



Local Government's Stakeholder Newsletter

Edition 1 | June 2021

What's new in 2021

Welcome to the first edition of the Local Government Newsletter for 2021. As raised at the recent LGANT forum, these bi-monthly newsletters have had a bit of a hiatus from 2020. Their aim is to provide the sector with regular updates on local government legislation, policy, governance, and other sector-wide matters. We welcome your feedback and any suggestions for future content.

The *Local Government Act 2019* will be commencing on 1 July 2021. Through our Darwin-based and regional teams, Chief Minister and Cabinet continues to work with councils to support a smooth transition to the new legislation. The last batch of sample policies and explanatory papers were sent out in May. We appreciate councils' patience while this last batch has been finalised to reflect, where necessary, changes to other related legislation that has occurred since the *Local Government Act 2019* was passed, as well as suggestions for further policy development.

We will offer a video-linked Q&A session for all councils in early June to provide the opportunity for any last-minute questions about the policies, registers or preparing for the new Act.

The Local Government Amendment Bill 2021 passed on 13 May and makes important changes to the Act, including "on the day" voting, which is consistent with the NT General Elections and supports voter participation. In addition, these amendments provide a simplified donation and loan disclosure scheme for candidates, based on feedback from the sector, so that only candidates who receive reportable donations and loans will be required to complete a return.

The Local Government Elections are around the corner and CM&C has partnered with LGANT and NTEC to develop information and resources, and support councils to promote the election, inform potential candidates and encourage people to enrol and vote. Our regional teams are working with councils and engaging with remote communities.

I encourage you to read more about these topics in the articles below.

Since our last newsletter, we have farewelled Lee Williams, Senior Director Legislation and Policy, who made an enormous contribution to the local government sector over the past 12 years. In her place we have welcomed Brad Jolly, who comes to us from WA and has worked in senior leadership roles across WA Government portfolios.

Maree De Lacey
Executive Director
Local Government and Regional Development

Local Government Act 2019

Update on the Act

The *Local Government Act 2019* (other than Part 8.6) will come into effect on **1 July 2021**. Part 8.6 of the Act, which relates to donation disclosure requirements, will start from **1 July 2022**.



Our priority is to support councils to comply with the legislation. For the first year of operation under the new legislation no routine compliance reviews are planned to be conducted. Councils and local government subsidiaries are expected to make every effort to comply with the new legislation, and we encourage you to talk to our Legislation and Policy team early if you have any questions or issues in that regard.

In 2021-22 the compliance team will continue to monitor compliance and work with council and local government subsidiary staff. Scheduled routine compliance reviews are expected to recommence in 2022-23.

Regulation and Guidelines

The new Regulations and Guidelines will commence at the same time as the Act on **1 July 2021**. Councils will be given 12 months to transition to any new policies and registers contained in the Regulations. Councils will also be given time to transition to the new form of the budget and annual financial statement contained in *Guideline 5: Budgets* and *Guideline 6: Annual financial statements*. The Regulations and Guidelines are in the process of being finalised and will be provided to councils in the coming weeks.

Support documents

The Department has provided over 40 sample policies, sample registers and explanatory papers to support councils to transition to the new Act and Regulations ahead of **1 July 2021**. The final batch of support documents, including sample policies and explanatory papers, were provided to councils in May 2021. Once these support documents have been provided, the Legislation and Policy team will offer a Q&A forum in early June to give councils the chance to ask questions about policies, registers or preparing for the new Act. This forum will be targeted to CEOs or their delegates and governance staff.

Local Government Amendment Bill 2021

The Local Government Amendment Bill 2021 passed in the Legislative Assembly on the 13 May 2021 and became a proposed law. These amendments provide for two important changes in relation to “on the day” voting and simplifying donation and loan disclosure requirements for local government candidates. These changes create greater consistency between local government elections and NT general elections.



In the coming weeks, when the amendments are assented to by the Administrator, an updated version of the *Local Government Act 2019* will be emailed to all councils.

“On the day” voting

One of the key amendments to the Act includes provision for “on the day” voting that will apply for the upcoming August 2021 local government elections. “On the day” voting allows people to vote if

they are not enrolled at the time of voting, but are otherwise entitled to be enrolled. “On the day” voting was available for the first time in the Territory during the August 2020 NT General Election and was successfully used as a savings provision, in support of public campaigns to promote enrolment such as *Your Voice, Your Community*.

Simplifying donation and loan disclosure

The amendments include a simplified donation and loan disclosure scheme for candidates, in response to feedback from the sector. As part of these changes only candidates who receive reportable donations and loans will be required to complete a return.

It is important to note that these requirements (Part 8.6 of the Act) have been deferred for 12 months and will not apply to the August 2021 elections so that candidates have sufficient time to understand the new changes. These disclosure requirements will apply to elections held from **1 July 2022**. A comprehensive information campaign will be undertaken from 2022 to assist future candidates to understand their obligations.

Local Government Elections 2021 update

The Department is partnering with LGANT and NTEC to provide resources and information to the sector and to regional teams for remote electoral engagement work. LGANT is currently finalising communication materials to support the Local Government Elections.

In addition, NTEC has been working with councils to develop service level agreements for councils in the running of the upcoming elections.

More information on the key dates for the Local Government Election can be found on the NTEC website.

[2021 Local Government Elections | NTEC](#)



Learning and training for councils

Updates on mandatory training and ongoing professional development

The Department has engaged with key stakeholders in the local government sector, including representatives from councils, LGANT, ICAC and Industry Skills Advisory Council NT to establish the Local Government Training and Learning Steering Committee. The Committee will establish a four year strategy for continuous learning and development, including settling a framework for mandatory elected member training. It is anticipated the strategy will be in place by end of 2021, following feedback from the sector. A key component of the strategy is the

mandatory training package which will be in place over the first year following the August 2021 elections. Information about this package will be provided to the sector for input and advice prior to its finalisation.



Regional Support

In September 2020, the Chief Minister announced his new ministry and the Machinery of Government changes to achieve the government's priorities over this next term. As part of these changes, the regional staff of the Local Government and Community Development division merged into the Regional Network Group team for each region. The Regional Network Group led by the Regional Executive Directors will continue to provide support to councils on region-specific matters, regional interagency collaboration and engagement. This includes working with councils in their regions to support their transition to new legislation.



The Darwin-based Local Government and Regional Development team will continue to work with councils and provide support, advice and guidance on all local government matters, including those that apply across councils. This includes providing guidance on local government legislation and policy, advice on governance and compliance, and Territory-wide grant matters and projects. All matters brought to either team will be dealt with collaboratively. If you are unsure who to contact, either the Darwin office or the regional office can guide you.

Regional Executive Director contacts

To contact the Regional Network Group, visit the [Local Decision Making](#) page.

Compliance Reminders

The following are some compliance reminders on current and upcoming requirements:

Draft Plan

Councils must make their 2021-22 draft plan publicly available for at least 21 days on the council's website, in councils' offices and advertise the availability in the newspaper circulating in the council's area. While the draft plan is publicly available, the Council must invite submissions from the public on its draft plan as required by section 24(2) of the *Local Government Act 2008* (the 2008 Act).

Annual Plan

The content requirements for the 2021-22 annual plan are set out in section 23 of the 2008 Act. This includes a budget and long-term financial plan.

Long-term financial plan

The content requirements for the 2021-22 annual plan's long-term financial plan are set out in section 126 of the 2008 Act.

Budget

The requirements for councils' 2021-22 annual plan's budget are set out in section 127 of the 2008



Act. In preparing the 2021-22 budget, the CEO must review council's records on rateable land and certify in writing to the Council that the assessment record is a comprehensive record of all rateable land in the council area before the Council adopts its 2021-22 budget as required by regulation 24(1) of the *Local Government (Accounting) Regulations 2008*.

Council member allowances

The table of maximum amount payable for the different categories of council member allowances for 2021-22 is available on the Department's [Local Government Legislation](#) webpage.

Public consultation submissions

After considering the public consultation submissions, the Council must make clear and distinct resolutions to:

- Declare the 2021-22 rates – *Local Government Act 2008* (section 155(1))
- Adopt the final 2021-22 Council plan – *Local Government Act 2008* (section 24(1))
- Adopt the final 2021-22 Council budget – *Local Government Act 2008* (section 128(1))

After declaring the 2021-22 rates and adopting the 2021-22 budget, the Council must publish the rates declaration within 21 days (section 158) and publish a notice informing the public about where to obtain a copy of the budget (section 128(3)) in the newspaper circulating in the council area and on council's website.

For the 2022-23 financial year the requirements of the new *Local Government Act 2019*, Regulations and Guidelines will apply.



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 localgovernment.CMC@nt.gov.au

<https://cmc.nt.gov.au>