

Guideline 1: Local Authorities

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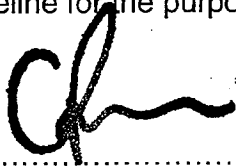
Guideline 1: Local Authorities

LOCAL GOVERNMENT GUIDELINE NO. 1

Local Government Act 2019

Making of Guideline

I, Chanston James Paech, Minister for Local Government, under section 342 of the *Local Government Act 2019*, hereby make this Guideline for the purposes of the Act.



.....
Minister for Local Government

8 / 8 / 2023

Guideline 1: Local Authorities

1 Title

- 1.1 This Guideline is titled *Guideline 1: Local Authorities*.

2 Commencement

- 2.1 This Guideline commences on the day after it is made by the Minister for Local Government. All previous versions of this Guideline are revoked.

3 Definitions

For the purposes of this Guideline:

Act means the *Local Government Act 2019*.

council means a council for a region.

member means a local authority member.

provisional member is a member nominated by the local authority and awaiting ratification by council.

provisional decision means a decision, by majority vote, made by the members at a provisional meeting (see clause 11.5).

provisional meeting means, at the time and place set for a local authority meeting when a quorum has not been established, at least one third of members are present and agree to hold a meeting (see clause 11.1).

4 Establishing and maintaining local authorities

- 4.1 A council must establish and maintain the local authorities for the council listed in the Schedule to this Guideline.
- 4.2 A council must determine the area for each of its local authorities.
- 4.3 While area boundaries are defined it is acknowledged that initiatives that deliver community outcomes may cross boundaries.

5 Local authority members

- 5.1 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.
- 5.2 There must be at least 6 members and a maximum of 14 members for each local authority, unless the Minister approves a different maximum number of members for a particular local authority. Different local authorities of a council may have different numbers of members.
- 5.3 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).
- 5.4 A council must keep a register, accessible on the council's website and at the council's public office, of the following information in relation to each current member of a local authority:
- the member's name;
 - the date of appointment;
 - the local authority the member represents;
 - whether the member is a council member or otherwise a community member;
 - the date of the cessation of the member's membership (if applicable).

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6 Policy for appointments and resignations

- 6.1 A council must have a policy for its local authorities that provides for the following:
- (a) calling for nominations as soon as practicable after a vacancy arises;
 - (b) how the call for nominations is to be advertised and promoted so that residents of the local authority area know about it, know who to give a nomination to and when nominations close;
 - (c) consideration of the nominations received, which must be an item of business at the first ordinary meeting of the council after nominations close;
 - (d) the selection process for local authority members;
 - (e) how it takes into account the recommendations of the local authority;
 - (f) the selection process and term of appointment of the chairperson, including the option of a rotating chairperson;
 - (g) the process for the resignation of a member in writing;
 - (h) how, and in what circumstances, appointment of a member may be revoked or otherwise cease (such as non-attendance).
- 6.2 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 purposes of quorum but must subsequently be ratified by council.

7 Minimum number of meetings

- 7.1 The CEO must ensure that at least 4 meetings for each local authority are held in a financial year, unless the local authority resolves to meet less than 4 times a year and the lesser number of meetings is ratified by council.
- 7.2 Provisional meetings may be counted to satisfy the minimum number of meetings.

8 Proxy membership

- 8.1 A local authority may recommend to the council that proxies are allowed.
- 8.2 Where a local authority and the council agree to proxy membership, a proxy can only substitute for each local authority member at a maximum of 2 meetings in a financial year.
- 8.3 Appointment of a proxy for a meeting should be notified to council at least 2 days before a meeting. Council will provide a briefing to the proxy member, including:
- minutes from the previous meeting;
 - current agenda items for discussion;
 - an outline of the role and expectations of a local authority member.

9 Local authority payments

- 9.1 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.
- 9.2 To access the Remuneration Tribunal's Determination of Allowances for Members of Local Government Authorities, visit cmc.nt.gov.au.
- 9.3 Council members are not eligible for a local authority payment in relation to attending local authority meetings or provisional meetings but may be entitled to claim extra meeting allowance.

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10 Local authority meetings

- 10.1** The agenda for local authority meetings must be prepared in consultation with the chairperson of the local authority and include the following:
- (a) any declarations of conflicts of interest by members;
 - (b) previous minutes;
 - (c) items requested by members;
 - (d) a report from the CEO (or delegate) on all local authority matters before council; including a progress and financial report on local authority projects and a report on current council services and projects in the local authority area;
 - (e) visitor presentations;
 - (f) general business and community questions.
- 10.2** Once in each financial year, a local authority agenda must include a review of:
- (a) the council's annual report for the previous financial year;
 - (b) the council's proposed regional plan for the next financial year;
 - (c) the council's budget for proposed projects for the local authority area for the next financial year;
 - (d) community plans of the council or local authority where they exist.
- 10.3** The minutes of a local authority meeting must record decisions taken.

Notes for clause 10

- 1 Section 97(3) of the Act requires that notice convening a local authority meeting, which includes the agenda, must be publicly available on the council's website and at the council's public office.*
- 2 Section 102(2) of the Act requires that a copy of local authority minutes must be publicly available on the council's website and at the council's public office within 10 business days after the date of the meeting.*

11 Provisional meetings

- 11.1** If there is no quorum for a local authority meeting, but one third of total members are present, the members who are present may hold a **provisional meeting**.
- Example for clause 11.1*
- If there are 9 total members of a local authority and 6 members are unable to attend, the 3 members who are present may agree to hold a provisional meeting.*
- 11.2** A provisional meeting does not have the powers or functions that the council may have delegated to the local authority.
- 11.3** 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.
- 11.4** Members at a provisional meeting can confirm the minutes of a previous provisional meeting. However, members at a provisional meeting cannot confirm the minutes of a previous local authority meeting.
- 11.5** Members at a provisional meeting may, by majority vote, make recommendations to the council, provided any such recommendations are qualified as being a decision of the members at a provisional meeting (**provisional decision**).
- 11.6** The minutes of a provisional meeting must identify decisions taken as provisional decisions.
- 11.7** 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

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at the council's public office.

- 11.8** A local authority meeting can confirm the minutes of a provisional meeting.
- 11.9** 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.

12 Consideration of draft local authority minutes by council

- 12.1** Draft minutes and items for attention from local authority meetings, including provisional meetings, must be tabled at the next ordinary meeting of the council and included in the agenda.

Note for clause 12.1

Sections 101(4) and 101(5) of the Act have an equivalent requirement for local authority meetings.

- 12.2** The council's response to the draft minutes from local authority meetings must be recorded in the minutes of the meeting of the council.

Note for clause 12.2

Section 101(5) of the Act has an equivalent requirement for local authority meetings.

13 Reporting

- 13.1** The council must decide on and report back to the local authority on its response to the meeting minutes and items raised for attention.

Note for clause 13.1

Section 40 of the Act provides that a council may delegate its powers and functions to a local authority, except where a council resolution is required under the Act.

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Schedule

Local authorities to be established and maintained by councils:

Barkly Regional Council:

1. Ali Curung
2. Alupurrurulam
3. Ampilatwatja
4. Arlparra
5. Elliott
6. Tennant Creek
7. Wutunugurra (Epenarra)

Central Desert Regional Council:

8. Anmatjere (Nturiya, Pmara Jutunta, Wilora, Ti Tree)
9. Atitjere
10. Engawala
11. Lajamanu
12. Laramba
13. Nyirripi
14. Willowra
15. Yuelamu
16. Yuendumu

East Arnhem Regional Council:

17. Angurugu
18. Galiwin'ku
19. Gapuwiyak
20. Gunyangara
21. Milingimbi
22. Milyakburra
23. Ramingining
24. Umbakumba
25. Yirrkala

MacDonnell Regional Council:

26. Amoonguna
27. Areyonga
28. Finke (Aputula)
29. Haasts Bluff (Ikuntji)
30. Hermannsburg (Ntaria)
31. Imanpa
32. Kaltukatjara (Docker River)
33. Kintore (Walungurru)
34. Mt Liebig (Amundurrngu)
35. Papunya
36. Santa Teresa (Ltyentye Apurte)
37. Titjikala
38. Wallace Rockhole

Roper Gulf Regional Council:

39. Barunga
40. Beswick (Wugularr)
41. Borrooloola
42. Bulman
43. Jilkminggan
44. Manyallaluk (Eva Valley)
45. Mataranka
46. Minyerri (Hodgson Downs)
47. Ngukurr
48. Numbulwar
49. Robinson River
50. Urapunga

Tiwi Islands Regional Council:

51. Milikapiti
52. Pirlangimpi
53. Wurrumiyanga (Nguiu)

Victoria Daly Regional Council:

54. Amanbidji
55. Bulla
56. Kalkaringi / Dagaragu
57. Nauiyu (Daly River)
58. Pine Creek
59. Timber Creek
60. Yarralin / Pigeon Hole

West Arnhem Regional Council:

61. Gunbalanya (Oenpelli)
62. Maningrida
63. Minjilang
64. Warruwi

West Daly Regional Council:

65. Nganmariyanga
66. Peppimenarti
67. Wadeye