

Local Authorities

Council Policy 111



Policy Number	CP111
Replaces Policy Number	DCS014
Area Responsible	Governance and Planning
Strategic Plan Reference	4 A Supportive Organisation
Approval date	13 April 2017
Minutes Reference	Item 13.2 Ordinary Council Meeting 13/04/17
Last Reviewed	13 April 2017
Next Review Date	30 June 2020

1. Purpose

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

2. Scope

This policy applies to all Local Authority members.

3. Policy Objectives

To ensure that:

- Local Authorities can provide effective representation and are recognised as a valuable resource for the community and MRC.
- MRC supports the Local Authorities and their members through governance training and development to help improve engagement with the community and contribution to local government service delivery by providing good advice from Local Authorities to MRC.
- 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. Policy Statement

4.1 Delegations

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 elected members of MRC, except where there is delegated authority.

Local Authorities are allocated a specific amount of funding, as defined in MRC's budget each 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.

4.2 Local Authority Areas

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

Local Authorities

Council Policy 111



4.3 Number of Members

The number for each Local Authority will be as follows:

Community	Appointed members	Elected Members	Quorum (Total)	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 (Lyentye Apurte)	7	4	6	4
Titjikala	7	4	6	4
Wallace Rockhole	7	3	6	4

4.4 Nominations and Appointments process

A Local Authority consists of the ward Councillors for the relevant ward, and other members of the community as appointed by Council. The President is a member within their own ward and is ex officio in other wards of the MRC region.

In the event of a vacancy, a new member will be nominated and appointed in accordance with the Local Government Act, Guidelines and this policy.

Calls for community nominations will remain open for at least 28 days.

The Local Authority should:

- be representative of key groups within the Local Authority area such as family groups, women and men, outstations and community residents etc.
- ensure members are committed to attend and participate in meetings and give two way feedback to community members and Council
- include members of Youth Boards where they exist.

The list of all nominations received, along with the indications of community support, including from serving Local Authority members collectively, will be discussed and appointments made at the first Ordinary Council meeting after nominations have closed.

Where there are two or more nominations for one vacancy, MRC will call a community meeting to hold a ballot to select and recommend one nomination.

A Chair for the Local Authority will be selected by the members of the Local Authority.

4.5 Elected Councillor Support for Local Authorities

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. The President will attend Local Authority meetings when possible.

Local Authorities

Council Policy 111



MRC staff will maintain and report on a Community Action Register to ensure issues raised by Local Authorities are resolved.

4.6 Local Authority Meetings

Ordinary Local Authority Meetings are convened by the CEO or their delegate, and are set at the start of the calendar year.

Ordinary Local Authority meetings will be provided secretarial support from a Governance Officer or Governance representative and the CEO, a Director or another representative nominated by the CEO of MRC will attend. Under exceptional circumstances, despite the above, a meeting can proceed without the CEO, a Director or a representative nominated by the CEO, provide the CEO approves this.

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. 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.

Where confidential matters are being discussed, visitors will be asked to wait outside for the duration of those discussions.

4.6.1 External bodies consulting with Local Authorities

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. 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. These agenda items will be discussed after the completion of local government business or as determined by the meeting.

4.7 Special Local Authority Meetings

Special Local Authority Meetings are convened by the Chairperson of the Local Authority through the CEO or their delegate.

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.

This policy applies to Special Local Authority meetings as for Ordinary Local Authority Meetings

4.8 Rescheduled meetings

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. Priority will be given to rescheduling meetings that have been cancelled due to legitimate reasons and where advanced warning has been given. 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.

4.8.1 Advance warning for legitimate reasons

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;

Local Authorities

Council Policy 111



- a conflicting community meeting or event would significantly restrict community participation.

Where MRC staff receive advanced warning of a meeting cancellation and the reasons are legitimate, they will make every effort to reschedule the meeting. Local Authority members are able to change the meeting dates with less than seven days notice if the majority of members agree. Meetings should be rescheduled to occur within 21 days of the original meeting dates.

If a rescheduled meeting does not proceed, no further attempts will be made to reschedule that meeting.

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.

4.8.2 No quorum on the day

We cannot reschedule meetings, except in extreme circumstances (eg sudden family emergencies), if no warning is given that there will not be a quorum. We will assess our ability to reschedule based on available resources if the reason is considered by MRC to be extreme. If the rescheduled meeting does not happen, no further attempts will be made to reschedule.

4.9 Employment panels

The Chair of the Local Authority, or another Local Authority member, will sit on selection panels for Coordinator positions and above and Community Safety positions' recruitment in their community. When the panel is convened they will be contacted with the interview time and date. They must declare conflicts of interest, including family relationships, should they exist.

4.10 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:

- passes away;
- resigns in writing;
- has their membership revoked due to absence or in accordance with 4.12 or 4.13; or
- they are absent for 2 meetings without the permission of the Local Authority

4.11 Code of Conduct

Local Authorities within the MacDonnell Regional Council area will operate under Council's policy CP102 Code of Conduct – Members.

Members of Local Authorities found in breach of this policy will be dealt with through the Disciplinary Procedure.

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

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. Should the matter become sufficiently serious, then the matter will be dealt with in accordance with relevant Acts and Guidelines.

Local Authorities

Council Policy 111



4.13 Procedures for dealing with misconduct or poor performance of Local Authorities

If a Local Authority behaves 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.

If the Local Authority is found to be not meeting its obligations under the Code of Conduct, Act or Guidelines, the Council will give the Local Authority a written warning outlining where it is remiss in its responsibilities. MRC's President and staff will work with the Local Authority to resolve these issues.

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 outline in 4.4 above. It is the decision of the Council whether any previous members will be reappointed.

4.14 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 and if not satisfied then the member/s have a right to appeal to the Minister for Housing and Community Development and/or the Northern Territory Ombudsman.

5. 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	

6. Delegation and Implementation

Delegate	Director Corporate Services
Implementation Officer	Manager Governance and Planning

7. Administration

InfoXpert file number	150267
On Internet (Council Policy)	28/04/17
On Intranet (Operational Policy)	