

Members Policy

MC01-CP (amendments will be made subject to the enactment of the Local Government Act (General) Regulations and any updated MRC document names)

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1. Purpose

The purpose of this policy is to outline the role and responsibilities of members for the MacDonnell Regional Council (MRC)

2. Scope

This policy applies to all members of council, inclusive of elected members, the principal member (the President) and deputy principal member (the Deputy President), appointed members being both local authority members and committee members.

3. Objectives

3.1. The objectives of this policy are:

3.1.1. In line with MRC's Regional Plan: training and empowering members in their roles to lead into the future.

3.1.2. To ensure members understand and follow the *Local Government Act 2019 (The Act)* and relevant regulations, guidelines and any general instructions.

4. Definitions

Appointed members	Refers to members that are not elected but appointed only . They could be either appointed members to a local authority and/or to a council committee.
Chairperson	Refers to the chair of either the local authority or committee.
Elected members	Refers to individuals elected by the constitutions of the MRC area. This includes: ordinary members (Councillors), principal member (President) and deputy principal member (Deputy President).
Member	Both appointed and elected members.
Ordinary members	Elected members excluding the principal (The President) and acting principal (Deputy President).
Principal and deputy principal	The President and Deputy President of council.

5. Statement

5.1. General

5.1.1. All members are subject to item 6.1 'Roles and responsibilities'.

5.1.2. The principal and deputy principal in addition to 5.1.1 are also subject to item 7.1 and 7.2 'Principal and deputy principal member' of this policy.

5.1.3. Appointed members are subject to in addition to 5.1.1 are also subject to item 7.1 and 8 'Appointed members' of this policy.

5.1.4. Additionally all members are bound by the code of conduct and relevant conflict of interest policy.

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5.2. Entitlements and reimbursement

Council must have policies and procedures regarding entitlements and reimbursement which are outlined as follows:

- 5.2.1.MC03-CP Allowances - Elected Members Policy
- 5.2.2.MC01-P2 Travel Expenses Procedure – members
- 5.2.3.MC01-P3 Professional Development Procedure – elected members
- 5.2.4.MC01-P4 Equipment and Resources Procedure – elected members

6. All members

6.1. Principles of good governance

6.1.1. In addition to the obligations under the Act, in the 'Important governance messages', MRC outlines the following principles to encourage good governance:

- a. Inclusive (including everyone, being fair)
- b. Participatory (involving everyone)
- c. Accountable (answering to the people and funding bodies)
- d. Transparent (showing how and why decisions are made)
- e. Rule of law (same law for everyone)
- f. Local solutions (local control)
- g. Efficient (using time, money and resources with care)
- h. Effective (achieving planned results)
- i. Sustainable (lasting into the future)

7. Elected members

Elected members including the President and Deputy President are members of council and in addition can be members of local authorities and council committees. Membership to these additional meetings are by endorsement of the council.

7.1. Council

7.1.1. From the Act section 44, the role of members is to:

- a. to represent the interests of all residents and ratepayers of the council area; and
- b. to provide leadership and guidance; and
- c. to facilitate communication between the members of the council's constituency and the council; and
- d. to be properly informed to enable participation in the deliberations of the council and its community activities; and
- e. to ensure, as far as practicable, that the council acts honestly, efficiently and appropriately in carrying out its statutory responsibilities; and
- f. to ensure that council resources are used prudently and solely in the public interest; and
- g. to actively monitor the financial affairs of the council.

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7.1.2. However, a member of the Council has no power to direct or control staff of the Council, or to interfere with the management of staff of the Council.

7.1.3. A member of the Council has a duty to act, at all times, in what the member genuinely believes to be the best interests of the Council's constituency

7.2. Principal and deputy principal member

7.2.1. Appointing a principal member

- a. Council can decide that a principal member will be elected by the constituents or by appointment by the council. If the council wishes to elect the principal member they must refer to and follow section 60 of the Act.
- b. Council will appoint a principal member by secret ballot at the first meeting of Council as detailed in MC01-P4 First Council Meeting Procedure after a general election. Council may also appoint one of its members to be the deputy principal member of council.

7.2.2. **Role of principal member** - As per the Act section 59, in addition to the role of a member mentioned in section 44, the principal member (and deputy) of a council has the following functions:

- a. to chair meetings of the Council;
- b. to speak on behalf of the Council as the council's principal representative;
- c. to liaise with the CEO about the performance of the Council's and CEO's functions;
- d. to promote behaviour among the members of the Council that meets the standards set out in the code of conduct;
- e. to lead the Council to undertake regular review of the performance of the CEO.

7.2.3. The deputy principal member of a council is to carry out any of the principal member's functions when the principal member:

- a. delegates the functions to the deputy; or
- b. is absent from official duties because of illness or for some other reason

7.3. Local authority

7.3.1. Any elected member from the local authority area in the relevant ward can be part of that local authority. Council at minimum must have one elected member in every local authority, however, by resolution can determine if all elected members from the relevant ward will be a local authority member and should attend all local authority meetings. This will be determined at the first meeting of Council as per the MC01-P4 First Council Meeting Procedure.

7.4. Council Committees

7.4.1. An elected member can be a member of council committees in different capacities. The terms of reference of the current committees are titled as follows:

- a. The Audit Committee Terms of Reference – is a mandatory committee and the Act states that the chairperson may not be an elected member;
- b. the Finance and Risk Committee Terms of Reference – is determined by Council and may have an elected members as a chairperson

In addition the MC02- CP Meetings Policy outlines identified roles and the correct conduct at such meetings.

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8. Appointed members

8.1. The following applies to appointed members of either a local authority or a council committee.

8.1.1. **Appointing members** – local authorities

- a. Eligibility- can be anyone nominated from the local authority area, including MRC employees and youth board members.
- b. Nominations- When there is a vacancy on a local authority the Council will give notice and there will be a period of 21 days for nominations to be submitted. The Council will appoint any suitable nominations.

8.1.2. **Appointing members** – committees

- a. Will be appointed by the Council as determined by the terms of reference.

8.1.3. **Revocation of membership** - As per *Guideline 1: Local Authorities* and the Act, the Council will determine when membership of either the local authority or a council committee can be revoked. Additional detail can be found in MC02-P2 Local Authority Meeting Procedure and MC02-P3 Council Committee Procedure.

8.1.4. **Disciplinary action** – Again as stated in item 8.1.3, the Council will determine when revocation of membership will occur. For breaches by appointed members of the code of conduct, and decisions or disciplinary action will be led by the Council.

8.2. Local authorities

8.2.1. MRC has 13 local authorities and local authorities have an advisory function to the Council.

8.2.2. Local authority meetings are made up of both elected and appointed members, they are all local authority members.

8.2.3. A local authority also selects a chairperson from the local authority members.

8.2.4. 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
- f. to make recommendations to the council in relation to:
 - the council's budget; and
 - the part of the council's area within which the local authority performs its functions; and
- g. to approve the cemetery plan for each public cemetery and community cemetery located within the local authority's area; and

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- h. to perform other functions assigned to the local authority by the Minister, in accordance with any guidelines that the Minister may make.

8.3. Council Committees

8.3.1. Council committees are similar to local authorities' in the way that council committees can be composed of both elected and appointed members.

8.3.2. An appointed member can be a member of council committees in different capacities. This may include external members and employees. The terms of reference and MC02-CP Meetings Policy outlines identified roles and the correct conduct at such meetings.

9. Policy Details

Replaces Policy No: (if applicable)	NA
Responsible Directorate/Department:	Corporate Services - Governance and Engagement
Approval Date:	30 April 2021
Minutes Reference and Resolution number:	OCM Item # 15.1 – OCM2021-045
Review Cycle:	April 2025. Review every four (4) years or after changes to relevant legislation or Council policy

10. Legislation and References

Related Legislation:	Local Government Act 2019 Guideline 1: Local Authorities Local Government (General) Regulations
Related Policies:	MC04-CP Code of Conduct - members MC02-CP Meetings Policy
Associated Documents:	MC02- P4 First Council Meeting Procedure MC03-CP Allowances - Elected Members Policy MC01-P2 Travel Expenses Procedure –members MC01-P3 Professional Development Procedure – elected members MC01-P4 Equipment and Resources Procedure – elected members

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11. Version Control

Version No	Approval Date	Policy No.	Minutes reference and Resolution number (previous version)
1	30 April 2021	MC01-CP	N/A