

Local Government's Stakeholder Newsletter

Edition 9 | September 2023

Local government sector update

Greetings and welcome to the latest edition of the Local Government Newsletter.

In this edition important updates are provided on the recent Local Authority Review and Implementation Plan. Linda Weatherhead is currently engaging with regional councils and local authorities to ensure everyone has access to necessary information and training support.

Susan Watson and her team continue to provide support and advice regarding the Burial and Cremation Act 2022 and regulations and are available to provide advice and assistance regarding the Regional and Remote Burial Areas Grant Program.

The recent fire threat in the Barkly and forthcoming high risk weather season that brings the threat of flooding and cyclones, underlines the importance of ensuring all aspects of preparedness are addressed. The Disaster Recovery Funding Arrangement Roadshow is an important opportunity for all councils, and we strongly encourage participation. Meeta Ramkumar and her team are available for advice and assistance.

And please remember, any questions or feedback, can be emailed to LGQuestions.cmc@nt.gov.au where the team will be able to provide further support and assistance.

There are a number of By-Elections taking place and we look forward to welcoming new elected members and supporting them and their respective councils in the months ahead.

Warm regards

Anna Malgorzewicz
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



Visit the resource hub

Legislation Low Down

By-Laws

The *City of Darwin By-laws 2023* were made on 27 June 2023 and commence on 2 October 2023.

There are several other councils currently at different stages of the process of their By-laws.

Councils can contact the Local Government Unit at LGQuestions.CMC@nt.gov.au for information about the process of making By-laws. The Unit can provide step-by-step instructions 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

Under the ***Burial and Cremation Act 2022***, a burial area can be declared as a cemetery or burial ground. The key differences between the two burial areas are:

Cemetery	Burial ground
There is an organisation (called a responsible entity such as a local government council) that manages the cemetery.	There is no organisation that manages the burial ground. Instead, there is a representative for the burial ground such as a local government council or an Aboriginal organisation.
The responsible entity employs a cemetery manager.	There is no manager employed for the burial ground.
People make an application to the cemetery manager to bury in the cemetery.	People submit a burial notification to the Department to bury in the burial ground.
The cemetery manager approves a burial application.	A burial notification includes information confirming that there is consent from the interest holder for the land (or consent from the representative for the interest holder) for the burial to take place.
Burial records are kept by the responsible entity.	Burial records are kept by the Department.

A burial ground has a representative that is nominated by the interest holders of the land where the burial ground is located.

Below is a brief summary of the representative's responsibilities:

- To be the point of contact with the public for proposed burials and exhumations in the burial ground.
- To consent to burials in the burial ground on behalf of the interest holder/s of the land. The Department is responsible for keeping records of burials in a burial ground and will liaise with the representative to ensure that records are accurate.
- To receive information about burials and exhumations in the burial ground from the Department.
- To provide comments to the Department if an external person or organisation requests information in the register of burials outside a cemetery.

Councils can contact the Local Government Unit at burials@nt.gov.au to discuss the process for declaring a burial area.

Cemetery and Burial area grants program - \$0.5 million

Applications are now open for the Regional and Remote Burial Areas Grant Program. The purpose of the grant program is to support the achievement of the objectives of the **Burial and Cremation Act 2022** by assisting regional councils, shire councils and other local organisations to fund programs that contribute to the protection and maintenance of burial areas in regional and remote locations in the Northern Territory.

The grant program is only open to regional and shire councils established under the **Local Government Act 2019**, and organisations responsible for the management of declared or prospective burial areas.

The grant program is subject to one round of funding per annum, and the 2023-24 round closes on 31 October 2023. All applications are to be submitted online via **GrantsNT**.

More information about the grant program is available on the **Regional and Remote Burial Areas webpage**.

Burial Notifications

Under the **Burial and Cremation Act 2022**, the Local Government Unit is responsible for keeping records of burials outside declared cemeteries. To help communities to understand the process of submitting a notification, the Local Government Unit worked with the Aboriginal Interpreter Service to develop recordings about burial and cremation legislation in Aboriginal languages.

The recordings cover the following topics:

- Overview/introduction about the legislation.
- Information about how to identify the decision maker/senior next of kin of a person who has passed away.
- Information about how to submit a notification of a burial outside a declared cemetery.
- Overview of information that is required about a deceased person when submitting a notification for a burial outside a declared cemetery.

The recordings are now available on the **Talking in language: Information on the Burial and Cremation Act 2022 webpage**.

Project Platform LA Review

The Local Authority Review Report and Implementation Plan has now been signed off by the Minister. Thanks to the Reference Group for their significant contributions and to the regional councils and Local Authorities for their considered input and engagement with the Review and for mapping out how we are going to work together to strengthen the role of the LAs. The Local Government Unit, Regional Councils and Local Authorities have now committed to a series of actions and initiatives to make a difference.

The LGU have revised Guideline 1 and the funding guidelines to:

- Enable more flexibility so that LAs can be more responsive to their community.
- Remove unnecessary requirements.
- Relax restrictions on use of funds under the LAPF and enable pooling of funds and partnership projects.

To support the understanding of LA roles and responsibilities we have presentations available on Roles and Responsibilities, Code of Conduct and Conflicts of interest for LA members **here**.

We are also rolling out a course on the Role of the Chair and working together specifically for LA members.

For further information please contact Linda Weatherhead.

Elected Member Handbook

The Elected Member Handbook has been updated to include new chapters on CEO Recruitment and Review and Good Meetings/Better Decisions.

The Handbook can be found [here](#).

Cross Government Principles

Work is advancing on embedding the cross-government principles in planning and practice across NTG and LG. We have initially identified agency champions and council champions who will be the initial contact and responsible for promotion, education and advocacy within their organisation. As part of this work, we will be looking for examples of good practice to share as well as fostering connections where there are problems to try and break down any barriers to collaborative working.

COMPLIANCE CORNER

Compliance date (reminders):

- Annual Return of Interests – Due **30 September 2023**
- 2022-23 Annual Report and Audited Financial Statement to be submitted to the NT Grants Commission and Minister for Local Government - **15 November 2023**
- First Budget Review – Completed by **31 December 2023**

Regulation 9 of the Regulations 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. A budget review does not mean that amendments need to be made to the budget but involves elected members considering the budget and if any amendments need to be made due to end of year processes; changes to anticipated revenue levels; or changes to capital or operating expenditure.

Annual Return of Interest - Due 30 September 2023

All elected members, the council CEO and senior staff must submit an Annual Return of Interest by 30 September 2023.

Elected Members:

By 30 September 2023 all elected members are required to file their Annual Return of Interest with the Council's CEO as per the information in Schedule 5 of the *Local Government (General) Regulations 2021*. This information is then to be recorded in an official Register of Annual Returns of Interest and published on the council's website.

Council CEO and Senior Staff

As per Section 178 of the Act and Regulation 107 of the General Regulations, the Council's CEO and senior staff have 14 days from their start date to file their initial Annual Return of Interest. Following that, annual submissions are due no later than September 30 for the duration of their employment. These submissions are to be recorded in the same official register.

Legislative References:

- Elected Members: Section 110 of the *Local Government Act 2019*, Regulation 106, and Schedule 5
- Staff: Section 178 of the Act and Regulation 107

If you require further information, please email: LGQuestions.CMC@nt.gov.au

Monthly Financial Reporting to Council

Council CEOs must prepare a Monthly Financial Report that is prepared in accordance with the mandatory form issued by the Department and accompanied by a certification from the CEO. Details of the approved Monthly Financial Report Form and template can be found here:

https://cmc.nt.gov.au/_data/assets/excel_doc/0005/1131872/monthly-financial-report-template.xlsx

Comprehensive monthly financial reports are presented by the CEO to the council to ensure transparency, accuracy, and accountability in managing the financial affairs of the council. This report must include the year-to-date income and expenditure, the most recently adopted annual budget, and any significant variances between actual and budgeted figures. Furthermore, it should offer an in-depth view of the council's financial status, detailing all cash and investments, analysing trade debtors and creditors, and outlining tax and superannuation obligations. The CEO must certify that the information in the Monthly Financial Report is complete, accurate, and that the council's internal controls are effective. If the CEO cannot provide such certification, written reasons must be provided for not providing the certification.

The mandatory Monthly Financial Report form contains only the minimum information requirement. Elected members have the authority to resolve to add any further information they feel is required to be included by the CEO in the Monthly Financial Report.

Where a council does not have monthly meetings, the CEO is still required to present the Monthly Financial Report as per the mandatory form for review by the council's committee responsible for financial functions. However, this Committee cannot resolve to add any further information to be included by the CEO in the Monthly Financial Report.

The Local Government Compliance Team will be monitoring council Monthly Financial Reports to ensure compliance with the mandatory Form.

Disaster Recovery Funding Arrangement

The Australian Government has recently seen an opportunity to increase capability across local government, to ensure local councils have a greater understanding of the requirements and application of the Disaster Recovery Funding Arrangement (DRFA) ahead of the next high risk weather season. The Australian Government has sought the support of the Northern Territory Government for a more proactive and targeted outreach endeavor, through a national DRFA Roadshow.

The aim of the DRFA Roadshow will be to inform local councils and the emergency management community on the latest DRFA settings to focus on increased clarity of the acquittal and assurance processes, including education for councils on the work being taken forward by the National DRFA Road Reconstruction Working Groups. This will contribute to greater confidence of local governments in responding to, and recovering from, the impact of natural hazards. As roadshows are expected to be available later this year, it is strongly encouraged for council to advise Local Government Team if they are interested in attending by emailing lg.drfa@nt.gov.au by 15 October 2023. All local government councils have responsibilities under DRFA.

Get to know the Local Government Unit teams

Policy and Project

Sometimes referred to as odds and sods, the Policy and Projects team is responsible for education and capacity building and targeted support and guidance to councils and local authorities and for advancing some of the major project areas such as the Local Authority Review and Cross-Government Principles. We develop resources and information to support good governance and provide preventative advice and guidance in the first instance to prevent issues developing or the possibility of non-compliance. We are happy to be the first port of call and to direct you to the appropriate area in the unit to provide assistance.

Legislation and Policy

The Legislation and Policy team is responsible for amending and implementing legislation, including the *Local Government Act 2019* and *Burial and Cremation Act 2022*. We provide guidance on a number of policy matters, including answering questions and drafting sample policies and information sheets to support councils. We work closely with NTEC to support interpretation of requirements for local government elections and by-elections and assist councils in engagement with the Office of Parliamentary Council for development of By-laws. The team is always happy to discuss any questions about the legislation and how council can best interpret and implement it.

Sustainability and Compliance

The Sustainability and Compliance team is responsible for conducting compliance reviews and investigations of councils and the local government subsidiary, administers over \$55 million in annual NT Government funding to the local government sector, as well as supports the NT Grants Commission allocate around \$30 million in funding from the Commonwealth government. The team is responsible for administering rates issued and collected under the *Northern Territory Rates Act* and supporting councils under the Disaster Recovery Funding Arrangements if an adverse natural event impacts on a council area. The team is currently responsible for supporting the establishment of a new regional council under the Groote Archipelago Local Decision-Making Agreement and preparing a report on the Sustainability of Councils in the NT.

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

All enquiries are now being received through LGQuestions.cmc@nt.gov.au as the first point of contact for the Local Government Unit.

A/Executive Director: Anna Malgorzewicz - 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 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: Michelle Walker - 8999 8347

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.



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 LGPDexecutive.CMC@nt.gov.au

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Meeta.Ramkumar@nt.gov.au

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