



AGENDA

MILIKAPITI LOCAL BOARD MEETING

WEDNESDAY, 29 FEBRUARY 2012

Notice is given that the next Milikapiti Local Board Meeting of Tiwi Shire Council will be held on:

- Thursday, 12 April 2012 at
- Milikapiti Council Boardroom
- Commencing at 10:00AM

Your attendance at the meeting will be appreciated.

AGENDA

1 WELCOME & APOLOGIES

- 1.1 WELCOME
- 1.2 PRESENT
- 1.3 APOLOGIES
- 1.4 LEAVE OF ABSENCE
- 1.5 DECLARATION OF INTEREST OF MEMBERS OR STAFF
- 1.6 CONFIRMATION OF PREVIOUS MINUTES

2 BUSINESS ARISING

- 2.1 NEW ISSUE TO BE TABLED 3

3 GENERAL BUSINESS

Nil

4 REPORTS FOR INFORMATION

Nil

5 REPORTS FOR DECISION

- 5.1 APPOINTMENT OF THE CHAIR 4
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6 OTHER BUSINESS

7 NEXT MEETING

Thursday, 12 April 2012

BUSINESS ARISING

ITEM NUMBER	2.1
TITLE	New issue to be tabled
REFERENCE	94808
AUTHOR	Pauline Corpus, Executive Officer



The Local Board Member are invited to table any local issue that is relevant to the shire functions

BACKGROUND**ISSUES/OPTIONS/CONSEQUENCES****CONSULTATION & TIMING****RECOMMENDATION:**

That the Milikapiti Local Board table any issue relevant to Shire functions that the Board wishes to bring to Council

ATTACHMENTS:

There are no attachments for this report.

REPORTS FOR DECISION

ITEM NUMBER	5.1
TITLE	Appointment of the Chair
REFERENCE	94809
AUTHOR	Trevor Harris, Governance Manager



This report is to determine the appointment of the Chair of this Local Board

BACKGROUND

The Local Government Act 2008 – Chapter 6 – Part 6.2 item no 64– Procedure of Meetings.
See page 82 of the attachment

The Chair of a meeting of a local board or council committee will be:

a) in the case of a local board – a member appointed by the board as its chair

ISSUES/OPTIONS/CONSEQUENCES

There are 2 options

- A) Nominate a chairperson for all meetings OR
- B) Nominate a chairperson on a rotational basis for each meeting (a different person for every meeting you have)

Option A) Nominations are consider for a member to become the chair for the duration of this local board. This can be done by a show of hands.

Option B) Upon every meeting after Welcome and Apologies – Members will nominate or schedule a difference person to be the chair for that day.

CONSULTATION & TIMING**RECOMMENDATION:**

That the Milikapiti Local Board nominate a Chair either on a Permanent basis or; on a Rotational basis.

ATTACHMENTS:

- 1 Extract - LG Act 2008 - Chapter 6 - Meetings - See Page 82.pdf

Chapter 6 Meetings

Part 6.1 Council meetings

58 Nature and timing of council meetings

- (1) A council must hold a meeting of its members (an **ordinary meeting**) at least once in each successive period of 2 months.
- (2) Subject to this Act, a council may deal with business of any kind at an ordinary meeting.
- (3) The first ordinary meeting of a council to be held after a general election must be held within 14 days after the conclusion of that general election.
- (4) The council may hold a meeting to deal with a particular item of business (a **special meeting**) whenever circumstances require.

59 Convening of meetings

- (1) Meetings of a council are convened by the CEO.
- (2) The CEO must convene a special meeting of the council at a specified time and place to deal with specified business if:
 - (a) the principal member or 3 or more other members request the CEO in writing to convene the meeting; or
 - (b) the council resolves that the special meeting should be convened.
- (3) If the CEO fails to convene a meeting required under this Act, a meeting may be convened by any member of the council.
- (4) A notice convening a council meeting:
 - (a) must be in writing; and
 - (b) must state the date, time, place and agenda for the meeting; and
 - (c) must be given to the members:
 - (i) in the case of an ordinary meeting – at least 3 business days before the date of the meeting; and
 - (ii) in the case of a special meeting – at least 4 hours before the time appointed for the meeting; and
 - (d) must be accessible on the council's website a reasonable time before the time appointed for the meeting; and

- (e) must be posted on a notice board at the council's public office.
- (5) The notice may be given to a member personally, by post, by email, by fax or in any other way pre-arranged by the CEO with the member.

60 Business to be considered at a meeting

An ordinary meeting may deal with business of any kind but a special meeting may deal only with the business for which the special meeting was convened unless all members are present at the special meeting and unanimously agree to deal with other business.

61 Procedure at meeting

- (1) The Chair of a meeting of a council will be:
 - (a) if the principal member is present – the principal member; or
 - (b) if the principal member is not present but the deputy principal member is present – the deputy principal member; or
 - (c) if neither the principal member nor the deputy principal member is present but an acting principal member is present – the acting principal member; or
 - (d) if neither the principal member nor the deputy principal member is present and there is no acting principal member or the acting principal member is not present – a member chosen by the members present at the meeting to chair the meeting.
- (2) A quorum at a meeting of a council consists of a majority of the council's members.
- (3) If a quorum is not present within 30 minutes after the time appointed for a meeting, the meeting is postponed to a time and place to be fixed by the CEO and notified to the members.
- (4) A member who is not physically present at a meeting of a council is taken to be present at the meeting if:
 - (a) the member's attendance at the meeting by means of an audio or audiovisual conferencing system is authorised in accordance with council policy; and
 - (b) communication is established by means of the conferencing system, at or around the commencement of the meeting, between the member and the members present at the place appointed for the meeting; and

- (c) the member has the same or substantially the same opportunity to participate in debate, and to register an opinion, on questions arising for decision as if the member were physically present at the meeting.
- (5) Subject to this Act, a decision carried by a majority of the votes of the members present at a meeting of a council is a decision of the council.
- (6) Each member present at a meeting has one vote on a question arising for decision at the meeting and, if the council has a policy allowing the Chair to exercise a casting vote, the Chair may exercise, in the event of an equality of votes, a second or casting vote.
- (7) A policy to allow the Chair to exercise a casting vote:
 - (a) may only be established by resolution of the council passed at the first meeting of the council to be held after a general election; and
 - (b) cannot be altered or revoked during the term of the council; and
 - (c) lapses at the conclusion of the next general election.
- (8) Unless the council decides unanimously to take a vote by secret ballot voting is to be by show of hands.
- (9) Subject to this Act, and any by-laws regulating the procedure at a meeting, a council may determine its own procedures.

Part 6.2 Meetings of local boards and council committees

62 Timing of meetings of local boards and council committees

Subject to direction by the council, a local board or council committee meets at times determined by the local board or council committee.

63 Convening of meetings

- (1) Meetings of a local board or council committee are convened by the CEO.
- (2) The CEO may, at the request of the Chair of a local board or council committee, convene a meeting of the local board or committee.
- (3) A notice convening a meeting:

- (a) must be in writing; and
 - (b) must state the date, time, place and agenda for the meeting; and
 - (c) must be given to the members of the local board or council committee a reasonable time before the time appointed for the meeting; and
 - (d) must be accessible on the council's website a reasonable time before the time appointed for the meeting; and
 - (e) must be posted on a notice board at the council's public office.
- (4) The notice may be given to a member personally, by post, by email, by fax or in any other way pre-arranged by the CEO with the member.

64 Procedure at meeting

- (1) The Chair of a meeting of a local board or council committee will be:
- (a) in the case of a local board – a member appointed by the board as its Chair; or
 - (b) in the case of a council committee – a member appointed by the council as Chair of the committee; or
 - (c) if the Chair is not present (or no-one currently holds the position of the Chair) – a member chosen by the members present at the meeting to chair the meeting.
- (2) A quorum at a meeting of a local board or council committee consists of a majority of its members.
- (3) If a quorum is not present within 30 minutes after the time appointed for a meeting, the meeting is postponed to a time and place to be fixed by the CEO and notified to the members.
- (4) A member who is not physically present at a meeting is taken to be present at the meeting if:
- (a) the member's attendance at the meeting by means of an audio or audiovisual conferencing system is authorised in accordance with council policy; and
 - (b) communication is established by means of the conferencing system, at or around the commencement of the meeting, between the member and the members present at the place appointed for the meeting; and

- (c) the member has the same or substantially the same opportunity to participate in debate, and to register an opinion, on questions arising for decision as if the member were physically present at the meeting.
- (5) A decision of a local board or a council committee is to be by majority vote of the members present at a meeting.
- (6) Subject to this Act, and any direction by the council, a local board or council committee may determine its own procedures.

Part 6.3 Provisions of general application to meetings of councils, local boards, and council committees

65 Meetings to be open to the public

- (1) As a general rule, a meeting of a council, local board or council committee must be open to the public.
- (2) However, the public may be excluded while business of a kind classified by the regulations as confidential business is being considered.

66 Postponement of meeting

- (1) The CEO may, if it becomes impracticable to proceed with a meeting of a council, local board or council committee at the appointed time and place, postpone the meeting for up to 21 days.
- (2) The CEO must ensure, as far as practicable, that each member receives notice of the postponement and of the time and place to which the meeting has been postponed.

67 Minutes

- (1) The CEO must ensure that proper minutes of meetings of the council, local boards and council committees are kept.
- (2) The minutes must:
 - (a) set out:
 - (i) the names of the members present at the meeting; and
 - (ii) the business transacted at the meeting; and
 - (iii) any other information required by the regulations; and
 - (b) include references to any written reports or recommendations considered in the course of the meeting together with information about how to obtain access to the reports or

recommendations.

- (3) The council, local board or council committee must, at its next meeting, or next ordinary meeting, confirm the minutes (with or without amendment) as a correct record of the meeting.
- (4) A copy of the minutes must, within 10 business days after the date of the meeting to which they relate, be available to the public:
 - (a) on the council's website; and
 - (b) at the council's public office.

Note

Confidential matter may be suppressed from the material that is made publicly available under section 201.

- (5) A member of the public:
 - (a) may inspect without fee, at the council's public office, the copy of the minutes made available to the public; and
 - (b) may, on payment of the appropriate fee fixed by the council, obtain an identical copy of the minutes; and
 - (c) may, on payment of the appropriate fee fixed by the council, obtain from the CEO a certified copy of, or extract from, the minutes of a meeting.
- (6) However, until the council, local board or council committee has confirmed the minutes as a correct record of the meeting:
 - (a) the minutes, in the form in which they are made available to the public, must be marked with a warning to the effect that they have not been confirmed as a correct record of the meeting; and
 - (b) no certified copy of, or extract from, the minutes is to be issued.

REPORTS FOR DECISION

ITEM NUMBER 5.2
TITLE Local Board - Code of Conduct
REFERENCE 94812
AUTHOR Pauline Corpus, Executive Officer



This report is to provide a draft Code of Conduct for Local Boards

BACKGROUND

All meeting needs procedures in particular this code of conduct show us how we should treat each other at these meeting.

ISSUES/OPTIONS/CONSEQUENCES

CONSULTATION & TIMING

Seeking input and comments relating to the proposed Code of Conduct.

RECOMMENDATION:

That the Board either endorse this code of conduct or request to develop their own code of conduct

ATTACHMENTS:

1 MLB - Draft Code of conduct.doc

1. Honesty and integrity.

A member must act honestly and with integrity in performing official functions.

2. Care and diligence.

A member must act with reasonable care and diligence in performing official functions

3. Courtesy.

A member must act with courtesy towards other members, council staff, electors and members of the public.

4. Conduct towards council staff.

A member must not direct, reprimand, or interfere in the management of, council staff.

5. Respect for cultural diversity.

A member must respect cultural diversity and must not therefore discriminate others, or the opinions of others, on ground of their cultural background.

6. Conflict of interest.

A member must, if possible avoid conflict of interest between the member's private interest and official functions and responsibilities.

Where a conflict in fact exists, the member must comply with the member's statutory obligations of disclosure.

7. Respect for confidences.

A member must respect the confidentiality of information obtained in confidence in the member's official capacity.

A member must not make improper use of confidential information obtained in an official capacity to gain a private benefit or to cause harm to another.

8. Gifts

A member must not solicit or encourage gifts or private benefits from any person who might have an interest in obtaining a benefit from the council.

9. Accountability

A member must be prepared at all times to account for the member's performance as a member and the member's use of council resources.

10. Interests of municipality or shire to be paramount.

A member must act in what the member genuinely believes to be in the best interest of municipality or shire.

In particular, a member must seek to ensure that the member's decision and actions are based on an honest, reasonable, and properly informed judgment about what will be the best way forward for the future.

REPORTS FOR DECISION



ITEM NUMBER	5.3
TITLE	Policy - Local Boards
REFERENCE	94813
AUTHOR	Pauline Corpus, Executive Officer

This report is to provide information to the local board members on the purpose and function for the Wurrumiyanga Local Board

BACKGROUND

The attached Draft Policy document is for use of all local boards to guide members and staff on the objectives, legislation and internal procedures.

Local Government Act 2008, Part 4:s52 is quoted below:

(1) **The functions of a local board 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 council and act as advocates on their behalf; and
- (e) to contribute to the development of the relevant regional management plan and the relevant municipal or shire plan.

(2) A local board is subject to control and direction by the council.

Lines of Communication:

- Minutes or Reports from the Local Board – will be tabled at the Shire Council Ordinary Meetings for discussion and decisions. (Presented by the relevant Ward Elected Member or the Shire CEO)
- Minutes or extracts from Shire Council minutes will be tabled at the Wurrumiyanga Local Board. (via WLB Agenda Paper and presented by the CEO).

ISSUES/OPTIONS/CONSEQUENCES

This document also provides information on the following:

- Composition (make up the board members)
- Filling of Vacancies
- Tenure (Time frame of board members (2years))
- Naming of the Local Boards
- Meetings
- Reporting – (Lines of Communication between Local Boards and Council)
- Resources
- Administrative Support

CONSULTATION & TIMING

RECOMMENDATION:

That the Milikapiti Local Board endorse the attached draft Policy to be used as a guide for all board members.

ATTACHMENTS:

1 Policy - Gov008 - Local Boards.pdf

Local Advisory Boards

Policy No: GOV-008	Document Ref.69975
Adopted By TISC Resolution Number	Date
Responsibility: Chief Executive Officer	Next Review July 2012

Summary

This Policy covers the rules determined by Council governing Local Boards as additional to those specified in accordance with and in addition to the Local Government Act 2008 and related guidelines and regulations.

The Policy covers:

1. Establishment of Local Boards
2. Meetings
3. Reporting roles and procedures
4. Administrative support

Objectives

- a) To ensure the integration and involvement of local community views into the decision-making processes of the Council, Local Boards will be established at Milikapiti, Wurrumiyanga and Pirlangimpi.
- b) To ensure Local Boards provide good advice to the Shire Council
- c) To ensure sure the community have a strong voice and are actively engaged in their local community affairs

Legislation

Local Government Act 2008, Part 4:s52 is quoted below:

- (1) The functions of a local board 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 council and act as advocates on their behalf; and
 - (e) to contribute to the development of the relevant regional management plan and the relevant municipal or shire plan.
- (2) A local board is subject to control and direction by the council.

Attachment B: Chapters 5 and 6 of the Local Government Act.

Other Council documents:

Code of Conduct

Council Business and Strategic plans

Definition and meanings

'**ex-officio**' means non-voting position for a member of a committee, board, council or other governing body.

Background

In accordance with the Local Government Act (S52 (2) and S49 (3))
Local Boards are:

- (a) established by Council
 - (b) under its guidance and direction
- and may be abolished by Council.

On the 28th April 2010 Ordinary Council Meeting, the Council resolved to establish the three Local Boards across the Tiwi Islands.

Policy

1 Establishment of Local Advisory Boards

Three Local Boards will be established to represent each of the following major communities of the Tiwi Islands: Milikapiti, Wurrumiyanga and Pirlangimpi.

1.1 Composition

- a) Local Advisory Boards may be made up to sixteen (16) community members, representing the Skin Groups, not including the Mayor and Elected Members of the Council.
- b) Up to four (4) persons representing Non Skin Group residents (Community Residents)
- c) The Mayor is an ex-officio member of each of the Local Advisory Boards and may (but is not obliged to) participate in its meetings.
- d) Elected Members who are resident within the local board's area or who represent wards within its area are also members of the Local Advisory Board

1.2 Eligibility

- a) Community residents over 18 years who live in the ward most of the time can nominate/vote or be nominated/elected, whether enrolled to vote or not.
- b) Council employees are eligible for appointment as members of a local board even though Council employees are disqualified from election to the Council itself).

- c) Women and men should be on the Local Advisory Board.

1.3 Creation and filling of vacancy

- a) Each community can make its own rules about how they choose nominees for their Local Advisory Board and send them to Council for approval to fill vacancies on the following basis:
- b) Members are nominated at a well – advertised community meeting.
- c) Individual vacancies can be filled as soon as practical,
- d) If membership falls below 75% (i.e. 9 out of 12) then all vacancies should be filled at the next meeting of Council.

1.4 Tenure

- (a) The term of members is 2 years. When changing the members, the Local Advisory Board is encouraged to keep half of its current members to maintain knowledge of community matters and stability.
- (b) Local Advisory Board members stop being members if they:
- resign in writing
 - pass away
 - miss 2 consecutive meetings without an acceptable apology
 - finish their 2-year term
 - commit a serious offence [at the discretion of Council]
 - are dismissed by Council
- (c) Each Local Advisory Board will develop its own Code of Conduct based on the Council Code of Conduct or may adopt that of the Council.

1.5 Naming of Local Boards

The Local Government Act as of 1 July 2008 terminology is that of 'Local Board'.

- Milikapiti Board
- Wurrumiyanga Board
- Pirlangimpi Board

2. Local Board Meetings

2.1 All meeting of Local Boards will:

- (a) be convened bi-monthly by the CEO from July 2010, according to the Shire meeting calendar;
- (b) elect a permanent chair or a new chair for each meeting ("rotating" chair);
- (c) be supported by a senior Shire employee, who will act as the Boards' secretariat and advisor to the chair and Board but who will not run the meeting;
- (d) be advertised through meeting notices with draft agendas at least one week before the date of the meeting; and

2.2 Quorum

A quorum must be more than 50% of the members;
i.e. half of the community nominated members plus one.

3. Roles and responsibilities

3.1 Reporting from Local Boards to Council

- (a) Board members advise on strategic community matters. These are matters that considered important and priority for the community. For example, a community may consider reducing litter or dog control of immediate concern and could raise this as a matter of 'strategic' importance for the Council.
- (b) Board members may not advise on operational matters. Operational matters are the responsibility of the Shire senior management. Operational means how something is run effectively. For example, how the Council decides to reduce litter or control dogs.
- (c) Council may decide to consult with communities on operational matters, but how matters are managed remains the responsibility of the CEO.
- (d) The Local Board decides on what to report to Council;
- (e) The Chief Executive Office will nominate senior Council employees
 - to assist the Local Advisory Boards with reports and
 - to ensure the Chief Executive Officer receives reports from all three Local Advisory Boards two (2) weeks before each Council meeting.
- (f) The Chief Executive Officer or local Elected Members will present the Local Board Reports to Council.

3.2 Reporting from Council to Local Advisory Boards

- (a) The Mayor or Elected Members of each Ward will report to Local Advisory Boards on Council decisions

3.3 Reporting back to the community

- (a) Local Boards report to their community about their advice to Council and take community views back to Council
- (b) Community meetings can be called at any time. These meetings determine their own procedures.
- (c) Decisions made at these meetings may be used to advise the Local Advisory Board.

4. Resources and entitlements

- 4.1 Resources for the full and proper functioning of the Local Advisory Boards will be determined by the Chief Executive Officer and will include:

- (a) Provision of meeting facilities
- (b) Training and professional development activities approved by the Council within available budgets.

- 4.2 Local Board members are only entitled to the reimbursement of out-of-pocket expenses incurred in the performance of their work with the Board.

5. Administrative support

- (a) Local Boards will receive administrative support from the Executive Secretariat. Employees assigned to the Secretariat remain answerable directly to the Chief Executive Officer; therefore the primary channel for communication between the Local Boards and the Council will be through the Chief Executive Officer.
- (b) The Council will provide administrative support to the Local Boards as follows:
- Availability of meeting rooms if required;
 - Administrative support for the development and recording of information related to the Local Boards' operations.
- (c) At the Chief Executive Officer's discretion the Chair of Local Boards may deal directly with Secretariat staff.

Variation to policy

This policy will be reviewed annually.