

Strengthening Local Government in Communities

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Contents

1. Why are we doing a review?	4
2. How did we go about it?	4
3. How will we implement agreed changes?	5
4. Principles	6
4.1. Flexible governance.....	6
4.2. Community-centred, place based engagement.....	6
4.3. Empowerment.....	6
4.4. Outcomes-focused.....	6
4.5. Accountability.....	6
5. Moving forward – what can we do better and what do we need to change?	7
5.1. Role of Local Authorities.....	7
5.1.1. Issues.....	7
5.1.2. Recommendations.....	9
5.1.3. Actions.....	9
5.1.4. Examples of good practice/options for change.....	10
5.2. Membership and Participation.....	10
5.2.1. Issues.....	10
5.2.2. Recommendations.....	11
5.2.3. Actions.....	11
5.2.4. Examples of good practice/options for change.....	12
5.3. Development and Support.....	12
5.3.1. Issues.....	12
5.3.2. Recommendations.....	13
5.3.3. Actions.....	13
5.3.4. Examples of good practice/options for change.....	13
5.4. Communications/Community engagement.....	14
5.4.1. Issues.....	14
5.4.2. Recommendations.....	14
5.4.3. Actions.....	14
5.4.4. Examples of good practice/options for change.....	15
5.5. Empowerment (including LAPF)/Decision-Making.....	16
5.5.1. Issues.....	16
5.5.2. Recommendations.....	18
5.5.3. Actions.....	18
Examples of good practice/options for change.....	19
5.6. Meetings.....	19
5.6.1. Issues.....	19

5.6.2. Recommendations.....	20
5.6.3. Actions.....	20
5.6.4. Example of good practice/options for change	20
Attachment 1 - Terms of Reference	22
Local Authority Review Implementation Reference Group.....	22
Role	22
Background	22
Objective	22
Term and Meetings	23
Representational Membership	23
Responsibilities.....	23
Attachment 2 - LA Locations and List	25
Schedule of Local Authorities	26
Attachment 3 - Logic model	27

1. Why are we doing a review?

History and context

Local authorities (LAs) were established in 2014 under section 53B of the former *Local Government Act 2008* (NT) (the 2008 Act). The LAs were a response to concerns that the transition from the former community government councils to regional councils in 2008 led to a loss of communities' voices in the planning and delivery of council programs and services in their community.

The inclusion of LAs in the structure of the nine regional councils is intended to ensure communities have a say in their regional councils' planning, prioritisation, funding and delivery of both services and infrastructure for their community; and also the provision of information and feedback to communities about the councils' decisions and activities in that community. LAs are especially significant because of the tyranny of distance, different cultural contexts, and the difficulty of servicing and providing and maintaining infrastructure in remote areas. The ultimate goal is effective, responsive council services and strong representation and advocacy for remote communities.

The *Local Government Act 2019* (the 2019 Act), introduced in 2021, strengthened the role of LAs. Adapting and implementing this change has taken various forms and also confronted the challenge of COVID 19 restrictions and concerns. Some LAs have met regularly and are functioning well, others have not and are unclear about their role or feel hampered by process that doesn't meet their purpose. Many have not utilised the full extent of grant funding designed to advance their communities. Councils have reported struggling to support their LAs, and with the administrative, reporting and regulatory requirements.

This report is intended to guide the implementation of changes and actions that will further strengthen LAs, their contribution to their communities and to the role of the Regional Council.

Consultations, feedback, and input from Councils, LAs, and the Implementation Reference Group in the development of this report highlighted the diversity of councils and LAs and their aspirations. It was clear that no one size would fit all. Community-centred, place-based engagement became one of our guiding principles. This report, therefore provides both a plan of action to carry out the recommendations we have received on strengthening the role of LAs and also ensures there is flexibility in the regulatory framework and in practices on the ground to enable councils and LAs to consider different ways of working that are responsive to their communities.

2. How did we go about it?

In 2021, before the commencement of the 2019 Act, the Department of the Chief Minister and Cabinet (CM&C) started a desktop review (Review 1) of how well regional councils and LAs were meeting the intent of the 2008 Act and the associated Local Authority Guideline. The aim of Review 1 was to identify good practice across the NT as well as areas that could be further strengthened, and to determine what actions could be considered to better support the delivery of the intent of LAs given their expanded roles under the 2019 Act. Review 1 focused on the 66 LAs established across the Northern Territory for the period 1 July 2019 to 30 June 2020.

Review 1 was informed by regional councils' websites, information held and observations made by CM&C, and feedback and insights provided by regional councils. The findings and draft recommendations were provided to councils and other stakeholders in early 2022 for comment.

The Review 1 report acknowledged limitations associated with any desktop process. However, it provided a platform for more discussion with councils, LA members and others. The revised report was circulated in March 2022 for feedback in April 2022. We received a lot of great input, including through subsequent discussions with CEOs, elected members and LA members, and our colleagues in NT Government.

The next draft review report circulated in October 2022 was principles-based, recognising that the diversity of LAs, councils and communities and the need to allow flexibility in how they operate. It focused on the core role of LAs, and aimed to identify requirements that might detract from councils' and LAs' ability to carry out that core role. It also signalled a greater flexibility for those LAs and councils, who with their communities, want their LA to have a broader focus. Feedback was requested by January 2023.

In the meantime, the Local Authority Review Implementation Reference Group was formed from nominated representatives from Councils and LAs and the Local Government Association of the Northern Territory (LGANT) to advise on and support the development of this reform plan. The Reference Group first met in January 2023 to provide input and feedback and to consider the wealth of information provided in response to the October 2022 review report. The subsequent meetings of the Group have informed this report.

3. How will we implement agreed changes?

The LA Review is intended to focus on improvements to practice, process and support for LAs to enable them to fulfil their important community engagement role and to assist them, where agreed, to take on some delegated decision-making from their council. The focus will be on enabling community benefit, responding to community circumstances, and streamlining and tailoring regulatory requirements.

LAs, Councils, LGANT and CM&C all acknowledge that more can be done to develop the LA role. All parties are committed to concrete actions, individually and together, to improve the effectiveness of LAs.

LAs will consider how to improve community engagement and consultation; involve their community in developing priorities and identifying needs, and clarify their role. LAs who struggle to get quorum and have meetings will work on increasing participation. LAs will outline expectations about the support and information they need from their council and how they work together, acknowledging that councils have limited resources.

Regional councils will provide the environment for LAs to thrive, recognising their independence and their distinct role. The work of the LA will be supported in a way that is accessible and relevant. Joint planning will be undertaken, priorities identified and timely feedback provided on all LA initiatives.

The Local Government Unit (LGU) will review guidelines and current requirements to ensure they are responsive and outcome focused. We will also support councils and LAs to implement changes they wish to make to better support the LA role and make it more relevant and accessible to their communities. LGU will share different ways of working to help LAs adopt processes which work best for them. We will develop a set of indicators or measures in agreement with councils and LAs to check how things are working and make sure they are on track and reconvene the LA Review Implementation Reference Group at the end of the 2023/24 financial year to check in on progress.

LGANT will provide leadership to and support for regional councils and LAs, including training, resource provision, mentoring and networking. Best practice in LAs will be shared and LGANT will support the resolution of issues that impact the functioning of LAs. LGANT will advocate for the role of LAs to ensure they are recognised and respected.

The changes can start now but some will take a little longer. We expect the main changes to be in place during the 2023/24 financial year.

4. Principles

The following principles have been developed to guide the way in which LGU, regional councils and LAs will support the effective integration and involvement of communities in the system of local government, as intended in the 2019 Act. They govern the relationships between the LGU, the Regional Councils and the LAs and also the engagement local government has with other organisations that are involved in the communities where they work. The principles define our approach to regulation and governance for the benefit of the community.

4.1. Flexible governance

All LAs have a core role and responsibility: to enable their community to have a say in their regional councils' planning, prioritisation, budgeting, and service delivery for their community; and to support the provision of regular feedback to their communities about council activities and the achievement of LA priorities. They are also key in allowing local communities a voice in the formulation of policies for the community, the area and the region to promote social, economic, environmental and cultural wellbeing.

Councils and their LAs, with their communities, will determine how they deliver the role so it is adaptable to different locations, community aspirations, and capacity. LGU will facilitate the sharing of examples of good practice from LAs across the NT.

4.2. Community-centred, place based engagement

The way the council and LA engage with each other and the community is place-based and adapts to local needs, languages, time frames and cultural protocols to encourage community involvement.

4.3. Empowerment

LAs should have authority to effectively carry out their core role as intended in the Act. LAs may also seek a delegation of decision-making powers from their council.

4.4. Outcomes-focused

LAs (and communities) can see that their recommendations to the council, based on community engagement, are being acted on; where this is not the case, they are informed of the reason.

4.5. Accountability

LAs and their councils continue to demonstrate high standards in governance and the use of public resources.

5. Moving forward – what can we do better and what do we need to change?

5.1. Role of Local Authorities

5.1.1. Issues

“What is a LA? Are we there to make decisions? Are we there to advocate? Do we have power? Do we control the money? Do we work together with other organisations?”

The Review has identified that there is some confusion about the role of the LAs from some communities, the LA members, stakeholders, councils and government agencies.

Community government councils prior to 2008 had an identity and clear role, usually being the reference and consultation point for local matters, local employment, local servicing and infrastructure. Funding was from a diverse range of sources with significant underwriting by CDEP. Many of the services provided by community government councils, like homelands servicing, housing management and infrastructure may now be delivered by other organisations.

The local government amalgamations came at a time of other significant changes such as the NT “intervention” and the withdrawal of CDEP. There were many good reasons for the changes to local government. Systemic changes often take a while to bed in but some communities report that this felt like everything was being thrown up in the air at once. All that was familiar became different and concerns still persist around a taking away of community control and influence.

LAs were established in 2014 in response to these concerns to ensure Regional Councils involve LAs in regional planning, budgeting and prioritising, and to provide specific funding for local priorities. While LAs were not intended to replace community government councils they have an important role in ensuring communities feel connected and represented.

Definition of a changed role

LAs are primarily community engagement and advisory bodies to council. Their object is “to achieve effective integration and involvement of local communities in the system of local government as it relates to regions.”¹

The 2019 Act at section 78 outlines the functions of a local authority:

- a) to involve local communities more closely in issues related to local government; and
- b) to ensure that local communities are given an opportunity to express their opinions on questions affecting local government; and
- c) to allow local communities a voice in the formulation of policies for the locality as well as policies for the area and the region; and
- d) to take the views of local communities back to the council and act as advocates on their behalf; and
- e) to contribute to the development of the relevant regional plan; and
- f) to make recommendations to the council in relation to:

¹ S.75 Local Government Act 2019

- (i) the council's budget; and
- (ii) the part of the council's area within which the local authority performs its functions; and
- g) to endorse the cemetery plan and cemetery policies for each public cemetery and community cemetery located within the authority's area; and
- h) to perform other functions assigned to authority by the Minister, in accordance with any guidelines that the Minister may make.

Respect and inform

Where once community government councils were the co-ordination and information point, engagement with some LAs seems to have fallen away. While some LAs are well-established and the knowledge base for their community, others have struggled. One CEO spoke of being poor cousins in communities now because of the emergence of other organisations and programs, and the prevalence of land tenure issues.

The level of remuneration for LA members was also raised regularly throughout the review and the increase in LA members' allowances from 1 July 2023 will help promote the recognition of the important role of LA members.

The fundamental role of LAs is to engage with their community. If they are not able to advocate on behalf of their community, or are not listened to, then the views of the community have nowhere to go.

We have heard that some councils and LAs want government departments and other organisations to attend LA meetings to provide updates or consult and seek endorsement about issues and services in the community. In some instances, community decisions are being made by councils or government agencies without involving all the relevant organisations in community, including LAs.

Some LAs want to focus on council matters.

Some LAs, with their council's support, want to consider broader matters than council business, acting as a forum and conduit for community engagement in matters including local, Territory and Commonwealth government priorities. For example, some communities would like to see a single body coordinating community input into local government and NT Government (or broader) planning, services and prioritisation.

Even where the focus is primarily on council matters, it is important that the LA has information about other activities by NT Government and other agencies in their community for context and in order to better plan and co-ordinate services. The LA should have up to date information from NT Government agencies about activities in that community. This can take the form of an update from CM&C, coordinating input from all agencies operating in the community. This helps to ensure coordination of effort and funding across priorities, avoid duplication, and get better community outcomes. It allows LAs to be informed, and to inform their communities.

Coordination across agencies in some communities is fractured and inconsistent. Planning is disjointed and duplication/overlap of services is common. The LA could be the connection and information point for the community linking services and people.

What's in a name?

The name Local Authority could be misleading. LAs are primarily advisory bodies. "Authority" may imply being at the top of a hierarchy of power or may suggest traditional/cultural authority. A name change may better represent what LAs do and how they fit.

5.1.2. Recommendations

1. Promote and educate on the role of the LA to ensure greater recognition and celebration of the strengths of the LA model.
2. Connect up governance and coordinate infrastructure and service provision.
3. Consider ways to clarify role.

5.1.3. Actions

1. The LGU will work with the Regional Councils to develop and deliver resources and training around the role of the LA and councils and roles and responsibilities of LA members.
2. LAs working with the council, will promote what they do and how the community can be involved in each community.
3. The LGU will work with Territory Regional Growth (the regional offices of CM&C) to ensure LAs have NT agency service updates at their meetings. These updates should be specific to the community.
4. CM&C to coordinate updates from all agencies on priority activities to provide to LAs through the Regional Development Framework, with direct engagement with specific NT Government and Australian Government (AG) Agencies on particular matters.
5. LAs, through their regional council, to give advice on their preference for the attendance of an NT Government representative at LA meetings to provide NT Government updates.
6. LAs and councils in each region to determine whether they want to focus on the core role of local government, or a broader focus, and how that would work in each location.
7. The LGU will work with councils and LGANT to promote the role of LAs with NT and AG government agencies and promote consultation and consistency in the approach to servicing and infrastructure development. The adoption of the Cross-Government Principles between NT Government and Local Government would provide encouragement to work together and to monitor co-ordination.
8. NT Government will support the sharing of good examples where LA's role is strengthened.
9. Changing the name of LAs to be tested by way of a survey of all LAs to determine the name that best describes and communicates the role of LAs. If supported it would either require a change to the 2019 Act or alternatively leave Local Authorities as the overarching name in the Act and encourage LAs to adopt names that will resonate with their communities.

The Housing Reference Group in East Arnhem is inclusive and involves all the agencies and organisations working in community including the LAs. It is an example of recognising that support from all community organisations is needed where there are overarching issues and that sticking to a defined role will not always get things done. It works across all housing and infrastructure providers to prioritise action in the case of the worst overcrowding or the highest need regardless of who is responsible.

5.1.4. Examples of good practice/options for change

1. Delegated authority – A council may delegate some of its powers and functions to a Local Authority.² This means that the LA acts as decision-maker for the functions and powers that are delegated. For example, a council can delegate to the LA that they decide on the projects to be funded by Local Area Project Funding (LAPF), not just recommend to council. LAs may want to raise this with their Council. Council and the LGU can provide information on what is involved in the delegation of responsibilities.
2. Broader role – some LAs have indicated they are already taking or wish to take a bigger role; joining up the various organisations working in the community, sharing ideas and plans and working together to identify common priorities, or taking the lead themselves for a broader range of community matters. In considering a broader role it is important that the LA does not duplicate services or roles already being performed by other organisations in the community and works with other stakeholders and the community in getting agreement on how this will work. Any changes should be mindful of council resources and may require a partnership approach to enable an expanded role to be supported. This could take the form of a couple of big meetings each year to set priorities with the community and decide who does what; or combining LA meetings with others in the community, or inviting other stakeholders in the community to have a regular place on the LA meeting agenda.
3. Reaching out to other organisations – many of the councils and LAs have regular meetings with land councils and other organisations in their communities to share information and explore ways of working together. These could consist of a couple of big meetings each year to set priorities.
4. Some LAs have a representative from the CM&C regional office's attending meetings to provide information about NT Government and Commonwealth services and plans, and answer questions from the community or LA. This means LAs have information about local, NT and Commonwealth services, and LAs can plan and prioritise with full information. Another option is that CM&C provide a written update to each meeting on NT Government and Commonwealth activity in the community that can be shared with community members.

5.2. Membership and Participation

5.2.1. Issues

Nominations

Nominations should come from the ground up with LAs and the community making recommendations to council and the council endorsing recommendations. The criteria for nominations should be clear and generated at community level.

"We try to have a good balance on our LA. If a woman resigns and we have not got many women members we will try and replace that person with another woman."

There are challenges in getting nominations from members at the right level or from people with cultural authority. The Traditional Owners may not recognise members or not support the LA resolutions.

A number of LAs raised the problem of delays in endorsing mid-term membership. A local authority might nominate someone to fill a vacancy but it needs to go to council for decision and then the nominee does not become an LA member until the next meeting. This process might involve a delay of many months.

² S. 40 of the *Local Government Act 2019*

Representation

“We want our young people involved, we want to build them up and we can also learn from them”

One of the strongest recommendations to come out of the review process was to involve young people in LAs and develop future leaders. There was a range of views as to how this would be achieved in different communities.

Representation of other key groups and decision makers in the community was also raised. In particular, some LAs suggested specific positions for women, Traditional Owners, and Land Councils.

Participation

In addition to the involvement of the groups mentioned above, LAs and councils were interested in ensuring the participation of other organisations working in the community so that there could be better co-ordination and information flow and greater co-operative working. This might be via standing agenda items or observer status for representatives of those groups.

A further change that is widely supported is the introduction of proxy membership, which would facilitate quorate meetings, broaden the number of community members involved in the LA, ensure the right person comes to the meeting, and could act as a training ground/introduction for new members.

5.2.2. Recommendations

1. Nominations should be from the ground up and the nomination process simplified so that LAs can get members on board efficiently.
2. LAs to consider ways to broaden their representation to acknowledge the diversity of interests and stakeholders in the community and respect the role of cultural governance.

5.2.3. Actions

1. LGU to revise Guideline 1 to support membership and participation:
 - a) to emphasise the role of LAs and the community in nominating LA members.
 - b) to enable early involvement of nominees as provisional members who are subsequently endorsed by council.
 - c) to clarify that LAs may recommend positions to be earmarked for representation of specific groups or that categories of membership are established.
 - d) Remove paragraph 9.2 which disallows proxy membership.
2. LAs and Councils to consider if they will allow proxy membership. If proxy membership is allowed the council secretariat will provide a briefing including:
 - a) Minutes from previous meeting
 - b) Current agenda items for decision
 - c) A briefing on LA structure, expectations and obligations
3. LGU to work with councils to provide information on revised remuneration rates for LA members. Councils are seeking support from NT Government in relation to the increased unbudgeted costs that this involves.

4. LAs to encourage nominations to council and promote the role within different groups in their community.
5. Councils to support the nomination process with information and resources.

5.2.4. Examples of good practice/options for change

1. Involvement of young people in council and community business. Some LAs suggested a specific position or positions be set aside, others favoured a Youth Board or Forum. LAs were keen to engage with schools on the role of the LA and Council and to ensure young people felt welcome to attend meetings.
2. Greater involvement of women – this may be by specific representation or seeking input from women’s groups.
3. LAs to work with councils to determine how to involve other stakeholders (if not already members) such as Traditional Owners, Land Councils, outstation residents, community organisations and Clans in the LA to facilitate coordination and outcomes for the community.
4. LAs to have a standard resolution that calls for nominations whenever a vacancy occurs. EARC use this to overcome the major delays that occur with calling for nominations, the closing of the nomination box and then tabling at the next LA meeting for consideration, as that can be missed,

A Maningrida LA member is working with the women’s cultural group in the community to get more women involved and nominating for the LA through developing the group’s understanding of what the LA does and how they can be involved.

5.3. Development and Support

5.3.1. Issues

LA members are community members and are representative of their community. They may hold roles in other organisations or they may have never performed a governance role before. There are a lot of expectations on them from the community and the council and the requirements of local government are detailed and specific to the sector.

The LAs are required to meet a minimum of four times a year but coordination and resource demands on the council means there are few LAs that meet more than the minimum requirement. There is little time available for learning in the role. Papers and processes can be complex.

The LAs and Councils have also indicated strong support for the involvement of young people and emerging leaders and a greater understanding from the community for the role in order to ensure a pipeline from which to draw nominees.

Council resources are split in many ways and they are not always able to provide the dedicated support the group and individual members may need to appropriately equip them to perform their role well. Local staff are vital to the support of LAs but they are difficult to recruit and there is a high turnover. It often takes some time for LA members to build trust to use them as a resource.

LAs have identified the following specific support, development and training needs:

- Role of the Chair

- Meeting procedures and improving the quality and decisions in meetings
- Role and purpose of LAs
- Code of conduct
- Conflict of interest
- Finances
- Planning and priorities
- Community engagement

5.3.2. Recommendations

1. Appropriate information and resources about the role of the LAs is needed.
2. Induction, support and training should be provided to LA members to assist them in performing their role.

5.3.3. Actions

1. Councils, working with the LGU, will deliver inductions when a new LA is formed or a number of new members join, and provide support to new members to understand their role
2. The LGU will continue to develop materials and resources for LAs and work with governance officers to provide accessible support and training to LAs.
3. The LGU, in partnership with the Aboriginal Governance and Management Program (AGMP), have and will schedule training for the LA Chairs and Deputy Chairs focusing on the Role of the Chair and decision making.
4. The LGU and AGMP have and will conduct workshops for council governance officers and managers on supporting council and LA governance and accessible communications and information.

5.3.4. Examples of good practice/options for change

1. Council members could act as mentors to the LA members, cascading training and supporting the community engagement role. For example; the Mayor of Victoria Daly Regional Council recently delivered training modules in language to the Amanbidji LA.
2. LGU/Councils commit to the sharing of good practice across LAs.

5.4. Communications/Community engagement

5.4.1. Issues

Talking with community

Communication is at the heart of making the community proud and valuing their LA, LAs being able to make a difference, and councils making good decisions for communities.

We heard communities complain about not having information about services and infrastructure in their community and not understanding how priorities for funding is determined and where they are spent.

Community members do not always distinguish between different governments. It is often all government to them and when something goes wrong they often complain to the people who represent government in their community, the LA members. It is clear that more work needs to be done to clarify the role of LAs, however council and LA members have also expressed a willingness to join up those working in community in order to avoid duplication, mitigate delays in community projects and deliver better outcomes.

The message we are repeatedly hearing is that communication has to be from the ground up, that for things to work in community and for community needs to be addressed then we have to listen and understand what the community is saying. Communications have to be relevant and are often competing with lots of other messages. Getting people's attention can be a challenge.

Communications between council and LA

There is often a lot of business on the LA meeting agenda and a lot of papers. Not all of the papers may be relevant to the LA's priorities or focus. Things may be rushed or meetings go on too long. Some LAs are concerned that they are not getting feedback about their projects or that council staff or councillors take over their meetings and it is hard to know how to raise issues.

Councils can tailor information to provide clear messaging for the LAs they are working with, to provide the support and information needed for good decision making and effective meetings. LAs should in turn be asking for information to be presented in a way they can understand and so that they can explain issues to the community and get their feedback.

5.4.2. Recommendations

1. Increase involvement of the community in LA/council business.
2. Utilise different ways and media for getting the message across.
3. Provide regular feedback. Share successes and provide information on where things are up to, as well as explaining where things have gone wrong.

5.4.3. Actions

1. Community engagement by NT Government is supported by best practice in the Remote Engagement and Coordination Strategy, <https://bushready.nt.gov.au/>.
2. Regional councils to support their LAs to host at least one community-based event each year to support community input into LA priorities and council planning.
3. The LA to determine how and where LA and community meetings will be held to break down barriers that procedural requirements and closed meeting room doors may have created. This might involve having informal sessions between meetings.

4. LAs and their councils to decide the nature and format of reports and information to be provided by council.
5. LAs and their councils will decide how the feedback about priorities is given to the LA and community in a timely way outside of meeting times; such as through the Council Community Based Manager, local council member, LA chair, radio or notice boards.
6. Councils to review how they present information to LAs and share best practice from other LAs across the NT and/or develop templates and guidance for staff.
7. All council staff to undertake cross-cultural training. This is very important and the role is often supported by mentors in communities or councillors and LA members providing induction assistance.
8. Council and LAs to use different channels of communication to get messages across: social media, notice boards at council office and store, radio, videos on screens at the store, council offices, the club, public address systems, announcements at footy matches and community events. (e.g. LGU or LGANT to develop short videos and posters).

5.4.4. Examples of good practice/options for change

1. Community plans, a roadmap for LA projects and services, are developed for each area and feed into regional plan.

"We have community plans on a standing agenda so that it is updated and treated as a living document."

2. The LA could provide an update to community each time a project is recommended to council. Pirlangimpi Local Authority holds community meetings in between council meetings to provide feedback to the community and get information from the community.
3. LA members attend council regional planning sessions so that they can see the bigger picture and explain it to the community.
4. LAs and Councils to conduct community surveys to find out what is really important for the community.

5.5. Empowerment (including LAMPF)/Decision-Making

5.5.1. Issues

Flexibility

“We are going back and forth trying to find out who is responsible? Who can make the change? Is it us? Who do we need to work with to make it happen?”

Local Government business intersects with other services and infrastructure where outcomes are often related to underlying social determinants (housing, health, education) or require co-ordination and partnership. The imposition of hard boundaries and strict rules may stand in the way of getting things done and stifle innovation.

“A LA priority for one community was the building of a basketball court. It is a relatively small project but got delayed because it crossed the boundary with an outstation community. It is going to provide benefits to both but a line drawn on a map got in the way of getting things done.”

While the current LAMPF guidelines require LA projects to be delivered in the LA’s area, they can be delivered on land that is not owned by the council, but the council needs to consider risks in doing so. For example, some LAs deliver projects on homelands, where the homeland service provider is the council.

The overwhelming feedback from the Local Government Sector is that they want to work with other organisations in their community, to provide a coordination point to deliver more efficient and effective outcomes. In order to do so, some flexibility is required in relation to what “local government business” is and how resources are applied to better enable LAs to play a role.

The 2019 Act sets out the principles for agile, responsive government at the community level, providing that local government:

- (i) Need to be flexible and adaptable to the diverse interests and needs of the many communities within the Territory; and
- (ii) Needs to be comprehensive, democratic, responsive to community needs and accountable both to local communities and the public generally.

The functions and role of councils are also broadly defined, allowing flexibility and responsiveness to council regions and communities.³

The Act recognises local government is a distinct and essential sphere of government, with councils democratically elected to act as representative, informed and responsible decision makers in the interests of their constituency. The LGU is committed to removing any unnecessary regulation or rules that may impede local government, including LAs, in doing the important work they are established for.

³ Part 2.3 of the *Local Government Act 2019*.

Delegation and Decision Making

LAs, as the community connectors, need to see their work in action and believe they are making a difference. They want to exercise responsibility and be clear about their area of control.

There are great advantages to decisions being made by the people closest and most affected by the issues and concerns of the community. In practice, subsidiarity ensures that communities are actively involved in designing, implementing and evaluating policies and projects. It empowers individuals, families and whole communities.

Respecting and furthering the role of LAs has been a key theme emerging from review consultations, with a number of LAs saying they were interested in delegated decision-making and wanted more information about what this involved. The Act provides for delegation to LAs and it is up to the LA and Council to define the delegation and ensure that LAs understand the requirements around exercising decision-making under the 2019 Act.

Local Authority Projects and Planning

LAPF is a valuable resource for LAs and their councils to respond to community priorities. However, some councils struggle to spend these funds in the required time frames.

Timelines (and budgets) often blow out because of issues beyond the control of councils, including tenure, planning and development approvals and water allocation, access issues in remote communities, and a deficit in available resources to complete the work. For the last two years some councils have consistently reported underspends in relation to materials and contracts for Council and LA projects because of the difficulty of acquiring materials, contractors and workers during peak COVID, and other major difficulties such as weather events.

"We try and arrange tenders for like projects in different communities at one time to attract trades."

Some LAs have a list of priorities decided at the beginning of each year. Where a priority project cannot be delivered because of issues such as section 19 leases or availability of contractors, they choose another from the list while they work on those issues. This means there are always projects able to be delivered through the LAPF, however, the value to community of larger compared to smaller projects needs to be acknowledged.

Some councils delegate decision-making about LAPF projects to the LA, and may add additional funding from Council. This reduces any delay in decision-making because projects do not need to go to the council for approval, and advice back to the next LA, a process that can take four months.

LAs want the flexibility to pool funding from multiple years to deliver larger projects, use LAPF to leverage additional funding from other sources, or to contribute or partner on community projects that may not be strictly within local government remit.

Accountability

LA members are responsible for enabling their community to have a say in regional council planning, prioritisation, budgeting and service delivery for their community and to provide regular feedback to their communities about council activities and the achievement of LA priorities. They are required to adhere to the code of conduct.

Some LAs do this very well and others are not active in the community. LAs with delegated decision powers have additional responsibilities to make good informed decisions in the best interests of the community.

Councils have expressed concern that in areas where LAs are not engaged with their community or not meeting then the community suffers and the council is held responsible.

5.5.2. Recommendations

1. Promote place-based, community controlled decision-making which is likely to yield better results for the community.
2. Regulatory requirements that may unintentionally hinder the achievement of outcomes should be reviewed.

5.5.3. Actions

1. Councils should be pro-active in considering where decisions can be delegated to LAs and how to support LAs who have delegated decision-making powers.
2. Councils to explore ways that delays in endorsing LA projects can be reduced.
3. Councils to consider priority project lists from LAs to enable resources to be switched to the next project and utilised for the community where delays hold up programmed work.
4. Priority project lists often include non-council business and may result in loss of momentum if not delivered, Councils and LAs should be clear about when they are advocating for the council and when they are able to deliver. The council and LA need to maintain strong relationships with NT Government and AG to join up and advance priorities.
5. The LGU is currently reviewing its approach to move away from rules based regulation towards principles based regulation in a way that appropriately acknowledges sector and council risk and focuses on outcomes rather than how things are done.
6. The LGU will review requirements in the LAPF guidelines which may have the effect of restricting the delegation LAPF funding decisions to LAs or inhibiting nominations to LAs.
7. The LGU will review restrictions on use of funds under the LAPF with a view to enabling greater flexibility in the use of funds where it would benefit communities, including how funding may be used over more than one year for larger community priorities
8. The LGU will investigate the timing of release of LA funds to see if it is possible to release them before the end of the second quarter. At the moment the only hold up is waiting on council acquittals confirming the project has been completed. If there are problems with acquittals, councils should approach LGU's Sustainability and Compliance team.
9. The LGU, working with councils and LAs, will develop guidance around minimum requirements to be satisfied to enable partnership projects with other organisations. (e.g. underwriting, project lead/management, acquittal and reporting, procurement rules, record maintenance, evaluation).
10. The LGU will design, with councils and LAs, a performance reporting system for LAs that focuses on outcomes
11. Council/LGU will arrange for the Code of Conduct to be translated into language on request.
12. NT Government will seek discussions with Land Councils about expediting clearance processes for some essential community services and operations.
13. Councils to consider the collection of information about the composition of their LAs to support advocacy for local government.

Examples of good practice/options for change

1. Some councils are already rolling up or contributing extra funding to LAs so that bigger and longer term projects can be delivered
2. Councils are to consider supporting LA Members to attend Council meetings to assist flow of information and understanding of council processes.
3. LAs, with their councils, to develop standards and rules for how they work.

5.6. Meetings

5.6.1. Issues

Each LA has a requirement to meet at least four times a year. This is challenging because of weather and often restricted wet season access; because LA members are often part of other organisations or have to arrange around work and other commitments; and during peak meeting time in the dry season there are many meetings competing for attention. Over the last few years COVID-19 has added to the scheduling issues.

Councils have struggled to recruit staff to support their network of LAs. The administration and organisation involved for each Council to support up to 13 LAs is significant. One Council reported producing an agenda or minutes every 1.2 working days.

Some LAs and councils are of the view that the regulatory requirements in relation to meetings are onerous and overly focused on process rather than outcomes. Some LAs have, on the other hand, decided that the current process provides a useful structure and is appropriate for them.

While it is acknowledged by all that there needs to be accountability, requirements should be proportionate and responsive to the outcome to be delivered for the community. The business of the meeting should be driven by the LA with formalities kept to a minimum while still meeting principles of good governance. Responses indicated a need for succinct, relevant and accessible information, supported by presentations by council managers.

The location of meetings has also been raised with a view to making the community feel welcome to attend; fostering a greater understanding of the role, and promoting better community engagement. LA meetings should be public unless there is a reason in specific cases. Some LAs already hold their meetings in public areas to encourage community members to attend.

LAs often struggle to get quorum, with the consequence that recommendations are delayed and further meetings need to be organised, diverting council time away from the provision of services. Greater flexibility around attendance may support more meetings going ahead.

Good meetings have good chairs. Support for the Chair will in turn assist in ensuring a responsive and relevant agenda, good accessible information at the meeting, the meeting encompassing all views and involving all members, with strong recommendations to council.

When they do meet, those LAs who do not have delegations provide recommendations to council and then have to wait for the Council decision to be fed back to the next meeting for ratification, often involving a lag of many months. In most cases recommendations are endorsed. Councils that delegate community decisions to LAs do not have this problem and recommendations can be progressed quickly.

5.6.2. Recommendations

1. Greater responsiveness to community needs in the conduct of LA meetings is required, with a focus on outcomes rather than process.
2. LAs know their communities and should determine how business is conducted, within principles of good governance. They should be able to set their own agendas and conduct their own meetings, while recognising the role of councils in managing administration, building capacity, and responding to the varying levels of experience of members.
3. Delays in providing feedback on, and implementing, LA recommendations should be minimised.

5.6.3. Actions

1. The LGU will review LA meeting and reporting requirements with a view to removing any unintended or unnecessary requirements, while ensuring accountability for core outcomes. For example, the LGU is seeking feedback from councils and LAs on reporting requirements and the issues with the current LA reporting format but also seeking information about LAPF projects so that they can promote the good work that the LA and the Council are doing.
2. Members can attend LA meetings by phone/video as long as there is a council resolution establishing a policy for attendance in this way.⁴ Councils should consider adopting a policy to enable these ways of attending if they have not already done so.
3. Councils and LAs will develop arrangements around meetings that best suit the LAs and their communities, being mindful of the efficient use of resources and principles of good governance.
4. The LGU, working with the Aboriginal Governance and Management Program, will make training on the Role of the Chair available to all LAs and also conduct a workshop with council staff to assist them in providing support to LAs and developing resources and accessible information.
5. The LGU will work with councils on options for fast tracking some or all LA recommendations so that they receive in principle or provisional approval without the delays associated with waiting for the next Council meeting and then being returned to the LA for ratification.

5.6.4. Example of good practice/options for change

“Our council schedules LA meetings immediately before the council meeting so there is no delay. It is difficult for the council to finalise the minutes and turn everything around but we appreciate that we get almost immediate feedback.”

1. Holding public meetings inside Community Halls or other venues, where there is no need for a microphone, can be an effective way to avoid ‘megaphone diplomacy’ where people talk respectfully to and with each other.

⁴ S. 98 (3) (a) Local Government Act 2019

2. Simplified agenda example

AGENDA	
ABC Local Authority	
<i>Date time Date time </i>	
Local authority members	
Names of members	
Time	Item
Time	Welcome and apologies
Time	Declarations of conflict of interest
Time	Previous minutes
Time	Items requested by members/matters for consideration
Time	Responses from the council to matters raised at a previous local authority meeting or provisional meeting
Time	Report from the CEO (or the CEO's delegate) on current council services and projects in the local authority area
Time	Financial report for the local authority area/projects
Time	Visitor presentations
Time	General business and community questions
Time	Confidential business
Time	Close of meeting

Attachment 1 – Terms of Reference

Local Authority Review Implementation Reference Group

Role

The role of the Reference Group will be to advise on and support the development of the **Local Authority Review Implementation Plan** (the Plan).

Background

Local Authorities (LAs) were initially established as part of the regional local government structure to respond to the concerns raised by community members of a perceived loss of voice resulting from local government reform. They were included in the *Local Government Act 2008*, and their role was strengthened in the *Local Government Act 2019*.

They are an important part of the regional local government structure. Their role is to:

- support their council with two-way communication between their community and the council;
- assist their community to have input into the council's planning, prioritisation, service delivery and funding in that community;
- advocate for their community with council;
- recommend (or decide if delegated) where LA project funding should be prioritised, and
- help the council to keep communities informed about planning and services.

The Local Authority Review (the Review) conducted in two stages over 2021-22 involved a health check on how councils and local authorities were working together and facilitating feedback to and from their communities.

Objective

The Reference Group will advise the Local Government Unit (LGU) on the development of the Plan to implement the Review and subsequent consultations on what can be done to strengthen the LAs role as a voice for the community. The focus will be on enabling community benefit.

The Plan will develop actions to support the five principles:

- Flexible Governance
- Community-centred, place-based engagement
- Empowerment
- Outcomes-focused
- Accountability

In developing the Plan, the Committee will:

- Absorb feedback from the sector;
- Consider different models of operation, tailored approaches, and best practice examples;
- Suggest ways for LAs to operate to be culturally aligned with traditional governance and authority, community controlled service delivery, and Local Decision Making projects;
- Review Local Authority Project Fund funding guidelines and address barriers to utilising funding;

- Remove unnecessary administrative/procedural impediments to the functioning of LAs;
- Advise on the development of training and capacity building for the LAs and council staff;
- Develop indicators of success to guide evaluation.

Term and Meetings

It is anticipated that the Committee would operate for a fixed term commencing in January 2023 with monthly meetings until April 2023. On finalisation of the plan the Reference Group will be involved in supporting information and promotion to the regions from June to September 2023.

Representational Membership

Name	Role	Council	Area
Lynette DeSantis	Councillor	Tiwi Islands Regional Council	Milikapiti
Jeff Iversen	Councillor	Central Desert	Engawala
Anthony Petrick	Atitjere LA Chair	Central Desert	Atitjere
Shiju Thomas	Regional Manager	Central Desert	Central Desert
Leslie Manda	CEO	Central Desert	Central Desert
Tony Jack	Mayor	Roper Gulf	Borrooloola
Lapulung Dhamarrandji	President	East Arnhem	Milingimbi
Cyril Bukulatjpi	LA member	East Arnhem	Galiwinku
Lirripiya Mununggurr	LA member	East Arnhem	Yirrkala
Dale Keehne	CEO	East Arnhem	Nhulunbuy
Ralph Blyth	Councillor	West Arnhem	West Arnhem
Brooke Darmanin	Manager	West Arnhem	West Arnhem
Clem Beard	Project Manager	West Arnhem	West Arnhem
Jeff Macleod	CEO	MacDonnell	MacDonnell
Brian Pedwell	Mayor	Victoria Daly	Victoria Daly
Brian Hylands	CEO	Victoria Daly	Victoria Daly
Sean Holden	CEO	LGANT	Whole of NT
Mary Watson	Director Public Affairs	LGANT	Whole of NT

Responsibilities

The **Department of Chief Minister and Cabinet (CM&C)** will lead the development of the Plan consistent with its role in promoting and supporting a strong and sustainable local government sector in the Northern Territory and its responsibility for the administration of the *Local Government Act 2019*. CM&C are committed to delivering this role by empowering LAs through setting an appropriate and responsive framework and policies.

Regional Officers of CM&C will assist in providing insights in relation to their region, relevant stakeholders and governance and service delivery bodies, Local Decision Making projects and to support the councils in development of appropriate models and implementation of the plan.

LGANT is an advocate, as well as providing support and training, networking and mentoring, research and analysis, disseminating best practice and promoting partnerships that improve community outcomes and is well placed to provide its expertise and to consult on the implementation plan and work with councils on leading implementation work.

Council and LA representatives will provide a voice to the interests of councils, local authorities and their communities in the roll out of the Plan, provide advice based on local knowledge, and consult with their communities on the development of the plan and how it can be tailored to different needs.

The Committee will be able to co-opt additional expertise as needed. Secretariat support will be provided by CM&C.

Attachment 2 – LA Locations and List

Where are the Local Authorities?

There are currently 67 Local Authorities

Local Authorities are connected with the following regional councils:

- Tiwi
- Barkly
- East Arnhem
- West Arnhem
- Victoria – Daly
- Roper Gulf
- MacDonnell
- Central Desert



Schedule of Local Authorities

Local authorities to be established and maintained by councils:

Barkly Regional Council:

1. Ali Curung
2. Alupurrurulam
3. Ampilatwatja
4. Arlparra
5. Elliott
6. Tennant Creek
7. Wutunugurra (Epenarra)

Central Desert Regional Council:

8. Anmatjere (Nturiya, Pmara Jutunta, Wilora, Ti Tree)
9. Atitjere
10. Engawala
11. Lajamanu
12. Laramba
13. Nyirripi
14. Willowra
15. Yuelamu
16. Yuendumu

East Arnhem Regional Council:

17. Angurugu
18. Galiwin'ku
19. Gapuwiyak
20. Gunyangara
21. Milingimbi
22. Milyakburra
23. Ramingining
24. Umbakumba
25. Yirrkala

MacDonnell Regional Council:

26. Amoonguna
27. Areyonga
28. Finke (Aputula)
29. Haasts Bluff (Ikuntji)
30. Hermannsburg (Ntaria)
31. Imanpa
32. Kaltukatjara (Docker River)
33. Kintore (Walungurru)
34. Mt Liebig (Amundurrngu)
35. Papunya
36. Santa Teresa (Ltyentye Apurte)
37. Titjikala
38. Wallace Rockhole

Roper Gulf Regional Council:

39. Barunga
40. Beswick (Wugularr)
41. Borroloola
42. Bulman
43. Jilkminggan
44. Manyallaluk (Eva Valley)
45. Mataranka
46. Minyerri (Hodgson Downs)
47. Ngukurr
48. Numbulwar
49. Robinson River
50. Urapunga

Tiwi Islands Regional Council:

51. Milikapiti
52. Pirlangimpi
53. Wurrumiyanga (Nguiu)

Victoria Daly Regional Council:

54. Amanbidji
55. Bulla
56. Kalkaringi / Dagaragu
57. Nauiyu (Daly River)
58. Pine Creek
59. Timber Creek
60. Yarralin / Pigeon Hole

West Arnhem Regional Council:

61. Gunbalanya (Oenpelli)
62. Maningrida
63. Minjilang
64. Warruwi

West Daly Regional Council:

65. Nganmariyanga
66. Peppimenarti
67. Wadeye

Attachment 3 – Logic model

