



## LOCAL GOVERNMENT STAKEHOLDER NEWSLETTER

JULY 2024

### Welcome to the Local Government Unit's July 2024 Newsletter

Thank you to all councils for sending through your Municipal, Regional and Shire Plans. We appreciate the amount of work that goes into their development, consultation, and approval. Apart from their value in communicating the priorities and direction of each council, they showcase the responsiveness of the Territory's local government sector to the diverse needs and aspirations of our communities.

This Newsletter gives updates on training, professional development and networking opportunities supported by the LGU. There's a reminder of some of the upcoming administrative obligations, as well as the importance of properly managing conflicts of interest. There is guidance for elected members who are candidates for the upcoming Legislative Assembly elections on the management of conflicts of interest.

Work has started on the review of the Code of Conduct Framework, guided by a reference group made up of elected members and executive staff of councils. LGANT, a representative from ICAC, and representative from CM&C's regional offices and Local Government Unit. A consultation paper will be circulated to all councils in the next week or so. MCA (Management Consulting Alliance) is leading the consultation process. Policy options will be developed to support advice to government early in the next term, ahead of any advice on potential legislative amendments.

As always, if you would like more information or have any questions about the content of this newsletter, please don't hesitate to reach out to the people named in the articles, or any of the people listed at the back of the Newsletter.

Regards  
Maree De Lacey  
Executive Director  
Local Government Unit

### Governance Officers Forum III

The third Governance Officers Forum was held on 16 June 2024 with participants attending from regional councils across the Northern Territory. The forum is facilitated by Local Government Unit (LGU) and provides an opportunity to network and interact with your colleagues in other local governments to deal with the issues that are important to you. This forum will delve into best practices for ensuring compliance, meeting procedures, committees and further training & support available.

If you would like to join the forum please send an email to [jacob.leonard@nt.gov.au](mailto:jacob.leonard@nt.gov.au).

### Cross-Government Principles

#### Working together for our communities

The Local Government Unit (LGU) has recently led a joint workshop with LGANT on reviewing implementation and practice of the Cross-Government Principles. The Principles are an agreed framework for the Northern Territory Government and the local government sector of the Northern Territory to work collaboratively for the benefit of Territory residents and communities. Local Government and government champions for the Principles came together for a workshop in June to review implementation of the Principles and identify ways to strengthen their use and impact for communities. Key outcomes from the workshop will be communicated to stakeholders. LGU continues to support opportunities which strengthen procedures, processes and information between spheres of government.

Please contact Kate Race on [kate.race@nt.gov.au](mailto:kate.race@nt.gov.au) or 8999 8919 / 042762 8487 for further information or to discuss opportunities.

Information supporting awareness and implementation of the Principles is available from below link and on the LGANT website.

[Find out more](#)

### Training for Elected Members

LGU provides two modules of mandatory training for all elected members of local government councils – topics include understanding local government, roles and responsibilities, conflict of interest, code of conduct, council finances and council decisions – and meetings. Training is available for delivery on-site and on-line. On-site facilitation enables council staff to be involved in conversations and reflections on local experiences and unique aspects of each council. In 2024 a number of new elected local council members have enthusiastically engaged in training sessions.



Photos are of elected members with staff and LGU training facilitator, Kate Race.



Photo: Coomalie Community Government Council Photo: Tui Islands Regional Council

### Local Authorities

Implementation of the Local Authority (LA) Review is progressing well, with many LAs across the Territory embracing the changes made to Guideline 1: Local Authorities, as well as the revised Local Authority Project Funding guidelines. A key change to the LAFP was providing LAs more flexibility to use the money to spend their LA Project Fund money. The Local Government Unit (LGU) continues to provide briefings for regional councils and local authorities on the changes made within the LA Review. If we haven't made it to your council or LA yet, we will be there soon and are available to help work through any changes with your council or LA.

LGU has developed three training modules for LA members that relate to 'Roles & Responsibilities', 'Code of Conduct' and 'Conflicts of Interest'. We also have a course on 'Role of the Chair & Working Together' that is best delivered face to face.

If you require a briefing session on the LA Review or would like to organise training for your Local Authority, please contact Jacob Leonard on (08) 8999 8524.

You can find these training courses and more at the **Local Government Resource Hub**

- Username: localgov
- Password: localgov2106

[Find out more](#)

### Conflict of Interest – Reminder regarding your responsibilities as a member

Conflicts of interest are important for all council members, local authority members, audit committee members and council committee members to understand when making decisions and recommendations.

Under the Local Government Act 2019 (the Act), members are required to disclose at the relevant meeting and to the CEO if they have a conflict of interest and not participate in discussions or decisions if they have a conflict. Under the Act the CEO must keep a register (register of declared conflicts) setting out conflicts of interest disclosed by council members. Under section 117 of the Act, the register of declared conflicts for council members must be published on the council's website.

Importantly, members are reminded to exercise care in the identification, disclosure and management of conflicts of interest, as even in seemingly routine and harmless communications or business, conflicts of interest can arise.

The Elected Member Handbook contains a section regarding managing conflicts of interest, and an additional information sheet is also available which outlines what a conflict of interest means, what to do if a member has a conflict of interest and some examples of possible conflicts.

In addition, members are reminded that the Local Government Unit currently provides a conflict of interest course, either face-to-face or online.

If you are a member interested in attending a face-to-face course, please send an email to [LQQuestions.CMC@nt.gov.au](mailto:LQQuestions.CMC@nt.gov.au) expressing your interest.

[Find out more](#)

### NT Legislative Assembly elections

**With the NT Legislative Assembly (LA) drawing closer, a reminder of relevant timelines for council members who intend to nominate:**

**11 July 2024** - Candidates may resign from council from this date in order to be reinstated if unsuccessful.

**8 August 2024** - LA nominations close 12pm

**24 August 2024** - LA election day

**9 September 2024** - LA election results declared

**16 September 2024** - unsuccessful candidates must apply to be reinstated

If a council member has announced that they will be running in the Legislative Assembly elections (whether they have resigned or not), the member must not use council resources to campaign for election in the Legislative Assembly. The member must also avoid any conflict of interest between their duties as a council member and their personal interest in becoming elected, which includes not using council events, platforms or attire to promote their candidacy. Potential candidates should be reminded of the importance of adhering to requirements in the Local Government Act 2019 as well as complying with expected behavioural standards throughout the period of the campaign.

### Councillor Conduct Review

The LGU is conducting a review of the framework for councillor conduct under the Local Government Act 2019 (the Act), in collaboration with LGANT.

Nominations were called for a reference group made up of representatives from the local government sector, and all nominations were accepted. The reference group will provide oversight and guidance to the review, and contribute their experience and knowledge.

The information collated from the consultation, combined with inter-judicial analysis, will inform recommendations for an improved code of conduct framework, which will ideally be implemented ahead of the 2025 local government election.

A third party consultant will engage with the sector, including elected members and council CEOs, and some senior staff members, during July. Councils will hear from Trisha and George from Management Consulting Alliance (MCA) shortly. If you would like more information, please contact [susan.watson@nt.gov.au](mailto:susan.watson@nt.gov.au) or [bianca.fidock@nt.gov.au](mailto:bianca.fidock@nt.gov.au).

### Filling casual vacancies

The LGU has recently sought legal advice on the operation of section 54(2)(a) of the Local Government Act 2019 (the Act), which relates to filling a casual vacancy less than 18 months, but not less than six months, before the next general election.

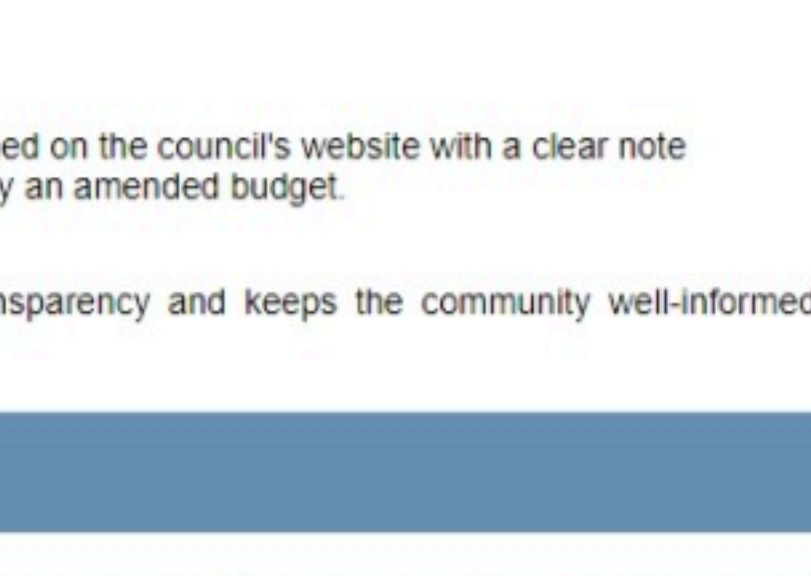
The Act notes that in these circumstances, councils "may" fill the vacancy by vote of existing members. This has created some confusion as the word "may" usually indicates that there is another option. However, we have taken legal advice which includes that because there is no alternative mentioned in the Act that relates to a vacancy in this time period, filling the vacancy by vote of existing members is the only option available. A by-election or leaving the position vacant are both not allowed under the Act.

Councils can decide the best approach on how to make a decision on who to appoint, for example they may wish to run a public nomination process, or for those councils with Local Authorities (LAs) nominations could be sought through the LA.

If you have any questions, please contact [LQQuestions.CMC@nt.gov.au](mailto:LQQuestions.CMC@nt.gov.au).

### Declaration of Burial Areas

Under the now-repealed Cemeteries Act 1952, only 15 cemeteries were officially declared. The repealed Act overlooked community burial areas, resulting in a lack of management of most burial areas in the Northern Territory, and gaps in record-keeping. Unlike the repealed Act, the Burial and Cremation Act 2022 (the Act) acknowledges and respects Aboriginal customs and traditions for burials, recognises diverse burial areas in the Northern Territory, and aims to maintain consistent record-keeping practices for the benefit of future generations and next of kin. Under the provisions of the current legislation, the LGU has endeavoured to facilitate the declaration process by working closely with relevant stakeholders, including local government councils, Land Councils, Aboriginal corporations, interest holders of land and community members. This ensures that all interests are considered, and consent from all relevant stakeholders is obtained before a declaration is made. The declaration of burial areas will ultimately address widespread inadequacies in compliance and record-keeping practices. It will ensure records are systematically kept in compliance with present and future legislative requirements, while also honouring and respecting Aboriginal burial customs and practices. Importantly, it provides families and future generations the opportunity to pay their respect at the resting place of their loved ones.



If you have any questions about how to declare a cemetery or burial ground, please contact the Local Government Unit via [burials@nt.gov.au](mailto:burials@nt.gov.au).

### Budget Review 2024-25

**We would like to remind you of the essential requirements for conducting budget reviews for the 2024-25 financial year:**

**1) Councils are required to undertake two formal budget reviews in each financial year:**

- First Review: To be conducted between 1 July and 31 December.
- Second Review: To be conducted between 1 January and 30 April.

**2) Amendments to the budget:**

- Should an amended budget materially impact the Long Term Financial Plan (LTFP), the council must pass a resolution to amend the LTFP concurrently with the adoption of the amended budget, in accordance with regulation 9 of the General Regulations.

**3) Publication and Notification:**

- The amended budget must be published on the council's website.
- Subsequent notification must be sent to the Agency in writing.
- A notice must be published in the local newspaper, informing ratepayers that the amended budget is available for download from the council's website or can be obtained from the council's public office. Please note that placing a notice in a newsletter does not meet compliance requirements.

**4) Original Budget:**

- The original budget must remain published on the council's website with a clear note indicating that it has been superseded by an amended budget.

Adhering to these requirements ensures transparency and keeps the community well-informed about any financial changes.

### Grants and Funding

A total of 13 organisations were awarded \$4 million in 2023-24 under the application based Immediate Priority Grants. There will be 18 shovel ready projects delivered designed to boost community amenity, support community development and infrastructure and support animal management projects.

Local Government grant funding advice letters to regional and shire councils advising of their 2024-25 allocations will be provided in August 2024. As in previous years it is expected that regional and shire councils will receive the first instalment of the 2024-25 NT Operational Subsidy in July 2024, with the final instalment to be paid in January 2025.

**The following recurrent funding will be available for the following programs in 2024-25:**

- NT Operational Subsidy
- Local Authority Project Funding
- Indigenous Jobs Development Funding
- Waste and Resource Management Program

It is also a timely reminder for all grant recipients to ensure that all grant funding acquittals are up to date to prevent any delays in providing funding in 2024-25.

### Annual Return of Interests

#### Annual Return of Interests – CEO and Senior Staff

Under section 178 of the Act, it is mandatory for a council's CEO and senior staff to submit an annual return detailing their interests, as prescribed by regulation 108 of the Local Government (General) Regulations 2021. This return must include:

- Shareholdings in any public or private company.
- Trusteeship or beneficiary status in any family or business trust.
- Ownership of real estate.
- Any other substantial sources of income.
- Memberships in any organisation, partnerships, or directorships in registered companies.

These returns must be submitted within 14 days of starting employment and by no later than 30 September each year. If the return is submitted after 31 March in any given year, another submission before 30 September is not required for that year. The council is also required to maintain a register of these annual returns. It is important to note that failing to submit an annual return of interest constitutes an offence under the Act.

#### Annual Return of Interests – Council Members

Under section 110 of the Act, council members must submit an annual return to the CEO, including details prescribed by regulation 108 of the General Regulations. The initial return must be submitted within 60 days of the member's election and by no later than 30 September each year for the duration of their term. Similar to the CEO and senior staff, if a member submits an annual return of interests after 31 March in any given year, they are not required to submit another return before 30 September that year.

The annual return must be completed in the prescribed form as determined in Schedule 5 of the General Regulations. Failure to submit an annual return by a council member is considered an offence under the Act. These requirements ensure transparency and accountability within the council, providing a clear record of potential conflicts of interest among key personnel. All council members and staff are urged to comply with these regulations to uphold the integrity of the council's operations.

Under section 117 of the Act, the register of annual returns of interests and the register of declared conflicts for council members must be published on the council's website.

For more details or any other questions, please email [LQQuestions.cmc@nt.gov.au](mailto:LQQuestions.cmc@nt.gov.au).

### 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):** Susan Watson - 8999 8405

For all other queries, please email [LQQuestions.cmc@nt.gov.au](mailto:LQQuestions.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:** Darren Johnson - 8999 5236  
**East Arnhem:** Jim Rogers - 8987 0543  
**Big Rivers:** Jake Quinlivan - 8973 8533  
**Barkly:** Lachlan Wilkins - 8962 4688  
**Central Australia:** John Gaynor - 8951 5355

### Further information

For further information and support, please visit the **Local Government** website.

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

This email was sent by The Territory Australia, [bounds@nt.gov.au](mailto:bounds@nt.gov.au) to [heve-rin.kass@nt.gov.au](mailto:heve-rin.kass@nt.gov.au)

