

Administrative Review Committee terms of reference

No. 1205.001.E.R

1 Purpose

The Administrative Review Committee (the Committee) is established in accordance with section 82 of the *Local Government Act 2019* (NT). The purpose of the Committee is to conduct Internal Reviews of Decisions pursuant to Chapter 18 of the *Local Government Act 2019* (NT) and to carry out the financial functions of Council pursuant to Section 17 of the *Local Government (General) Regulations 2021* (NT).

2 Scope

The Committee operates to perform functions delegated by Council in accordance with legislation relating to Reviewable Decisions and Financial Functions on an as required basis or in the absence of an Ordinary Council Meeting.

3 Authority / delegation

The Committee is an Executive Committee to Council.

Pursuant to Council decision ORD409/21, the Committee has the following delegations:

That Council, pursuant to Section 40 of the *Local Government Act 2019* (NT) delegates to the Administrative Review Committee its powers under section 324 of the *Local Government Act 2019* (NT) to:

- investigate, inquire into and make recommendations to Council on matters raised in an application to review a decision in accordance with Part 18.1 of the *Local Government Act 2019* (NT)
- any other powers and functions delegated to it under its Terms of Reference from time to time
- pursuant to Section 40 of the *Local Government Act 2019* (NT) delegates to the Administrative Review Committee its powers under Section 19 of the *Local Government (General) Regulations 2021* (NT), to carry out, on behalf of the council, financial functions on an as required basis or in the absence of an Ordinary Council Meeting.

4 Functions

The functions of the Committee are to:

- receive, investigate, and determine applications for reviewable decisions in accordance with Chapter 18 Review of Decisions, Part 18.1 Internal Review of the *Local Government Act 2019* (NT)
- receive reports relating to financial functions prepared in accordance with Section 17 of the *Local Government (General) Regulations 2021* (NT).

5 Membership

5.1 Members

Membership of the Committee will be appointed by Council.

To ensure gender equity, the Committee will appoint at least one female and one male Elected Member.

The Committee will, where possible, appoint a First Nations representative.

Membership will consist of

- the Lord Mayor
- three Elected Members
- all other Elected Members (alternate).

5.2 Chair

The chair of the committee will be the Lord Mayor.

The Committee Chair is responsible for:

- ensuring the good conduct of meetings in accordance with the role and functions of the Committee
- ensuring that the Committee's recommendations and actions are in line with the Terms of Reference.

The Committee Chair may be called upon to represent the Committee to Council.

The Committee may appoint a Deputy Chair for the purposes of chairing a meeting if the Chair is not present.

5.3 Terms and vacancies

Membership term of an Elected Member will be for one year, by nomination at an Ordinary Council Meeting.

Membership will expire if a member does not attend three consecutive meetings without an approved leave of absence.

Version:	Decision Number:	Adoption Date:	Next Review Date:
2	ORD329/24	13 August 2024	12 August 2028

Responsible Officer: Chief Executive Officer

Electronic version current. Uncontrolled copy valid only at time of printing.

6 Meetings

The Committee will adhere to the requirements for meetings as outlined in the *Local Government Act 2019* (NT), *Local Government (General) Regulations 2021* (NT) and relevant City of Darwin policies.

6.1 Frequency and location

The Committee will meet as required to perform the functions of the Committee.

Committee meetings will be held at the Civic Centre, Darwin at a time determined by the Chief Executive Officer (CEO) when convening the meeting.

Special meetings can be convened by the CEO on the request of the chair, or a majority of committee members. The CEO will then issue a Notice of Meeting with the time, date and location, and the items to be discussed at the special meeting.

6.2 Voting

For voting purposes, the Chairperson will accept motions moved and seconded by members of the Committee, by show of hands.

A Committee decision is by majority vote of voting members present at the meeting.

A majority vote is half plus one of the members present.

Each member present has, and must exercise, one vote on a question arising for decision at the meeting.

The Chair must exercise, in the event of an equal number of votes, a second or casting vote.

6.3 Secretariat

City of Darwin will provide secretarial services to the Committee. This includes assisting the CEO to ensure:

- the business papers are distributed no later than three business days prior to a meeting and are available on the website
- proper minutes are kept and ensure that they are tabled at the next meeting of Council
- a copy of the minutes must, within ten business days after the date of the meeting to which the minutes relate, be available on the website.

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6.4 Meetings

Meetings are open to the public unless confidential business is being considered.

Observers with specialist skills and experience may also attend by invitation of the Committee and/or Council.

7 Quorum

Quorum consists of a majority, being half plus one of its members holding office at the time of the meeting.

8 Code of conduct

All Committee members are required to abide with Schedule 1 Code of Conduct of the *Local Government Act 2019* (NT).

This includes the requirement to declare gifts and/or benefits.

9 Conflict of interest

Committee members must declare any real or perceived conflicts of interest when joining the Committee.

Conflicts of Interest must also be identified at the start of each meeting in which a member has a conflict of interest on a matter.

10 Review

The Terms of Reference will be reviewed every four years by the Committee and any changes will be put to Council for endorsement.

11 Responsibility / application

All members of the Committee will be asked to sign the Terms of Reference as part of their induction to the Committee, to ensure they are aware of their responsibilities under the *Local Government Act 2019* (NT) as a member of a Council appointed Committee.

Name _____

Signature _____