



## **Victoria Daly** REGIONAL COUNCIL

### **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 all seven Victoria Daly Regional Council's Local Authorities; Amanbidji, Bulla, Kalkarindji-Daguragu, Daly River, Pine Creek, Timber Creek and Yarralin-Nitjurr.

## **2.0 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.

### **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 Local Authority decisions and recommendations will need endorsement via Council resolution before they can be progressed, except where there is delegated authority.

### **2.2 Function of Local Authority**

The functions of a local authority are:

- (a) to involve local communities more closely in issues related to local government; and
- (b) to ensure that local communities are given an opportunity to express their opinions on questions affecting local government; and
- (c) to allow local communities a voice in the formulation of policies for the locality as well as policies for the area and the region; and
- (d) to take the views of local communities back to the council and act as advocates on their behalf; and
- (e) to contribute to the development of the relevant regional plan; and



## **Victoria Daly**

REGIONAL COUNCIL

- (f) to make recommendations to the council in relation to:
  - (i) the council's budget; and
  - (ii) the part of the council's area within which the local authority performs its functions; and
- (fa) to endorse the cemetery plan and cemetery policies for each public cemetery and community cemetery located within the authority's area; and
- (g) to perform other functions assigned to the local authority by the Minister, in accordance with any guidelines that the Minister may make.

### **2.3 Local authority members**

- 2.3.1 The Council will consider recommendations from the local authority on its composition and membership of the local authority. A council must resolve the number of members for each local authority.
- 2.3.2 There must be at least 6 members and maximum of 14 members for each authority. Different local authorities of council may have different number of members.
- 2.3.3 A local authority may recommend for consideration by the Council, different categories of membership or representation at meetings (such as associate membership, stakeholder representation, honorary membership, observers; or specific representation from certain groups such as Traditional Owners, clans, young people, women).

### **2.4 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

- 2.4.1 Council will seek nominations from within each community where the Minister has identified a Local Authority.
- 2.4.2 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.
- 2.4.3 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.
- 2.4.4 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.



## **Victoria Daly**

REGIONAL COUNCIL

- 2.4.5 Nominations are to be made in writing via the authorised Local Authority nomination form, available on Council's website here <https://www.victoriadaly.nt.gov.au/local-authorities/> or at any Council office.
- 2.4.6 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 (Council resolution 165/2017).
- 2.4.7 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.
- 2.4.8 The minimum age to become a Local Authority member is fifteen (15) years (Council resolution 068/2016)
- 2.4.9 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.
- 2.4.10 Members will be appointed for a term not exceeding four (4) years.
- 2.4.11 VDRC staff members at the level of Manager and above are not permitted to hold a position on a Local Authority (Council resolution [OCM-2023/96])
- 2.4.12 The local authority may resolve to endorse provisional membership for any vacancies at an ordinary meeting or a provisional meeting. Provisional membership will count for the purpose of quorum but must subsequently be ratified by council.
- 2.4.13 Following an election Council may rescind Local Authority membership and call for nominations by resolution of Council.
- 2.4.14 Filling of vacancies within three (3) months of a local government general election year are to occur after the declaration of the incoming Council.
- 2.4.15 All nominees must comply with the Northern Territory Chief Health Officer orders.

### **2.5 Resignation and Termination**

- 2.5.1 Resignations are to be made in writing to the Council Operations Manager of the Ward in which the Local Authority is established.
- 2.5.1 In accordance with Section 6.1(h) of the Ministerial Guideline 1, the membership of an appointed Local Authority member may be revoked or otherwise ceased (such as non-attendance).
- 2.5.2 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.



## Victoria Daly

### REGIONAL COUNCIL

2.5.3 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 or non-attendance of two consecutive meetings without an apology (Council resolution 165/2017).

All Local Authority resignations are noted by Council at the next Ordinary meeting following receipt of the resignation.

## 2.6 Conflict of Interest

Local Authority members must disclose any perceived or potential conflicts of interest at the commencement of each meeting and will be excused from Committee discussions and deliberations on the issues where the conflict exists. Conflicts of interest are to be recorded in the minutes.

## 2.7 Local Authority Meetings

2.7.1 The agenda for Local Authority meetings must be prepared in consultation with the chairperson of the local authority and include the following;

- Any declaration of conflicts of interest by members;
- Previous minutes;
- Items requested by members;
- A report from the CEO (or delegate) on all local authority matters before Council; including progress and financial report on local authority projects and a report on current council services and projects in the local authority area;
- Visitor presentations;
- General business and community questions.

2.7.1 Once in each financial year, a local authority agenda must include a review of:

- The Council's annual report or the previous financial year;
- The Council's proposed regional plan for the next financial year;
- The Council's budget for proposed projects for the local authority area for the next financial year;
- Community plans of the council or local authority where they exist.

2.7.2 A quorum at a meeting of a Local Authority consists of a majority of its members holding office at the time of the meeting.

2.7.3 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.

2.7.4 In accordance with Section 97 of the Act meetings of a Local Authority are convened by the CEO.

2.7.5 Each Local Authority will meet at least four (4) times annually as per the schedule set by the CEO. Provisional meetings may be counted to satisfy the minimum number of meetings.



## Victoria Daly

REGIONAL COUNCIL

- 2.7.6 The Council Operations Manager in each community will provide secretarial and executive support.
- 2.7.7 Local Authority meetings must allow for attendance via audiovisual conferencing for members, staff and guests who are unable to attend the meeting in person.
- 2.7.8 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.
- 2.7.9 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.
- 2.7.10 Council will consider all recommendations and will respond to the Local Authority at the subsequent meeting.
- 2.7.11 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.
- 2.7.12 It is up to each Local Authority to decide if they wish to appoint a Deputy Chairperson.
- 2.7.13 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.
- 2.7.14 A local authority may recommend to the council that proxies are allowed. (refer to Ministerial Guidelines 1. Local Authorities for more information).

### 2.8 Provisional meetings

- 2.8.1 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 Ministerial Guideline 1 for more information <https://cmc.nt.gov.au/>)
- 2.8.2 A provisional meeting does not have the powers or functions that the council may have delegated to the local authority.
- 2.8.3 During a provisional meeting, all agenda items may be discussed. Minutes must be taken and the minutes must clearly state that it was a provisional meeting.
- 2.8.4 Members at a provisional meeting can confirm the minutes of a previous meeting. However, members at a provisional meeting cannot confirm the minutes of the previous meeting.
- 2.8.5 Members at a provisional meeting may, by majority vote, make recommendations and qualified as being a decision of the members of the provisional meeting (**provisional decision**).
- 2.8.6 The minutes of a provisional meeting must identify decisions taken as provisional decisions.



## Victoria Daly

### REGIONAL COUNCIL

- 2.8.7 A copy of the minutes from provisional meetings must, within 10 business days after the date of the meeting, be available to the public on the council's website and at the council's office.
- 2.8.8 A local authority meeting can confirm the minutes of a provisional meeting.
- 2.8.9 A local authority can ratify a provisional decision at a subsequent local authority meeting, and if it chooses to do so, it becomes a decision of the local authority.

## 2.9 Local Authority Project Funding

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

- 2.9.1 Projects chosen must not jeopardise the financial, social or environmental sustainability of Council;
- 2.9.2 ongoing maintenance costs to projects funded with Local Authority special project grants must be considered;
- 2.9.3 projects that need additional funds from Council or rely upon grant applications must go to Council for approval;
- 2.9.4 projects that rely on in-kind support from Council must be related to core services and must have prior approval from the Council;
- 2.9.5 the purchase of any product or service must comply with the Council's Procurement Policy (LGP021);
- 2.9.6 cash will not be given out under any circumstances.
- 2.9.7 Funding should not go to projects that are ordinarily the responsibility of another level of government.
- 2.9.8 Salaries cannot be paid for with this funding.
- 2.9.9 Vehicles cannot be procured with this funding.
- 2.9.10 The use of project funds must be approved at the Local Authority meeting with a quorum.
- 2.9.11 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.

## 2.10 Local Authority sitting fee for Members and Council staff

Eligible members, including proxy and provisional members, are entitled to the respective local authority payment as determined by the Remuneration Tribunal if they comply with the requirements of this guideline and are present for at least 75 per cent of the scheduled meeting time for which the meeting payment is claimed. The following allowances will be paid for each meeting of the Local Authority.



## Victoria Daly

REGIONAL COUNCIL

- 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

- 2.10.1 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.
- 2.10.2 In accordance with Ministerial Guideline 1. Section 9.3 Council members are not eligible for a local authority payment in relation to attending local authorities meetings or provisional meetings, but may be entitled to claim extra meeting allowance.
- 2.10.3 If VDRC staff are attending the Local Authority meeting as a local authority member during their ordinary work hours, the staff member is required to take annual leave for the period of the meeting.

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