



KATHERINE
TOWN COUNCIL

TERMS OF REFERENCE

ADMINISTRATIVE REVIEW COMMITTEE

| | | | |
|------------------------|--|-----------------------|----------|
| Type: | Terms of Reference | | |
| Owner: | Council | | |
| Responsible Officer: | Chief Executive Officer | | |
| Approval Date: | 28 May 2024 | Next Review: | May 2025 |
| Records Number: | 192058 | Council/CEO Decision: | Council |
| Legislation Reference: | Chapter 18.1 of the <i>Local Government Act 2019</i> | | |

1 INTENT

The Administrative Review Committee is an advisory committee of Council established to conduct Internal Reviews of Decisions pursuant to Chapter 18.1 of the *Local Government Act 2019*.

2 SCOPE

The Administrative Review Committee operates to perform functions in accordance with legislation relating to Reviewable Decisions on an as required basis.

A reviewable decision is:

- a) by the *Local Government Act 2019*:
 - a. a decision in relation to the correction of an entry in the assessment record under section 232(1) or 233(7);
 - b. a regulatory order under section 286;
 - c. a decision to refuse to suppress a person's details in publicly available material under section 293(5).

3 POWERS OF COMMITTEE

The Administrative Review Committee is an advisory committee to Council.

The Administrative Review Committee responsibilities, under section 324 of the *Local Government Act 2019*, are to:

- (a) 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*; and
- (b) Any other powers and functions delegated to it under its Terms of Reference from time to time.

PURPOSE

The functions of the Administrative Review Committee are to receive, investigate, and determine applications for reviewable decisions in accordance with Chapter 18 Review of decisions of the *Local Government Act 2019*.

A person who is adversely affected by a reviewable decision may, within 28 days after the date of the decision, apply to the CEO for a review of the decision. The CEO may extend the period for making an application for review if the CEO is satisfied that there are exceptional circumstances justifying the extension.

The application must:

- (a) be made in writing; and
- (b) set out in detail the grounds on which the decision should, in the applicant's opinion, be reconsidered.

The CEO must, on receiving an application for a Reviewable Decision, refer the application to the Administrative Review Committee. The committee will be convened as soon as practical of receiving the application.

The Administrative Review Committee must review the application where it:

- may reject an application for review if satisfied that the application is frivolous, vexatious or lacking in substance; or
- must inquire into the matters raised by the application; and
- make a recommendation on the application to the council.

The recommendation may be:

- a) to confirm the decision; or
- b) to amend the decision; or
- c) to revoke the decision; or
- d) to make some further decision to mitigate the effect of the decision.

The recommendation of the Administrative Review Committee must be table at the next Ordinary Meeting of Council. The Council, after receiving a recommendation from the Administrative Review Committee, must make a final decision on the application. The decision needs not be consistent with the Administrative Review Committee's recommendation.

The CEO must give a decision notice to the applicant as soon as practicable after the Council makes a final decision on the application, but no later than 90 days after receiving the application for a Reviewable Decision. If the CEO does not give a decision notice to the applicant in in this timeframe, the applicant may refer the application to NTCAT.

MEMBERSHIP

Membership of the Advisory Committee shall consist of:

- The Mayor,
- Deputy Mayor, and
- an Elected Member appointed annually by Council.

The position of Chairperson will be held by the Mayor.

The Committee Chair is responsible for:

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

ADMINISTRATIVE REVIEW COMMITTEE TERMS OF REFERENCE

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

Relevant Council staff will assist in providing information in an observer capacity but will not be voting members of the Advisory Committee.

COMMITTEE TERMS

The Term of Membership for committee members is one year.

MEETINGS

The Committee will meet as required to perform the functions of the Committee. The Administrative Review Committee only meets upon receiving an application for review of a Reviewable Decision. Committee meetings will be held at a time and location determined by the Chief Executive Officer when convening the meeting.

The Chief Executive Officer will then issue a Notice of Meeting with the time, date and location of the meeting, and the items to be discussed at the meeting.

A resolution of the committee will be passed by a majority vote. A majority vote is half plus 1. A full quota of membership must be present at a convened Administrative Review Committee meeting. Should appointed members of the committee not be available to allow the process to meet the required timeframes, at the next available Ordinary Meeting of Council, the Council must appoint alternate Elected Members to the committee as required to enable the process to be undertaken.

Attendance at the committee meetings may be available through electronic means.

If the Chair is unable to attend a meeting the Chairperson shall nominate an acting chair for that meeting.

Discussion at the Advisory Committee meetings will be managed through an agenda. The agenda will be circulated to all members three (3) business days prior to the meeting.

The committee agendas and minutes of the committee are made publicly available although meetings remain closed to members only. Minutes will be reported to the next available Ordinary Meeting of Council.

PERFORMANCE EVALUATION

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

RESPONSIBILITIES

All members are accountable to the *Local Government Act 2019* Code of Conduct, Schedule 1. This includes the requirement to declare gifts and/or benefits.

On appointment to a Committee, all members must identify if there are any conflicts of interest in performing their role on the committee.

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

Advisory Committee Policy

Privacy Policy

Confidential Information Policy

Attendance at Meetings via Audio or Audio Visual Conferencing System Policy

ADMINISTRATIVE REVIEW COMMITTEE TERMS OF REFERENCE

Local Government Act 2019

Katherine Town council By-Laws 1998

Revision History

| Version | Approval date | Details of change | Responsible officer |
|---------|---------------|-------------------|-----------------------------------|
| Draft | 17 May 2024 | Created | Manager Governance and Risk |
| | | | |