

TITLE:	LOCAL AUTHORITY POLICY		
DIRECTORATE:	COUNCIL		
ADOPTED BY:	COUNCIL RESOLUTION – OM-23/136		
DATE OF ADOPTION:	September 2023	DATE OF REVIEW:	September 2028
POLICY NUMBER:	CP19		
LEGISLATIVE REF:	Chapter 5 of the <i>Local Government Act 2019</i> MINISTERIAL GUIDELINE 1- Local Authority		

1.1 PURPOSE

Local Authorities are governed by the *Local Government Act 2019* ('the Act'), Local Government Regulations and Ministerial Guideline 1. The purpose of this policy is to establish the process for appointments, resignations, and terminations of Local Authority membership and to provide information on delegations, Local Authority meetings and sitting fees.

1.2 SCOPE

This policy applies to Barkly Regional Council's Local Authorities.

POLICY STATEMENT

Local Authorities represent the constituents of their communities and are formed to integrate local decision making within the local government sector. This policy guides good governance practices in the appointment, resignation, and termination of Local Authority members

IMPLEMENTATION AND REVIEW

Implementation

All staff will be trained in this policy and it will be published on the Barkly Regional Council website at <https://www.barkly.nt.gov.au/council-documents/policies>.

2.1. DELEGATIONS

2.1.1 Local Authorities have an advisory role to Council and as such, cannot make any decisions on behalf of Council unless a specific delegation has been issued to the Local Authority via Council resolution.

- 2.1.2 Where the Council issues a delegation, that delegation will be made to individual Local Authorities detailing what authority and limitations apply.
- 2.1.3 Council can set different delegations for each of its Local Authorities.
- 2.1.4 Local Authority decisions and recommendations will need endorsement via Council resolution before they can be progressed, except where there is delegated authority.

2.2. Nomination and Appointment

Council is committed to improving community relations and fostering understanding and tolerance between all members of the community. Council encourages community members from all demographic sections of the community to represent their community on the Local Authority.

- 2.2.1 Council will seek nominations from within each community where the Minister has identified a Local Authority.
- 2.2.2 The CEO will call for nominations as soon as practicable after a vacancy arises and will allow for at least twenty-one (21) days for nominations to be received.
- 2.2.3 Notice of Local Authority vacancies will be published on Council's website, on Council social media platforms and will be displayed on community notice boards.
- 2.2.4 The notice of vacancy will include where nomination forms can be accessed, the closing date for nominations and where the nominee can submit the form.
- 2.2.5 Nominations are to be made in writing via the authorised Local Authority nomination form, available on Council's website here <https://www.barkly.nt.gov.au> or at any Council office.
- 2.2.6 Nominations to fill a vacancy within a Local Authority will only be accepted from a permanent resident of a Ward in which the Local Authority has been established.
- 2.2.7 Nominations to fill a vacancy within a Local Authority will be discussed at the next Local Authority meeting, and a recommendation to fill the vacancy submitted to Council for consideration at the next Ordinary Council meeting, unless the Local Authority membership has been rescinded in which case nominations would be considered by Council only.
- 2.2.8 The minimum age to become a Local Authority member is seventeen (17) years.
- 2.2.9 Following an election Council may rescind Local Authority membership and call for nominations by resolution of Council.
- 2.2.10 Filling of vacancies within three (3) months of a local government general election year are to occur after the declaration of the incoming Council.
- 2.2.11 All Local Authority nominations are considered by Council at the first ordinary meeting of Council after nominations close and appointment is established by resolution of Council.
- 2.2.12 Members will be appointed for a term not exceeding four (4) years.
- 2.2.13 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 staff is a permanent resident of a Ward in which the Local Authority has been established.
- 2.2.14 A Local Authority will consist of at least one member of the Council appointed by the Council by the resolution.
- 2.2.15 Council must resolve the number of members for each Local Authority. In making the resolution, the number of each Local Authority must be at least 6 members and not exceeding 14 members.
- 2.2.16 Once appointed, a register containing the members name, date of appointment, the local authority the member represents and whether the member is a Council member

or otherwise a community member, will be accessible on Council's website and the Council's public office.

2.3 Resignation and Termination

- 2.3.1 Resignations are to be made in writing to the Council Operations Manager of the Ward in which the Local Authority is established.
- 2.3.2 In compliance with clause 6.1(h) of the Ministerial Guideline 1, the membership of an appointed Local Authority member may be revoked by Council where the member is absent without permission of the Local Authority from two consecutive meetings.
- 2.3.3 If an apology is received from a Local Authority member, it must be noted in the minutes of the Local Authority meeting and must be accepted or rejected by the Local Authority at the meeting.
- 2.3.4 Membership shall be revoked by resolution of Council where a member ceases to permanently reside within the Ward in which the Local Authority has been established.
- 2.3.5 All Local Authority resignations are noted by Council at the next Ordinary meeting following receipt of the resignation.

2.4. Local Authority Meetings

- 2.4.1 A quorum at a meeting of a Local Authority consists of a majority of its members holding Office at the time of the meeting.
- 2.4.2 If a quorum is not attained for a Local Authority meeting, but one third of 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 <https://cmc.nt.gov.au/>)
- 2.4.3 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.
- 2.4.4 In accordance with Section 97 of the Act meetings of a Local Authority are convened by the CEO.
- 2.4.5 Each Local Authority will meet at least four (4) times annually as per the schedule set by the CEO.
- 2.4.6 The Council Operations Manager in each community will provide secretarial and executive support.
- 2.4.7 Local Authority meetings must allow for attendance via audiovisual conferencing for members, staff and guests who are unable to attend the meeting in person.
- 2.4.8 The agenda for the Local Authority meeting must be submitted to regional office and will be published on Council's website at least three (3) business days before the meeting.
- 2.4.9 The unconfirmed minutes of the Local Authority meeting must be sent to regional office within ten (10) business days and will be published on Council's website and included in the agenda for the next ordinary meeting.
- 2.4.10 Council will consider all recommendations and will respond to the Local Authority at the subsequent meeting.
- 2.4.11 Each Local Authority must appoint a chairperson for a period of no less than six (6) months and no more than twelve (12) months by resolution of the Local Authority.
- 2.4.12 It is up to each Local Authority to decide if they wish to appoint a Deputy Chairperson.
- 2.4.13 Each Local Authority member must consider if they have a conflict of interest in the matter and if they do, they must leave the meeting while the matter is being considered.

2.5. Local Authority Project Funding

Local Authorities receive annual funding. The following principles will ensure compliance is met in accordance with funding agreements:

- 2.5.1 Projects chosen must not jeopardize the financial, social or environmental sustainability of Council;
- 2.5.2 ongoing maintenance costs to projects funded with Local Authority special project grants must be considered;
- 2.5.3 projects that need additional funds from Council or rely upon grant applications must go to Council for approval;
- 2.5.4 projects that rely on in-kind support from Council must be related to core services and must have prior approval from the Council;
- 2.5.5 the purchase of any product or service must comply with the Council's Procurement Policy
- 2.5.6 Cash will not be given out under any circumstances.
- 2.5.7 Funding should not go to projects that are ordinarily the responsibility of another level of government.
- 2.5.8 Salaries cannot be paid for with this funding.
- 2.5.9 Vehicles cannot be procured with this funding.
- 2.5.10 The use of project funds must be approved at the Local Authority meeting with a quorum.
- 2.5.11 Any real 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 use of Local Authority project funding.

2.6. Local Authority sitting fee for Members and Council staff

In compliance with the Ministerial guideline, eligible members allowance will be as determined by the Remuneration Tribunal. The following allowances will be paid for each meeting of the Local Authority.

- The Chair
 - If the meeting is held up to 2 hours \$300
 - If the meeting is held between 2 to 4 hours \$450
 - If the meeting is held for more than 4 hours \$600
- Members of a local authority will be paid as follows:
 - If the meeting is held up to 2 hours \$200
 - If the meeting is held between 2 to 4 hours \$300
 - If the meeting is held for more than 4 hours \$400

2.6.1 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.

2.6.2 Accommodation costs may be paid if the member is required to stay overnight to attend Local Authority business. Prior notification and authorization by the Council Operations Manager is required.

2.6.3 Elected members 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.


2.6.4 In accordance with Ministerial Guideline 1, Council members and council staff are not eligible for a local authority payment in relation to attending local authorities' meetings or provisional meetings.

3. Review

This policy will be reviewed by September 2028.

5. Approval

This policy is approved.

Romeo Mutsago		16-10-2023
A/Chief Executive Officer	Signature	Dated