



Season's greetings

We would like to wish all our colleagues in local government the best for the holiday season. Thank you for all your hard work for your communities and your councils in 2018.

It was pleasing to see that all local government councils' annual reports for 2017-18 were received by the Minister by the required due date of 15 November 2018. They show the many ways councils are innovating to support their communities and indicate that over \$460 million was spent delivering services, building and maintaining infrastructure and providing local jobs.

The 66th local authority will shortly commence in Urapunga in Roper Gulf. In 2018 more than 60 elected members strengthened their governance knowledge by completing the two-day elected member training workshops delivered by the Australian Institute for Company Directors and coordinated by the Local Government Association of the Northern Territory.

It is encouraging to see Territory communities benefitting from a responsive, well-governed and resilient local government sector. We look forward to continuing our work with you as we move into 2019.

Maree De Lacey
Executive Director
Local Government and Community Development

Department news

News, upcoming events and deadlines.

Homelands Policy review – opportunity to provide submissions

The [Homelands Policy](#) is being reviewed and the Department is seeking submissions from homelands and outstations residents, homelands service providers, local governments, other stakeholders and members of the public.

The panel will review submissions and make recommendations on appropriate reforms to the current policy for improved delivery of services to homelands.

Submissions can be sent to homelands.program@nt.gov.au by 31 January 2019.

New Town Camps Futures unit

The Department has a new Town Camps Futures unit, headed by Executive Director, Danyelle Jarvis. It has been formed to progress the long-term policy and implementation plan arising out of the [Independent Review of Town Camps](#).

The unit is developing a five-year plan for consideration by government in 2019 and will engage with stakeholders, including town camp residents, Aboriginal Controlled Housing Organisations (ACHOs) and government partners. An external advisory group of ACHOs met for the first time in November 2018 and is scheduled to meet again in January 2019.

For more information on this work email TownCampFutures.DHCD@nt.gov.au.

Darwin office move

The Darwin office of Local Government and Community Development has recently moved to Level 1, RCG Centre, 47 Mitchell Street, Darwin (opposite the Hilton Hotel). It's a timely reminder to make sure you have the correct RCG building before visiting us in Darwin!

Christmas shut down

During the Christmas period, the Department's Housing offices will be open during normal business hours, with the remainder of the Department shutting down from close of business Monday, 24 December 2018 to Tuesday, 1 January 2019. Your contacts for Local Government and Community Development during this period are:

- Maree.DeLacey@nt.gov.au Ph: 0408 072 878
- Meeta.Ramkumar@nt.gov.au Ph: 0429 999 364
- Lee.Williams@nt.gov.au Ph: 0429 362 212



Updates

Draft Burial and Cremation Bill – have your say

The [new consultation draft Burial and Cremation Bill](#) is now available to view online. The Department has a comprehensive engagement strategy which includes providing information and seeking opportunities to attend council meetings to discuss the Bill.

This legislation is being renewed for the first time in 60 years and will regulate cemeteries, crematoria and other facilities for the burial and disposal of human remains. Changes are intended to improve the regulation of cemeteries on Aboriginal land and ensure the laws recognise changing societal views and practices regarding the disposal of human remains.

[Factsheets and more information is available online](#), or call Ethan Redshaw on 08 8995 5107 or email baca@nt.gov.au to arrange a briefing. Submission close on 31 March 2019.

By-law drafting assistance

Did you know that the Department, with the support of the Office of Parliamentary Counsel, offer assistance with the drafting of local government by-laws?

Tiwi Islands Regional Council has recently received assistance and new [Tiwi Islands Regional Council By-laws](#) commenced on 1 August 2018. They cover control of dogs, littering, questions of order in council meetings and infringement notice offences.

Regional councils in particular are encouraged to review the Tiwi Islands by-laws to consider if similar by-laws for your council may be appropriate. It would not be a difficult process to adopt a version of these by-laws for your council. Please contact localgovernment.DHCD@nt.gov.au if you would like further advice or assistance.

Local Authority Project Funding guidelines

Local Authority Project Funding guidelines have been amended. Changes include new certification requirements and new provisions regarding employment costs. The amendments were introduced to ensure the Department complies with government requirements for the accountability of grant funds, and to support local employment by removing the previous ineligibility of general labour costs.

We welcome any feedback councils have on these guidelines. Please email lg.grants@nt.gov.au before the end of May 2019.

If councils have specific projects that are considered to meet the purpose of the local authority grants but are limited by the guidelines, please contact Meeta Ramkumar, Senior Director, Sustainability and Compliance at lg.grants@nt.gov.au.

New Disaster Recovery Funding guidelines for Local Government

Provisional guidelines and templates are currently being finalised by the department, outlining changes to Disaster Recovery Funding for Local Governments in the Northern Territory. It is hoped these guidelines will be circulated to all CEOs prior to the Christmas shutdown, giving councils an opportunity to provide feedback before the end of January.

New Commonwealth Government Disaster Relief Funding Arrangements commenced on 1 November 2018, necessitating new guidelines and templates to align with the new Commonwealth arrangements.

The Department will be in a position to offer councils a presentation on the new arrangements in the new year.

Upcoming dates and statutory deadlines

- Proposals for Conditional Rating are due to the department by 31 January 2019 - per section 142(4)(a) of the *Local Government Act* and General Instruction 1.
- Round two of Special Purpose Grants will open in February 2019.
- The annual Road Return Template will be issued in February 2019 for completion in March 2019.



Compliance corner

The Compliance team regularly receives inquiries from councils and clarifies compliance issues. The following are some topics that have crossed the desk in the last year that may be useful to share with all 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.

Eligibility for an acting principal member allowance

An acting principal member allowance is payable either:

- when the deputy principal member fulfils the role of the principal member when the principal member is absent or on leave; or
- if the deputy principal member is unavailable and if council resolves to appoint an elected member as acting principal member to fulfil the role for the period that a principal member is absent or on leave.

The acting principal member allowance can be paid for no more than 90 days in a financial year, including weekends and public holidays. A member can hold the position of acting principal member for longer but the allowance reverts to the usual rate for that member. While a member is acting as the principal member, the extra meeting and base allowances are suspended, but the member is still entitled to their usual electoral allowance.

To calculate allowances for an acting principal member, where a person acts as a principal member at a meeting or event on a particular day, this may be considered a full day for the purposes of calculating the daily rate of an acting principal member.

Allowances must be paid in arrears with the timing of payments to be determined by councils. If a council pays an allowance monthly in arrears then that month may be paid on a pro rata basis according to the number of days any member acts as the principal member and the days they revert to their normal rate.

Elected member briefing sessions

The CEO is responsible under the Act for providing elected members with the information and advice they reasonably require to carry out their functions. Beyond the need for regular council meetings, the Act does not stipulate how information is exchanged. Councils may make policies on this process. These policies should ensure all elected members have the same access to information and include protocols for requesting information from the CEO and for holding elected member briefing sessions.

Holding elected member briefing sessions that are not open to the public is a legitimate activity, so long as they are held for the sole purpose of assisting elected members become better informed about matters before them.

The process of decision-making, including any discussions related to decision-making, must be made in public council meetings. The council risks breaching the requirements of the Act in relation to operating in a transparent manner, if it is seen to be rubber-stamping decisions made outside of a meeting.

Credit card policies

The lack of a credit card policy enhances the risk that unauthorised credit card use may go undetected by council and reflects poor internal controls and a lack of accountability over the use of public funds.

Before issuing any credit cards to council officers, councils must have either a standalone credit card policy or have in place detailed provisions on credit card use in related policies. Policies should cover the issuing of credit cards, credit limits, conditions of use, cardholder's responsibilities, prohibition of any personal expenditure, credit card reconciliation procedures, cancellation of credit cards and procedures for replacing lost, stolen and damaged cards.

If an elected member is issued with a credit card, then the terms and conditions of issue and use must be stated either in a standalone credit card policy or in related policies which are formally agreed to by elected members. All cardholders should sign a document to confirm they will abide by the conditions of issue and use.

Tender review and acceptance

Even if a council has delegated the power to open and consider tenders to a committee of council staff, that committee must provide a report at the next council meeting on the tenders received and the outcomes of the tender committee's deliberations.

Even if the report is considered in the confidential section of a council meeting, the award of the tender should be noted in the public minutes of the meeting. The award of a tender is not considered confidential information within the meaning of Regulation 8 in the *Local Government (Administration) Regulations*, because there is a requirement to publish the award of a tender on a council's website.

Principal member correspondence 'on behalf of' council

The principal member of council will often author correspondence on behalf of council. A principal member should ensure their correspondence on behalf of council relates to an authorised council position on a matter or to authorised council activities.

A principal member has no powers to make decisions for council outside of council meetings and should ensure that any correspondence authored on behalf of council does not include views, decisions or opinions that are not authorised by council.

That correspondence must be recorded as an official record of council.

Local government stakeholder newsletter

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

