

Local Government's Stakeholder Newsletter

Edition 8 | July 2023

Local government sector update

Welcome to the July 2023 edition of the Local Government Newsletter.

It has been a busy few months as we all worked through end of financial year processes. The Local Government Unit appreciates all the work councils have put into your regional, shire, or municipal plans, which reflect a number of exciting initiatives being delivered by local governments councils across the Territory.

The Northern Territory Government 2023-24 Budget included two measures that have been discussed with many of you for some time. There is more information on the Regional and Remote Burial Areas Grant Program later in this Newsletter. The Budget also included approval for the establishment of a new regional council as per the Groote Archipelago Local Decision Making Agreement and committed funding in 2023-24 and 2024-25 for transition and establishment costs. We will continue to keep you informed as this work progresses, led by Mr Iain Summers as the constituting member of the new council.

There have been a number of changes in senior leadership of councils in recent months. In particular I acknowledge Jeff MacLeod, former CEO of MacDonnell Regional Council, for his service to the sector over many years. Welcome to those who have joined local government since our last Newsletter, we look forward to meeting you all in person where we can.

As always, please feel free to contact the Local Government Unit or your CM&C Regional team if there is anything you'd like to discuss.

Warm regards
Susan Watson
A/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 local government.

The resource hub can be accessed directly by following the link:
[Visit the resource hub](#)
(username: localgov and password: localgov2106)

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



Legislation Low Down

By-Laws

It continues to be a productive year for council By-laws. The *Katherine Town Council Amendment By-laws 2023* were made in April 2023 and commenced on 1 July 2023. There are several other councils currently at different stages of the process of their By-laws. Some of which are at advanced stages and will likely be made in the next few months.

Councils can contact the Local Government Unit at LGQuestions.CMC@nt.gov.au for information about the process of making By-laws. The Unit will provide a step-by-step guide on what the process entails, and is also available to provide further assistance once the process of making By-laws commences.

Declaration of Burial Areas

The Local Government Unit is accepting applications for the declaration of burial areas in regional and remote areas. Burial areas that are located within local government council areas can be declared as community cemeteries. To submit an application, download and complete the [application to declare a cemetery form](#) from the [Local Government Resource Hub](#).

The completed form and any required documentation, which includes a relevant agreement indicating that the land can be used as a cemetery, should be emailed to burials@nt.gov.au. If you have any questions about how to fill in the form, or would like more information about the declaration of cemeteries, please get in touch with the Department by emailing burials@nt.gov.au or calling (08) 8999 8589.

Cemetery and Burial area grants program - \$0.5 million

The NT Government has allocated funding for the Regional and Remote Burial Areas Grant Program (the grant program). The grant program will fund activities for the maintenance and protection of burial areas in regional and remote areas including, but not limited to:

- installing signage;
- installing fencing;
- record keeping for cemeteries;
- constructing common facilities such as shade structures; and
- purchasing equipment for undertaking burials and maintaining cemeteries.

All regional and shire councils, as well as local organisations that manage declared burial areas, will be eligible to apply for funding. More information on how to apply for the grant program will be provided in August 2023.

Violence against women - prevention toolkit for councils

OurWatch is an organisation that works to prevent violence against women. It has a free toolkit specifically designed for councils, which includes various resources to assist councils playing a role in preventing violence, with factsheets, guidance materials, templates and information.

For more information on what is available and to access the toolkit, go to <https://localgov.ourwatch.org.au/localgovtoolkit/>.

Project Platform

LA Review

The Local Authority Review Report, Implementation Plans, and revised guidelines have now been progressed to the Minister for Local Government for endorsement. Thanks to the Reference Group for all their work in pulling this together. Under the plan, Local Authorities (LAs), Councils, LGANT, and the Local Government Unit, have a role in strengthening LAs and committing to action. The plan and actions are part of our ongoing work and we encourage you to share your good ideas and best practice.

Local Authorities training modules

The three training presentations for Local Authorities, on Roles and Responsibilities, Code of Conduct, and Conflict of Interest, are now available on the [website](#). These presentations have already been delivered by governance officers, regional officers, Elected Members, and Department Staff. A special mention goes out to Mayor Pedwell who delivered a session in language to the Amanbidji Local Authority.

Cross Government Principles

The Cross-Government Collaboration Principles between the Northern Territory Government and Local Government have been submitted to Cabinet for endorsement. Once endorsed we will be working with the NTG agency champions and Council CEOs to raise awareness of the principles and incorporate them in planning and processes, clarify communication channels and share information and good practice. Yvette Nicholls will be contacting councils soon to advance this work.

Role of the Chair/working together and Supporting Governance Workshop

Role of the Chair and working together workshops, developed and delivered with the Aboriginal Governance and Management Program, have already been conducted with the Victoria Daly, MacDonnell and Central Desert Local Authority Chairs and Deputy Chairs. We will be scheduling more of the sessions aimed specifically at Local Authorities soon.

A version of the Role of the Chair and Working Together workshop was also delivered to Coomalie Councillors tailored to supporting the development of a revised set of meeting rules and procedures for more effective meetings.

The workshop can be tailored to council needs and is available on request.

Contact Linda Weatherhead if you have any questions and to arrange scheduling of workshops and training.



*Role of the Chair LA workshop Alice Springs 30 May 2023.
Source: Aboriginal Governance and Management Program*

COMPLIANCE CORNER

Gifts and Benefits Policies: Elected Members, CEO and Staff

The compliance team has received inquiries from councils in relation to powers and functions that cannot be delegated under the *Local Government Act 2019* (the Act) and the *Local Government (General) Regulations 2021* (Regulations). To assist councils in fulfilling their compliance obligations, below is an overview of some of these powers and functions. Following inquiries about specific gifts and benefits policies for the elected members, CEO and staff, the compliance team has prepared an overview of the requirements of the *Local Government Act 2019* (the Act) and the *Local Government General Regulations 2021* (Regulations), as detailed below.

With respect to the elected member and CEO policies, the Act and Regulations do not explicitly prescribe whether to split these policies or combine them into a single policy. However, if combined, the requirements for elected members and the CEO must be clearly differentiated.

The rules for the receipt of any gifts or benefits by the CEO, any reporting requirements and ramifications of inappropriate receipt of gifts or benefits should be clearly written and included either in the gifts and benefits policy or in the CEO Code of Conduct.

A code of conduct for the CEO is to be established and approved by a council resolution whereas the code of conduct for elected members (which includes a reference to gifts) is prescribed in the legislation.

Whether adopting a single or combined policy for elected members and the CEO the resolution should cite the specific sections of the Act, either in individual resolutions, such as adopting the elected members' gift policy under Section 112 of the Act and the CEO's under Regulation 6(1)(g) of the Regulations, or in a single resolution referencing both sections of the Act.

The staff gifts and benefits policy must be separate from the CEO and elected member policies. This is because it is established by the CEO and pertains to a separate code of conduct, which the CEO determines. No council resolution is necessary.

For clarity, the requirements under the Act and the Regulations concerning the gifts and benefits policies and the code of conduct requirements for elected members, the CEO and staff are as follows:

- Elected Members: The Gifts and Benefits Policy should be adopted by resolution as per Section 112 of the Act. Elected member code of conduct is already included in Schedule 1, Code of Conduct, under the Act, which references *Gifts* in paragraph 9.
- CEO: The CEO's gift and benefits policy (inclusive of entertainment and hospitality) should be adopted by resolution as stipulated by Regulation 6(1)(g) of the Regulations. Section 175(1) of the Act mandates the council to adopt a code of conduct for the CEO by resolution.
- Staff: The staff's gift policy (including entertainment and hospitality), as established by the CEO, is cited in Regulation 6(1)(h) of the Regulations. Their code of conduct, as outlined in Section 175(2) of the Act, falls under the CEO's authority.

Annual Reports and Financial Statement - due 15 November 2023

By no later than 15 November 2023 councils must submit a copy of the annual report for the year ended 30 June 2023 (which includes their audited financial statements) to the Minister for Local Government. Before submitting the annual report, the council must resolve to accept the Annual Financial Statement and the CEO's Certification under Regulation 15 of the General Regulations.

A copy of the Annual Financial Statement must be forwarded to the NT Grants Commission on or before 15 November 2023.

To assist councils, the Annual Report can be emailed to: lg.grants@nt.gov.au and a copy will be provided to the NT Grants Commission and the Minister.

Monthly Financial Reporting to Council

The Monthly Financial Report is a key communication tool as it contains important information on the financial status of the council and tells the story of how the CEO is managing the council's financial affairs. Knowing the story behind the numbers supports councillors to make smarter decisions in relation to priorities and key indicators, and whether any decisions or corrective action needs to be taken.

All councils must follow the Monthly Financial Report Form and present their information according to the required format. The link to the form is here: [Monthly financial report form](#)

Although councils must follow the mandatory form, the monthly financial reports should include as much information as needed to ensure members can understand the financial affairs of the council to make well informed decisions. Members can ask the CEO to provide any additional information and present it in a way to help fulfil their responsibilities.

The mandatory form requires explanations of significant variances which should be presented in a way that council members can understand the variances and financial position.

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

A/Executive Director: Susan Watson - 8999 8573

Sustainability and Compliance: Meeta Ramkumar - 8999 8868

Legislation and Policy: Hugh King - 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: Debra Gray - 8951 5164

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.



This email was sent by Northern Territory Government Gazette, gazettes.cmc@nt.gov.au to
Pauline.Williams@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.

