

LOCAL GOVERNMENT NEWS

MARCH 2019



What's new in 2019

This year has started at a sprint for the Department, with our team crisscrossing the NT to facilitate consultation on the draft Burial and Cremation Bill. Over 130 stakeholder groups, including over 80 Aboriginal organisations, have been consulted, with presentations delivered to all municipal, shire and regional councils, most local authorities and many other interest groups.

The feedback and level of engagement with the detail of the proposed changes has been fantastic. We appreciate the support and input of the local government sector and welcome submissions detailing any concerns or recommendations for further improvement.

The new one-off \$2 million Energy Efficiency and Sustainability Grant Program is now open for applications until 5 April 2019 (details below). I am looking forward to seeing the practical energy saving initiatives this grant will enable.

Don't forget to check out the new Disaster Recovery Funding Guidelines, available for comment on the Department's website. The feedback period has been extended until the end of March.

Yours sincerely

Maree De Lacey
Executive Director
Local Government and Community Development



Department news and updates

News, upcoming events and deadlines.

CLOSING SOON - Draft Burial and Cremation Bill Consultation

Councils and members of the public have until **31 March 2019** to have their say on the draft Burial and Cremation Bill.

The recognition of cemeteries on Aboriginal land is a key part of the draft Bill, as well as the requirement for burial records for cemeteries to be kept. This will ensure that, once the legislation is passed, future burials are recorded.

[Information, interpreted into 18 different Aboriginal languages, is available online.](#)

Questions or submissions can be emailed to baca@nt.gov.au by 31 March.

Department name change

The Department has had a name change and is now the Department of Local Government, Housing and Community Development. The name better reflects our core business and values. Our web address has also been updated and is now www.dlghcd.nt.gov.au.

New features on BushTel

Exciting news for users of bushtel.nt.gov.au. Visiting medical service dates have now been added to Community News and Events page, which also includes Bush Court dates, Local Authority Meetings, and much more.

Visits are displayed for two months in advance, to enable visitors to remote communities, especially from NTG agencies.

Watch this space for further enhancements to the Bushtel community profiles and a refresh of the Regional Engagement Coordination Strategy, which are both in the pipeline over the next few months.

\$2 million for energy efficiency and sustainability measures

The new one-off grant program for energy efficiency and sustainability measures is now open for applications from all local government councils.

This new grant program offers councils the opportunity to apply for funding to reduce energy use, reduce greenhouse emissions and improve energy productivity. [The guidelines and application forms are available online.](#) Applications close on 5 April 2019.

ICAC mandatory reporting and whistle-blower guidelines

The [Independent Commissioner Against Corruption Act 2017](#) commenced on 30 November 2018 and applies to all local government bodies. Two new directions and guidelines have just been issued by the Commissioner.

[Mandatory Reporting Guidelines and Directions](#) – Under the *Independent Commissioner Against Corruption Act 2017*, public officers and public bodies *must* report suspected improper conduct to the ICAC. This applies to council staff, elected members, and local authority and council committee members. These guidelines clarify how a report should be made, who it can be made to and gives guidance on what ‘suspected’ improper conduct means.

[Whistle-blower Protection Guidelines and Directions](#) – These guidelines clarify that any person making a report will have the confidentiality of their communication protected. They give guidance on how the person making a report is to be protected from any retribution.



New rules for citation of legislation in the Northern Territory

New amendments to the *Interpretation Act 1978* have just commenced which apply to the way Northern Territory Acts of Parliament (legislation) are cited. The amendments are intended to be consistent with citation rules in place elsewhere in Australia. An Act will now be cited by reference to the year an Act is enacted (‘assented to’). For example, local government legislation should now be cited as the *Local Government Act 2008*. This also applies to the *Local Government (Accounting) Regulations 2008* and the *Local Government (Administration) Regulations 2008*.

New Disaster Recovery Funding guidelines for local government

The Department has just released new [Disaster Recovery Funding Guidelines](#) for all disaster events declared after 1 November 2018. The new guidelines are also accompanied by new funding application templates.

These new guidelines have been developed in line with the Commonwealth’s Disaster Recovery Funding Arrangements (DRFA) Determination, which replaced the former NDRRA last year.

Please provide any feedback you may have on these guidelines to the Grants Team at lg.grants@nt.gov.au by the end of March 2019. Final guidelines will be issued shortly after this date. Councils can also request a briefing from the Department to key staff involved in disaster recovery activities and the preparation of applications.

New Guideline 8: Regional Councils and Local Authorities

A new Guideline 8 was made by the Minister on 7 January 2019 and is available on [the local government legislation page](#) of our website.

There are a number of changes to simplify and clarify requirements relating to local authority meetings and local authority policies. One new change is that a local authority agenda now has to include general business. The intent of this new clause is to embed consistent practice across the NT whereby all local authority members are able to raise issues of relevance to their community in a meeting. Other changes clarify additional agenda and financial reporting requirements and requirements for a policy on the appointment and revocation of members.

Upcoming dates and statutory deadlines

It's council planning and budgeting season from April through to the end of July. The following are the key statutory requirements that councils should keep in mind:

- A CEO must review a council's records on rateable land and certify to council that the register is up-to-date before the council adopts its budget – [Local Government \(Accounting\) Regulations 2008, regulation 24\(1\)](#). This certification should come to council for noting.
- Councils should adopt draft council plans and budgets that meet all the requirements of [s23 and s127 of the Local Government Act 2008](#) with enough time to enable a 21-day consultation period before 31 July 2019.
- Councils must make the draft plan and budget publically available on the council's website, in the council's office and advertise the availability in a newspaper circulating widely. Council must invite submissions from the public for at least 21-days – [Local Government Act 2008 s24\(2\)](#).
- Councils must make clear and distinct resolutions to:
 - declare rates – [section 155\(1\)](#)
 - adopt the final council plan – [section 24\(1\)](#)
 - adopt the final council budget – [section 128\(1\)](#)

These resolutions must be made *after* council has considered submissions received during the mandatory 21-day public consultation period.

- Once a council has declared rates and adopted a budget, a council must publish the rates declaration within 21 days ([s158](#)) and publish a notice informing the public about where to obtain a copy of the budget ([s128\(3\)](#)) in a newspaper circulating in the council area and on the council website.
- See '[Local authority role in council planning](#)' in the Compliance Corner section below for more information on requirements for involvement of local authorities in council planning and budgeting.



Compliance corner

The Compliance Team regularly receives inquiries from councils and clarifies compliance issues. The following are some topics that have crossed the desk that may be useful to councils. The Compliance Team are happy to continue the conversation about how best to achieve good practice. You can reach us at lg.compliance@nt.gov.au.

Written reasons for not obtaining three quotations

The Department's website has a sample form for delegated council officers to record reasons in writing if three quotations have not been obtained for procurement activity between \$10,000 and \$100,000 (inclusive of GST). The form can be obtained from the [local government publications page](#).

The form should be signed by a requestor and approver. Regardless of the financial delegation held by the requestor, it is recommended that any form is countersigned by a more senior approver.

As a general guide to the level of detail that should be provided on this form, it should be sufficient to demonstrate that proper standards and proper controls are being maintained by the council.

Elected member and local authority allowances for 2019-20

Every year the 'Table of Maximum Allowances' for elected members is updated to indicate the maximum amount payable for the different categories of elected member allowances for the following financial year (2019-20). [The table is now available on the Department's website](#) to assist councils with their 2019-20 budget preparations.

Councils must ensure that the proposed elected member allowances for 2019-20 are included in their draft budget. The resolution of council to adopt the *draft* budget will have the effect of adopting *proposed* allowances for the year. The resolution to adopt the final budget will have the effect of fixing the allowances for that financial year. Once fixed, allowances cannot be increased for that financial year.

Please note that local authority allowances are based on 'revenue units' which are published on the [Department of Treasury and Finance Website](#). The revenue unit will increase from \$1.18 to \$1.21 on 1 July 2019.

Agendas containing confidential business

The agenda of a council meeting is a public document and it should list all the items of business that will be considered in a meeting, including confidential items. The title of any business item that involves the consideration of confidential information should be drafted in a way that show the nature of the business under consideration, without revealing any confidential information.

Under the *Local Government (Administration) Regulations 2008*, a council is also required to show in its minutes the written reasons why a council considered a particular item of business to be confidential business: regulation 13(b).

The Department considers that citing the different classifications of confidential information outlined under regulation 8, without any reference to the title, type or nature of the business item under consideration is an insufficient reason for designating an item of business as confidential.

EXAMPLE: CONFIDENTIAL BUSINESS

Report on debtors over 90 days

This item will be dealt with per s65(2) of the *Local Government Act 2008* and Regulation 8(c)(i) of the *Local Government (Administration) Regulations 2008*. It contains information that would, if publically disclosed, be likely to prejudice the security of the council, its members or staff.

Ongoing confidentiality of information considered by council

The *Local Government Act 2008* is silent on procedures for moving business considered and resolutions made in confidential sections of council meetings back into the public domain. As a general rule, once information can no longer be classified as confidential, the information must become public.

Here are two recommended approaches that, if implemented together, will ensure that a council has taken all reasonable measures to ensure only confidential information remains suppressed.

1. At the conclusion of the confidential agenda of a meeting, the council should have an agenda item requiring it to resolve to further suppress (keep confidential) any business paper considered or resolution made in that meeting if the information remains classified as confidential information, as defined under Regulation 8 of the *Local Government (Administration) Regulations*.

It will often be the case that while a confidential business paper might contain information that remains confidential for a period of time, the resolution made in a confidential meeting may be moved immediately to the public record.

2. A council should also have clear procedures on the timing of a regular review of previous confidential business for determination whether any suppressed information remains confidential.

Notwithstanding the timing of any regular review, a council may make public any information or resolution as soon as there is no reason for confidentiality attaching to the information.

Local authority role in council planning

The April to June quarter is always a busy time for council planning. Regional councils should be aware that there are also requirements in Guideline 8: Regional Councils and Local Authorities that apply to councils when preparing their draft annual plans and budgets.

Paragraph 12.3 requires that every year councils must ensure local authorities have a chance to consider the council's proposed regional plan and proposed budget (including the budget for proposed projects) for the next financial year.

Paragraph 15.1 requires that a council must take the projects and priorities of its local authorities into consideration, whether submitted to council or recorded in the minutes, when developing the council plan.

Conflict of interest - 'Register of Members' Interests'

In addition to the provisions in the Act for the declaration of and recording of disclosures of conflicts of interest in a council meeting (s73 and s74), a council must also publish an up-to-date conflict of interest register on its website (s200(g)), referred to as the Register of Members' Interests (s74(2)).

The Register of Members' Interests is to contain the details of that disclosure. It is not sufficient for the disclosure to record that the elected member has a conflict of interest. The elected member must disclose the nature of the interest that gives rise to the conflict.

Disclosures on a conflict of interest register must be publically available for three years after the general election that follows the disclosure.

Local government stakeholder newsletter

If you no longer wish to receive this newsletter, please email localgovernment.DHCD@nt.gov.au

