

Local Government's Stakeholder Newsletter

Edition 6 | December 2022

Local government sector update

Welcome to the December 2022 Local Government Newsletter.

We are at the end of another big year.

Thank you for all of your input, feedback, advice and collaboration as we progressed a number of important priorities this year, including:

- The commencement of the *Burial and Cremation Act 2022* and *Burial and Cremation Regulations 2022*;
- Progressing consideration of the establishment of a new council for Groote Archipelago, consistent with the Groote Archipelago Local Decision Making Agreement. This year saw the establishment of a Prospective Council and the appointment of a Manager as an important step toward a decision by the NT Government on whether or not to establish a new council in the first part of 2023;
- The participation of all councils in professional development for elected members, delivered face-to-face mostly, and with a focus on the foundations of good governance;
- The circulation of the Local Authority Review Report for feedback from councils, Local Authorities and other stakeholders and progress toward implementation in 2023. This will include a review of the LA Project Funding Guidelines and Guideline 1;
- The approval of guidelines for a new local government grant program – Community Places for People;
- The development of a new Regulatory Framework that describes CM&C's approach to the local government regulator role, supports decision making, and provides clarity about how the department supports and engages with the sector and when and how it will take compliance action. The Framework will be circulated for comment in early 2023, along with a draft Implementation Plan. Thank you to the CEOs who formed part of the reference group for this work;
- As part of the Local Government Act 2019 implementation, LGANT has transitioned to a new status as a company limited by guarantee, and important step in its continuing evolution as a strong voice for the local government sector in the NT;
- The development of a set of principles to guide how Local Government and the NT Government works together in a way that is collaborative, respectful of different roles and mandates, and is focused on achieving the best outcomes for our communities. Representatives from across both spheres of government participated in workshops to draft the principles, which are now in their final stages of consultation. It is intended that they will be considered by NT Government and LGANT's executive in early 2023.

From our team to yours, thank you. Have a terrific festive season.

Warm regards
Maree De Lacey
Executive Director

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 anyone working in local government.

It can now be accessed directly by following the link below:

[Visit the resource hub](#)

Questions, feedback and suggestions about the Local Government Resource Hub can be emailed to **LGQuestions.cmc@nt.gov.au**



[Visit the resource hub](#)

Legislation Low Down *Burials and Cremation Act 2022*

New burial and cremation legislation commenced in the Northern Territory on 28 November 2022.

The ***[Burial and Cremation Act 2022](#)*** and the ***[Burial and Cremation Regulations 2022](#)*** replace the previous *Cemeteries Act 1952* and *Cemeteries Regulations 1967*.

The new legislation includes the following important changes:

- the option to declare burial areas on Aboriginal land and other types of land;
- recognition of the decision maker for a deceased Aboriginal person to be a person with cultural authority under Aboriginal customs and traditions;
- improvements for cemetery and crematoria record keeping and management;
- clear processes to notify about burials or exhumations outside of cemeteries;
- ensuring that appropriate records are kept for all burials, exhumations and cremations in the Northern Territory; and
- recognition of different practices for the burial, exhumation and disposal of human remains.

The NT Government website has the following pages on the new legislation:

- **[Changes to burial and cremation laws](#)**
- **[Arrange a burial or cremation](#)**
- **[Decision maker for burials and cremations](#)**
- **[Burials outside cemeteries](#)**
- **[Cemeteries](#)**
- **[Burial grounds](#)**
- **[Exhumations](#)**.

Thank you to council members, council staff and LGANT for your involvement in the development of the legislation, including through engagement at meetings and providing feedback throughout the development of the Bill and Regulations.

The Local Government Unit chairs a quarterly Local Government Cemeteries Working Group to support local government councils with the implementation of the new legislation, specifically in relation to cemetery management and administration. The next Working Group meeting is scheduled for February 2023.

If you have questions about the new legislation you can contact the Local Government Unit via burials@nt.gov.au.

Project Platform

Confidentiality

Can you keep a secret? Transparency and confidentiality

Transparency and accountability are fundamental principles of government. It helps your community to understand the business of council and shows that the council is answerable to its community.

As a councillor you will occasionally receive information that is considered confidential or confidential business will be listed on the meeting agenda.

Confidential information

Confidential information is only shared in order for the council to do its business. The CEO and Chair should consider whether the sharing of confidential information is necessary for the council to make a decision and/or if some or all of the information should be suppressed. A person may seek suppression of private information (s.293).

If confidential information is shared with you, it is your responsibility as a councillor to respect that confidentiality and not share, disclose or otherwise mention the information to others outside of council business.

If confidential information is used to gain some private benefit or to cause harm it is an offence under s.118 of the *Local Government Act 2019* and a breach of the code of conduct.

Confidential business

Confidentiality of council business is the exception rather than the rule. If seeking to close the public meeting for confidential business, the agenda must specify the type of matter to be considered (in general terms, e.g. HR matter, consideration of tenders, rates waivers). The Local Government (General) Regulations 2021, at regulation 51, specifies the categories of information that should be excluded from publically available information.

Confidential papers are to be distributed securely to all members with the agenda at least 3 business days before the meeting but are not to be published. The meeting will be closed to hear confidential items.

A member may, through the Chair, seek council consideration as to whether an agenda item should be considered confidential. After the conclusion of an item of confidential business, Council will decide whether confidential information is: the type of confidential information that ceases to be confidential after a period of time or, the type of confidential information that is subject to periodic review. Some items are unlikely to be made public (such as personal information) and the review period for these items may be set at 5-10 years. A sample council policy on confidential information and business is at:

<https://cmc.nt.gov.au/supporting-government/local-government/secure-ig/local-government-and-community-development-resources/sample-documents-and-explanatory-papers>.

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.

Local Authority Review

On 12 October a revised draft edition of the LA Review Report was sent out to regional councils for feedback. It is principle based, recognising the diversity of LAs, councils and communities. LAs are an important part of the regional council structure, and their role is to support their council with two-way communication between their community and the council; to assist their community to have input into the council's planning, prioritisation, service delivery and funding in that community; to advocate for their community with council; recommend (or decide if delegated) where LA project funding should be prioritised, and, in turn, help the council to keep communities informed about planning and services.

Next steps

- Councils and LAs are encouraged to provide their feedback on the LA Review Report in January 2023. This includes examples of good practice that will go into the final version.
- Thank you for your nominations for membership of a Reference Group which will help guide the development of an Implementation Plan. We will be in contact with Reference Group members, with the aim of having a first meeting in January.
- The LA Project Fund grant funding guidelines and Guideline 1 will be reviewed in consultation with regional councils. Any recommendations for changes will then be considered for approval by the Minister for Local Government. The aim is to have any changes implemented from 1 July 2023.
- Training materials and packages are being developed to support LA members in understanding their roles and responsibilities, managing conflicts of interest and operating within the code of conduct.

Local Government Grants Program

Community Places for People Grant Program

There is a new addition to the local government grant program in 2022-23.

Recently announced through the NT Government's 2022 Budget, the 'Community Places for People' grant program is a brand new time-limited application-based grant program providing funding over three years to regional and shire councils to undertake prioritised projects that create and improve community public spaces and streetscapes.

In 2022-23 there is \$2.85 million available under this program. Eligible councils are able to submit up to two applications and access up to \$400,000 for projects that support place-making initiatives such as establishing water sensitive green spaces in communities, installing permanent or temporary shade structures, and lighting and heat mitigation measures to public areas. Projects with co-contribution from councils or organisations and collaborative funding proposals from other sources are encouraged.

The Community Place for People grant program is expected to open in February 2023 and we will advise you when this is about to occur. Program detail and funding guidelines will be published online at:

<https://cmc.nt.gov.au/supporting-government/local-government/local-government-funding>

Further information can be provided by emailing the local government grants program team at lg.grants@nt.gov.au.

Cyclone Season

With the wet season upon us it is timely to remind councils of the Disaster Recovery Funding Arrangements (DRFA) that came into force in November 2018. The DRFA is an Australian Government funding scheme to assist with unplanned relief and recovery costs experienced by state and territory governments as a result of a natural disaster. Under the DRFA, actual and planned expenditure by councils that meet DRFA eligibility criteria are included in the Northern Territory Government's claim.

As part of the DRFA's cost sharing responsibility principles, the NT Government has approved a co-contribution arrangement for local government councils for activities specific to counter disaster operations and restoring essential public assets that are eligible under DRFA claims. Under this arrangement councils are to firstly make a 25 per cent financial contribution of their eligible DRFA expenditure, capped up to a cumulative value in any financial year of:

- \$25 000 for shire councils;
- \$100 000 for regional councils; and
- \$400 000 for municipal councils

Councils are funded for disaster related events by the Department of the Chief Minister and Cabinet (CM&C) for only those types of expenditure that qualify for funding under the DRFA.

A council asset damaged by an eligible disaster must meet the Australian Government's definition of an "essential public asset" under the DRFA to be considered for financial assistance from CM&C. However the cost of repairs for insurable essential public assets generally does not qualify for funding, and nor does expenditure that is covered under an insurance payout.

Your council is encouraged to review its insurance policy to ensure all insurable assets are adequately insured.

CM&C has published "Disaster recovery funding – Guidelines" and associated templates on its website at <https://cmc.nt.gov.au/supporting-government/local-government/local-government-funding/disaster-recovery-funding-arrangement>. Councils will need to follow these guidelines and submit the required templates when preparing or submitting claims under the DRFA.

Publication of Agenda and Papers

Council agendas and papers need to be published at least 3 business days prior to council meetings, ie if your council meeting is on a Tuesday the papers should be published on the Thursday at the latest. This is an important accountability and transparency requirement.

Local Government Annual Planner

A Local Government Annual Planner has been published on the department's website to assist council staff in planning and meeting prescribed activities and timeframes under the Local Government Act (2019). The planner is available in Microsoft Word to enable councils to customise the document to suit individual councils' specific planning timeframes.

Compliance Reminders

Complete a Budget Review by 31 December 2022 and Regulation 9 – Review of Budget

Regulation 9 of the Local Government General Regulations (2021) requires that a council's budget for a financial year must be reviewed by the council on at least one occasion:

- between 1 July and 31 December in the financial year; and
- between 1 January and 30 April in the financial year

Present the budget per Guideline 5

Local Government Guideline 5 – Budgets

Guideline 5 - Budgets applies from the first budget review conducted in 2022-23. Section 202(2) of the *Local Government Act 2019* requires all council budgets to be in a form as required by any guideline the Minister may make.

The Minister for Local Government has issued Guideline 5 – Budgets which provides a mandatory form that must be used by all councils when presenting their budget. The Guideline applies on and from a council's first budget review in the 2022 – 2023 financial year. The format of the budget can be found at:

https://cmc.nt.gov.au/_data/assets/pdf_file/0003/1124580/guideline-5-budgets.pdf

The required form provides for the minimum information that is required under legislation but does not preclude a council from including any additional information.

Adopt the monthly report form

Monthly Financial Report Form

The Monthly Financial Report Form issued under Regulation 17 of the Local Government General Regulations (2021) must be used as the format for presenting a council's monthly financial report and is mandatory on and from the month following a council's first budget review in the 2022-23 year. The format of the monthly report can be found at:

https://cmc.nt.gov.au/_data/assets/pdf_file/0004/1131871/monthly-financial-report-form.pdf

Monthly Financial Report Certification

Under Regulation 17(5) the monthly financial report to council must be accompanied by a written certification by the CEO to the council, that to the best of the CEO's knowledge, information and belief the internal controls implemented by the council are appropriate; and the council's financial report reflects the financial affairs of the council; or if the CEO cannot provide the certification – written reasons for not providing the certification.

Seeking advice?

We welcome your emails, phone calls or requests for meetings.

For advice on local government legislation, compliance issues, governance, grants policy and Territory-wide local government 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: Susan Watson - 8999 8405

Policy and Projects (including governance training): Linda Weatherhead - 8999 8573

For all other queries, please email: LGQuestions.cmc@nt.gov.au.

For information about regional partnership opportunities, NT Government services and programs, or advice on place-based issues in your local or regional area, 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: Lachlan Wilkins - 8962 4688

Central Desert: Brendan Blandford - 8951 5511

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.



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.