



Policy Name	Local Authority Appointments, Resignations and Terminations	
Publication Date:	10/04/2021	
Council Decision (Reference):	OCM 27/2021	
Classification:	Governance Policy	
Categorisation:	People and Learning	
Review Frequency:	3 years	
Review Date:	10/03/2024	
Responsible Officer:	Executive Manager, Office of the CEO	
Version (Revision Number):	1.0	

## 1. PURPOSE

The purpose of this policy is to clearly define Council's position and practices relating to Local Authority appointments, terminations, and resignations.

This policy meets the requirements of NTG Ministerial Guidelines and reflects Council's commitment to establish and support effective Local Authorities that represent and give a strong voice to our local communities in the system of Local Government.

## 2. SCOPE

This policy applies to all Local Authority Members in the West Arnhem Regional Council region, Elected Members, and to Council employees responsible for implementing this policy.

## 3. DEFINITIONS

In the context of this policy the following definitions apply:

**Caretaker period** means the period of time which commences on the nomination day for a general election as defined in the *Local Government (Electoral) Regulations*, and ends when the results of the general election are declared under those Regulations.

**Elected Member** means an individual elected to Council, including the Mayor, Deputy Mayor, and Councillors.

**Local Authority Member** means a member of a Local Authority as appointed by the West Arnhem Regional Council.

**Member** includes appointed members of the Local Authority and non-appointed members (i.e., Elected Members).

**Ordinary Meeting of Council** refers to publicly scheduled meetings of Council as specified in the *Local Government Act*.



**Quorum** means the minimum number of members needed to be present to constitute a valid meeting of the Local Authority.

#### 4. POLICY STATEMENT

In accordance with the legislative requirements, Council maintains Local Authorities in the Gunbalanya (OenPELLI), Maningrida, Minjilang, and Warruwi communities.

This policy details Council's policy and practices relating to Local Authority appointments, terminations, and resignations.

##### **Local Authority Membership**

Council's Local Authorities are to operate within the framework of the *Local Government Act*, *Local Government Regulations*, *Ministerial Guidelines*, and Council policy.

The Membership of a Local Authority is to consist of:

- The Elected Members of Council who represent a ward within which the Local Authority's area is situated; and
- Such other members of the community or communities within the Local Authority's area as the Council appoints as members of the Local Authority.

A Member must reside within the community in which the Local Authority is situated.

The Mayor is a member ex officio of all Local Authorities within Council's boundaries and may (but is not obliged to) participate in its meetings.

The number of members that a Local Authority should have is a minimum of at least six (6) appointed members and a maximum of 14 members (including Elected Members), unless the Minister approves a different maximum number of members for a particular Local Authority.

##### **Nomination and Appointment**

Council will seek nominations from within each community where a Local Authority has been established. The call for nominations will be advertised and promoted in a manner that ensures that residents of the relevant area are aware of the nomination period and how to apply.

The nomination period will be a minimum of 28 days.

Community members who are permanent residents and live in the community for the majority of the time, can nominate for Local Authority Membership.

Candidates need to fill in and submit a *Local Authority Nomination Form*, by the closing date. Forms are available through Council.

Following closure of the nomination period, Council will convene a selection committee to determine which nominations to put forward to Council for approval.

- The selection committee will include two Elected Members who reside within the Local Authority area, and two community members.
- The Council Services Manager in the community will support the committee, including by acting as Chairperson.

Council will then consider the nominations put forward by the selection committee, at the next Ordinary Meeting of Council. Council will have the final say on appointing Local Authority Members.





Council will appoint Local Authority members in accordance with any guidelines that the Minister may make.

In appointing Local Authority members, Council will also take into consideration that an effective Local Authority should reflect:

- A representation of key groups within the local community area.
- Proportional representation of age and gender.
- Members who are committed to attend and participate in Local Authority Meetings for the betterment of their respective communities.
- Members who are prepared to provide residents with feedback on what their respective Local Authority and Council is achieving.
- Members who are prepared to act as the link between community and the Council and advocate on behalf of their community.
- Members who will represent Council in a manner that is respectful and truthful and in line with the Code of Conduct.

The term of tenure of Local Authorities shall be consistent with the four (4) year election cycle of Northern Territory local government councils. However, this decision will be at the discretion of Council. Council may decide to dissolve all Local Authorities prior to the Caretaker Period, so that the newly elected Council can form its own local authorities. The previous members will be eligible to apply for new Local Authority Membership.

Should Council choose to dissolve the existing local authority membership, Council administration will submit a Business Paper at the first meeting of the new Council, seeking approval to commence the nomination process for the formation of a new local authority membership.

### **Membership Resignation and Termination**

Local Authority Members stop being members if they:

- Resign in writing.
- No longer permanently reside in the community in which the Local Authority is established.
- Are absent from meetings for a period of three (3) months and beyond without approval from Council.
- Are convicted of a serious crime or are sent to prison.
- Are dismissed by Council, including for breaching Council policies, the *Local Government Act* and/or Ministerial Guidelines applicable to Local Authorities.

Resignations must be in writing and include the reason for the resignation, along with a signature. Resignations are to be submitted to the relevant Council Services Manager.

If a Local Authority quorum has not been achieved at two (2) consecutive meetings, the Council, at its discretion, may terminate the membership of the members who have not attended – and may call for new nominations and/or choose to not fill some vacant positions pursuant to the minimum number of members allowed under the Act.

In the event of a vacancy, the Chief Executive Officer will call for nominations as soon as practicable and will allow at least 28 days for nominations to be received.

The call for nominations will be advertised throughout the local community and on Council’s website, and may also be promoted through other communications channels Council utilises (e.g. social media channels).





Following closure of the nomination period, Council will consider nominations for appointment at the next Ordinary Meeting of Council. Council will have the final say on appointments.

### Responsibilities

- The CEO (or delegate) is responsible for calling for nominations for Local Authority Members, in accordance with the provisions of this policy.
- Council Service Managers and the Governance Team are responsible for receiving nominations for Local Authority Members and making all nominations available to Council for consideration.
- Council is responsible for appointing Local Authority Members.

Council Service Managers and the Governance Team are responsible for receiving and processing resignations from Local Authority Members.

## 5. Responsibilities

The Executive Manager, Office of the CEO is the Policy Custodian for this policy and is responsible for reviewing the operation of the policy (every 3 years or more frequently as may be required), and for monitoring continuing relevance, effectiveness, and consistency with related documents and the Law.

Following approval of this policy document, the Executive Manager, Office of the CEO (or a nominated delegate) is also responsible for ensuring that the implementation and communication plan is implemented and that all Council employees have access to the policy.

## 6. Related Documents

### Legislation and References

- Local Government Act 2019 (NT)
- Local Government (General) Regulations (NT)
- Ministerial Guideline 8: Regional Councils and Local Authorities (NT)

### Policy documents

- Allowances and Expenses Policy (Elected and Local Authority Members)
- Code of Conduct (Elected, Local Authority and Council Committee Members)
- Conflict of Interest (Elected, Local Authority and Council Committee Members)
- Gifts, Benefits and Hospitality (Elected, Local Authority and Council Committee Members)
- Induction, Responsibilities and Support (Elected, Local Authority and Council Committee Members)
- Scheduling and Conduct of Meetings (Elected, Local Authority and Council Committee Members)
- Travel and Accommodation (Elected and Local Authority Members)

### Procedures

Nil

### Instructions, tools, guidelines, forms and templates

- Local Authority Nomination Form
- Local Authority Resignation Form

