

GUIDELINE 8

Regional Councils and Local Authorities

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GUIDELINE 8

Regional Councils and Local Authorities

These guidelines are made by the Minister under sections 53E(2) and 258(1) of the *Local Government Act*.

1. Title

1.1. These Guidelines may be referred to as “*Guideline 8 Regional Councils and Local Authorities*”.

2. Commencement

2.1. These guidelines commence on the date they are made by the Minister.

3. Revocation of previous guidelines

3.1. All previous issues of Ministerial Guideline 8 relating to Regional Councils and Local Authorities are revoked.

3.2. Revocation of previous guidelines does not detract from the mandatory nature and effect of previous guidelines on dates when they were in effect and applicable.

4. Definitions

In these guidelines:

appointed member means a local authority member who has been appointed pursuant to section 53C(1)(b) of the Act.

members includes appointed members and non-appointed members.

non-appointed member means a person who is local authority member by virtue of section 53C(1)(a) or (2) of the *Local Government Act*.

provisional meeting means, at the time and place set for a local authority meeting when a quorum has not been established, a majority of appointed members.

Note: A provisional meeting is able to make recommendations to council pursuant to clause 13 (Provisional meeting where quorum not present). There must be more than half of the appointed members present.

5. Where local authorities are to be established and maintained

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

6. Area of a local authority

6.1. 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.

7. Number of members

7.1. Subject to clause 11 (Request to have more than 14 members), a local authority is to have a minimum of six and a maximum of 14 members.

7.2. Subject to clause 7.1 (minimum and maximum number of members) a regional council may, by resolution, change the number of member positions that a local authority is to have.

Note: The regional council may decide different membership numbers for different local authorities.

8. Nomination and appointment process

8.1. As soon as practicable after a vacancy arises, a regional council must call for nominations and allow 28 days for nominations to be received.

8.2. The call for nominations must be advertised and promoted in a manner that ensures that residents of the relevant area are aware of it.

8.3. Nominations are to be returnable to a named regional council employee working in the relevant town or community.

8.4. The list of nominations received and consideration regarding the filling of positions for which nominations have been received, must be an agenda item at the first ordinary regional council meeting after nominations have closed.

9. Revocation of appointment

9.1. 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.

10. Appointed member vacancies

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

11. Request to have more than 14 members

- 11.1. If the regional council resolves to request the Minister to allow a particular local authority to have more than 14 members, the regional council may defer appointments until the next available regional council meeting for the purpose of making a request to the Minister.
- 11.2. The CEO must advise the Minister of the request in writing detailing:
 - 11.2.1. the name of the local authority;
 - 11.2.2. the current membership number;
 - 11.2.3. the preferred membership number;
 - 11.2.4. the reasons for seeking an increase in the allowed maximum membership; and
 - 11.2.5. the projected annual impact on council's budget and resources.
- 11.3. Despite other provisions in these guidelines, the Minister may allow, subject to any conditions specified, a specific maximum number of members for a particular local authority.
- 11.4. Where there is a request to have more than 14 members, the regional council must proceed to fill the extra positions via the nomination and appointment process described in clause 8, but only after Ministerial approval for those positions has been received.

12. No proxies

- 12.1. A member of a local authority may not be represented by a proxy (substitute) during a meeting or provisional meeting.

13. Provisional meeting where quorum not present

- 13.1. In the event that a quorum is not present for a meeting, but the majority of appointed members are present, the members that are in attendance may hold a provisional meeting.
- 13.2. During a provisional meeting, all agenda items may be discussed and minutes must be kept.
- 13.3. Members at the provisional meeting may, by majority vote, make recommendations to the regional council, including local authority projects, provided any such recommendation is specifically qualified as being a recommendation of a provisional meeting, rather than the local authority.
- 13.4. A provisional meeting may not approve the minutes of a local authority meeting but a local authority may approve the minutes of a provisional meeting.
- 13.5. A provisional meeting does not have the powers or functions which a council may have delegated to a local authority.

14. Administrative support and secretariat

- 14.1. The CEO must ensure there is secretariat support for the local authority.
- 14.2. 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.
- 14.3. For the purpose of section 63(3) of the Act, a reasonable time for provision of notice convening a local authority meeting is at least three days prior to the proposed meeting date.
- 14.4. The CEO must ensure that a current copy of the regional council's policy on delegation of powers and functions to a local authority (or to local authorities generally) is made available to all members of the local authority within the first three months of each financial year.

15. Minimum number of meetings or provisional meetings

- 15.1. Subject to clause 15.2 and the relevant Ministerial approval, the CEO must ensure a minimum of four meetings or provisional meetings for each local authority are held in each financial year.

Note: Either a meeting or a provisional meeting can be counted in reaching the minimum total of four. For example, three provisional meetings and one meeting would make up the required minimum number of four.

- 15.2. If the majority of members of a local authority agree, the Chair may make a written request to the Minister to reduce the minimum number of meetings or provisional meetings in each financial year. The Minister will consult with the regional council before making a decision.

Note: Ministerial approval is not required for a local authority to have more than the minimum number of meetings per financial year.

16. Agenda and minutes

- 16.1. The agenda for each local authority meeting is to be prepared by the secretariat in consultation with the Chair.
- 16.2. The agenda of each meeting must include but is not limited to:
 - 16.2.1. the regional council's response to local authority issues raised;
 - 16.2.2. local authority action items;
 - 16.2.3. CEO report on current regional council services in the local authority area;
 - 16.2.4. reports on other service delivery issues in the local authority area;
 - 16.2.5. visitor presentations;
 - 16.2.6. the latest quarterly report as required by clause 20.4; and

16.2.7. a report on complaints received by the regional council concerning service delivery in the local authority area and the regional council's response.

16.3. Each financial year a local authority agenda must include a review of:

- 16.3.1. the regional council's annual report for the previous financial year;
- 16.3.2. any relevant community plan of the regional council or local authority;
- 16.3.3. the regional council's policy on delegation of powers and functions;
- 16.3.4. the regional council's proposed regional plan; and
- 16.3.5. the regional council's proposed budget priorities for the local authority area for the next financial year.

17. Regional council consideration of minutes

17.1. A regional council must consider the minutes of each local authority meeting or provisional meeting (these will normally be the unconfirmed minutes) at the next ordinary council meeting after the local authority meeting or provisional meeting. The council's response to any matters raised by the local authority or provisional meeting must be recorded in the minutes of the council meeting.

17.2. A copy of the regional council's unconfirmed minutes must be provided to each local authority member by the secretariat within 10 business days after the council meeting.

18. Functions of a local authority

18.1. 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 senior positions in the local authority area.

18.2. It is also a function of a local authority to determine local authority projects for recommendation to the regional council.

19. Local authority member allowances

19.1. Subject to clause 19.2, the allowance to be paid by a regional council to an eligible member after having attended a local authority meeting or provisional meeting is as set out below:

- 19.1.1. Chair, if eligible, 143 revenue units
- 19.1.2. other eligible members 107 revenue units

Note: The value of a revenue unit may be found on the Department of Treasury and Finance website: www.treasury.nt.gov.au. Enter 'revenue units' in the search box on the home page.

19.2. The following members of a local authority are not eligible to be paid a local authority member allowance by the regional council:

- 19.2.1. elected members – as council members claim their allowance according to the relevant Ministerial guideline and general instruction on council member allowances; and
- 19.2.2. regional council staff – as they are being paid by their employer (although a council may choose to remunerate a staff member for attending a local authority meeting where they are not already being paid by council).

20. Regional council budgets and financial reports

- 20.1. A regional council must take the priorities of its local authorities or provisional meetings, whether submitted to council or recorded in minutes, into consideration as part of the overall budget development process.
- 20.2. After the regional council meeting where local authority and provisional meeting priorities are considered as required in 20.1, and prior to the next scheduled meeting of the relevant local authority, the CEO must inform the local authority in writing of the reason(s) for not incorporating any such priority into the budget.
- 20.3. The adopted budget of a regional council must include a separate budget for each local authority area detailing expenditure by:
 - 20.3.1. program (for example, library services, rubbish collection, waste management, public safety lighting, child care, aged care, roads maintenance); and
 - 20.3.2. account category (for example, employee costs, materials and services, finance costs, depreciation and capital expenditure).
- 20.4. Each quarter, the regional council must prepare a financial report setting out:
 - 20.4.1. the quarterly and year to date budget and expenditure, by program and account category, in relation to the local authority area;
 - 20.4.2. the forecast expenditure in relation to the local authority area for the whole of the financial year; and
 - 20.4.3. explanations of variations greater than ten per cent or \$10,000 (whichever is higher) between actual and budgeted amounts.

21. Regional council annual report

- 21.1. The annual report of a regional council must include information on the performance of the council in relation to service delivery and planned projects in the local authority area.
- 21.2. 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
Ali Curung
Arparra
Alpurrurulam
Ampilatwatja
Elliott
Tennant Creek
Wutunugurra

Central Desert Region
Anmatjere (Nturiya, Pmara Jutunta, Wilora, Ti Tree)
Atitjere
Engawala
Lajamanu
Laramba
Nyirripi
Willowra
Yuelamu
Yuendumu

East Arnhem Region
Angurugu
Galiwin'ku
Gapuwiyak
Gunyangara
Milingimbi
Milyakburra
Ramingining
Umbakumba
Yirrkala

MacDonnell Region
Amoonguna
Apatula
Areyonga
Haasts Bluff (Ikuntji)
Imanpa
Kaltukatjara
Kintore (Walungurru)
Ltyentye Apurte
Mt Liebig (Amundurrngu)
Ntaria
Papunya
Titjikala
Wallace Rockhole

Roper Gulf Region
Barunga
Borroloola
Bulman
Jilkminggan
Manyallaluk
Mataranka
Hodgson Downs
Ngukurr
Numbulwar
Wugularr

Victoria Daly Region
Daly River
Kalkaringi/Dagaragu
Pine Creek
Timber Creek
Yarralin

West Daly Region
Palumpa
Peppimenarti
Wadeye

West Arnhem Region
Gunbalanya
Maningrida
Minjilang
Warruwi

Tiwi Islands Region
Milikapiti
Pirlangimpi
Wurrumiyanga