



WEST DALY
Regional Council

AGENDA

SPECIAL COUNCIL MEETING

27 JULY AT 9.30 AM

LGANT BOARDROOM – 21

PARAP ROAD, PARAP 0820



WEST DALY REGIONAL COUNCIL

Agenda Special Council Meeting 27 July 2016

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The West Daly Regional Council advises that anyone who has any application lodged with the West Daly Regional Council shall obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the West Daly Regional Council in respect of the application.

Glenda Teeude
Chief Executive Officer



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AGENDA
SPECIAL COUNCIL MEETING
TO BE HELD AT THE LGANT BOARDROOM
ON 27 JULY 2016
COMMENCING AT 9.30 AM

Mayor of the West Daly Regional Council Harold Wilson declared the meeting open at 10.00 am and welcomed all in attendance.

1 PERSONS PRESENT

ELECTED MEMBERS PRESENT

Mayor	Harold Wilson
Deputy Mayor	Andrew Brown
Councillor	Wally Minjin
Councillor	Leon Melpi
Councillor	Mark Martin
Councillor	Ralph Narburup

STAFF PRESENT

Chief Executive Officer	Glenda Teede
Human Resource Advisor	Cathy Bottrell

COUNCIL BIZ

Senior Financial Consultant	Ramesh Pudasaini
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GUESTS

APPOLOGIES

Mayor	Harold Wilson
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PERSONS PRESENT

NIL



WEST DALY REGIONAL COUNCIL

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2 APOLOGIES AND LEAVE OF ABSENCE

APPLICANT:	Glenda Teede
DATE:	27 July 2016
AUTHOR:	Chief Executive Officer, Glenda Teede

SUMMARY

This report is to table, for Council's record, any apologies and requests for leave of absence received from Elected Members for the Ordinary Council Meeting held 20 July 2016.

COMMENT

Council can choose to accept the apologies or requests for leave of absence as presented, or not accept them. Apologies or requests for leave of absence that are not accepted by Council will be recorded as absence without notice.

STATUTORY ENVIRONMENT

As per the Local Government Act s.39 (1), a person ceases to hold office as a member of a council if the person:

(d) is absent, without permission of the council, from 2 consecutive ordinary meetings of the council.

VOTING REQUIREMENT

Simple majority

RECOMMENDATION

That Council receive and notes apologies and grants a leave of absence for the Special Council Meeting held 27 July 2016.

Moved: Clr.
Seconded: Clr.
Carried:



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3 DECLARATION OF INTEREST OF MEMBERS OR STAFF

APPLICANT:	Chief Executive Officer
DATE:	27 July 2016
AUTHOR:	Glenda Teede

SUMMARY

Elected members are required to disclose an interest in a matter under consideration by Council at a meeting of the Council or a meeting of a Council committee by:

- (1) In the case of a matter featured in an officer's report or written agenda item, by disclosing the interest to the Council by disclosure as soon as possible after the matter is raised.
- (2) In the case of a matter raised in general debate or by any means other than the printed agenda of the Council, by disclosure as soon as possible after the matter is raised. Under disclosure, the Member must abide by the decision of Council on whether he/she shall remain in the Chambers and/or take part in the vote on the issue. The council may elect to allow the Member to provide further and better particulars of the interest prior to requesting him/her to leave the Chambers.

Staff members of the Council are required to disclose an interest in a matter at any time at which they are required to act or exercise their delegate authority in relation to the matter. Upon disclosure, the staff member is not to act or exercise his or her delegated authority unless the Council expressly directs him or her to do so.

STATUTORY ENVIRONMENT

Local Government Act Section 73 & Section 74 (Elected Members).

Local Government Act (2008) Section 107 Conflict of interest (Staff Members).

POLICY IMPLICATIONS

Conflict of Interest – Code of Conduct.

VOTING REQUIREMENT

Simple majority

RECOMMENDATION

That Council receives the declarations of interest as listed for the Special Council held 27 July 2016.

Moved:	Clr.
Seconded:	Clr.
Carried:	



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4 CEO CERTIFICATE – REGULATION 24(1) OF LOCAL GOVERNMENT (ACCOUNTING) REGULATION

Applicant: Senior Financial Consultant

Date: 27 July 2016

Author: Ramesh Pudasaini

SUMMARY

The Chief Executive Officer will be providing a verbal report to Council.

CEO Certificate – Regulation 24(1) of Local Government (Accounting) Regulation

Purpose

Report is to provide Council for information as part of the compliance steps required to be completed before adopting the annual Council Budget.

Background

As part of the annual Council Budget process each year, Section 24 (1) of the Local Government (Accounting) Regulations requires that the CEO must:

Before a Council adopts its budget for a financial year, the CEO must:

- (a) Check all available records to ensure that all rateable land is recorded in the assessment record; and
- (b) Certify to the Council that, to the best of the CEO's knowledge, information and belief, the assessment record is a comprehensive record of all rateable and within the area.

Attached to this report is the CEO Certificate dated 27th June 2016 which details this compliance requirement for Council for the 16/17 Budget.

Impact for Council

Compliance requirement for Council for the 16/17 Budget.

VOTING REQUIREMENT

Simple majority

RECOMMENDATION

That Council notes this report for information and endorses the CEO Certificate dated 27th June 2016.

Moved: Clr.

Seconded: Clr.

Carried:

Attachment

Certificate in Terms of Regulation 24 (1) of the Local Government (Accounting) Regulations



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**5 FEES AND CHARGES FY 2016/17**

APPLICANT:	Senior Financial Consultant
DATE:	27 July 2016
AUTHOR:	Ramesh Pudasaini

Purpose

Provide Council with an updated Schedule of Fees and Charges for the FY 2016/17

Background

Fees and charges schedule will provide guidelines to charge fees for the facility provided by council in all communities. Fees and charges have been revised for FY 2016/17.

Impact for Council

Council will be able to charge the updated fees and charges as per the Schedule.

RECOMMENDATION

That Council receive the Schedule of Fees and Charges for the FY 2016/17 and note the will form part of the Regional Plan.

Moved:	Clr.
Seconded:	Clr.
Carried:	

RATES DECLARATION FY 2016/17

APPLICANT:	Senior Financial Consultant
DATE:	27 July 2016
AUTHOR:	Ramesh Pudasaini

Purpose

Declare Council's Rates and Charges for the 2016/17 financial year.

Background

In accordance with Section 155(1) of the Local Government Act 2008 as in force 1 March 2011 ("the act"), Council must declare its rates and charges by the 31st July each year.

In accordance with Section 155(3) Council needs to declares that the general rates will be raised by application of a rate or charge, which will be applicable to all rateable land within its boundaries.

The Council's current income derived from four basic sources:

- Income from rates and statutory charges;
- Local Government Operational Grants; and
- Grants provided by other Agencies to undertake specific funded programs (such as Aged Care);



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In determining the rating regime for 2016/2017, the Council has considered its sources of "own source income" as discussed below:

Income from rates and statutory charges

Rates and statutory charges, along with operational grants and any income derived from commercial sources, is referred to as 'own source income' and, is used to fund Councils municipal activities. This income can be used (expended) in any way that the Council directs and is used to fund all basic municipal services and discretionary projects.

Local Government operational grants

Due to the high level of uncertainty around grant distribution in the Commonwealth and NT government budgets all operational grants will be reviewed once 2016/2017 levels are confirmed.

Grants from other Agencies

The Council undertakes a number of programs on behalf of other government agencies (Agencies). The budgets for these programs are typically defined by the funding agency. Surpluses from these programs are considered 'unexpended grants'. The funding agency may determine whether these funds are returned to the funding agency or carried over into the following year to fund the program. Grants can only be used for the purpose for which the grant is given and thus the Council can not determine the allocation of these budgets. Within the 2016/2017 budget all agency budgets are self contained. That is, expenditure is always equal to the income received.

In determining the rating regime for 2016/2017, the Council has considered a number of factors, including:

- The Council's statutory and legislative obligations;
- The service level expectations of the communities, residents and ratepayers;
- The funding environment and the overall reduction in income from grant and own source income.
- The asset management and asset renewal obligations of the Council;
- The Council's priorities with regards to local employment and maintenance of community based employment and training opportunities;
- How current and future rating practices will impact on the Council's financial sustainability,
- How existing services (particularly waste management and animal management) can be funded from existing revenue sources; and

Pursuant to Section 142 of the act Council may only levy rates on conditionally rateable land in accordance with a rating proposal approved by the Minister for Local Government at least 1 month before the commencement of the financial year for which the rates are declared.

Recommendation

1. That the council approves the declaration of rates and charges for the period from 1 July 2016 to 30 June 2017.

Local Government Act

West Daly Regional Council

Declaration of Rates and Charges 2016/2017



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Pursuant to Chapter 11 the Local Government Act, notice is hereby given, that the following rates and charges were declared by the West Daly Regional Council at the Council Meeting held 20 July 2016 in respect of the financial year ending 30 June 2017.

Rates

Council intends to raise \$417,654 for general purposes by way of rates.

The bases of the rates will be differential valuation-based and differential fixed charges as described below.

In the case of valuation based charges, the assessed value will be the unimproved capital value (UCV) of an allotment as it appears on the valuation roll prepared by the Valuer General under the Valuation of Land Act.

The UCV of a mining tenement will be its assessed value, calculated by using the "Schedule of Fees and Rent" provided by the Department of Mines and Energy.

Rates will apply per allotment as identified in the assessment record.

Residential rate

Rateable allotments which are not rated under any other class and are used for residential purposes.

A differential rate of 0.024486 of the assessed value (UCV), or a fixed charge of \$828.49 per allotment, whichever is greater.

Commercial rate

Rateable allotments which are not rated under any other class and are used for commercial purposes.

A differential rate of 0.081664 of the assessed value (UCV), or a fixed charge of \$980.38 per allotment, whichever is greater.

Special rate

Rateable allotments which are not rated under any other class and are used for temporary accommodation (per transportable dwelling)

A differential rate of 0.014691 of the assessed value (UCV), or a fixed charge of \$497.09, whichever is greater.

Other rate

Rateable allotments not described elsewhere in this declaration.

A differential rate of 0.024486 of the assessed value (UCV), or a fixed charge of \$828.49 per allotment, whichever is greater.



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Pastoral Leases

Crown leases of pastoral land under the Pastoral Land Act

0.000299 of the assessed value (UCV) or minimum of \$368.31, whichever is greater.

Mining Tenements

Mining tenements as defined in the Local Government Act

0.0034 of the assessed value or minimum of \$871.68, whichever is greater.

Charges

Council intends to raise \$379,169 by way of charges for garbage collection services and landfill access services.

Council declared the following charges in respect of garbage collection services and waste management.

Garbage Collection Services

A charge for which council is willing and able to provide a collection service of one 240 litre bin per allotment collected weekly. The standard service is one bin per week but a ratepayer may request additional bins.

Garbage collection service charge for residential allotments = \$659.71 multiplied by the number of 240 litre bins.

Garbage collection service charge for commercial allotments = \$1,195.58 multiplied by the number of 240 litre bins.

Garbage collection service charge for special allotments = \$659.71 multiplied by the number of 240 litre bins.

Landfill Access Service

A charge of each allotment for which council is not able or not willing to provide a garbage collection service. This charge provides access to landfill facilities within the Council boundaries.

Landfill access service charge = \$207.26 for residential allotments. Landfill access service charge = \$543.43 for commercial allotments.

Relevant interest rate

The relevant interest rate for the late payment of rates and charges is fixed in accordance with Section 162 of the Act at the rate of 17% per annum and is to be calculated on a daily basis.

Payment dates



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The Council determined that rates and charges for the year 1 July 2016 to 30 June 2017 inclusive shall be due and payable by the 30th September 2016.

A ratepayer who fails to abide by such conditions may be sued for recovery of the principal amount of the rates and charges, late payment penalties and costs reasonably incurred by Council in recovering or attempting to recover the rates and charges.

Moved: Clr.
Seconded: Clr.
Carried:

BUDGET FOR FY 2016/17

Applicant:	Senior Financial Consultant
Date:	27 July 2016
Author:	Ramesh Pudasaini

Purpose

The purpose of this report is to present the budget for the FY2016/17.

Background

Council is required to develop a Regional Plan each year, with one of the contents being a budget that meets the requirements of the Local Government Act, including the balanced budget requirements.

The budget collation for 2016/17 has been carried out by CouncilBIZ under contract with WDRC's Management support.

In May 2016, CouncilBIZ start collecting information against the various programs and funding contracts. This information has been collated into the WDRC budget model, and then reviewed by WDRC management.

The current model is a work in progress, as are all budgets. They are a current view of the expected future.

Major Items to Note:

NTG support of \$700,000 has been recorded as additional Grants for this year.

Rates and charges have been inflated by 10% over 2015/16 individual charges, the effect is 20 cents per day increase on each allotment and increase by \$43,443 in total.

No budget has been prepared for Mechanical Workshop during 2016/17.

Staff Housing budget has been reduced and no major upgrade has been budgeted for this year.

No carryover funding has been included yet, but this does not impact the bottom line as carryover funding has corresponding carryover expenditure;

Grants Commission income is based upon previous years and does not yet reflect any possible changes.



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The attachment to this report presents the details of the budgets.

Impact for Council

With this report, WDRC will be in compliance with Local Government Act to development the budget for FY 2016/17 to include in regional plan.

West Daly Regional Council Budget 2016/17

The Council operations can be pictures as four sections but interlinked with each other.

Programs can be divided between Core and Agency while Funding can be broken down into Tied and Untied.

Core is the traditional Local Government Services while Agency Services as additional services provided by funding contract on behalf of someone else.

Tied is Specific purpose funding and unspent balance fund is expected to return to the funder.

United fund has no restrictions and any surplus can be used for general purpose.

The section that council needs to concentrate on Untied Sections, where the NTG operations grants, Rates and Charges as income and included the general operating costs of council as expenses.

General Operating expenses included running council on a day to day basic by providing core council services and also include expenses to elected members, CEO, an employee, an office, utilities, insurance, system and maintenance of communities.

The budget presented included NTG assistance allowance (due to de-amalgamation) of \$700,000.

Sum of 1617 Budget Column Labels 				
Row Labels 	TIED	UNTIED	Grand Total	
Income	-8,563,832	-5,571,792	-14,135,624	
Expenditure	8,563,832	6,570,299	15,134,131	
Internal	0	-998,507	-998,507	
Grand Total	0	0	0	

Council is also generating \$1m from Administration Fees to various Programs and from allocation of its core Labour forces in various funded programs.

A strategy available to council is to continue to analyse the Agency –Tied contracts for opportunities to recover further funds that would transfer to Core United section.

With depreciation inclusive in budget, budget in FY is in deficit by \$2.9m, Council depreciation expenses are not funded by NTG.



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Row Labels	TIED	UNTIED	Grand Total
Depreciation	0	2,911,149	2,911,149
Income	-8,563,832	-5,571,792	-14,135,624
Expenditure	8,563,832	6,570,299	15,134,131
Internal	0	-998,507	-998,507
Grand Total	0	2,911,149	2,911,149

Regional Plan and accounting requirements require several statements.

Operating Statement

This statement should show the balance budget or small surplus.

Budget comparison for FY16/17 to FY 15/16

Budget without depreciation

Row Labels	Sum of 1617 Budget	Sum of 1516 Budget
Income	-14,135,624	-13,083,942
Core	-8,920,213	-8,441,816
Agency	-4,885,411	-4,642,126
Capital	-330,000	0
Expenditure	15,134,131	12,883,942
Core	9,918,720	8,488,762
Agency	4,885,411	4,395,180
Capital	330,000	0
Internal	-998,507	0
Core	-998,507	-315,780
Agency	0	315,780
Grand Total	0	-200,000

Budget with depreciation

Row Labels	Sum of 1617 Budget	Sum of 1516 Budget
Income	-14,135,624	-13,083,942
Core	-8,920,213	-8,441,816
Agency	-4,885,411	-4,642,126
Capital	-330,000	0
Expenditure	15,134,131	12,883,942
Core	9,918,720	8,488,762
Agency	4,885,411	4,395,180
Capital	330,000	0
Internal	-998,507	0
Core	-998,507	-315,780
Agency	0	315,780
Depreciation	2,911,149	0
Core	2,911,149	0
Agency	0	0
Balance Sheet	0	0
Grand Total	2,911,149	-200,000

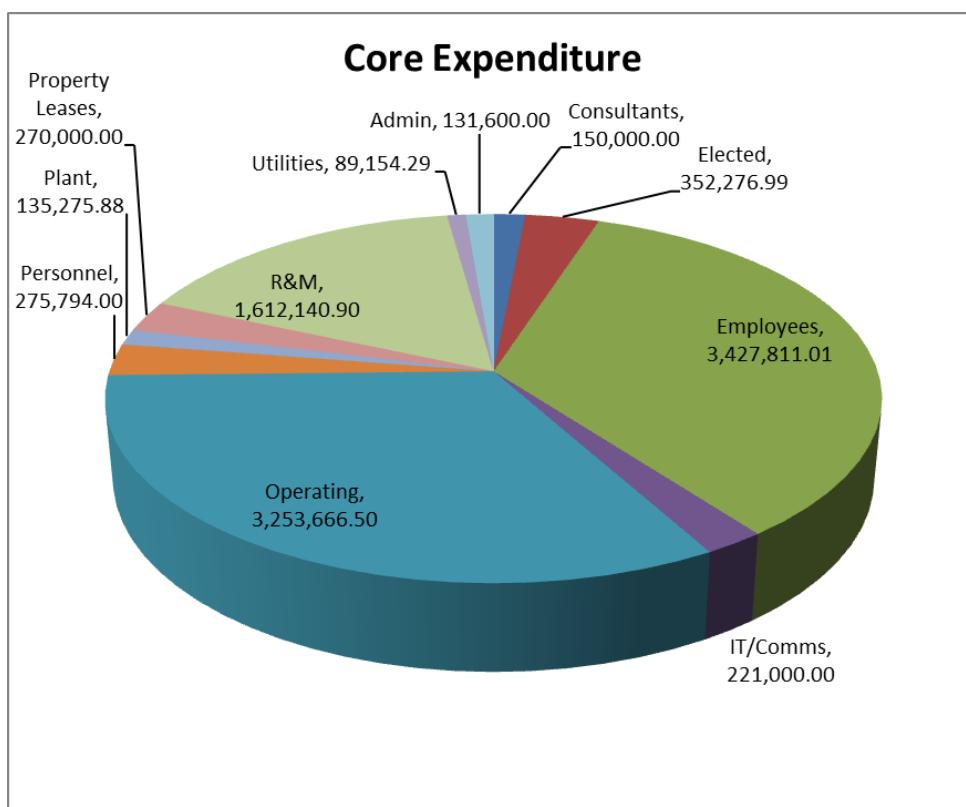
Maintenance of Community Assets

Row Labels	Sum of 1516 Budget	Sum of 1617 Budget
R&M		
Administration	57,500	23,037
Aerodromes	0	0
Aged & Disability Services	29,000	59,572
Asset Management	0	0
Chief Executive	5,000	4,027
Child Care Emu Point	5,000	11,715
Commercial Arrangement	51,250	8,515
Community Patrol	15,801	169
Community Program	0	0
Elected Members	5,000	0
Housing - Staff Housing	153,500	0
Libraries	0	10,509
Local Authorities	0	10,785
Media and Broadcasting	0	0
Outstations and Homelands	183,522	122,188
Parks and Gardens	28,000	28,037
Pools	35,000	12,286
Roads	11,000	1,354,958
Sport and Rec	4,000	6,413
Waste Management	70,000	45,085
Work Health and Safety	0	3,223
Grand Total	653,573	1,700,993

Planned Capital Expenditure

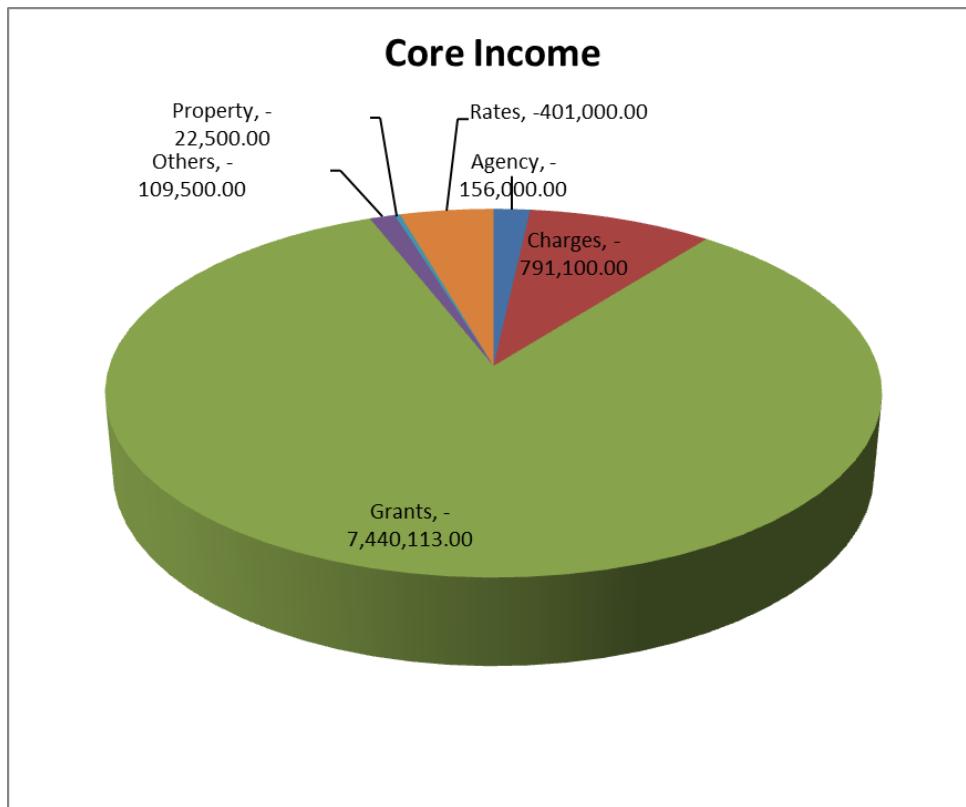
Row Labels	Sum of 1516 Budget	Sum of 1617 Budget
Capital Grants		
Capital Projects	0	-330,000
Grand Total	0	-330,000

Categories	15-16 Budget	16-17 Budget
Core	8,488,762	9,918,720
Expenditure	8,488,762	9,918,720
Consultants	189,000	150,000
Elected	283,352	352,277
Employees	3,523,492	3,427,811
Operating	3,477,612	3,253,666
Personnel	297,180	275,794
Plant	208,321	135,276
Property Leases	44,770	270,000
R&M	599,772	1,612,141
Utilities	97,800	89,154
IT/Comms	30,000	221,000
Legal	75,000	0
Admin	-337,537	131,600
Grand Total	8,488,762	9,918,720



Core Income Category

Categories	15-16 Budget	16-17 Budget
Core	-8,441,816	-8,920,213
Income	-8,441,816	-8,920,213
Agency	-255,902	-156,000
Charges	-638,152	-791,100
Grants	-6,883,216	-7,440,113
Internal	-20,000	0
Others	-80,502	-109,500
Property	-189,827	-22,500
Rates	-374,217	-401,000
CarryOver	0	0
Grand Total	-8,441,816	-8,920,213



Balance Sheet Long Term Financials

Assets		2016	2017	2018	2019	2019	2020
Current Assets							
Cash on Hand		2,827,490	2,855,765	2,884,323	2,913,166	2,942,297	2,971,720
Short term Investments		1,750,000	1,802,500	1,856,575	1,912,272	1,969,640	2,028,730
Receivables		716,333	737,823	759,958	782,756	806,239	830,426
Inventories		34,955	36,004	37,084	38,196	39,342	40,522
Other Current		0	0	0	0	0	0
Total Current Assets		5,328,778	5,432,092	5,537,939	5,646,391	5,757,519	5,871,399
Liabilities							
Current Liabilities							
Payables		517,909	533,446	549,450	565,933	582,911	600,398
Grant Liabilities		3,995,473	4,115,337	4,238,797	4,365,961	4,496,940	4,631,848
Provisions		199,513	205,498	211,663	218,013	224,554	231,290
Total Current Liabilities		4,712,895	4,854,282	4,999,910	5,149,908	5,304,405	5,463,537
Net Current Assets		615,883	577,810	538,029	496,483	453,114	407,862
Non Current Liabilities	Provisions	199,468	205,452	211,616	217,964	224,503	231,238
Fixed Assets							
Assets at Cost		23,687,924	22,503,528	21,378,351	20,309,434	19,293,962	18,329,264
Depreciation Reserve		0	0	0	0	0	0
Total Nett Assets		24,104,339	22,875,885	21,704,764	20,587,953	19,522,573	18,505,888
Equity							
Accumulated Surplus		26,104,339	25,450,885	24,357,014	23,377,457	22,454,026	22,454,026
Asset Revaluations		0	0	0	0	0	0
Total Equity		26,104,339	25,450,885	24,357,014	23,377,457	22,454,026	22,454,026
Cash Ratio		1.13	1.12	1.11	1.10	1.09	1.07

RECOMMENDATION

That Council receive the Budget for the FY 2016/17 and note the will form part of the Regional Plan.

Moved: Clr.
Seconded: Clr.
Carried: Clr.



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ADOPTION OF 2016/17 REGIONAL PLAN

AUTHOR:	Ramesh Pudasaini
DATE:	27 July 2016
SUBJECT:	Adoption of West Daly Regional Councils Regional Plan 2016/17

Purpose

The purpose of this report is to adopt a Regional Plan for 2016/17, note the declaration of Rates and Fees and Charges for 2016/17, and adopt the Financial Plan and Staff Plan.

Background

The Law

Section 23 of the Local Government Act requires the Council to have a Regional Plan.

Section 24 requires Council to adopt a Regional Plan between 1 April and 31 July in each year.

Section 24(2) requires that before Council adopts a Regional Plan it must:

- a) Prepare a draft of the plan; and
- b) Make that draft available on its website and at public offices;
- c) Publish a notice on its website inviting submissions for a period of at least 21 days
- d) Consider submissions and make revisions to the draft that considered appropriate.

Section 128 requires that Council must adopt its budget for a financial year on or before 31 July of that year.

Section 128(2) allows Council to amend its budget during the year, with restrictions that does not allow modification of certain matters (such as allowances for members of Council).

Section 128(4) states that the budget forms part of the Regional Plan.

Section 127(3) states that subject to the regulations, a Council must not budget for a deficit.

Section 155 requires that Council must before 31 July declare rates.

Section 103 states the CEO is responsible for the appointment of staff in accordance with a staffing plan approved by the Council.

The Process

The consultation period was from 1 July to 22 July inclusive.

Impact for Council

Council are required to adopt a Regional Plan.

The financial plan contains a balance budget for 2016/17 with support of additional funding of \$700,000 from Northern Territory Government.



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VOTING REQUIREMENT

Simple majority

RECOMMENDATION

- (a) That Council accept the recommendations on changes to the Regional Plan;
- (b) That Council, pursuant to part 3.2 of the Local Government Act adopts the Regional Plan for the 2016/17 period.

MOVED: Cr.

SECONDED: Cr.

CARRIED

ATTACHMENT

Regional Plan 2016/17



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6 DISPOSAL OF VEHICLE, MACHINERY & EQUIPMENT

AUTHOR: Glenda Teede – Chief Executive Officer

DATE: 27 July 2016

SUBJECT: Disposal of Council Assets

Purpose

Prior to the disposal of Council Vehicles, Major Plant Machinery and Equipment, approval must be sought from West Daly Finance Committee and Elected Member majority. Disposal shall be carried out as in "Item 1.0" and this process should be reviewed by Council bi-annually.

1. Disposal of Vehicles and Major Plant and Equipment shall be:
 - a. Trade in on new vehicles and machinery over \$5,000. 3 Quotes
 - b. Auction by approved agency. Up to \$100,000.
 - c. Auction by non approved agency. 3 Quotes
 - d. Sale by tender.

Background

CA 38 ED – Not economical to repair

CB 71 DN – Surplus to requirements

VOTING REQUIREMENT

Simple majority

RECOMMENDATION

THAT Council approve the disposal of:

CA 38 ED, 2012 Toyota Hilux Utility, Night Patrol Vehicle, Palumpa

CB 71 DN, 2010 Volvo Flat Top Truck, Shire Services, Wadeye

By 1 (b) of the Disposal of Vehicle, Machinery & Equipment Policy

MOVED:

SECONDED:

CARRIED:



WEST DALY REGIONAL COUNCIL

Agenda Special Council Meeting 27 July 2016

7 LOCAL AUTHORITY POLICY

Applicant:	Chief Executive Officer
Date:	27 July 2016
Author:	Glenda Teede

PURPOSE

Review of the Local Authority Policy.

BACKGROUND

Council Policies are to be reviewed periodically and adopted by Council.

IMPACT ON COUNCIL

N/A

RECOMMENDATION

That Council approve and adopt the Local Authority Policy.

Moved:	Clr.
Seconded:	Clr.
Carried:	

ATTACHMENT

Local Authority Policy

POLICY



1.1.9

Local Authorities

1. SUMMARY

The West Daly Regional Council (the Council) is required under the *Local Government Act* (the Act) to establish and maintain a Local Authority at each of its main communities. These are generally where service centres are established.

The Local Authorities are made up of between 6 and 14 appointed members and non-appointed members (Elected Members). It should be noted that while a Council employee is unable to be an Elected Member while remaining employed by Council, an employee can be a Member of a Local Authority.

The intention of this policy is to ensure that Local Authorities can provide strong and effective local representation at a community level and that Authorities become an effective mechanism for Council to engage community at a local level.

The functions of each Local Authority are as expressed in Section 53D of the *Local Government Act* which states,

"53D The functions of a local authority are:

- (a) to involve local communities more closely in issues related to local government; and
- (b) to ensure that local communities are given an opportunity to express their opinions on questions affecting local government; and
- (c) to allow local communities a voice in the formulation of policies for the locality as well as policies for the area and the region; and
- (d) to take the views of local communities back to the regional council and act as advocates on their behalf; and
- (e) to contribute to the development of the relevant regional plan; and
- (f) to make recommendations to the council in relation to the council's budget, and to review expenditures by the council, in relation to the part of the council's area within which the local authority performs its functions; and
- (g) to perform other functions assigned to the local authority by the Minister, in accordance with any guidelines that the Minister may make.

2. POLICY

To ensure Local Authorities are assisted and empowered to make decisions on behalf of their communities through the development of sound and effective governance structures. It is anticipated this will lead to improved community engagement and better outcomes for community.

1. Council will actively support Local Authorities and where necessary facilitate and create opportunities and ensure that residents gainfully engage in local government.



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2. Local Authorities will be able to actively engage with Council and act as an advisory body to Council.
3. To maintain and improve the quality of life of people by fostering a range of services and activities.
4. To support the reasonable needs of community members.
5. To maintain a balance between meeting increasing demands and that of affordability.
6. Local Authorities Location

Local Authorities areas are Palumpa, Peppimenarti and Wadeye.

The Minister for Local Government determines the locations; the Council determines the location areas. Council needs to specify the area, whether it is the existing Ward area or other.

7. Ordinary Membership

The number of members for each Authority may vary based on the size of the community. Each Local Authority must have a minimum of 6 and not more than 14 members.

Council will decide on the final number of appointed members following the nominations and then will have to go through the appointment process.

8. Nominations

Any Community members who wish to nominate for membership of a Local Authority can do so in writing on an application form provided by Council and during the period when nominations are called for.

Applicants must be recognised and accepted as a resident of the Ward of which they reside in most of the year and be over the age of 18 and on the Australian Electoral roll.

9. Nomination and appointment process

As soon as practicable after a vacancy arises, Council must call for nominations and allow 28 days for nominations to be received.

The call for nominations must be advertised and promoted in a manner that ensures that residents of the relevant area are aware of it.

Nominations are to be returnable to a named Council employee working in the relevant community.

The list of nominations received and consideration regarding the filling of positions for which nominations have been received, must be an agenda item at the first ordinary council meeting after nominations have closed.

10. Appointments'

Appointments to the Local Authority will be for four years with nominations sought in September of each financial year and council appointment by 31 December.



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At the first Ordinary meeting of the Local Authority the newly appointed members will need to elect a Chairperson.

11. Effective Local Authority should reflect:

- I. a representation of key groups within the local community area;
- II. include people who are committed to attend and participate in Local Authority meetings that are to the benefit of residents in their respective communities;
- III. adopt a process which sees members who are prepared to collect information and provide this information back to the community in a timely manner; and
- IV. act as the link between community and the Council and advocate strongly on behalf of their community.

12. Register of members

- I. Council shall keep a register of members and record the following up-to-date information:
- II. the name and address of each member;
- III. the date upon which each member was admitted to the Local Authority; and
- IV. if applicable, the date and reason for termination and or retirement from the Local Authority; and
- V. meetings attended

13. Minimum number of meetings or provisional meetings

15.1. Subject to clause 15.2 and the relevant Ministerial approval, the CEO must ensure a minimum of four meetings or provisional meetings for each local authority are held in each financial year.

NOTE: Either a meeting or a provisional meeting can be counted in reaching the minimum total of four. For example, three provisional meetings and one meeting would make up the required minimum number of four.

15.2 If the majority of members of a local authority agree, the Chair may make a written request to the Minister to reduce the minimum number of meetings or provisional meetings in each financial year. The Minister will consult with the Regional Council before making a decision.

NOTE: Ministerial approval is not required for a local authority to have more than the minimum number of meetings per financial year.

14. Council support for Local Authorities

Councillors who represent the ward within which the Local Authority is located are deemed to be members within that ward by virtue of non appointed status, and as such should endeavour to attend each Local Authority meeting.

Council staff will maintain and report on a Local Authority Register to ensure issues raised by Local Authorities are being considered by the Council and steps are being taken to resolve any outstanding issues.

15. No proxies



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12.1. A member of a local authority may not be represented by a proxy (substitute) during a meeting or provisional meeting.

16. Provisional meeting where quorum not present

13.1. In the event that a quorum is not present for a meeting, but the majority of appointed members are present, the members that are in attendance may hold a provisional meeting.

13.2. During a provisional meeting, all agenda items may be discussed and minutes must be kept.

13.3. Members at the provisional meeting may, by majority vote, make recommendations to the Regional Council, including Local Authority projects, provided any such recommendation is specifically qualified as being a recommendation of a provisional meeting, rather than the local authority.

17. Ordinary Local Authority Meetings

Ordinary Local Authority meetings are convened by the CEO or his/her staff delegate responsible for the Local Authority coordination and are set at the start of each calendar year.

Each Local Authority may hold a meeting outside of the normal designated meeting cycle for the purpose of providing input into key council plans and documents, in this instance this can be retrospectively ratified by Council at the next Ordinary Council Meeting.

If there are changes to the scheduled meeting time, Members of the Local Authority must be given at least seven days notice informing them of the rescheduled time, date and place of the meeting.

18. Administrative support from Council

The CEO will ensure there is secretariat and Administrative support for Local Authorities in their region. The secretariat in consultation with the Chairperson is to prepare an agenda for each meeting to include but not limited to:

Agenda and minutes

- The agenda for each local authority meeting is to be prepared by the secretariat in consultation with the Chair.
- The agenda of each meeting must include but is not limited to:
 - the regional council's response to local authority issues raised;
 - local authority action items;
 - CEO report on current regional council services in the local authority area;
 - reports on other service delivery issues in the local authority area;
 - visitor presentations;
 - the latest quarterly report
- a report on complaints received by the regional council concerning service delivery in the local authority area and the regional council's response.
- Each financial year a local authority agenda must include a review of:
 - the regional council's annual report for the previous financial year;



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- any relevant community plan of the regional council or local authority;
- the regional council's policy on delegation of powers and functions;
- the regional council's proposed regional plan; and
- the regional council's proposed budget priorities for the local authority area for the next financial year.

The CEO is to notify all members from the Local Authority of the contact persons name and details and in the event of any changes, Local Authorities are to be notified accordingly.

The CEO must ensure that the approved number of meetings is held each year and ensure notification of the meeting and agenda items are provided to each member at least three days before the meeting.

19. Financial Reporting

Each financial year a Local Authority must have included on its agenda items a review of:

- I. the regional Councils annual report for the previous financial year;
- II. any relevant community plan of the Regional Council or Local Authority;
- III. Council proposed regional plan; and
- IV. The regional councils proposed budget priorities for the Local Authority area for the next financial year.

20. Delegation Policy

The CEO must ensure that a copy of the Regional Council's policy on delegation of powers and functions is provided to all members of each Local Authority and listed on the agenda for discussion at least once in each financial year.

21. Notification of meetings

Through the use of templates provided to each Local Authority and with the support of the Council Regional Services Manager, Council will notify all Local Authority members and community at least three days before meetings.

22. Quorum for Local Authorities

A quorum for a Local Authority meeting will consist of half plus one of the total number of Local Authority Members. If after 30 minutes of the nominated start time of the meeting the majority of members present are unable to form a quorum then the meeting will be deferred to the next scheduled Local Authority meeting date.

A provisional meeting can be held in the event that the members cannot make a quorum, which consists of the majority of appointed members present.

Local authority member allowances

- Subject to clause 19.2, the allowance to be paid by a regional council to an eligible

member **after having attended a local authority meeting or provisional meeting** is as set out below:

- Chair, if eligible, 143 revenue units
- other eligible members 107 revenue units

Note: The value of a revenue unit may be found on the Department of Treasury and Finance website: www.treasury.nt.gov.au. Enter 'revenue units' in the search box on the home page.

- The following members of a local authority are not eligible to be paid a local authority member allowance by the regional council:
 - elected members – as council members claim their allowance according to the relevant Ministerial guideline and general instruction on council member allowances; and
 - regional council staff – as they are being paid by their employer (although a council may choose to remunerate a staff member for attending a local authority meeting where they are not already being paid by council).

Members of the Regional Council who represent the Ward which the Local Authority's area is located are recognized as members (in addition to Ordinary members) and therefore are able to be counted to obtain a quorum.

Where there is to be any motions moved, this will be done by the Chair and decided by the majority of the votes. In the event of even number of votes the Chairperson shall have the casting vote.

23. Structure of Meetings

The Local Authority shall meet at least 4 times per calendar year. Minutes must be recorded by the secretariat and must be presented at the next Council meeting.

Meetings are open to the community, and to ensure that the community representatives have control of the meeting, it will only be elected Members and Councillors who will sit at the meeting table;

The Chairperson may from time to time and at their discretion, invite Community members to speak;

Council Staff should not participate in discussions where a decision is the responsibility of the Local Authority unless asked by the Local Authority Members.

The Chairperson is able to convene a meeting by means of an audio or audio-visual conferencing system.

24. Special Local Authority Meetings

Special Local Authority meetings may be requested by the Chairperson of the Local Authority through the CEO or her/his delegate.

The purpose of the special Local Authority meetings is to deal with important issues that might need to be discussed and cannot wait until the next scheduled Ordinary Local Authority meeting.

The same guidelines apply for Special Local Authority meetings as for Ordinary Local Authority meetings.

25. Revocation of Appointment of Ordinary Member



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It is important that Local Authority Members attend meetings wherever possible. A person shall cease to hold office as a member of a Local Authority in the event he/she:

- I. Passes away;
- II. is incapacitated;
- III. resigns in writing; or is
- IV. disqualified from membership pursuant to the Act and or/is in breach of Council's code of conduct.

Further, Membership of the Local Authority will be revoked by the Council if a Member is absent from 2 or more consecutive meetings without the permission of the Local Authority.

- I. In the event of a vacancy under this section, Council is able to draw down from the pool of applicants referred to in section 8 to fill the vacancy.

26. Code of Conduct

Local Authority Members will be bound by the Act and Council's code of conduct rules and confidentiality provisions when investigating allegations of misconduct:

Step 1: Initiating the investigation

The Council CEO or his/her delegate will investigate the complaint brought to their attention about issues that relate to conduct of a person/s or, to a set of circumstances that may indicate improper conduct by a serving member of the Local Authority.

The investigatory team should consider the following when considering the issues:

Is the behaviour serious enough to justify a formal warning?

Have there been any formal complaints previously?

Does the behaviour, if proven, warrant suspension or revocation of membership?

Step 2. Assessment of the complaint

The first task is to gather as much information as possible from the person making the complaint or any witnesses, such as the name of the complainant, location of where the alleged conduct was to have taken place and any other relevant material for consideration.

Complaints should be made in writing or where this is not possible it should be reduced to writing by the person taking the complaint and this document should be signed by the complainant.

Investigators should ensure that as much information is gathered in a timely and unbiased manner.

Step 3. Finding of misconduct

3.1 Verbal warning



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A verbal warning will be given to the person identified by the Chairperson and or CEO with a witness present.

3.2 Written warning

If the allegations are more serious and of a persistent nature, a report will be prepared and given to the CEO who will then write a formal letter of warning to be sent to the named person. The letter should contain what is the nature of the concern; action that is required with a reasonable timeframe to remedy the situation, this letter should be signed by the Council Mayor or his/her delegate.

Step 4. Final warning/revocation

Where appropriate, the Chairperson with the support of the CEO, have established that there is a continuation of conduct which is contrary to the Act and Council's code of conduct, will write a notice to suspend membership if conduct is to continue.

The notice should outline what steps are needed to remedy the situation, and timeframe and also state that failure to comply or reach a satisfactory standard then membership will be suspended and that a motion endorsing this will be sought at the next Local Authority meeting.

27. Non Compliance of Local Authorities'

In the event a Local Authority is not compliant with its obligations pursuant to the Act is in breach of the Council's code of conduct rules, or the Guidelines, then the Council has the authority to have the CEO or his/her delegate conduct an investigation in to the matter/s.

If the Local Authority is found to be in dereliction of its obligations then the Council will provide a letter of warning identifying the issues and appoint a council staff or another third party to work with the Authority for a period of up to 28 business days to work through any issues that the Local Authority maybe experiencing.

In the event there is no improvement in the actions of the Local Authority within this timeframe then, the Council has the right to dissolve the current membership and appoint a new either by calling for fresh elections or drawing from a pool of any previous applicants.

28. Other functions of the Chairperson

The Chair of the Local Authority or their appointee may sit on selection panels for Coordinator positions and above in their community. When the panel is convened they will be contacted with the interview time and date, and at the time they must declare a conflict of interest, including family relationships or any other interest that may be perceived as having a material effect of any decisions being made.



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REFERENCES

Local Government Industry Award 2010
Local Government Act
Guideline 8 – Regional Councils and Local Authorities
29/01/2016
West Daly Regional Council Policy #2.1.5 – Code of Conduct

Approved by:	Council
Approval Date:	16 July 2014
Review Date:	1 st July, 2016 (annually)
Review Authority:	Chief Executive Officer
Applicable to:	All Council employees, Councillors and Local Authority Members.

FURTHER INFORMATION: Chief Executive Officer

8 ELECTED MEMBER ALLOWANCES POLICY

Applicant:	Chief Executive Officer
Date:	27 July 2016
Author:	Glenda Teede

PURPOSE

Review of the Elected Member Allowances.

BACKGROUND

Council Policies are to be reviewed periodically and adopted by Council.

IMPACT ON COUNCIL

N/A

RECOMMENDATION

That Council approve and adopt the Elected Member Allowances Policy.

Moved:	Clr.
Seconded:	Clr.
Carried:	

ATTACHMENT

Elected Member Allowances Policy



POLICY

1.1.6

Elected Member Allowances

1. SUMMARY

Section 71 of the Local Government Act provides for payment of allowances to Elected Members “at a rate fixed by council (subject to any guidelines that the Minister may make) for the relevant financial year”. The level and maximum annual amount payable are determined by Council as part of the Council’s budget for the relevant financial year. To assist Councils, the Minister for Local Government issues guidelines each year which include a maximum level of allowances that can be paid during the coming year.

Similarly Section 72 of the Act provides that Council members “are entitled to payment or reimbursement of reasonable expenses for travel and accommodation necessary for:

- a. Attending a meeting of the Council, Local Authority, Local Board or Council Committee; or
- b. Attending to the business of the council in accordance with a prior resolution of the council.

This policy outlines the type, level and background to allowances to be paid to Elected Members. The allowances outlined in this policy are for Elected Members of the Regional Council only. Members of the Local Authorities receive Meeting fees as outlined in Policy # 1.1.9 titled “Local Authorities”.

Each allowance is determined by Council in conjunction with conditions and maximum levels as contained within the Ministerial Guidelines and applicable legislation. Elected Member allowances do not apply to members of Local Authorities who are entitled to be paid Sitting Fees and expenses in accordance with the Local Government Act.

2. DEFINITIONS

Subject to Council resolution, Elected Members are entitled to the following allowances:

Base Allowance: this allowance, paid fortnightly in arrears, covers day to day electoral activities of each Member. Authority for payment of the Base Allowance is derived from the NT Local Government Act and the Ministerial Guidelines. These guidelines are issued annually by the Minister for Local Government and set the maximum level of allowance that can be paid to a Member for the relevant financial year. While council can agree to a lower rate, the total paid over the relevant year cannot exceed the maximum level determined in the Ministerial Guidelines. The annual rate and frequency of payment of the allowance are determined by council when the council’s budget for the relevant financial year is adopted. Once set they cannot be altered. (Section 128 (2) – Local Government Act). The exceptions are specific situations endorsed by Council for payment of an Extra Meeting Allowance.

The Base Allowance includes, but is not limited to, agenda study and meeting preparation, attendance at scheduled meetings, attendance at community or ward functions as a council representative including scheduled meetings of a Local Authority within the Member’s ward, constituency responsibilities and council representation outside the regional area.

Electoral Allowance: The Electoral Allowance, which is also paid fortnightly in arrears, is provided to assist Elected Members with carrying out electoral (community) matters. Authority for, and guidelines for adoption of the level of the allowance is determined by the Ministerial Guidelines as for the Base Allowance. This allowance may be used entirely at the discretion of the Member. An example might include small payments to community members assisting the Elected Member in gaining an appreciation of a community situation. Any decision to make such payments would be the responsibility of the Member and not reflect any liability towards Council. Electoral or Base Allowances are paid fortnightly in arrears and Members are not under any obligation to account to Council for their application.

Extra Meeting Allowance: Council has determined that where applicable, Extra Meeting Allowances are based on allowance as determined by the Department of Local Government on a year to year basis (while calculating the extra meeting allowance a full amount will be divided by 36 to determine the rate per day) for attendance at those meetings or functions which Council has resolved will be covered by this allowance. This level is based on the daily rate of payment for an Elected Member acting as Mayor. Extra Meeting allowances are not applicable to the Mayor and Deputy Mayor. The type and level of daily payments are to be reviewed annually within the limits outlined in the Ministerial Guidelines. Members should also note that, as with other allowances, Extra Meeting Allowances have a maximum annual level as determined by the Ministerial Guidelines. Once that level of aggregate payment has been reached, no further payments can be made to Members for their attendance at these meetings.

Council has determined the Extra Meeting Allowance will apply to:

- Additional Council meetings other than the six ordinary meetings scheduled annually;
- Members of Committees for meetings held on days other than the days of ordinary Council meetings;
- Inclusion in staff selection meetings;
- Any meeting for which the CEO requests the attendance of the Elected Member; and
- All other meetings approved prior by Council for payment of this allowance.

Extra Meeting Allowances can only be paid on receipt of an actual claim by Elected Members. Such claims must be lodged within three months of the meeting or event; claims reflecting attendance more than three months after the event or meeting will not be paid unless by direct resolution of the Council. Only one Extra Meeting Allowance may be claimed for any one calendar day. Claims for payment will only cover actual attendance with the proviso that the Member attends at least 75% of the duration of the meeting. Travel time prior to and after the meeting will be covered by Travel allowance at prescribed rates and additional Extra Meeting allowances are not applicable. It should be noted that this Allowance is not applicable to either the Mayor or Deputy Mayor or to an Elected Member acting in either position as this allowance is incorporated into the Base allowance of these positions.

Professional Development Allowance: this allowance has been designed to cover any course or conference specifically intended to provide professional development to any Elected Member. Payment of this allowance is subject to approval by Council and is payable on direct claim by the Elected Member. Conditions of payment include confirmation of attendance for at least 75% of the duration of the event where the Member has actually travelled to that event, unless non-attendance is supported by a medical certificate in case of injury or illness. Elected Members should note that maximum amount that can be paid in any financial year is annually set by the Minister.

Travel and Expenses Allowance: Elected Members are entitled to claim all reasonable expenses and travel costs at the prescribed rate applicable to Elected Members and council staff. Travel allowance



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will include attendance at scheduled meetings and events or attending to business of Council in accordance with a prior resolution of the Council.

The Meeting or event must be held outside the Member's ward and must meet at least one of the following criteria:

- Be in the interests of the West Daly Regional Council;
- Be as a result of a formal invitation to the Elected Member to meet with Commonwealth or Northern Territory Government Ministers or departments or instrumentalities such as Power and Water Corporation, Telstra or other relevant non-government organisations;
- Formal initiations to relevant meetings with commercial interests who currently or in the future conduct significant business with the Regional Council; or
- A meeting where the Mayor and Chief Executive Officer believe it is important to have a council representative attend.

If an Elected Member is a member of an external organisation or board and the organisation or board pays an attendance allowance or covers expenses from the Council even if that organisation or board is relevant to the West Daly Regional Council. In all instances the Mayor or Chief Executive Officer will have discretion on what is an appropriate claim.

Acting Mayor and Deputy Mayor Allowance: Where a casual vacancy occurs in the office of Mayor or Deputy Mayor, the person appointed to fill that casual vacancy is entitled to the Base and Electoral Allowances (but not the Extra Meeting Allowance) applicable to the position being filled.

However, the Ministerial Guidelines state that "*The maximum number of days (including Saturdays, Sundays and Public Holidays) that a council member may be paid as the acting principal member is an aggregate of 90 days in a financial year. A member may continue to hold the position for a longer period if council so resolves, however, the allowance reverts to the usual rate for that member*".

3. POLICY

1. The maximum level and amount of annual allowances will be determined annually when the Council adopts its budget for the forthcoming financial year.
2. Elected Members Allowances will be paid directly to the Elected Members banking account. These allowances will be paid in fortnightly instalments in arrears.
3. Extra meeting allowances, Professional Development allowance as well as Travel and expenses Allowances must be subject to actual claim while the Base and Electoral Allowances will be remitted fortnightly.
4. Unless otherwise negotiated with the Chief Executive Officer or delegate, all allowance payments will be at the full amount without deduction for either taxation or superannuation purposes. Elected Members are able to request that taxation be deducted and/or superannuation contributions paid to a nominated fund.
5. Extra Meeting Allowances will be paid at the rate as determined by the Minister (calculated on the total Extra Meeting Allowance divided by 36 to provide a day rate) for attendance at those meetings or functions which Council has resolved will be covered by this allowance.

Council has determined the Extra Meeting allowance will apply to Elected Members who attend:

- Additional council meetings other than the six ordinary meetings scheduled annually,
- As members of committees for meetings held on days other than days of ordinary Council meetings;
- Inclusion in staff selection meetings;



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- Any meeting for which the CEO requests the attendance of the Elected Member; and
 - All other meetings approved prior by council for payment of this allowance.
6. Extra Meeting Allowances are not applicable to the Mayor, Deputy Mayor and elected Member acting as Mayor or Deputy Mayor.
7. Payment of Professional Development allowance is subject to approval by Council and is payable on direct claim by the Elected Member. Conditions of payment include confirmation of attendance for at least 75% of the duration of the event where the Member has actually travelled to that event, unless non-attendance is supported by a medical certificate in case of injury or illness.
8. Where a meeting or event is held outside the Member's ward and meets at least one of the following criteria, then a Travel and Expenses Allowance is payable. The meeting or event must:
- Be in the interests of the West Daly Regional Council;
 - Be as a result of a formal invitation to the Elected Member to meet with Commonwealth or Northern Territory Government Ministers or departments or instrumentalities such as Power and Water Corporation, Telstra or other relevant non-government organisations;
 - Formal initiations to relevant meetings with commercial interests who currently or in the future conduct significant business with the Regional Council; or
 - A meeting where the Mayor and Chief Executive Officer believe it is important to have a council representative attend.

REFERENCES

Local Government Industry Award 2010

Local Government Act

Ministerial Guideline #2

FURTHER INFORMATION: Chief Executive Officer

Approved by:	Council
Approval Date:	27 July 2016
Review Date:	1 July (Annually)
Review Authority:	Chief Executive Officer
Applicable to:	All Councillors



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9 CLOSE OF MEETING

CLOSE OF MEETING

There being no further business the Chair declared the meeting closed at

10 NEXT MEETING

NEXT MEETING

Wednesday 21 September 2016 – Palumpa Council Office.