

# Local Government's Stakeholder Newsletter

Edition 4 | June 2022

## Local government sector update

Thank you to all councils for providing copies of your regional, shire or municipal plans. There is clearly a lot of terrific work planned and being delivered by local governments for your communities across the Territory.

This edition of the NT Local Government newsletter has a focus on some of the matters that councils need to be considering, deciding, or reporting on over the next few months.

These include a reminder of upcoming deadlines, including ensuring all elected members complete the approved professional development courses within 12 months from their election, and also the end of the 12-month transitional arrangements for the commencement of the *Local Government Act 2019* (the Act). Compliance Corner includes advice on upcoming deadlines, and information on matters where several councils have asked for guidance on similar issues. In these cases our practice is to share our guidance to the entire sector.

We are also progressing a few other major projects including:

- The Burial and Cremation Bill 2022 was introduced into Parliament in May. Thank you for your input and advice in the development of this important legislation, and we look forward to further discussions if the legislation passes and we move to implementation;
- The public 'Have Your Say' process for the proposed incorporation of the Cox-Daly and Marrakai-Douglas Daly unincorporated areas into council area(s) closed on 28 May. This feedback is an important input into advice about options that will be provided to the Minister for Local Government. We appreciate the views of councils in the area, and will be in touch for more discussion;
- Feedback on the Local Authority desktop review is being incorporated into the next draft report, which we aim to circulate to regional councils and LGANT for further discussion next month;
- Nous Consulting has been engaged to help guide the development of a framework for the regulation of local government in the Northern Territory. Further information will be sent to LGANT and councils soon, and your advice and input will be welcomed;
- We have partnered with LGANT to support the engagement of a Senior Governance Advisor at LGANT, as well as training for elected members in CEO recruitment and the management of CEO performance reviews in 2022. More information about this important partnership will be sent from LGANT.

**Maree De Lacey**  
Executive Director  
Local Government and Regional Development

## Local government resource hub

In our December newsletter we provided information about a new resource for NT Councils, the Local Government Resource Hub. The Hub provides access to a range of important information for the sector. It includes sample policies, explanatory papers and supporting resources for local government.

In order to make access to the Hub easier, we have removed the password requirement. The Resource Hub can now be accessed directly by following the link below:



## How to access the resource hub

**Username:** localgov

**Password:** localgov2106

If you have any questions or would like to provide feedback, please email [LGQuestions.cmc@nt.gov.au](mailto:LGQuestions.cmc@nt.gov.au).

[Visit the resource hub](#)

## Professional development for elected members

The *Local Government Act 2019* (the 2019 Act) provides for the delivery of courses to support the professional development of elected members. The sessions provide a baseline of foundational knowledge for all elected members.

NT local government elected members come from diverse backgrounds and have a wide range of knowledge and experience to share. The sessions have provided an opportunity for discussion about important governance principles in each council, and the sharing of knowledge between experienced and more recently-elected members. Feedback to date has been positive.

Module 1 of the rollout to each council is almost complete, with some delays resulting from the impacts of COVID. The first module dealt with roles and responsibilities, code of conduct and conflicts of interest. The Local Government Unit has received lots of feedback along the way to improve the courses and enrich the second module.

Module 2 sessions have now started and will focus on understanding the role of local government, meeting procedures and an introduction to finances and decision making.

All elected members must complete the approved modules within 12 months of their election.

## Local Government 2030

LG 2030 is a sector-led 10-year strategy to deliver a strong, responsive, and well-governed local government sector by 2030. Its development has been supported by CM&C and LGANT and the strategy was launched at the LGANT conference in April 2022. LGANT will be coordinating implementation and action plans going forward to bring the strategy to life.

As part of this work, a steering committee of local government representatives identified that strengthening the

relationship across all spheres of government is a threshold issue fundamental to the achievement of the strategy.

**To advance this work a series of workshops have been commissioned between representatives from the Northern Territory Government and Local Government to design a set of principles about how the spheres of government should work together.**

The principles will be circulated across both sectors for input before being progressed for endorsement and sign off.

## Remuneration Tribunal

When the 2019 Act commenced on 1 July 2021, it amended the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006* (AMSO Act),- for the Remuneration Tribunal established under the AMSO Act to determine council member allowances.

Further amendments were made to the legislation in March 2022 that empower the Tribunal, rather than the Minister for Local Government, to determine local authority member allowances.

These amendments also give the Remuneration Tribunal broader scope in determining local government council member and local authority member allowances.

Specifically, the Remuneration Tribunal may determine any of the following:

- for councils – differential allowances for principal members, deputy principal members and other council members (for local authorities – differential allowances for the chairperson and other local authority members);
- for councils – a fixed amount, a minimum and maximum amount or a maximum amount of an allowance (for local authorities – a fixed amount);
- different categories of allowances;
- whether an allowance should be indexed and, if so, the basis of, and method for, indexation;
- any rules that apply to eligibility for, or payment or application of, an allowance.

The Remuneration Tribunal will soon commence an inquiry into allowances for council members and local authority members that will take effect in the 2023-24 financial year. The local government sector will have an opportunity to provide their views to the Tribunal during the inquiry.

For the interim period, prior to the Remuneration Tribunal making its first determination for council member allowances and local authority member allowances, the relevant Ministerial Guidelines continue to apply:

- for local authorities – ***Guideline 1: Local Authorities***; and
- for councils – ***Guideline 2A: Council member allowances***.

## Representation Committee

Another change that was made by the 2019 Act was to establish an independent Local Government Representation Committee. The Committee is responsible for reviewing and setting council wards and the split of council members per ward. The membership of the Committee is set by the legislation and comprises the CEO of LGANT (Chair), the NT Electoral Commissioner and the NT Surveyor-General.

The Committee commenced its inaugural review in late March 2022 by inviting submissions from councils and the public. The Committee will consider those submissions before publishing any proposed changes to ward boundaries for further feedback in mid-July 2022.

The Committee plans to publish its final report towards the end of 2022 with final changes being implemented by *Gazette* notice soon after that.

Councils are encouraged to actively participate in the review process. More information about the Committee and the review process can be found by accessing the [Committee's website](#).

## Transitional Arrangements ending on 1 July 2022

We are approaching the first anniversary of the commencement of the 2019 Act, the *Local Government (Electoral) Regulations 2021* and the *Local Government (General) Regulations 2021*, which commenced on 1 July 2021.

Councils were given a 12-month period to transition to some of the new requirements of the legislation. This means that councils will need to fully comply with the new legislation, including adopting new policies, by 1 July 2022.

More information about the transitional provisions for the 2019 Act and associated regulations, including affected policies, can be found in the [Supporting Resources](#) section of the Resource Hub.

Part 8.6 of the 2019 Act, which relates to donation and loan disclosure requirements for local government elections, was deferred and will also commence on 1 July 2022. Legislative amendments were made to Part 8.6 prior to the commencement of the 2019 Act to simplify the donation and loan disclosure scheme so that:

- candidates who do not receive reportable donations or loans will not be required to provide a campaign donation return (i.e. candidates will **not** be required to submit a 'nil' return to the NT Electoral Commission); and
- the donation disclosure period for periodic general elections will be from 1 July in the calendar year prior to the election and end 30 days after election day;
- candidates do not need to disclose campaign donations below \$200; and
- candidates do not need to disclose loans below \$1 500 or loans from an authorised deposit-taking institution (ADI) (i.e. most Australian banks or credit unions).

Donation and loan disclosure requirements will come into effect for all periodic general elections and by-elections that occur after 1 July 2022.

The NT Electoral Commission website will have more information including a Donations Disclosure Handbook, a campaign donations return form and supporting documents available on its website at: [www.ntec.nt.gov.au](http://www.ntec.nt.gov.au)

## COMPLIANCE CORNER

'Compliance Corner' provides compliance-related information about requirements due in the near future, and information about matters where the Local Government Unit has had several queries from councils about the same issue.

# Draft Municipal, Regional or Shire Plans

By 9 June all councils must make their Draft Municipal, Regional or Shire Plans available on their website and ensure copies of the plan are available at their public offices. Councils must also publish a notice on their website and in a local newspaper (such as the NT News) inviting submissions on the draft plan for a period of at least 21 days from the date of notice (section 35(3)(c) of the 2019 Act).

## Approving Council Plans and Budget

As various aspects of a council's annual planning process falls under different sections of the 2019 Act, a council must also ensure it considers and makes a council resolution for each section separately. As such, each of the following resolutions should be specific and separately identifiable in the council's agenda and minutes. Council's motions can either be within one combined recommendation or separated into individual motions / recommendations and must specify **each** of the following:

1. Adoption of the Municipal, Regional or Shire Plan (section 35(1) of the 2019 Act)
2. Adoption of the Budget (section 203(1) of the 2019 Act)
3. Declaration of Rates (section 237(1) of the 2019 Act)
4. Resolution regarding council member allowances (section 71 of the 2019 Act)

It is also important to ensure the council CEO certifies in writing to the council that, to the best of the CEO's knowledge, information and belief, the council's Rates Assessment Record is a comprehensive record of all rateable land within the area. This certification must be made by the CEO at a council meeting **before** the adoption of the budget for that financial year (see regulation 29 of the *Local Government (General) Regulations 2021*).

A council must, by resolution, adopt its Municipal, Regional or Shire Plan between 1 March and 30 June in each year and must give a copy of the plan to CM&C by the latter date (section 35(1) and (2) of the 2019 Act).

## Agendas and Minutes

Part 6.1 of the 2019 Act (Council meetings) sets out the requirements for the convening of council meetings, notice of council meetings and procedures at council meetings. Meetings of a council are normally convened by the CEO. A notice of a meeting must be in writing and state the date, time, place and agenda, and must be given to members at least three business days prior to the meeting. For a special meeting, notice must be provided at least four hours before the meeting. The agenda must include all reports and documents to be considered at the meeting. Details of the meeting must be published on council's website in advance of the meeting (for best practice, three days is recommended).

The agenda for a meeting should be set by the CEO, in consultation with the Mayor / President, and include any business carried over from the last meeting.

Minutes must be published on a council's website and be available at its public office within 10 business days after the date of the meeting. (Note: Confidential matters may be suppressed from the material that is made publicly available under section 293 of the 2019 Act.)

Under the 2019 Act, agendas and minutes of meetings are to remain available on the council's website and at its public office for three years from the date on which the meetings were held. By 9 June all councils must make their Draft Municipal, Regional or Shire Plans available on their website and ensure copies of the plan are available at their public offices. Councils must also publish a notice on their website and in a local newspaper (such as the NT News) inviting submissions on the draft plan for a period of at least 21 days from the date of notice (section 35(3)(c) of the 2019 Act).

# Council Annual Reports

Each year councils must submit their annual report and audited financial statements to the Minister for Local Government by 15 November (section 290 of the 2019 Act).

As the annual report is an accountability document. Councils should formally review and endorse the content of the report before submitting it to the Minister to ensure the annual report accurately reflects council's activities from the previous financial year.

As soon as practicable after the annual report has been delivered to the Minister, the council must publish the report on the council's website and publish a notice in a newspaper circulating generally in the area informing the public that copies of the report may be downloaded from the council's website or obtained from the council's public office. A copy of the annual report must be provided to CM&C.

## Regional Councils

Regional councils' annual report is to contain, or to incorporate by reference, a report on CouncilBIZ for the relevant financial year including audited financial statements for the relevant financial year (section 70(2) of the 2019 Act).

A regional council's annual report must provide an assessment of the council's performance of service delivery and projects with reference to the advice and recommendations of a local authority or authorities under section 291(1)(g) of the 2019 Act.

## Revenue Units

As part of the 2022-23 Budget, the NT Government announced changes will be made to relevant legislation to set the values of 'revenue', 'monetary' and 'penalty' units for 2022-23 rather than allow the annual indexation of those units based on changes in the Darwin Consumer Price Index (CPI).

To avoid passing on a larger than usual increase to the Darwin CPI in 2021, where the value of these units would increase between 4.84% and 5.1% from 1 July 2022, Government has instead decided to index based on the underlying inflation rate of 2.7%. As a result the new set values for the 2022-23 financial year as follows:

Unit type	Old value	New value from 1 July 2022
Revenue unit	\$1.24	\$1.27
Monetary unit	\$1.02	\$1.04
Penalty unit	\$157	\$162

Of particular relevance to local government councils is:

- 'revenue' units in relation to *Guideline 1: Local Authorities*, where 'revenue' units are used to calculate local authority member allowances (sitting fees) for budgeting and payment purposes; and
- 'penalty' units in relation to the calculation of penalties that may be imposed under the local government legislation.
- For more information about setting the values of units for 2022-23, please visit the below links:
- Revenue units: <https://nt.gov.au/employ/money-and-taxes/taxes,-royalties-and-grants/territory-revenue-office/revenue-units>
- Monetary units: <https://justice.nt.gov.au/attorney-general-and-justice/units-and-amounts/monetary-units>
- Penalty units: <https://justice.nt.gov.au/attorney-general-and-justice/units-and-amounts/penalty-units>.

## Seeking advice?

Council members and council staff may need to seek advice for a range of reasons.

For engagement into regional partnerships or advice on local or regional issues, you can contact:

### CM&C Regional Executive Directors

**Darwin/Palmerston/Litchfield:** Michelle Walker - 8999 8347

**Top End:** Sandra Schmidt - 8999 5236

**East Arnhem:** Jim Rogers - 8987 0554

**Big Rivers:** Jake Quinlivan - 8973 8533

**Barkly:** Craig Kelly - 8962 4688

**Central Desert:** Brendan Blandford - 8951 5511

For advice on legislation, compliance issues, governance, and Territory-wide policy and programs, you can contact:

### Local Government Unit

**Executive Director:** Maree De Lacey - 8999 8573

**Sustainability and Compliance:** Meeta Ramkumar - 8999 8868

**Legislation and Policy:** Hugh King (Acting)- 8999 8405

For all other queries, please email: [LGquestions.cmc@nt.gov.au](mailto:LGquestions.cmc@nt.gov.au).

## Further information

For further information and support, please visit the [Local Government and Regional Development](#) website.

Any questions can be emailed to [LGquestions.cmc@nt.gov.au](mailto:LGquestions.cmc@nt.gov.au).

## What do you want to see in this newsletter?

We welcome your feedback to help us ensure the content provided in this newsletter



is relevant and engaging. Please send an email to [localgovernment.CMC@nt.gov.au](mailto:localgovernment.CMC@nt.gov.au).