



**KATHERINE**  
TOWN COUNCIL

## ELECTED MEMBERS GENERAL POLICY AND PROCEDURES

Type:	Council Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Chief Executive Officer		
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Legislation Reference:	<i>Local Government Act 2019</i> and Katherine Town Council By-Laws 1998		

### 1 PURPOSE

The purpose of this policy is to ensure that Elected Members are aware of their individual and assembly responsibilities under the *Local Government Act 2019*. This policy also establishes the protocols to be followed to enable Elected Members to ensure adherence to relevant sections of the Katherine Town Council By-Laws 1998.

### 2 SCOPE

This Policy applies to all elected members and Council employees.

### 3 DEFINITIONS

**Councillor** means an Elected Member of Katherine Town Council.

**Deputy Mayor** means the Deputy Principal Member of the Katherine Town Council.

**Mayor** means the Principal Member of Katherine Town Council.

**Motion** means a request to do something or to express an opinion about something. A motion formally puts the subject of the motion an item of business for formal consideration by Council.

**Minutes** mean the formal record of the proceedings and resolutions of any meeting of Council.

**Petition** means a formal request 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.

**Quorum** means four of the seven elected members of Council needing to be present to constitute a valid meeting.

**Resolution** means a formal decision Council that has been passed by a majority of its sitting members. E.g., a motion that has been decided and passed by a majority of councillors at the meeting.

## ROLE OF ELECTED MEMBERS

The *Local Government Act 2019* states that the role of a council member is to:

- represent the interests of all residents and ratepayers of the council area
- provide leadership and guidance
- facilitate communication between the members of the council's constituency and the council
- be properly informed to enable participation in the deliberations of the council and its community activities
- ensure, as far as practicable, that the council acts honestly, efficiently, and appropriately in carrying out its statutory responsibilities
- ensure that council resources are used prudently and solely in the public interest
- actively monitor the financial affairs of the council.

An elected member of the council has no power to direct or control staff of the council, or to interfere with the management of council employees.

Elected members are bound by a Code of Conduct, and they have a duty to act, at all times, in what the member genuinely believes to be the best interests of the council's constituency.

## FUNCTIONS OF COUNCIL

The functions of Council include:

- Planning for the future requirements of Katherine
- Provision of services and facilities for the benefits of the Katherine community, its residents and visitors
- Making prudent financial decisions
- Managing the employment of the Chief Executive Officer
- Providing for the interests and well being of individuals in the Katherine community
- Carrying out measures to protect the environment from natural and other hazards and to mitigate the effects of such hazards
- Planning and developing council facilities in a sustainable way
- Promoting Katherine and the Big Rivers region a location for industry and commerce and as an attractive tourist destination
- Establishing programs to benefit the Katherine community.

## CONFLICTS OF INTEREST AND GIFTS AND BENEFITS

An elected member must avoid any conflict of interest, whether actual or perceived, when undertaking official functions and responsibilities. If a conflict of interest exists, the member must comply with any statutory obligations of disclosure. Refer to the 'Elected Member Code of Conduct' and 'Elected Members Conflicts of Interest policy'.

A council member must discharge their duties, responsibilities, and obligations impartially and with integrity including in relation to receiving, accepting and disclosing gifts or benefits. A council member must not accept a gift or benefit of any value that may be perceived by a reasonable person to improperly influence the performance or decisions of the council member or the Council. Refer to the 'Gifts and Benefits policy'.

## COUNCIL MEETINGS

Councils are accountable to their communities for the decisions that they make. Those decisions should be based on sound and adequate information. The conduct of effective meetings is an indicator of good governance and how meetings are managed is an important part of achieving this goal. Meeting procedures contribute to good public decision-making and increase Council's transparency and accountability to the Katherine community.

### Meeting times (By-law 138)

From January to November each year, Ordinary Council Meetings will be held at 6pm on the fourth Tuesday of the month.

In December, the Ordinary Council Meeting will be held at 6pm on the second Tuesday.

Meetings are held at the Civic Centre, Stuart Highway, Katherine, or by audio or audio-visual attendance.

### Business papers and order of business (By-law 139 and 140)

Business papers will be available to the Elected Member by close of business on the Wednesday preceding the Ordinary Meeting of Council. They will also be available at the Civic Centre and posted on the Council website.

The order of business for an Ordinary Meeting of Council is as follows:

1. Acknowledgement of Country
2. Prayer
3. Present, Apologies and Leave of Absence
4. Motions without Notice to alter the Order of Business
5. Confirmation of Previous Minutes
6. Business Arising from Previous Minutes
7. Conflict of Interest declaration
8. Mayoral Business to be Considered
9. Correspondence and Documents to be Tabled
10. Petitions (By-law 143)
11. Questions
  - With Notice
  - Without Notice
12. Notices of Business (By-law 145)
13. Reports of Officers
14. Reports from Representatives on Committees
15. Late Agenda Items
16. General Business (By-law 141)
17. Confidential Items
18. Meeting Close

Matters to be raised in the General Business section at an Ordinary Meeting of Council are to be limited to issues of a minor nature. Major or new issues are required to be presented by a Notice of Business.

Issues raised purely for the information of Council or to seek reference to the Council administration may be raised under the General Business section of the meeting.

### **Notice of Business (By-law 141)**

Councillors requiring the consideration of a matter must give a signed notice to the Chief Executive Officer or Mayor by close of business on the Monday one week prior to the Ordinary Meeting. That matter will be considered during General Business. The Chief Executive Officer may provide a background report for inclusion with the notice where appropriate.

The Councillor may speak to the matter for no longer than five minutes.

### **Petitions (By-law 143)**

Councillors may present petitions at Ordinary Meetings by stating the nature of the petition; and reading the petition. Where a councillor presents a petition to a meeting, no debate on or in relation to it is allowed and the only motion that may be moved is:

- that the petition be received, and consideration stand as an order of the day for the meeting or for a future meeting, OR
- that the petition be received and referred to a committee or Council officer for consideration and a report to the council.

### **Deputations (By-law 144)**

Deputations wishing to attend and be heard at a meeting must give at least seven (7) clear days' notice of their proposed deputation by writing to the Chief Executive Officer.

Council will receive Deputations at a date and time agreed by the Mayor in consultation with the members of the deputation.

### **Motions (By-laws 145-151)**

A Motion is required to be in writing to the Mayor. The Mayor will put motions to the meeting and if there are no objections to the motion being taken as a formal motion, put the motion to a vote. Motions must be moved and seconded. When a motion has been moved and seconded, a Councillor may move an amendment to it. A member at a meeting may, without notice, move a motion of dissent in relation to a ruling of the Mayor on a point of order. Council may only deal with one (1) amendment to a motion at a time, and the amendment, if voted on and carried, becomes a motion.

### **Addressing Council (By-laws 156 and 160)**

Councillors may insist that other Councillors address them by their official designation, as Mayor or Councillor, as the case may be.

Councillors shall refrain from the use of offensive or inappropriate language, especially in reference to another Councillor. Councillors shall not make imputations of improper motives or personal reflections on Councillors or council employees. A Councillor who considers that another Councillor is out of order may call upon the Mayor to maintain order.

### **Minutes**

Unconfirmed Minutes of each Ordinary Meeting will be available by close of business on the Friday following the meeting. The Minutes will be made available at the Civic Centre and on Council's website. Until adopted at the following Ordinary Meeting of Council Minutes will be marked as unconfirmed.

## Late Reports

Late reports will only be admitted under exceptional circumstances as approved by the Mayor or Chief Executive Officer. Late reports are to be made available to Elected Members and the public as soon as practicable.

## Recording of Votes

The names of members voting for or against motions will only be recorded upon request from individual members.

## Casting vote

Casting votes will be made in accordance with the 'Casting Vote policy'.

## Mayor to take precedence (By-law 155)

The Mayor may, at any time during debate of a matter at a meeting, indicate an intention to speak and, on so doing, a member speaking or proposing to speak is to cease speaking and remain silent or refrain from speaking until the Mayor has been heard.

## Quorum not present (By-law 164)

Where a meeting is postponed, that fact together with the names of the members present at the time is to be recorded in the minutes kept by the council.

Where at a meeting a quorum of members is not present, the Mayor is to suspend the meeting for a period of 30 minutes and, if at the expiration of that period a quorum is not present, the names of the members present at the time are to be recorded in the minutes and the Mayor is to adjourn the meeting to a later time or to another date, as the Mayor thinks fit.

## AUDIO OR AUDIO-VISUAL CONFERENCING

Where possible, Council is committed to facilitate access and participation in meetings by permitting members to be present and participate remotely by means of audio or audio-visual conferencing systems.

A member may attend any meeting via an audio or audio-visual conferencing system. It is desirable, but not mandatory, that members give at least one (1) days' notice to the Chief Executive Officer that they intend to attend the meeting via the conferencing system. Refer to the 'Attendance at meetings via audio or audio-visual conferencing system policy'.

## MEDIA

The Mayor is the principal spokesperson for Council. In the absence of the Mayor or at the Mayor's request, the Deputy Mayor or Chief Executive Officer are authorised to make statements on behalf of Council to the media.

## ACCESS TO COUNCIL RESOURCES

Council is committed to providing non-monetary benefits to support elected members to carry out their official duties in an accountable and transparent manner that ensures the proper use of council assets and resources. Refer to the 'Other reasonable expenses and non-monetary benefits received by elected members policy'.

Council meeting facilities are available to the Mayor and Councillors to conduct Council business.

## **COUNCIL APPOINTMENTS TO ADVISORY AND EXTERNAL COMMITTEES**

Council will appoint representatives as required. Appointment to Advisory and External Committees will be reviewed as required and endorsed at an Ordinary Meeting.

## **ALLOWANCES AND EXPENSES**

Elected members are paid allowances in accordance with section 106 of the *Local Government Act 2019*, as determined by the Remuneration Tribunal under section 7B of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*.

Elected members can claim reasonable expenses for travel and accommodation. Refer to the Reasonable expenses for travel and accommodation received by elected members policy.

Council is committed to recognising the most appropriate types of conferences and training opportunities that enable a council member to develop capabilities in the member's role. Refer to the 'Professional Development Allowance policy'.

## **CONFIDENTIAL INFORMATION**

Council is committed to transparent and accountable decision making, to achieve the outcomes of its Municipal Plan. However, from time to time, Council will consider confidential and sensitive information which it must treat with care. The 'Confidential Information policy' sets out Council's process to ensure the proper treatment and review of confidential items considered at a Council Meeting. This policy applies to information that was considered during or resulted from confidential business at a council meeting, including (but not limited to) the agenda, business papers, resolutions, and minutes.

The Council may exclude the public from the meeting while business of a classified kind is being considered. In this case, a motion to close part of the meeting to the public should be moved and seconded. Once confidential business is completed, a motion to move back to the public meeting should be moved and seconded, and the resolutions of the confidential meeting made available to the public.

## 5 ASSOCIATED POLICIES/DOCUMENTS

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Casting Vote policy

Attendance at meetings via audio or audio-visual conferencing system policy

Elected Member Code of Conduct

Elected Members Conflicts of Interest policy

Gifts and Benefits policy

Reasonable expenses for travel and accommodation received by elected members policy

Other reasonable expenses and non-monetary benefits received by elected members policy

Professional Development Allowance policy

Confidential Information policy

## 6 REFERENCES AND RELATED LEGISLATION

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*Local Government Act 2019*

Local Government (General) Regulations 2021

Katherine Town Council By-Laws 1998

*Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*

### Revision History

Version	Approval date	Details of change	Responsible officer
1	24/06/2008	Created	CEO
2	26/10/2010	Revision	CEO
3	30/08/2016	Revision	CEO
4	28/06/2022	Revision for consistency with new Local Government Act, update, and new template	CEO