

COOMALIE COMMUNITY GOVERNMENT COUNCIL

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Via email: LGLaw.CMC@nt.gov.au

To the Department of Housing, Local Government and Community Development

Submission: Proposed Legislative Amendments to the Local Government Act 2019

Council acknowledges and appreciates the opportunity to provide feedback on the proposed legislative amendments to the Local Government Act 2019 and associated regulations.

This Council's submission has been informed through engagement with the Local Government Association of the Northern Territory (LGANT), the Top End Region of Councils (TOPROC), and the various consultation processes conducted by the Department.

Council endorsed the attached response at the 17 June 2025 meeting.

regards

A handwritten signature in black ink, appearing to read "SHILL", with a long horizontal stroke extending to the right.

Sharon Hillen
Chief Executive Officer

This submission by Council is for Tranche 2 of the Consultations and associated discussion papers, “have you say” questionnaire and Sector Consultations covering the following topics:

PART A

Section 40 and 83 Delegation to Committees:

- Where a Council formal committee is made up of the full Council, then this committee may be delegated powers by Council
- If a committee is made up of independent members it remains an advisory committee to the council with no delegation or powers.

Section 73

- Agree with the proposed change to add the word ‘Staff’ to Section 73(1)(c)(i) to clarify that the section relates to staff as well as elected members.

Section 93: Regulations 102-105

- Agree to include a date and time of issue to be included on the public notice with regard to Timeframes for requirements of meetings; notices of committees and meetings and notice of postponement of meetings

Sections 160 and 11(a)

- Council agrees with the NTEC proposal to introduce a provision that allows the returning officer to make a change to the election day in an emergency for not more than a period of 21 days.
- This change provides contemporary practice for postponement of an election

Regulations 36,38

- Agree with proposed changes to clarify r 36(8) requiring a report to Council on tender process delegated to CEO.
- R38 Agree to add that a Quarterly Report is provided articulating where Council elects not to seek quotation or go to Tender.
- The proposed change will provide clarity that it is a formal Council decision of Council to award a tender.
- The proposed change is the current process of Coomalie Council.

Electoral Regulations 26,35,65,87

- Reg 26 - Agree that NTEC could allow postal vote applications from 1 January in a general election year.
- Reg 26(1) - Agree to allow NTEC to allow a Postal Vote application period to commence immediately when NTEC are notified of a casual vacancy
- Reg 35 - Agree to allow NTEC to place candidate statements on their website
- Reg 65 Agree to remove the scrutiny of checking a postal vote signature to reflect modern voting processes
- Reg 87 – Agree the cost for managing non-voting is not to be borne by the Council as it does not form part of the election process.

PART B

Superannuation for Elected Members

- Individual Councilors should be able to determine if they want to be paid superannuation
- Superannuation should be additional to current allowances and not sourced from allowances. This represents further cost to Council.
- There may be a reduction in allowances paid to elected members where a council has resolved unanimously to pay superannuation on top of allowances.
- Small Councils will be financially penalised, and the government needs to consider providing support financial support to smaller councils.

Conditional Rating and Rating exemptions

- The government should investigate the different conditional rating policies applied in other regions. It will show that the resulting rating levels are variable across jurisdictions.
- Keep it as it is to provide a consistent approach across the Territory.
- Regarding exempting charities organisations who provide housing. If a lease is entered into and rent is paid there should be a rate applied.
- NTG who transfer assets to charities need to continue to pay rates on their assets used in a leasing or rental arrangement.

Appointment of the principal member of Council

- Leave it as it is. Councils have the opportunity to provide input into the representational review of the key governance decisions for a Council include the naming and appointment of the Principal Members.
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PART C

Code of Conduct

- Government to create a sliding scale from the Council overseeing a minor infraction to an Independent Assessor to the Minister.
- Council should be able to determine what mechanism it is to be engaged with an issue of Code of Conduct. There needs to be a sliding scale from a decision of Council for a minor issue to Council determining the issue be referred to an independent investigator.
- The Minister should be the only entity able to dismiss an elected member
- The legislation needs to allow the Minister to address an individual rather than the full Council.
- A person should be stood down pending an investigation if referred to the Independent Assessor.
- The independent Assessor needs to have the necessary experience and knowledge of the Sector (5-7 years minimum in the NT)
- Governance Controller – Council supports the development of this resource and recommends that the appointment of this position is consistent with a similar instrument that currently exists in the Act at Section 317, the appointment of a Finance Controller.