

# LOCAL GOVERNMENT

SEPTEMBER 2018



## Welcome

Dear local government colleagues,

Welcome to the first edition of the Department of Housing and Community Development Local Government Stakeholder Newsletter.

We will publish these newsletters regularly, as just one way of improving our communication with our colleagues in local government throughout the Territory. We welcome your feedback or suggestions for future editions, which can be sent to [localgovernment.DHCD@nt.gov.au](mailto:localgovernment.DHCD@nt.gov.au).

The role of local government is an important and dynamic one. I have been pleased to meet with LGANT and several regional councilors and CEOs in my first three weeks in this position, and I look forward to further conversations over the next weeks.

Yours sincerely,

Maree De Lacey  
Executive Director  
Local Government and Community Development

## Local government news and updates

This newsletter has been developed to update the sector on the Local Government and Community Development division's news and upcoming events and deadlines for the local government sector. For the first time, our Compliance team are sharing some of the issues and queries that have been considered in the last year, which are shared with the sector to support good practice in meeting the requirements of the *Local Government Act*.



### News

#### Local Government and Community Development division changes

The division welcomes Maree De Lacey as our new Executive Director and thanks Lee Williams for her year in the role.

The Division has expanded and now includes four branches:

- Legislation and Policy Branch, headed by Lee Williams
- Community Development Branch, headed by Adrian Curry
- Sustainability and Compliance Branch, headed by Meeta Ramkumar
- Remote Information and Engagement Branch, headed by Brett Beaton

The expansion of our division to emphasise regionally-focused and community-focused priorities increases the opportunities for this Department and the local government sector to partner to achieve innovative community development outcomes in remote and regional areas of the NT.

#### Independent Commissioner Against Corruption coming soon

The Independent Commissioner Against Corruption (ICAC) will commence as soon as the Office of the ICAC is operational. Until then, the Office of the Commissioner for Public Interest Disclosures (OCPID) will remain the avenue to report misconduct: <https://blowthewhistle.nt.gov.au/>. The Department will update the sector with further information once commencement dates are known.

#### New Disaster Relief and Recovery Arrangements

New Federal Government Disaster Relief and Recovery Arrangements (DRFA) will commence on 1 November 2018 and will replace the current Natural Disaster Relief and Recovery Arrangements (NDRRA) for all eligible events after 31 October 2018. Click [here](#) to access the new arrangements. The Department is currently reviewing and updating our own resources for the sector.

## Updates

### Elected member training in Alice Springs in October

A third elected member training workshop is scheduled for 2-3 October 2018 in Alice Springs and will again be delivered by the Australian Institute for Company Directors.

The first day covers 'local government essentials'. The second day is dedicated to financial management. Participants from previous training sessions have reported that the training was an invaluable networking and skill development opportunity.

LGANT is coordinating applications to participate in the training and can be contacted at [info@lgant.asn.au](mailto:info@lgant.asn.au)

Photo: Attendees of the first elected member training in Darwin in February 2018



### Local government website

There is a new landing page for local government on the department's website. We heard that it was difficult for users to find local government information spread over different locations on the website. Now you just go to the home page [www.dhcd.nt.gov.au](http://www.dhcd.nt.gov.au) and click on 'local government'. This will take you to all the local government legislation, publications, funding and resource links on one page.

### Special Purpose Grants round 1 – applications due 7 September

A friendly reminder to all councils that round 1 of Special Purpose Grant Funding for 2018-19 closes on Friday, 7 September 2018. As usual, late applications will not be accepted. The total pool for this round is \$2 million.

The [application forms and funding guidelines](#) are on the Department's website.

## Annual reports – due to the minister by 15 November

Councils are already well underway with the preparation of their audited financial statements for the financial year ending 30 June 2018.

Just a friendly reminder that annual reports must also include:

- an assessment of the council's performance against the objectives and performance indicators set in the council's plan for 2017-18; and
- in the case of regional councils, a report on the activities of local authorities within their area.

## Compliance corner

The Compliance team regularly receives enquiries and clarifies compliance issues. The following are some topics that have crossed the desk in the last year. The Compliance team is happy to continue the conversation about how best to achieve good practice. You can reach us at [lg.compliance@nt.gov.au](mailto:lg.compliance@nt.gov.au).

### Circular resolutions

Circular resolutions may be common in companies and other organisations, but there is no provision for circular resolutions in the *Local Government Act* (the Act).

Decisions of council must be made in properly constituted meetings by those members in attendance, provided that a quorum is present.

### Elected member apologies and absence from council meetings

The acceptance of elected member apologies or the approval for an elected member to be absent from a meeting is a decision of council. This decision must meet all the legislative requirements of any decision of council, including the need for the decision to be clearly recorded in the public minutes of a council meeting.

Although the Act is silent on the formalities for accepting apologies or giving permission to be absent, a council cannot accept or decline apologies in any other capacity other than by making a decision as a body corporate.

Even if an elected member has permission to be absent, they may participate in a meeting if they are available to attend.

## Procurement exemptions

Councils may apply to the Department for an exemption from compliance with procurement regulations. There are many valid reasons why a council might seek an exemption, but the award of Special Purpose or other grant funding by the Department on the basis of indicative quotes from suppliers should not be taken to imply that the Department has authorized an exemption from the required procurement processes.

Top tips for procurement exemption applications:

- ensure all reasons for seeking an exemption are supported by evidence attached to your application;
- ensure your application has approval of council.

The [forms for seeking a procurement exemption](#) are on the Department's website

## Insurance of private vehicles used for council purposes

Does your council have personnel who are authorised to use their private vehicle for official purposes? Council should obtain documentation from these personnel that their private vehicles have insurance that specifically covers the use of the vehicle for official purposes and evidence that the insurer has been advised of the vehicle's intended use.

## Notification of CEO leave

Including a standing item in meeting agendas in relation to CEO leave or any significant absence from the council area for any reason (including travel outside the council area for work) is a recommended good practice. A CEO is required to seek approval from their employer (the council) to take leave. A CEO is also required to notify the Principal Member of who will be acting in the role of CEO, if the CEO is absent or unavailable for official duties and there is no appointed Deputy CEO. The standing agenda item is a way of creating a clear communication channel for this purpose.

## Budget amendments

All budget amendments or variations are required to conform to notice provisions under s128(3) of the Act. These require publication of budget amendments on the website, in a newspaper circulating locally and by providing notice of the amendment to the Department.

These requirements apply regardless of the extent or materiality of changes considered in any budget amendment.

Councils typically publish their budget on their council website within their annual council plan. Councils should adopt a user-friendly way of ensuring amended budgets are clearly presented on their website and the public can easily access original and amended budgets.

## CEO certification of rates assessment record to council

Every year the CEO must:

- check all available council records to ensure that all rateable land is recorded in the council's assessment record; and
- certify to the council that, to the best of the CEO's knowledge, the assessment record is a comprehensive record of all rateable land within the area before the adoption of the budget for that Financial Year (Regulation 24 of the Local Government (Accounting) Regulations).

A signed certification must come before a meeting of council and be noted/adopted by the council in a clear and distinct resolution, prior to adopting the annual budget.

## Public notice requirements for newspaper circulation

There are multiple provisions in the Act requiring the need to circulate a public notice to 'a newspaper circulating generally in the area'. Just a reminder that:

- these provisions are mandatory;
- councils should base their decision on what newspapers to select on what will achieve the most effective coverage of their whole council area; and
- councils should use the same newspapers for all public notices, to ensure consistency.

## Local government stakeholder newsletter

If you no longer wish to receive this newsletter, please email [localgovernment.DHCD@nt.gov.au](mailto:localgovernment.DHCD@nt.gov.au)

