

Local Authorities

Council Policy 111



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1. Purpose

This policy establishes rules for Local Authorities that make sure they provide good local representation, are properly supported and remain a valued resource for the MacDonnell Regional Council (MRC) and its communities.

2. Scope

This policy applies to all Local Authority members.

3. Objectives

To ensure that:

- There is compliance with the Local Government Act and related legislation;
- Local Authorities can provide effective community representation and a voice for community in its discussion with MRC.
- MRC supports the Local Authorities and their members through governance training and development to help improve engagement with the community and in so doing achieve:
 - community contribution to the desired levels of local government service delivery;
 - creation and application of effective Council's policies; and
 - the establishment of mutually agreed future plans.
- Local Authorities are strong and well-run, so that information and ideas can be transmitted via them from residents to MRC, and from MRC's elected members and staff back to residents.

4. Statement

4.1. General

MacDonnell Regional Council (MRC) will ensure opportunities exist for residents to meaningfully engage in local government processes that impact their lives while complying with the applicable legislation.

4.2. Delegations

4.2.1. Local Authorities have an advisory role to MRC. Therefore, Local Authority decisions and recommendations made in relation to the activities of the MRC will need the approval of the Council of MRC when sitting as Council except where there is delegated authority.

4.2.2. Local Authorities are allocated a specific amount of funding, as defined in MRC's budget each financial year, to spend on activities the Local Authorities support in their communities. This can be spent under the delegation made to the Local Authority, and must be spent in line with the Local Authority Projects and Discretionary Funds Policy.

4.3. Local Authority Areas

The Local Authority areas will include the community in which they are based and the surrounding areas which the community residents identify as part of that community for accessing services or for cultural reasons.

Local Authorities

Council Policy 111



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4.4. Number of Members

The number of members for each Local Authority will be as follows:

Community	Appointed Members	Elected Members	Quorum (Total of Elected and Appointed members)	Provisional (Appointed Only)
Amoonguna	7	4	6	4
Areyonga (Utju)	7	2	5	4
Docker River (Kaltukatjara)	7	2	5	4
Finke (Aputula)	7	4	6	4
Haasts Bluff (Ikuntji)	7	3	6	4
Hermannsburg (Ntaria)	10	3	7	6
Imanpa	7	2	5	4
Kintore (Walungurru)	7	3	6	4
Mount Liebig (Watiyawanu)	7	3	6	4
Papunya (Warumpi)	9	3	7	5
Santa Teresa (Ltyentye Apurte)	7	4	6	4
Titjikala	7	4	6	4
Wallace Rockhole	7	3	6	4

4.5. Nominations and Appointments process

- 4.5.1. A Local Authority consists of the ward Councillors for the relevant ward, and other members of the community as appointed by Council.
- 4.5.2. The President is a member within their own ward and will be an ex officio in the other wards MRC wards.
- 4.5.3. In the event of a vacancy, a new member will be nominated and appointed in accordance with the Local Government Act, Ministerial Guidelines and this policy.
- 4.5.4. Calls for community nominations will remain open for 28 days. Signage to advise of the vacancy will be posted at the Council office or other suitable venues.
- 4.5.5. The Local Authority should:
 - 4.5.5.1. be representative of key groups within the Local Authority area such as family groups, women and men, outstations and community residents etc.
 - 4.5.5.2. ensure members are committed to attend and participate in meetings and give two way feedback to community members and Council;
 - 4.5.5.3. include members of Youth Boards where they exist;
 - 4.5.5.4. list all nominations received along with the indications of community support, including any collective current Local Authority members support for the nomination to be considered at the first Ordinary Council meeting after nominations have closed; and
 - 4.5.5.5. select the Chair of the Local Authority from the members of the Local Authority.

4.6. Elected Councillor Support for Local Authorities

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Local Authorities

Council Policy 111



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- 4.6.1. Councillors are members of all Local Authorities situated within the ward they represent. They should where ever possible, attend each Local Authority meeting within their ward.
- 4.6.2. The President will attend Local Authority meetings when possible.
- 4.6.3. MRC staff will maintain and report on a Community Action Register to ensure issues raised by Local Authorities are resolved.

4.7. Local Authority Meetings

- 4.7.1. Ordinary Local Authority Meetings are convened by the MRC CEO or their delegate, and are set at the start of the calendar year.
- 4.7.2. Ordinary Local Authority meetings will be provided secretarial support from a MRC Governance Officer or Governance representative and the CEO, a Director or another representative nominated by the CEO of MRC will attend.
- 4.7.3. Under exceptional circumstances, despite the above, a meeting can proceed without the CEO, a Director or a representative nominated by the CEO, provided the CEO approves this.
- 4.7.4. To ensure that the community representatives have control of the meeting, for the duration of the meeting Local Authority members and Councillors will sit at the meeting table and MRC staff (apart from the Governance Officer or Governance representative) and visitors will sit in the designated viewing area, unless invited to the table by the Local Authority Chair.
- 4.7.5. MRC staff should not participate in discussions where a decision is the responsibility of the Local Authority, unless asked to do so by Local Authority members.
- 4.7.6. Where **confidential** matters are being discussed, visitors will be asked to wait outside for the duration of those discussions.

4.8. External bodies consulting with Local Authorities

- 4.8.1. Local Authorities may act as representative bodies for their communities to Commonwealth and NT government representatives or agencies, non-government organisations and other groups that wish to meet with the community.
- 4.8.2. Local Authority meetings are open to the public, but any person wishing to formally meet with or present to the Local Authority must put a request in writing to MRC at least two weeks prior to the meeting.
- 4.8.3. These agenda items will be discussed after the completion of local government business or as determined by the meeting.

4.9. Special Local Authority Meetings

- 4.9.1. Special Local Authority Meetings are convened by the Chairperson of the Local Authority through the CEO or their delegate.
- 4.9.2. The purpose of the Special Local Authority Meeting is to deal with important issues that cannot wait until the next scheduled Ordinary Local Authority Meeting.
- 4.9.3. This policy applies to Special Local Authority meetings as it does for Ordinary Local Authority Meetings.

Local Authorities

Council Policy 111



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4.10. Rescheduled meetings

- 4.10.1.** MRC are committed to achieving the minimum number of meetings (4) per Local Authority per year. Due to the large number of Local Authority meetings that MRC holds, MRC will not be able to reschedule all cancelled meetings.
- 4.10.2.** Priority will be given to rescheduling meetings that have been cancelled due to legitimate reasons and where advanced warning has been given as described in clause 4.11 of this policy.
- 4.10.3.** As per section 66 of the Local Government Act a meeting may be postponed for up to 21 days from the initial scheduled date. After this timeframe a meeting must be cancelled and reconvened at an alternative time.

4.11. Advance warning for legitimate reasons

- 4.11.1.** A meeting cancellation will be deemed to be legitimate where:
- access to a community is restricted (e.g. weather, cultural business);
 - sorry or cultural business prevents the meeting proceeding; or
 - a conflicting community meeting or event would significantly restrict community participation.
- 4.11.2.** Where MRC staff receive advanced warning of a meeting cancellation and the reasons are legitimate, they will make every effort to reschedule the meeting.
- 4.11.3.** Local Authority members are able to change the meeting dates with less than seven days notice if the majority of members agree.
- 4.11.4.** Meetings should be rescheduled to occur within 21 days of the original meeting dates.
- 4.11.5.** If a rescheduled meeting does not proceed, no further attempts will be made to reschedule that meeting.
- 4.11.6.** If there are changes to the scheduled meeting time made by the CEO or their delegate, members of the Local Authority must be given as much notice about the rescheduled date, time and place for the meeting, as practicable.

4.12. No quorum on the day

- 4.12.1.** A Local Authority meeting cannot be rescheduled, except in extreme circumstances (e.g. sudden family emergencies); if no advance warning is given that there will not be a quorum.
- 4.12.2.** The rescheduling of a Local Authority meeting will be based on available MRC resources.
- 4.12.3.** If a rescheduled meeting does not happen, no further attempts will be made to reschedule.

4.13. Provisional Meetings

- 4.13.1.** Where a quorum cannot be achieved a provisional meeting can be held. See clause 4.4 of this policy for the specific number of appointed members required to attend the local authority meetings at each community.
- 4.13.2.** Provisional Meetings contribute to the annual requirement of four (4) Local Authority meetings as per the applicable legislation.

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Local Authorities

Council Policy 111



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4.14. Local Authority meeting member attendance and allowance

- 4.14.1.** Members are required to attend local authority meetings as often as possible. If a member cannot attend these meetings they need to submit an apology. Membership of the Local Authority may be revoked if a member does not attend as required. See 4.16 in this regard
- 4.14.2.** Councillors are automatically members of Local Authorities within their ward, and they count towards that Local Authority's quorum. If a Councillor cannot attend these meetings they will need to submit an apology.
- 4.14.3.** Appointed Local Authority members are entitled to an allowance for each Local Authority meeting or provisional meeting they attend in accordance with the guidance provided in Ministerial Guideline 8.
- 4.14.4.** Section 64(4)(a) of the Local Government Act makes provision for Local Authority members to participate in a Local Authority meeting via audio and/or audio –visual technology. Where this can be arranged this is preferable to not having a meeting take place.

4.15. Selection panels

- 4.15.1.** The Local Authority must nominate a member to sit on employment selection advisory panels in relation to MRC senior positions in the Local Authority area. When the panel is convened this nominee will be contacted with the interview time and date.
- 4.15.2.** The nominee must declare conflicts of interest, including family relationships, should they exist and the panel take this into consideration.

4.16. Revocation of Appointment of Ordinary Member

It is important that Local Authority members attend meetings wherever possible.

A person ceases to hold office as a member of a Local Authority if the person:

- 4.16.1.** passes away;
- 4.16.2.** resigns in writing;
- 4.16.3.** has their membership revoked due to decisions based on or in accordance with clauses 4.17, 4.18, 4.19 of this policy;
- 4.16.4.** is absent for 2 consecutive meetings without the permission of the Local Authority; and
- 4.16.5.** if they are physically unable to attend 2 meetings of the Local Authority, for example if they are in jail or in hospital for an extended time.
- 4.16.6.** A letter revoking the membership will be sent to the last known residential address of the member in question.

4.17. Code of Conduct

- 4.17.1.** Local Authorities within the MacDonnell Regional Council area will operate under Council's policy CP102 Code of Conduct – Members as well as under this policy.

4.18. Disciplinary Procedures for Local Authority Members in breach of the Code of Conduct

- 4.18.1.** Should the elected members of Council receive a formal complaint about a Local Authority Member's behaviour, then they will attempt to resolve the matter promptly.

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Local Authorities

Council Policy 111



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4.18.2. Should the matter become sufficiently serious, then the matter will be dealt with in accordance with relevant legislation.

4.19. Procedures for dealing with misconduct or poor performance of Local Authorities

4.19.1. If Local Authority members collectively behave in a manner that is not compliant with the Local Government Act (Act), is allegedly bringing MRC into disrepute or is repeatedly reported to be performing poorly, MRC will appoint a person to undertake an investigation.

4.19.2. If the Local Authority is found to be not meeting its obligations under the Code of Conduct, Act or Ministerial Guidelines, Council will give the Local Authority a written warning outlining its responsibilities.

4.19.3. MRC's President and staff will work with the Local Authority to resolve these issues.

4.19.4. If the Local Authority is then unable to meet its obligations in a suitable timeframe the Council will have the option to terminate the entire membership of the Local Authority or some members, and appoint new members. In this case, MRC will appoint new members using the Nominations and Appointment process outlined above.

4.19.5. It is the decision of Council as to whether any previous Local Authority members will be reappointed.

4.20. Appeal Procedure

The member/s of the Local Authority or the Local Authority as a whole, have the right to appeal directly to the Council to discuss their issues in relation to alleged misconduct or reported poor performance.

5. Policy Details

Replaces Policy	DCS014
Responsible Directorate/Department	Corporate Services - Governance and Planning
Council Approval Date	23 February 2018
Minutes Reference	13.2 Ordinary Council Meeting
Review Cycle	Four (4) years or sooner if required.

6. Legislation and References

Related Legislation	Local Government Act Local Government Guideline 8
Related Policies	CP102 Code of Conduct – Members CP103 Acceptance of Gifts and Benefits - Members CP104 Disclosure of Interests - Members CP107 Allowances – Local Authority Members CP109 Accommodation and Travel– Councillor and Local Authority Members CP112 Local Authority Projects and Discretionary Funds OP202 Recruitment and Selection
Related Procedures	
Associated Documents	

Local Authorities

Council Policy 111



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7. Version control

Version No	Approval Date	Policy No.	Minutes reference (previous version)
1.0	May 2014	DCS014	
2.0	February 2018	CP111	Item 13.2 Ordinary Council Meeting
2.2	October 2018	CP111	Item 13.2 Ordinary Council Meeting