

# ***Guideline 1: Local Authorities***

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## **Contents**

1	Title.....	2
2	Commencement.....	2
3	Definitions.....	2
4	Establishing and maintaining local authorities.....	2
5	Administrative support.....	2
6	Local authority members.....	2
7	Policy for appointments and resignations.....	3
8	Minimum number of meetings.....	3
9	Meeting rules.....	3
10	Local authority payments.....	3
11	Local authority meetings.....	4
12	Provisional meetings.....	5
13	Consideration of minutes.....	5
14	Reporting.....	5
15	Transitional matters.....	6
	Schedule.....	7

## ***Guideline 1: Local Authorities***

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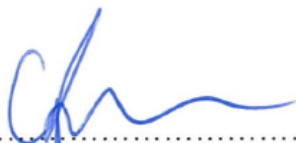
### **LOCAL GOVERNMENT GUIDELINE NO. 1**

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*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

22/6 / 2021

# **Guideline 1: Local Authorities**

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## **1 Title**

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

## **2 Commencement**

- 2.1 This Guideline commences on the day on which section 342 of the *Local Government Act 2019* commences.

## **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 decision** means a decision, by majority vote, made by the members at a provisional meeting (see clause 12.5).

**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 12.1).

## **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.

## **5 Administrative support**

- 5.1 The CEO (or the CEO's delegate) is responsible for ensuring that each of the council's local authorities are provided with sufficient administrative support.

- 5.2 Council staff providing administrative support to meetings may, only at the request of a member, give informed advice during a meeting.

*Note for clause 5.2*

*Council staff may, through the chairperson, provide information of an administrative or operational nature at any time to support meeting processes.*

## **6 Local authority members**

- 6.1 A council must decide, by council resolution, the number of members for each local authority. 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.

*Note for clause 6.1*

*Section 77 of the Act covers specific requirements for the constitution (membership) of a local authority.*

- 6.2 A council may appoint a person to be a member if they have a sufficient connection to the community or communities in the local authority's area.

- 6.3 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 member of a local authority:

- (a) the member's name;

# **Guideline 1: Local Authorities**

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- (b) the date of appointment;
- (c) the local authority the member represents;
- (d) whether the member is a council member or otherwise a community member;
- (e) the date of the cessation of the member's membership (if applicable).

## **7 Policy for appointments and resignations**

**7.1** A council must have a policy for its local authorities that provides for the following:

- (a) the CEO calling for nominations as soon as practicable after a vacancy arises and allowing at least 21 days for nominations to be received;
- (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 and the term of appointment of the chairperson;
- (e) the process for the resignation of a member in writing;
- (f) how, and in what circumstances, appointment of a member may be revoked or otherwise cease.

*Example for clause 7.1(f)*

*The policy may state that the council will consider revoking an appointment where a member is absent, without permission of the local authority, from two consecutive local authority meetings.*

## **8 Minimum number of meetings**

**8.1** The CEO must ensure that at least 4 meetings for each local authority are held in a financial year.

**8.2** Provisional meetings may be counted to satisfy the minimum number of meetings.

## **9 Meeting rules**

**9.1** Members of each local authority must appoint the chairperson of the local authority for a specified period.

**9.2** If a member is unable to attend a meeting, the member cannot send a proxy or substitute to attend the meeting in the place of the member.

## **10 Local authority payments**

**10.1** Council members and council staff are not eligible to a local authority payment in relation to attending local authority meetings or provisional meetings.

**10.2** Eligible members of local authorities are entitled to the respective local authority payment for each local authority meeting or provisional meeting they attend:

- (a) for an eligible chairperson – 143 revenue units;
- (b) for other eligible members – 107 revenue units.

**10.3** In calculating a local authority payment, the amount must be rounded down to the nearest dollar.

# Guideline 1: Local Authorities

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## Notes for clause 10

- 1 Subject to the Act and council policy, council members may be entitled to claim within the extra meeting allowance for attending a local authority meeting or provisional meeting.
- 2 Council may adopt a policy providing that members (including those members who are council members) are entitled to payment or reimbursement of reasonable expenses.
- 3 For local authority meetings, it is a matter for the CEO to apply the policy for payments and reimbursements for council staff in accordance with section 174(2) of the Act.
- 4 The value of a revenue unit for the relevant financial year is available on the Territory Revenue Office webpage.

## 11 Local authority meetings

11.1 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) items requested by members;
- (c) any reports on service delivery issues in the local authority area;
- (d) any responses from the council to matters raised at a previous local authority meeting or provisional meeting;
- (e) a written report from the CEO (or the CEO's delegate) on current council services in the local authority area;
- (f) after a council meeting that has considered local authority projects – a written report from the CEO (or the CEO's delegate) on what projects have been approved or the reasons why projects have not been approved;
- (g) a current financial report for the local authority area (see clause 14.1);
- (h) visitor presentations;
- (i) any relevant petitions affecting the local authority area;
- (j) general business.

11.2 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; and
- (b) the council's proposed regional plan for the next financial year; and
- (c) the council's budget for proposed projects for the local authority area for the next financial year; and
- (d) any relevant community plan of the council or local authority.

11.3 A local authority can confirm the minutes of a provisional meeting. Confirmation of the minutes does not amount to ratification under clause 11.5.

### Note for clause 11.3

*A local authority must, at its next meeting, confirm the minutes (with or without amendment) as a correct record of the meeting (see section 101(3) of the Act).*

11.4 The minutes of a local authority meeting must number, date and reference each decision in such a way to identify it as a decision of the local authority (as opposed to a provisional decision – see clause 12.6).

11.5 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.

# Guideline 1: Local Authorities

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## Notes for clause 11

- 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.

## 12 Provisional meetings

- 12.1 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 12.1

*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.*

- 12.2 A provisional meeting does not have the powers or functions that the council may have delegated to the local authority.
- 12.3 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.
- 12.4 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.
- 12.5 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**).
- 12.6 The minutes of a provisional meeting must number, date and reference each decision in such a way to identify it as a provisional decision.
- 12.7 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 at the council's public office.

## 13 Consideration of minutes

- 13.1 Minutes from provisional meetings (whether unconfirmed or confirmed) must be tabled at the next ordinary meeting of the council and included in the agenda.

### Note for clause 13.1

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

- 13.2 Any items for attention raised in the minutes of a local authority meeting or provisional meeting must be considered by the council at the next ordinary meeting.
- 13.3 The council's response to the minutes from provisional meetings must be recorded in the minutes of the meeting of the council.

### Note for clause 13.3

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

## 14 Reporting

- 14.1 For each local authority meeting (or provisional meeting, if applicable), the council must submit to the local authority a current financial report of actual results against the latest approved budget for the local authority area.

# **Guideline 1: Local Authorities**

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- 14.2** The council must report back to the local authority on its response to the provisional meeting minutes (see clause 13.3).

*Note for clause 14.2*

*Section 101(6) of the Act has an equivalent requirement for local authority meetings.*

- 14.3** It is best practice for a council to reference local authority decision numbers or provisional decision numbers (as the case requires) in the council's regional plan and annual report in relation to local authority priorities, projects and activities.

*Note for clause 14.3*

*Refer to sections 34(1)(c) and 291(1)(b)(ii) of the Act for relevant legislative requirements.*

## **15 Transitional matters**

- 15.1** A council must establish a register of information in relation to each member of a local authority under clause 6.3 not later than 12 months after the commencement.

# Guideline 1: Local Authorities

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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. Waruwi

### **West Daly Regional Council:**

65. Nganmariyanga
66. Peppimenarti
67. Wadeye