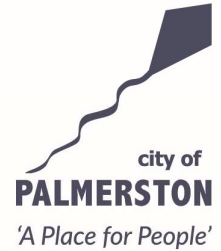


# ELECTED MEMBER ABSENCES



## COUNCIL POLICY

### POLICY DETAILS

OWNER	CEO	RESPONSIBLE OFFICER	Executive Manager Organisational Performance
APPROVAL DATE	10 December 2024	NEXT REVIEW DUE	October 2025
RECORDS NUMBER	614865	COUNCIL DECISION	10/1660

### PURPOSE

The purpose of this policy is to provide fair and balanced principles and procedures for promoting and managing Elected Member attendance at Council Meetings.

### PRINCIPLES

As the decision-making body of Council, Elected Members commit to regularly attending council meetings.

To support Elected Members, Council is committed:

1. To encourage Elected Members to attend as many meetings as possible.
2. To achieve a fair balance between a person's commitments as an Elected Member, their employment commitments, family and community obligations.
3. To consider each circumstance based on all relevant information provided and to act fairly and without bias.
4. To provide support, where appropriate, to assist Elected Members with attendance barriers, for example by providing advance notice of meeting schedules.
5. To provide Elected Members a process to request and consider special circumstances that affect attendance.

### DEFINITIONS

For the purposes of this policy, the following definitions apply:

TERM	DEFINITION
Council Meeting	Means an Ordinary Council Meeting

TERM	DEFINITION
Elected Member	Individuals elected to Council. For the purposes of this policy Elected Member refers to Mayor, Deputy Mayor and Councillor.

## POLICY STATEMENT

### 1.1. Notification of a known leave of absence

- 1.1.1 Elected Members should provide notice of an intended absence, accompanied by a reason, before the first Council Meeting they intend to be absent from in order to allow for Council's review.
- 1.1.2 Notices are to include, as a minimum:
  - Period of leave sought (dates from beginning to end); and
  - Reason for absence (for example, holiday, health, work-related).
- 1.1.3 Elected Members may provide this notice during a Council Meeting prior to the intended leave of absence, or may request the CEO include the request in the agenda of that meeting.
- 1.1.4 Any application for a period of leave will be presented to a Council Meeting for consideration.
- 1.1.5 A Council decision, by way of a resolution, should be made to either accept or reject the request and to provide details on the reasoning behind the decision, if the request is rejected.
- 1.1.6 Where a Councillor intends to attend a meeting when leave has been granted by the Council, this notice nullifies any leave previously approved.
- 1.1.7 A leave of absence is automatically granted to a Councillor where the Council passes a formal resolution for them to attend a conference or event.

### 1.2. Notification of an apology

- 1.2.1 If there is no time to get Council approval for a known leave of absence, for example, if the next Council Meeting is when the Elected Member intends to be absent, then good practice for making a notification of an apology includes:
  - Ensuring that the apology, whether provided verbally or in writing, is accompanied by a reason; and
  - notifying the CEO of the apology as soon as practicable prior to the meeting.
- 1.2.2 The CEO must ensure that the apology notification is included in the agenda for the relevant Council Meeting.
- 1.2.3 A Council decision, by way of a resolution, should be made to either accept or reject the apology and to provide details on the reasoning behind the decision, if the apology is rejected.
- 1.2.4 The Elected Member should be notified of the decision of Council regarding the apology as soon as practicable after the council meeting.

### 1.3. Appeals

- 1.3.1 An Elected Member who wishes to appeal a decision of Council in relation to attendance should be given the opportunity to do so at the next Council Meeting following the absence.
- 1.3.2 Applications for appeal should:



- Be made in writing and should provide details of any special circumstances (including any support letters) that should be taken into account; and
  - be submitted to the CEO one week in advance of the Council Meeting, to ensure that it is tabled in the agenda.
- 1.3.3 The Elected Member may wish to request that the agenda item be placed in the confidential business section, if the surrounding circumstances are of a sensitive nature, and are in accordance with Regulation 51(1) of the *Local Government (General) Regulations 2021* (Regulations).
- 1.3.4 If the appeal is successful the previous resolution of non-acceptance should be rescinded and any related records changed to that effect.

## 1.4. Disqualification of an Elected Member from office

- 1.4.1 Section 47(o) of the *Local Government Act 2019* (Local Government Act) provides that a person ceases to hold office if the person is absent, without the permission of Council, from two consecutive Council Meetings.
- 1.4.2 If a Council decision is made by way of resolution pursuant to the Local Government Act and Regulations to reject an apology, this will have the effect of the Elected Member being absent without permission.
- 1.4.3 When an Elected Member has been absent without permission from two consecutive ordinary meetings, the CEO will make every effort to contact the Elected Member and notify them of the situation.
- 1.4.4 The CEO should confirm with the Elected Member whether they intend to appeal any decision of Council relating to their absence.
- 1.4.5 If the Elected Member wishes to appeal a decision, they should be given the opportunity at the next Council Meeting as per the procedure outlined above at 1.3.
- 1.4.6 If at that Council Meeting an appeal is unsuccessful, the Member maybe disqualified as per the Local Government Act.
- 1.4.7 If the appeal is successful, the Elected Member will continue in office.

## ASSOCIATED DOCUMENTS

- Audio/Audiovisual Conferencing Policy
- Code of Conduct for Elected Members and Committee Members
- Elected Member Allowances and Expenses Policy
- Elected Member Casual Vacancies Policy

## REFERENCES AND RELATED LEGISLATION

- *Local Government Act 2019* (NT)
- *Local Government (General) Regulations 2021* (NT)