that a list of local authorities and their respective areas is available on the regional council website.

3. Initial local authorities

A regional council must establish each local authority by the nomination and appointment process described below so that each local authority is fully established and operational by 1 July 2014.

4. Number of ordinary members

Subject to 5.6, a local authority is to have a minimum of 6 and a maximum of 14 ordinary members.

5. Nomination and appointment process

Nominations

- 5.1 A regional council must call for nominations and allow 28 days for nominations to be received.
- 5.2 The call for nominations must be advertised and promoted by appropriate means to ensure that residents of the relevant area are aware of it.
- 5.3 Nominations are to be returnable to a named regional council employee working in the relevant town or community.
- 5.4 The list of nominations received, together with a list of ex officio members of the local authority, must be provided to the first ordinary regional council meeting after nominations have closed.
- 5.5 At the first ordinary regional council meeting after nominations have closed, the regional council must decide on the number of ordinary members there will be for each local authority. *Note – the regional council may decide different membership numbers for different local authorities.*

Request to have more than 14 members

- 5.6 If the regional council resolves to request the Minister to allow a particular local authority to have more than 14 ordinary members, the regional council may defer appointments until the next available regional council meeting for the purpose of making a request to the Minister.
- 5.6.1 The CEO must advise the Minister of the request in writing as soon as practicable detailing:
- a) the name of the local authority
 - b) the preferred membership number;
 - c) the reasons for seeking an increase in the allowed maximum membership; and
 - d) the projected annual impact on council's budget and resources.
- 5.6.2 Despite other provisions in these guidelines, the Minister may allow, subject to any conditions specified, a specific maximum number of members for that particular local authority.

Appointment of ordinary members

- 5.7 Where there is to be no request to have more than 14 ordinary members, the regional council must decide on appointments to the local authority at the first ordinary meeting after nominations have closed.
- 5.8 Where there is a request to have more than 14 ordinary members, the regional council must decide on appointments to the local authority at the first ordinary meeting after a response from the Minister has been received.

Appointments of ordinary members after initial establishment

- 5.9 When a vacancy in the membership of a local authority arises, the regional council must fill the vacancy by the nomination and appointment process described at 5.1 - 5.5.

6. Revocation of appointment of ordinary member

Regional councils must have a policy regarding how and in what circumstances, appointments of members may be revoked. The policy could include, for example, a requirement that the regional council give consideration to revoking an appointment where a member is absent, without permission of the local authority, from two consecutive meetings of the local authority.

7. Vacancies

A local authority membership position becomes vacant when a member resigns in writing or the appointment is revoked by the regional council in accordance with council policy.

8. Administrative support and secretariat

- 8.1 The CEO must ensure there is secretariat support for the local authority.
- 8.2 The CEO is to notify all members of the local authority of the contact person, or any changes to the contact person, for secretariat and administrative matters in relation to the particular local authority.

- 8.3 Subject to 8.3.2, the CEO must ensure there is a minimum of six meetings for each local authority in each calendar year.
- 8.3.1 If the majority of members of a local authority agree, the Chair may make a written request to the Minister to change the minimum number of meetings a year. The Minister will consult with the regional council before making a decision.
- 8.3.2 Where the Minister has approved a minimum number of meetings per year for a local authority pursuant to 8.3.1, the CEO must ensure that the approved minimum number of meetings are held each year.
- 8.4 The CEO must ensure notification of the meeting and the agenda for the meeting is provided to each member at least three days before the meeting.
- 8.5 The CEO must ensure that a copy of the regional council's policy on delegation of powers and functions is provided to all members of the local authority and listed for discussion on the local authority agenda at least once in each financial year.

9. Agenda and minutes

- 9.1 The agenda for each local authority meeting is to be prepared by the secretariat in consultation with the Chair.

The agenda of each meeting must include but is not limited to:

- a) Regional council's response to local authority issues raised;
 - b) Local authority action items;
 - c) CEO report on current regional council services in the local authority area;
 - d) Visitor presentations;
 - e) The latest quarterly report as required by 13.4; and
 - f) A report on complaints received concerning regional council service delivery in the local authority area.
- 9.2 Each financial year a local authority agenda must include a review of :
- a) the regional council's annual report for the previous financial year;
 - b) any relevant community plan of the regional council or local authority;
 - c) the regional council's proposed regional council plan; and
 - d) the regional council's proposed budget priorities for the local authority area for the next financial year.

10. Regional council consideration of local authority minutes

- 10.1 A regional council must consider the minutes of each local authority meeting (these will normally be the unconfirmed minutes) at the next available council meeting after a local authority meeting. The council's response to any matters raised by the local authority must be recorded in the council's minutes.
- 10.2 A copy of the regional council's unconfirmed minutes must be provided to each local authority member by the secretariat as soon as possible after the minutes become publicly available.

11. Functions of a local authority

In addition to the functions specified at section 53D of the *Local Government Act*, it is a function of a local authority to provide a representative of the local authority for employment selection advisory panels in relation to managerial positions in the local authority area.

12. Local authority member allowances

12.1 In the 2013-14 financial year, the allowance to be paid by a regional council to an eligible member after having attended a local authority meeting is as set out below:

- a) Chair, if eligible, \$152
- b) Other eligible members \$114

12.2 The following members of a local authority are not eligible to be paid an allowance by the regional council:

- a) ex officio council members as council members claim their allowance according to the Ministerial guidelines on council member allowances; and
- b) regional council staff (as they are being paid by their employer).

12.3 The payment referred to above will increase each financial year by the Darwin Consumer Price Index (CPI) as at the December quarter of the previous financial year.

13. Regional council budgets and financial reports to the local authority

13.1 Regional councils must take local authority priorities submitted to council, or recorded in local authority minutes, into consideration as part of the overall budget development process.

13.2 Regional councils must inform the local authority in writing of the reason(s) for not incorporating any local authority priorities submitted to council for consideration as part of the overall budget development process.

13.3 The adopted budget of a regional council must include a separate budget for each local authority area detailing expenditure by:

- a) program (for example, library services, rubbish collection, waste management, public safety lighting, child care, aged care, roads maintenance); and
- b) account category (for example, employee costs, materials and services, finance costs and depreciation) and capital expenditure.

13.4 Each quarter, the regional council must prepare a financial report setting out:

- a) the quarterly and year to date budget and expenditure by program and account category in relation to the local authority area;
- b) the forecast expenditure in relation to the local authority area for the whole of the financial year; and

- c) explanations of variations greater than ten per cent or \$10,000 (whichever is higher) between actual and budgeted amounts.
- 13.5 Following the completion of the regional council's audited annual financial statements each year, at the next local authority meeting a regional council must provide each local authority with a report covering the previous financial year including expenditure against the final approved budget by:
 - a) program (for example, library services, rubbish collection, waste management, public safety lighting, child care, aged care, roads maintenance); and
 - b) account category (for example, employee costs, materials and services, finance costs and depreciation) and capital expenditure.

14. Regional council annual report

- 14.1 The annual report must include information on the performance of the regional council against service delivery and planned projects in the local authority area.
- 14.2 The annual report of a regional council must include information regarding any delegations made to a local authority.

SCHEDULE

Where local authorities are to be established and maintained

Barkly Region	Central Desert Region	East Arnhem Region
Ali Curung	Anmatjere (Nturiya, Pmara Jutunta, Wilora, Ti Tree)	Angurugu
Arparra	Atitjere	Galiwin'ku
Alpururulam	Engawala	Gapuwiyak
Ampilatwatja	Lajamanu	Gunyangara
Elliott	Laramba	Milingimbi
Tennant Creek	Nyirripi	Milyakburra
Wutunugurra	Willowra	Ramingining
	Yuelamu	Umbakumba
	Yuendumu	Yirrkala

MacDonnell Region	Roper Gulf Region	Victoria Daly Region
Amoonguna	Barunga	Daly River
Apatula	Borroloola	Kalkaringi/Dagaragu
Areyonga	Bulman	Pine Creek
Haasts Bluff (Ikuntji)	Jilkminggan	Timber Creek
Imanpa	Manyallaluk	Yarralin
Kaltukatjara	Mataranka	
Kintore (Walungurru)	Minyerri	
Ltyentye Apurte	Ngukurr	
Mt Liebig (Amundurrngu)	Numbulwar	
Ntaria	Wugularr	
Papunya		
Titjikala		
Wallace Rockhole		

West Arnhem Region	Tiwi Islands Region
Gunbalanya	Milikapiti
Maningrida	Pirlangimpi
Minjilang	Wurrumiyanga
Waruwi	