



WAGAIT SHIRE COUNCIL

SPECIAL MEETING AGENDA COUNCIL CHAMBERS

**LOT 62, WAGAIT TOWER ROAD
7:30PM THURSDAY 16 September 2021**

I hereby give notice that a Special Meeting of Council will be held on:

Date: **Thursday, 16 September 2021**

Time: **7.30pm**

Location: Council Chambers, 142 Wagait Tower Road, Wagait Beach

Conditions: Public are welcome to attend however are required to contact Council by **10am Thursday, 16 September 2021** if attending so that arrangements for alternative participation options such as joining via videoconferencing on a personal device or telephone can be made if required.

Renita Glencross
Chief Executive Officer

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1. OPENING OF MEETING

Councillors: Cr Michael Vaughan
Cr Neil White
Cr Noeletta McKenzie
Cr Peter Clee
Cr Tom Dyer

Staff: Chief Executive Officer, Renita Glencross

1.1. Address by CEO

The CEO advises that the special meeting of council is called for the induction of new elected members and will be audio taped for minute taking purposes only as authorised by the Chief Executive Officer.

1.2. Apologies and Leave of Absence

<p>Resolution No. 2021/ That the apology of be accepted and approved. Moved: Seconded: Vote:</p>

2. DECLARATION OF INTERESTS

Under section 110 of the Local Government Act, elected members must make an annual return of interests within 60 days of the council member's election and no later than 30 September each year for the duration of their membership. The CEO will introduce the elected members to the new form for the annual declaration of interests, which needs to be completed and returned to the CEO by 15 October 2021.

The declaration of interests is also a permanent agenda item at each meeting of council and relates to items in the agenda that may require members to note at the beginning of the meeting.

3. CONFIRMATION OF MINUTES

Minutes of previous meeting Tuesday 18 August 2021 will be tabled at the next ordinary meeting of Council on 21 September 2021.

4. COUNCILLOR INDUCTION

The CEO will introduce the elected members to the structure of council, council's facilities and council staff, including an overview of staff roles, delegations and protocols for interaction between councillors and staff. The CEO will also provide information regarding council meeting procedure and attendance, and councillor allowances and how these can be claimed.

The formal induction will also include information provided by the Department of Chief Minister and Cabinet on elected member roles and responsibilities. Councillors will be advised of information necessary to meet legislative requirements including conflict-of-interest and gifts and benefits.

The CEO will also provide an overview of the council's strategic projects and long-term plan, including a current financial position.

Attachments: Annual Report 2020-21
Shire Plan 2021-22
Long Term Plan 2020-2025
P34 Members Allowances 2021-22

5. AGENDA ITEMS

5.1. Councillors' Code of Conduct

The Code of Conduct will be read by the CEO as it appears under section 119 of *the Act*, for council to re-adopt.

**Resolution No. 2021/
That the Council resolve to adopt the Code of Conduct.
Moved:
Seconded:
Vote:**

5.2. Election of President

Under section 61(2) of *the Act*, council must at the first meeting after an election appoint a principal member. The CEO will call for nominations and the council will vote.

Nominations:

- 1.
- 2.

**Resolution No. 2021/
That the Council resolve to appoint XXXX to the position of principal member of Wagait Shire Council, known as the President.
Moved:
Seconded:
Vote:**

5.3. Election of Vice-President

Under section 61(3) of the Act, council may at the first meeting after an election appoint a deputy member. The CEO will call for nominations and the council will vote.

Nominations:

- 1.
- 2.

Resolution No. 2021/

That the Council resolve to appoint XXXX to the position of deputy member of Wagait Shire Council, known as the Vice-President.

Moved:

Seconded:

Vote:

The CEO will hand the meeting over to the elected Chair/President.

5.4. Schedule of Meetings for the Term of Council

Under section 90(3)(b) of *the Act*, council must at the first meeting after an election set the schedule for the holding of ordinary meetings for the term of Council.

Resolution No. 2021/

That the Council resolves to set the schedule for holding the ordinary meetings of council on the third Tuesday of every month.

Moved:

Seconded:

Vote:

5.5. Casting Vote of President/Chair

Under section 95(6)(a) of *the Act*, council must at the first meeting after an election adopt policy by resolution allowing the President/Chair to exercise a casting vote. Wagait Shire Council P03 Casting Vote of Chair is attached for your consideration and endorsement.

Resolution No. 2021/

That the Council resolves to adopt P03 Casting Vote of Chair, allowing the President/Chair to exercise a casting vote.

Moved:

Seconded:

Vote:

5.6. Nominations to the Council Audit Committee

Per section 86 of *the Act*, council is required to establish and maintain an Audit Committee and by resolution, appoint persons to the Committee. The Terms of Reference for the Audit Committee are set out in P29 (4); The Committee will comprise five (5) members, including two (2) Councillors.

Nominations for the Audit Committee:

- 1.
- 2.

**Resolution No. 2021/
That Council support the nominations of XXX and XXX to the Council Audit Committee.
Moved:
Seconded:
Vote:**

5.7. Nominations to the Emergency Management Committee

Per section 86 of *the Act*, council can establish and maintain an Emergency Management Committee and by resolution, appoint persons to the Committee. The Terms of Reference for the Emergency Management Committee are set out in P25 (4); The Committee will comprise five (5) members, including two (2) Councillors.

Nominations for the Emergency Management Committee:

- 1.
- 2.

**Resolution No. 2021/
That Council support the nominations of XXX and XXX to the Emergency Management Committee.
Moved:
Seconded:
Vote:**

6. QUESTIONS FROM MEMBERS WITH OR WITHOUT NOTICE

7. QUESTIONS FROM THE PUBLIC WITH NOTICE

Council will defer any questions from the public with notice to the next ordinary meeting of council on Tuesday 21 September 2021.

8. PETITIONS/DEPUTATIONS

Council will defer any petitions or deputations to the next ordinary meeting of council.

9. UPCOMING EVENTS

9.1. LGANT Elected Member Symposium, 5-6 October 2021

LGANT is hosting an Elected Members' Symposium on 5/6 October 2021 in Darwin for newly elected and more experienced council members. Held over two days, the symposium includes information sessions on a range of topics relevant to new and existing elected members.

9.2. LGANT AGM, GM and Conference, 4-5 November 2021

LGANT is holding the 2021 AGM and conference in Alice Springs. The Council President and CEO usually attend the meetings and there is an allowance in the approved budget to meet these costs.

10. IN-CAMERA ITEMS

Resolution No. 2021/.....

That Council close the meeting to the general public in accordance with section 99(2) of the Local Government Act to enable Council to discuss in a Confidential Session an item described under Local Government (General) regulation Division 2;

- a) information about the personal circumstances of a residence or rate payer;
- b) information that would, if publicly disclosed, be likely to: (iv) prejudice the interests of the council or some other person;
- c) information provided to the Council on condition it be kept confidential.

Moved:

Seconded:

Vote:

At pm Council closed the meeting to the general public.

Resolution No. 2021/.....

That Council re-open the meeting to the general public in accordance with section 99(1) of the Local Government Act.

Moved:

Seconded:

Vote:


At pm Council opened the meeting to the general public.

11. DATE OF NEXT MEETING

The next ordinary Council Meeting is to be held on 21 September 2021 Council Chambers, 142 Wagait Tower Road, Wagait Beach NT 0822.

12. CLOSE OF MEETING

The Chair declared the meeting closed at pm.

	POLICY NUMBER:	P15
	COUNCIL MEETINGS AND COUNCIL COMMITTEE MEETINGS	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	GOVERNANCE
	LG ACT 2019 REF:	Sections 90-99
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. PURPOSE

This policy has been developed to provide a structure for the orderly and efficient proceedings of meetings.

2. SCOPE

This policy applies to all Council meetings and meetings of committees of Council.

3. DEFINITIONS

Agenda	Means a list of items for consideration at the meeting together with reports and other attachments relating to those items.
Amendment	Means a motion moved as an alternative to the original motion.
CEO	The Chief Executive Officer of Wagait Shire Council.
Council	Means the Council of Wagait Shire Council.
Committee	Means a Committee established by the Council in accordance with Section 54 of the Local Government Act.
Confidential Information	<p>1) (For section 293(1) of the Act, the following information is prescribed as confidential:</p> <ul style="list-style-type: none"> (a) information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual; (b) information about the personal circumstances of a resident or ratepayer; (c) information that would, if publicly disclosed, be likely to: <ul style="list-style-type: none"> (i) cause commercial prejudice to, or confer an unfair commercial advantage on, any person; or (ii) prejudice the maintenance or administration of the law; or (iii) prejudice the security of the council, its members or staff; or (iv) subject to subregulation (3) – prejudice the interests of the council or some other person; Part 3 Administration Division 2 Confidential information and business <i>Local Government (General) Regulations 2021 33</i> (e) subject to subregulation (3) – information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest;

	<p>(f) subject to subregulation (2) – information in relation to a complaint of a contravention of the code of conduct.</p> <p>(2) For subregulation (1)(f), the following information is no longer confidential after the complaint has been decided:</p> <p>(a) a decision notice in relation to the complaint;</p> <p>(b) a report of proceedings or findings of the complaint including a summary of decision under regulation 80 or 81.</p> <p>(3) Information mentioned in subregulation (1)(c)(iv) and (e) does not prejudice the interests of the council or some other person or is not contrary to the public interest if the information, if publicly disclosed, only causes:</p> <p>(a) embarrassment to the council, members or the council's staff; or</p> <p>(b) a loss of confidence in the council; or</p> <p>(c) discussion of a matter that is controversial in the council area; or</p> <p>(d) the council to be susceptible to adverse criticism.</p> <p>information subject to an obligation of confidentiality at law, or in equity;</p>
Confidential business	Business involving the discussion of confidential information is prescribed as confidential business. in accordance with Part 3, Division 2, Section 52 of the Local Government (General) Regulations 2021.
Councillor	Means an Elected Member of the Wagait Shire Council.
Deputation	Individuals and groups may request presentation time on the agenda of a Council meeting to make a formal address to the Council. Deputations provide an opportunity for members of the public to address Council on a specific issue.
Minutes	Means the record of proceedings at any meeting of the Council or its committees.
Motion	Is a proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business for the Council.
Officer	Means an employee of Council.
Ordinary meeting	Means a meeting of the Council that is usually the monthly meeting of the Council and not a special meeting of the council.
Petition	A petition is a formal request used to lobby a law-making body such as local government. It may request an amendment to general law or the review of an administrative decision. The petition is placed before the law-making body with the object of implementing the particular action or amendment. Petitioning is one of the traditional forms by which people can make requests direct to Council.
Principal Member	Means the President or Mayor of Wagait Shire Council or in their absence the appointed deputy.
Quorum	Means the minimum number of members needing to be present to constitute a valid meeting.
Resolution	Is a motion that has been passed by a majority of Councillors at the meeting.
Special meeting	Means a meeting of the Council that has been called in accordance with sections 58 and 59 of the Local Government Act

4. POLICY

4.1 Setting the dates, place and times for ordinary meetings.

- (1) The Council shall pass a resolution which sets the day, the time and the place each month, or every two months, for each ordinary meeting of the Council. The Council may set the same day each month for its ordinary meeting (e.g. the second Tuesday of every month).
- (2) The resolution for the setting of dates is normally confirmed at the first meeting following an election of the Council although it may be changed by resolution thereafter.

4.2 The order in which agenda is to be dealt with at an ordinary meeting.

- (1) The order in which agenda is to be prepared shall include:
 - (a) A list of the names of the members present at the meeting
 - (b) Apologies from members who have given reasons why that they will not be present at the meeting
 - (c) Members who wish to declare that they have a conflict of interest with any agenda item at the meeting
 - (d) A model resolution for council to confirm whether or not the minutes of the previous meeting are a true and correct record of that meeting
 - (e) Inward correspondence requiring a decision of council
 - (f) Councillor's reports
 - (g) Officer's reports
 - (h) Finance report
 - (i) Agenda items of which previous notification has been given
 - (j) Questions from members – with or without notice
 - (k) Questions from the public – with notice
 - (l) Petitions/deputations
 - (m) Confidential business
 - (n) Confirmation of the date and time of the next meeting.
 - (o) Closure of the meeting

The order of business at an ordinary meeting may be altered for a particular meeting if the members present at that meeting pass a motion to that effect.

4.3 Agenda papers for ordinary meetings.

- (1) The CEO must prepare and distribute to members, at least three business days before each ordinary meeting and at least four hours before each special meeting, an agenda which complies with the Local Government Act and include the unconfirmed minutes of the previous meeting.
- (2) Copies of the agenda must be made available to the public at the council office.

4.4 Notice to be given of agenda items for an ordinary meeting.

- (1) Members shall give notice to the CEO, at least five days before the meeting, of important agenda items for a meeting.
- (2) The notice must be in writing by the member who wished the matter to be considered and the notice may include a petition.

4.5 Procedures for General Business at an ordinary meeting.

- (1) The CEO or a member may give notice at the beginning of a meeting requesting that matters to be considered during the part of the meeting be set aside and take place during general business.
- (2) Before giving notice, members or the CEO, must have regard to the nature of the matter and whether it requires a decision or is for information only.
- (3) Members must only give notice of matters for decision by Council in the event of the matter not requiring much deliberation.
- (4) Where a matter requires reasonable consideration or analysis the Council shall consider deferring it to the next meeting.

4.6 Petitions

- (1) A petition may be presented to a meeting of the Council by a member.
- (2) Before presenting the petition, the member must, as far as practicable, become acquainted with the subject matter of the petition.
- (3) The member must state the nature of the petition and then read the petition.
- (4) The petition must be worded in a respectful language.
- (5) Each page of the petition must restate the whole of the petition.
- (6) The signature on a page not complying with subclause (5) must not be taken into account by the council when considering the petition.
- (7) A person must not attach to a petition –
 - (a) A signature purporting to be that of another person; or
 - (b) The name of another person.
- (8) If a petition is presented at a meeting of the Council and was not included in the agenda for the meeting –
 - (a) A person present at the meeting and associated with the petition, may make a statement, explanation, submission or comment regarding the petition only if first invited to do so by the Principal Member; and
 - (b) No debate on or in relation to the petition must be allowed and the only motion that may be moved is that:
 - (i) The petition be received and noted; or
 - (ii) To be referred to a committee or officer for consideration and a report to the Council.

4.7 Deputations

- (1) A deputation wishing to attend and be heard at a meeting must apply in writing to the CEO not less than 5 business days before the meeting.
- (2) The application must state why the deputation wishes to attend and be heard.

- (3) The CEO, on receiving the application, must notify the Principal Member of the application.
- (4) The Principal Member must determine whether the deputation may be heard and notify the CEO accordingly.
- (5) The CEO must –
 - (a) Inform the deputation of the Principal Member's determination; and
 - (b) If the Principal Member has determined to hear the deputation, arrange a convenient time for the deputation to be heard at a meeting of the Council.
- (6) Only 2 persons in the deputation may address the meeting unless the members determine otherwise by resolution.
- (7) A person in the deputation who is addressing the meeting must be temperate in speech and matter and must not use insulting or offensive language.
- (8) The deputation must be given adequate opportunity and facility to explain the purpose of the deputation.
- (9) The Principal Member may halt an address by a person in a deputation if –
 - (a) The Principal Member is satisfied that the purpose of the deputation has been sufficiently explained to the members; or
 - (b) The person is severe in speech or manner or uses insulting or offensive language.

4.8 Motions to be dealt with in the order they appear in the agenda papers unless otherwise determined.

- (1) That Principal Member shall ask members present at the meeting to move motions in the order that agenda items appear in the agenda papers (as well as any other motions that arise during consideration of those items) unless otherwise determined by resolution by Council at the meeting.

4.9 Motions to have a mover and a seconder for debate to commence and members must speak about the agenda item.

- (1) A member who moves a motion may speak in support of the motion before it is seconded.
- (2) The Principal Member shall only allow debate on a motion if it is seconded, requesting initially for a member that may wish to speak against the motion and thereafter with members wanting to speak either for or against the motion.
- (3) A motion that is not seconded must be recorded in the minutes as having lapsed.
- (4) A member speaking about a motion must confine his or her remarks to the matter being considered.
- (5) In the event there are no motions to amend the original motion the Principal Member shall put the motion to the vote.

4.10 Motions not be withdrawn without consent

- (1) When a motion has been moved and seconded, it becomes subject to the control of the ordinary meeting and may not be withdrawn without the consent of members.

4.11 A member may move an amendment to a motion so long as it still relates to that motion.

- (1) When a motion has been moved and seconded, a member may move an amendment to it.
- (2) A member who moves or seconds a motion must not move or second an amendment to a motion.
- (3) Any amendment so moved, must not negate the intent of the original motion.
- (4) The principal member shall reject any proposed amendment that attempts to negate a motion, or replace an amended motion with the original motion.

4.13 Council may only deal with one amendment to a motion at a time.

- (1) Once an amendment has been moved, no further amendment can be considered until that amendment is disposed of, either because it lapses, or is seconded and put to the vote.

4.14 The amendment, if voted on and carried, becomes the motion.

- (1) Once an amendment is put to the vote and carried, the motion as amended, then becomes the motion before the ordinary meeting.
- (2) Following the carriage of an amended motion (and subsequent debate if any), the Principal Member shall put the amended motion to the vote of members present at the meeting.

4.15 Dealing with further amendments to motions.

- (1) If an amendment to a motion is lost, then further amendments may be considered until a motion is carried (be it the original motion or some variation of it) or all motions are exhausted.

4.16 Limitation as to the number and duration of speeches

- (1) Except with the consent of members present at the meeting, the mover of an original motion, in his or her opening speech, must not speak for more than ten minutes.
- (2) Except with the consent of members present at the meeting, a member, other than the mover of the original motion, must not speak for more than five minutes at any one time.
- (3) A member, who is the mover of an original motion, has a right of general reply (and may speak for up to five minutes once all debate is completed) to all observations which have been made in reference to the motion and every amendment involved in respect of it.
- (4) A member, other than the mover of an original motion, has a right to speak once to the motion and any amendment proposed to it.

4.17 Principal Member to maintain order, to decide who can speak first and to have priority when speaking.

- (1) The Principal Member must maintain order, and may, without the intervention of any other members, call any member to order whenever, in his or her opinion, it is necessary to do so.
- (2) If two or more members attempt to speak at the same time, the Principal Member must decide which of the members may speak first.
- (3) The Principal Member may, at any time during the debate on the matter, indicate an intention to speak.
- (4) If the Principal Member indicates an intention to speak, a member speaking or proposing to speak to the debate must be silent until the Principal Member has been heard.

4.18 Members must address other members and council officers properly at meetings, and may request the Principal Member to bring order to the meeting.

- (1) Members must comply with the adopted Code of Conduct at meetings.
- (2) A member who considers that another member is out of order may call upon the Principal Member to maintain order.
- (3) The call for order must be dealt with immediately, without further discussion, in accordance with a council's code of conduct.

4.19 How the Principal Member shall deal with calls for order from members.

- (1) Where a member calls for order, the Principal Member must rule on the call by determining whether the comments made by a member are out of order.
- (2) Where the Principal Member rules that a member is out of order on more than three occasions at a meeting the Principal Member may request the member to leave the meeting.
- (3) If the Principal Member decides that any motion, amendment or other matter (including a matter he or she considers is objectionable) is out of order, it must be rejected and not be considered further.

4.20 Rescinding or altering resolutions

- (1) A resolution of the Council may be altered or rescinded if a notice of motion is carried at a meeting to have the matter dealt with at another meeting, and this is done within three months of the original notice of resolution being passed.
- (2) The CEO shall ensure that any notices of motion, once carried, are included in the agenda for future meetings of the Council.

4.21 Motions to improve the handling of matters at a meeting

- (1) A member may move a motion to have a matter put to the vote only after the Principal Member has –
 - (a) First queried whether members wish to speak for, or against, the particular motion to do with the matter, and
 - (b) At least two members have had the opportunity to do so.
- (2) If the motion to put a matter to have the vote is lost, debate on the matter must be allowed to continue for at least ten minutes before the presiding member can allow a similar motion for the matter to be put to the vote.

- (3) If the motion to put the matter to the vote is carried, the Principal Member must immediately put the motion to do with the matter to the vote.
- (4) A member may move a motion to have debate on a matter put off to the next Council Meeting and have the Meeting move to the next item of business, and
 - (a) If the motion is carried, the CEO must ensure the matter is included in the agenda for the next meeting; or
 - (b) If the motion is lost, the Principal Member must continue to allow debate on the matter until it is put to the vote.
- (5) A member may move a motion to have a meeting put off for a short period and
 - (a) If the motion is carried, the meeting must continue with the matter before the meeting at the point where it was delayed, and
 - (b) If the motion is lost, the presiding member must not accept a similar motion within 30 minutes after the motion was lost.

4.22 Member absences from, and attendances at, ordinary and special meetings

- (1) If a quorum of members is not present at a meeting in accordance with clause 64 of the Local Government Act, the Principal Member must postpone the meeting to a date, time and place as the Principal Member thinks fit.
- (2) Members may attend ordinary, special or committee meetings by technological means so long as there are no members of the public in attendance when confidential matters are discussed and undue influence is not exercised over members by members of the public during the meeting.
- (3) If a member is absent from 2 consecutive ordinary meetings of council without the permission of council the member shall cease to hold office as outlined in Section 39(d) of the Local Government Act

4.23 Public Attendance and participation at meetings.

- (1) Members of the public, including journalists, shall be allowed to attend ordinary, special or committee meetings unless Council chooses to close them for confidential business.
- (2) A member of the public must not take part, or attempt to take part, in the proceedings of a meeting without notice as outlined in either Section 7 or Section 4.23(4).
- (3) No members of the public shall ask questions of invited guests under any circumstances.
- (4) A member of the public who wishes to ask a question must do so in writing to the CEO at least 7 business days prior to the meeting.
- (5) A question on notice from a member of the public must be included in the agenda for the next meeting of the Council or otherwise answered administratively.

4.24 Confidential Information and Business.

At the conclusion of the consideration of confidential business at a meeting, the council must decide, in accordance with its policy, whether the type of confidential information considered is:

- (a) the type of confidential information that should no longer be confidential after a specified period of time,

OR

- (b) the type of confidential information that should be subject to periodic review to determine if it should no longer be confidential.

4.25 The Principal Member is to maintain order when the public is participating in Ordinary, Special or Committee Meetings.

- (1) Members of the public that submit questions The Principal Member may invite questions, submissions or comments from members of the public at a meeting of the council but is not obliged to do so.
- (2) If the Principal Member considers a question comment, or statement of a member of the public at a meeting of the council is offensive, irrelevant, unduly long or deals with a confidential matter, the Principal Member may rule the matter out of order and proceed to deal with it or the next item of business.
- (3) On receiving a comment or submission from a member of the public, the council must:
 - (a) Refer it to a committee
 - (b) Request it be included in the agenda for the next council meeting
 - (c) Deal with it under general business at the Meeting of the Council, or
 - (d) Note it and take no further action.

4.26 Procedures for Council Committees

- (1) Committees of Council shall follow the same procedures as provided for Council Meetings unless the committee resolves otherwise.
- (2) Minutes of committee meetings shall be included in the agenda of Council Meetings as recommendations and Council may adopt them in whole, or part, or be simply noted with no further action required.
- (3) When conferring a power or function on a committee the Council shall have regard to its annual budget and plans it has adopted as a basis for providing direction for its committees.

4.27 Changing these procedures

- (1) The Council may change these procedures by resolution at a Meeting.

5. ASSOCIATED DOCUMENTS

P03 Casting Vote of Chair

P25 Emergency Management Committee Terms of Reference

P29 Audit Committee Terms of Reference


6. REFERENCES AND LEGISLATION

Local Government Act 2019

Local Government General Regulations 2021

7. REVIEW HISTORY

Date Approved: 20/10/2009	Approved By Council	Resolution No	Date for review: 17/02/2011
Date Approved: 19/02/19	Approved By Council Moved: Cr Michael Vaughan Seconded: Vice-President Tom Dyer Vote: AIF	Resolution No 2019/326	Date for review: 19/02/22
Date Approved: 14/09/2021	Approved By Council Moved: Seconded: Vote:	Resolution No 2021/	Date for review: Next term of Council

	POLICY NUMBER:	P34
	ELECTED MEMBER ALLOWANCES	
	CATEGORY:	COUNCIL POLICY
	CLASSIFICATION:	GOVERNANCE
	LG ACT 2019 REF:	Part 7.1 sections 106-109
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. PURPOSE:

This policy establishes the maximum allowances to be paid to elected members during the 2021-2022 financial year.

2. SCOPE:

This policy applies to all elected members.

3. DEFINITIONS:

Approval: Means approval of the council or the CEO according council policy.

Acting Principal Member: Refers to a person appointed pursuant to Part 4.2 Section 59 of the Local Government Act.

Base Allowance: The base allowance covers those activities required of a council member in the performance of his or her role as an elected representative. Without limiting the generality of the preceding sentence, the base allowance covers:

- 1) Agenda study and meeting preparation;
- 2) Attendance at regular council meetings;
- 3) Attendance at council functions as a council representative;
- 4) Constituency responsibilities; and
- 5) Council representation outside the municipality / shire area, including delegations interstate and overseas, unless such representation has extra meeting approval.

Electoral Allowance: An allowance provided to assist council members with electoral matters. It may be used at the discretion of individual council members.

Extra Meeting Allowance:

- 1) A council must not pay an extra meeting allowance unless the council has a policy which determines which meetings will attract the allowance.
- 2) For a principal member, deputy principal member and acting principal member, this allowance is not paid separately. It is provided for and included in the base allowance.
- 3) For other council members this allowance is paid only in accordance with council policy and after an approved claim is made at the end of the relevant month.
- 4) The extra meeting allowance must not be paid for those meetings as covered by the base allowance.
- 5) The extra meeting allowance is capped for each financial year.

Extra Meeting – An “Extra Meeting” may be defined as follows:

- 1) Council Committee meetings;
- 2) Council Advisory Committee meetings;
- 3) Council Workshops;
- 4) Meetings of external agencies or organisations to which council has formally appointed or nominated through or with LGANT, a representative;
- 5) Other meetings as a council representative approved by CEO;

4. POLICY:

4.1. Pursuant to Part 7.1 Sections 106-108 of the Local Government Act, a member of a council is entitled to be paid an allowance by the council. Allowances for each financial year are to be fixed as part of the council’s budget for the relevant financial year.

4.2. Pursuant to the Local Government Regulations 2021 (General), allowances are not to be paid in advance.

4.3. The maximum permissible allowances as set annually by the Minister in Ministerial Guideline 2; which deems Wagait Shire Council as a Category 4 council and outlines the maximum allowances for a Category 4 council for the 2021-2022 financial year as follows:

Shire Councils 2021-2022	Principal Member	Deputy Principal Member	Ordinary Member
Base Allowance	\$25,039.28	\$9,259.53	\$4,503.32
Electoral Allowance	\$6,590.44	\$1,647.90	\$1,647.90
Professional Development Allowance	\$3,753.17	\$3,753.17	\$3,753.17
Max Extra Meeting Allowance	Not applicable	Not applicable	\$3,003.01

4.4. On 18 May 2021 Council resolved to pay Elected Members 14.5% of the Base Allowance set by the Minister and to pay a set professional development allowance of \$500 per Elected Member for the 2021-2022 financial year as follows:

Elected Member Allowances 2021-2022	Principal Member	Deputy Principal Member	Ordinary Member
Base Allowance	\$3,630.69	\$1,342.63	\$652.98
Electoral Allowance	-	-	-
Professional Development Allowance	\$500	\$500	\$500
Max Extra Meeting Allowance	Not applicable	Not applicable	-

4.5. Payments for allowances will be lodged with Council’s bank on the last day of every month.

5. ASSOCIATED DOCUMENTS

Nil.

6. REFERENCES AND LEGISLATION

Local Government Act 2019 Part 7.1

Ministerial Guideline 2 – Allowances for Council Members

Local Government (General) guidelines 2021


7. REVIEW HISTORY

Date Approved: 19/7/2016	Approved By: Moved: President Peter Clee Seconded: Councillor VJ Thorpe	Resolution No: 2016/060	Date for review: July 2017
Date Approved: 26/6/2018	Approved By: Moved: Cr Neil White Seconded: Cr Shenagh Gamble Vote: AIF	Resolution No: 2018/200	Date for review: June 2019
Date Approved: 21/05/2019	Approved By: Moved: Vice President Tom Dyer Seconded: Cr Michael Vaughan Vote: AIF	Resolution No: 2019/405	Date for review: June 2020
Date Approved: 21/07/2020	Approved By: Moved: Cr Michael Vaughan Seconded: Vice-President Tom Dyer Vote: AIF	Resolution No: 2020/115	Date for review: June 2021
Date Approved: 18/05/2021	Approved By: Moved: Cr Michael Vaughan Seconded: President Neil White Vote: AIF	Resolution No: 2021/076	Date for review: June 2022



2021 WAGAIT SHIRE COUNCIL, COUNCIL COMMITTEE & COMMUNITY CONSULTATION MEETING DATES

JANUARY	FEBRUARY	MARCH	APRIL
	Audit Committee 09 February 2021 (Tues 9:30am)		Community Consultation 24 April 2021 (Sat 10am)
		Emergency Committee 03 March 2021 (Wed 8:30am)	
Council Meeting 19 January 2021 (Tues 7pm)	Council Meeting 16 February 2021 (Tues 7pm)	Council Meeting 16 March 2021 (Tues 7pm)	Council Meeting 20 April 2021 (Tues 7pm)
MAY	JUNE	JULY	AUGUST
Audit Committee 11 May 2021 (Tues 9:30am)			Audit Committee 10 August 2021 (Tues 9:30am)
	Emergency Committee 02 June 2021 (Wed 8:30am)		COUNCIL ELECTION 28 August 2021 Caretaker from 5 August 2021
Council Meeting 18 May 2021 (Tues 7pm)	Council Meeting 15 June 2021 (Tues 7pm)	Council Meeting 20 July 2021 (Tues 7pm)	Council Meeting 17 August 2021 (Tues 7pm)
SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
	Audit Committee 12 October 2021 (Tues 9:30am)	Community Consultation 6 November 2021 (Sat 10am)	
Emergency Committee 8 September (Wed 8:30am)			Emergency Committee 15 December 2021 (Wed 8:30am)
Special Council Meeting 16 September 2021 (Thurs 7:30pm)			
Council Meeting 21 September 2021 (Tues 7pm)	Council Meeting 19 October 2021 (Tues 7pm)	Council Meeting 16 November 2021 (Tues 7pm)	Council Meeting 21 December 2021 (Deferred TBC)

	POLICY NUMBER:	P03
	CASTING VOTE OF CHAIR	
	CATEGORY:	COUNCIL POLICY
	CLASSIFICATION:	GOVERNANCE
	LG ACT 2019 REF:	Section 95 (6) (a), (b) & (c)
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. PURPOSE:

This policy establishes the use of a casting vote by the chairperson of council meetings. The chairperson is the Council President, or Vice-President if the President is not in attendance.

2. SCOPE:

This policy applies to the chairperson of council meetings.

3. DEFINITIONS:

Casting vote is applied where there is an equal number of votes for and against a motion, the Chair is required to cast a second "casting vote" to break the tie.

4. POLICY:

- 4.1.1 Pursuant to Section 95(6) of the Local Government Act 2019, the chairperson of a council meeting must exercise a second or casting vote in the event of an equality of votes.
- 4.1.2 Pursuant to Section 95(6)(b) & (c) of the Local Government Act 2019, this policy cannot be altered or revoked during the term of the present council and lapses at the conclusion of the next general election.

5. ASSOCIATED DOCUMENTS

Nil.


6. REFERENCES AND LEGISLATION

Northern Territory Local Government Act 2019, Section 95.

7. REVIEW HISTORY

Date Approved: 13/11/2008	Approved By Council Moved: Seconded: Vote: AIF	Resolution No. 2008/	Date for review: Next Council Election
Date Approved: 17/03/2009	Approved By Council Moved: Seconded: Vote: AIF	Resolution No. 2009/	Date for review: Next Council Election

Date Approved: 18/09/2017	Approved By Council Moved: Cr Peter Clee Seconded: Cr Trish McIntyre Vote: AIF	Resolution No. 2017/084	Date for review: Next Council Election
Date Approved: 16/09/2021	Approved By Council Moved: Seconded: Vote: AIF	Resolution No. 2021/	Date for review: Next Council Election

	POLICY TITLE:	AUDIT COMMITTEE TERMS OF REFERENCE
	POLICY NUMBER:	P29
	CATEGORY:	COUNCIL POLICY
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. ESTABLISHMENT

This Policy sets out the Terms of Reference for the Audit Committee (the Committee). The Committee is established as an advisory committee to the Council pursuant to Part 5.2 of the *Local Government Act 2008*, and Section 10 (3) of the *Local Government (Accounting) Regulations*.

2. SCOPE

The Committee is to provide independent advice and assistance to the Wagait Shire Council (the Council) and the Chief Executive Officer on:

- The internal control processes on the effectiveness of the financial and corporate governance practices;
- Compliance with legislative and regulatory requirements.

3. AUTHORITY

With consideration of legal and confidentiality implications the Committee is authorised, within the capacity of its role and responsibilities, to:

- obtain any information it requires from any employee and/or external party;
- discuss any matters with the external auditor, or other external parties;
- request, via the Chief Executive Officer, the attendance of any employee at Committee meetings; and
- obtain external legal or other professional advice, as considered necessary to meet its responsibilities.

4. MEMBERS AND TENURE

The Committee will comprise:

- five (5) Members;
- the Chair of the Committee must be an independent member;
- two (2) Community Members, who should have local government and/or accounting experience, or significant business experience in the field of risk management; and
- two (2) Councillors.

The CEO and Office Manager will attend meetings but will not be members of the Committee.

Independent member(s) of the Committee shall be appointed for the term of Council.

Members of the Committee are appointed by the Council. Appointment to the Committee from among the Council shall be for a period of one year. Committee members cease being a member of the Committee if they are no longer an elected member of the Council.

The selection process for the independent member(s) should consider the following factors when assessing the applicants:

- level of understanding of local government and the environment in which they operate;
- level of knowledge and practical exposure on governance and financial management practices;
- capacity to dedicate adequate time on the Committee;
- depth of knowledge of regulatory and legislative requirements; and
- ability to maintain professional relationships with staff, council members and other stakeholders.

5. VOTING RIGHTS

Each Committee member will have an equal voting right. In the event of a tied vote, the Chairperson is entitled to a deciding vote.

The Chief Executive Officer and Office Manager will not be entitled to a vote.

6. KEY RESPONSIBILITIES

The Audit Committee is an Advisory Committee only. It has no power or authority to override, amend or contradict Council decisions and policies.

The Committee will undertake the following functions:

- oversee the internal audit function, including development of audit programs with reference to the conduct of internal audits by appropriately qualified personnel, the monitoring of audit outcomes and the implementation of recommendations;
- review quality of annual financial statements and other public accountability documents prior to their adoption by Council;
- review the effectiveness of the Fraud Protection Plan established by the Chief Executive Officer pursuant to Section 10 (2) of the *Local Government (Accounting) Regulations*;
- review management's responses to external audit recommendations and monitor implementation of the agreed recommendations;
- meet with the external and internal auditors at least once each year to receive direct feedback about any key compliance issues, and to provide feedback about the auditor's performance;
- review and provide advice on Council's finance, governance and employment policies;
- advise the Council about the appointment of external auditors; and
- assess the adequacy of audit scope and coverage.

7. REPORTING

The Committee will regularly report on its operation and activities, including:

- a summary of the key issues arising from each meeting of the Committee;
- an overall annual assessment of the Council's control and compliance framework, together with a summary of the work the Committee performed in conducting its responsibilities during the preceding year; and
- information in the annual report regarding the activities of the Audit Committee. The information will include, number of meetings, Committee Membership, principal activities including reviews and audits.

Information will be provided on Council's website which includes Members, Terms of Reference, and Draft Minutes of meetings in accordance with Section 67(4) of the Local Government Act.

8. WORK PLAN

A Work Plan for the Audit Committee will be prepared which sets out work to be carried out by the Committee in the short, medium and long term. The Work Plan will be reviewed annually by the Committee as part of the review of the Terms of Reference.

9. MEETINGS

The Committee will meet up to 4 times per year and a special meeting may be held to review the Council's Annual Report including financial statements.

A forward meeting plan, including meeting dates and agenda items, will be agreed to by the Committee each year and will address items listed in the Work Plan.

A quorum will consist of a majority (three) of Committee Members.

10. SECRETARIAT

The Chief Executive Officer will ensure that adequate secretarial support is provided to the Committee. The Secretariat will prepare and distribute an Agenda and supporting documentation for each meeting. These should be provided at least 3 working days prior to the meeting.

Minutes of the meetings will be taken and provided to the Committee members within 3 working days of the meeting.

11. CONFLICT OF INTEREST

Pursuant to Section 74(1) of the *Local Government Act 2008*, Committee members must declare any conflict of interest at the start of each meeting or before discussion of the relevant agenda item or topic. All details of any conflict of interest are to be minuted.

If members or observers at a Committee meeting are deemed to have a real or perceived conflict of interest, they are to be excused from Committee discussions on the issue where the conflict of interest exists.

11. CONFIDENTIAL AND IMPROPER USE OF INFORMATION

Committee members will from time to time deal with confidential reports. Section 75 of the *Local Government Act 2008* outlines the penalties applicable to individuals who disclose confidential information acquired as a member of a Council committee. Section 76 of the *Local Government Act 2008* states that a person who makes improper use of information acquired as a member of a Council committee is guilty of an offence.

13. DUE DILIGENCE AND INDUCTION

All proposed and new members of the Committee will be entitled to receive relevant information and briefings prior to their appointment.

14. ASSESSMENT OF COMMITTEE

The Chair of the Committee and the Chief Executive Officer will initiate a review of the performance of the Committee at least once every two years. The review will be on an internal assessment basis with appropriate input from the Council, Chief Executive Officer, internal and external auditors, and any other relevant stakeholders.

15. REVIEW

These Terms of Reference and Work Plan will be reviewed every three years by the Committee. The Committee will recommend any substantive changes to the Council for consideration.

Date Approved:	19.5.2015	Approved By: Moved: Pres P Clee Seconded: Cr A Richmond Vote: AIF	Councillors – Resolution No. 2015/185	Date for review:	Next Council Election
Date Approved:	26.6.2018	Approved By: Moved: Cr S Gamble Seconded: Vice President T McIntyre Vote: AIF	Councillors – Resolution No. 2018/198	Date for review:	26.6.2019
Date Approved:	15.10.2019	Approved By: Moved: Pres P Clee Seconded: Cr N White Vote: Carried	Councillors – Resolution No. 2019/503	Date for review:	October 2022
Date Approved:		Approved By:		Date for review:	

WORK PLAN

WAGAIT SHIRE COUNCIL

AUDIT COMMITTEE

Timing of Meetings.

The Committee Members have agreed meetings will be held quarterly. The date and timing of each meeting will be determined to suit the majority of the members.

Program of Work.

Short term (to be carried out annually):


- Review of Strategic Plan and Annual Plan Financial Statements;
- Review of quarterly budget position;
- Review draft Annual Report and Financial Statements;
- Meet with Council auditors and review and assess annual audit and auditor's opinion; and

Medium Term (to be carried out during the term of the Council):

- Review finance, governance and employment policies.
- Recommendations on new policies
- Review Audit Committee Terms of Reference and Work Plan.

Long Term (To be raised and considered as required and taking into consideration Legislative requirements, critical incidents and unacceptable risk as identified by the Chief Executive Officer).

- Asset Plans
- Critical Risk Analysis

	POLICY NUMBER:	P25
	EMERGENCY MANAGEMENT COMMITTEE ToR	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	GOVERNANCE
	LG ACT 2020 REF:	
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. ESTABLISHMENT

This Policy sets out the Terms of Reference for the Emergency Management Committee (the Committee). The Committee is established as an advisory committee to the Council pursuant to Part 5.2 of the *Local Government Act 2008*.

Wagait Shire Council has a role under the Local Government Act 2018, the NT Emergency Management Act 2013, and the NT Emergency Management Plan 2019, to ensure the well-being of the community during an emergency.

The Wagait Shire Council must also ensure the safety and well-being of its own staff to be able to conduct normal business as required. Wagait Shire Council and staff understand that during an emergency, other priorities may overtake normal activities.

2. SCOPE

The Aim of the Committee is to ensure the Wagait Shire, its population, environs, and facilities are prepared, can respond, and recover from an emergency.

The Committee is to provide independent advice and assistance to the Wagait Shire Council (the Council) and the Chief Executive Officer on:

2.1. All aspects of Emergency Management including:

- 2.1.1. **Prevention/Mitigation** - Regulatory and physical measures to ensure that emergencies are prevented, or their effects mitigated. Prevention or mitigation includes the identification of hazards, the assessments of threats to life and property and the taking of measures to reduce potential loss of life and property damage.
- 2.1.2. **Preparedness** - Arrangements to ensure that, should an emergency occur, all those resources and services that are needed to cope with the effects can be efficiently mobilised and deployed.
- 2.1.3. **Response** - Actions taken in anticipation of, during, and immediately after an emergency to ensure that its effects are minimised and that people affected are given immediate relief and support
- 2.1.4. **Recovery** - The coordinated process of supporting emergency-affected

communities in reconstruction of the physical infrastructure and restoration of emotional, social, economic and physical wellbeing

2.2. Compliance with relevant legislative and regulatory requirements.

3. AUTHORITY

With consideration of legal and confidentiality implications the Committee is authorised, within the capacity of its role and responsibilities, to:

- obtain any relevant information it requires from any employee and/or external party.
- discuss any relevant matters with other external parties.
- request, via the Chief Executive Officer, the attendance of any employee at Committee meetings; and
- obtain external legal or other professional advice, as considered necessary to meet its responsibilities.

4. MEMBERS AND TENURE

The Committee will comprise:

- A minimum of five (5) Members.
- The Chair of the Committee will be an independent member;
- Two (2) Shire Councillors;
- Two (2) Community Members with emergency services experience, or significant business experience in the field of risk management; and
- A representative from the NTPFES

The CEO will attend meetings but will not be a member of the Committee.

Members of the Committee are appointed by the Council. Appointment to the Committee from among the Council shall be for a period of two years. Committee members cease being a member of the Committee if they are no longer an elected member of the Council.

The selection process for the independent member(s) should consider the following factors when assessing the applicants:

- level of understanding of local government and the environment in which they operate.
- level of knowledge and practical exposure on emergency management practices.
- capacity to dedicate adequate time on the Committee.
- depth of knowledge of regulatory and legislative requirements; and
- ability to maintain professional relationships with staff, council members and other stakeholders.

5. VOTING RIGHTS

Each Committee member will have an equal voting right. In the event of a tied vote, the Chairperson is entitled to a deciding vote.

The Chief Executive Officer will not be entitled to a vote.

6. KEY RESPONSIBILITIES

The Committee is an Advisory Committee only. It has no power or authority to override, amend or contradict Council decisions and policies.

The Committee will undertake the following functions:

- To exchange experience and information relevant to the effective coordination an emergency in the Wagait Shire.
- To develop collaborative partnerships within the Shire community, the locality, and NT government agencies to ensure resources are made available in a timely manner.
- To assess requirements to mitigate, respond and recover from an emergency including physical, psychological, economic and environmental activity in association with responsible agencies.
- To coordinate the development and implementation of an emergency management plan in the Wagait Shire including a facilities and community resource directory.
- To collaborate and coordinate with the local volunteer and commercial agencies.
- To make recommendations and assist in the preparation of Grant applications.
- To make recommendations on key and emerging issues relevant to emergency management in the Wagait Shire to the Wagait Shire Council.
- To make recommendations on key areas of expenditure that may be available for emergency preparedness, mitigation, response and recovery.
- Ensure adequate information is provided to the community in a timely and well-informed manner.

7. REPORTING

The Committee will regularly report on its operation and activities, including:

- a summary of the key issues arising from each meeting of the Committee.
- an overall annual assessment of the Council's control and compliance framework, together with a summary of the work the Committee performed in conducting its responsibilities during the preceding year; and
- information in the annual report regarding the activities of the Committee. The information will include, number of meetings, Committee Membership, principal activities including reviews and audits.

Information will be provided on Council's website which includes the Committee Members, Terms of Reference, and Draft Minutes of meetings in accordance with Section 67(4) of the Local Government Act.

8. WORK PLAN & ARRANGEMENTS

A Work Plan for the Committee will be prepared which sets out work to be carried out by the Committee in the short, medium and long term. The Work Plan will be reviewed annually by the Committee as part of the review of the Terms of Reference.

Arrangements for each emergency type will be prepared, which sets out the prevention/mitigation, preparedness, response and recovery actions for different emergency situations including (but not limited to) cyclone, fire, flood, pandemic and other emergency situations as deemed necessary.

9. MEETINGS

The Committee will meet up to 4 times per year and more frequently as required during emergency situations.

A forward meeting plan, including meeting dates and agenda items, will be agreed to by the Committee each year and will address items listed in the Work Plan.

A quorum will consist of three voting Committee Members and must include at least one Council representative and one Community representative.

10. SECRETARIAT

The Chief Executive Officer will ensure that adequate secretarial support is provided to the Committee. The Secretariat will prepare and distribute an Agenda and supporting documentation for each meeting. These should be provided at least 3 working days prior to the meeting.

Minutes of the meetings will be taken and provided to the Committee members within 3 working days of the meeting.

11. CONFLICT OF INTEREST

Pursuant to Section 74(1) of the *Local Government Act 2008*, Committee members must declare any conflict of interest at the start of each meeting or before discussion of the relevant agenda item or topic. All details of any conflict of interest are to be minuted.

If members or observers at a Committee meeting are deemed to have a real or perceived conflict of interest, they are to be excused from Committee discussions on the issue where the conflict of interest exists.

12. CONFIDENTIAL AND IMPROPER USE OF INFORMATION

Committee members will from time to time deal with confidential reports. Section 75 of the *Local Government Act 2008* outlines the penalties applicable to individuals who disclose confidential information acquired as a member of a Council committee. Section 76 of the *Local*

Government Act 2008 states that a person who makes improper use of information acquired as a member of a Council committee is guilty of an offence.

13. DUE DILIGENCE AND INDUCTION

All proposed and new members of the Committee will be entitled to receive relevant information and briefings prior to their appointment.

14. ASSESSMENT OF COMMITTEE

The Chair of the Committee and the Chief Executive Officer will initiate a review of the performance of the Committee annually. The review will be on an internal assessment basis with appropriate input from the Council, Chief Executive Officer, appropriate internal and external auditors, and any other relevant stakeholders.

15. REVIEW

These Terms of Reference and Work Plan will be reviewed every two years by the Committee. The Committee will recommend any substantive changes to the Council for consideration.

Date Approved: 21.04.2020	Approved By Council Moved: Vice-President Tom Dyer Seconded: Cr Michael Vaughan Vote:	Resolution No: 2020/063	Date for review: Next Council Election
Date Approved: 19.05.2020	Approved By Council Moved: Vice-President Tom Dyer Seconded: Cr Michael Vaughan Vote: AIF	Resolution No: 2020/081	Date for review: Next Council Election

WORK PLAN

WAGAIT SHIRE COUNCIL

EMERGENCY MANAGEMENT COMMITTEE

Wagait Shire Council has a role under the Local Government Act , the NT Emergency Management Act 2013, and the NT Emergency Management Plan of February 2016, to ensure the well-being of the community during an emergency.

The Wagait Shire Council must also ensure the safety and well-being of its own staff to be able to conduct normal business as required. Wagait Shire Council and staff understand that during an emergency, other priorities may overtake normal activities.

Timing of Meetings

The Committee Members have agreed meetings will be held quarterly
The date and timing of each meeting will be determined to suit the majority of the members.

Program of Work

Short term (to be carried out annually):

- Respond to any emergency that puts at risk the Wagait Beach community or its residents.
- Review and update Emergency Management Arrangements for events including (but not limited to) cyclone, fire, flood, pandemic, and other emergency situations as deemed necessary.
- Review and update list of vulnerable persons in the community and a street map identifying where the most at risk residents are located.

Medium Term (to be carried out during the term of the Council):

- Review Emergency Management Committee Terms of Reference, Work Plan and Arrangements.

Long Term (to be raised and considered as required and taking into consideration Legislative requirements, critical incidents and unacceptable risk as identified by the Chief Executive Officer).

- Asset Plans
- Critical Risk Analysis