

CITY OF PALMERSTON

**Notice of Council Meeting
To be held in Council Chambers, Civic Plaza, Palmerston
On Tuesday, 1 March 2016 at 6:30pm**

AGENDA

Audio Disclaimer

An audio recording of this meeting is being made for minute taking purposes as authorised by City of Palmerston Policy MEE3 Recording of Meetings, available on Council's Website.

- 1. PRESENT**
- 2. APOLOGIES**
- 3. CONFIRMATION OF MINUTES**

RECOMMENDATION

1. THAT the minutes of the Council Meeting held Tuesday, 16 February 2016 pages 8410 to 8488, be confirmed.
2. THAT the Confidential minutes of the Council Meeting held Tuesday, 16 February 2016 pages 206 to 207, be confirmed.
3. THAT the minutes of the Special Council Meeting held Wednesday, 17 February 2016 pages 8489 to 8490, be confirmed.

- 4. MAYOR'S REPORT** **M8-16**
- 5. REPORT OF DELEGATES**
- 6. QUESTIONS (WITHOUT DEBATE) FOR WHICH NOTICE HAS BEEN GIVEN**
- 7. QUESTIONS (WITHOUT DEBATE) FOR WHICH NOTICE HAS NOT BEEN GIVEN**
- 8. PETITIONS**
- 9. DEPUTATIONS / PRESENTATIONS**

10. CONSIDERATION OF MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN

11. COMMITTEE RECOMMENDATIONS

11.1 Governance and Organisation

Nil

11.2 Economic Development and Infrastructure

Nil

11.3 Community Culture and Environment

Nil

12. INFORMATION AGENDA

12.1 Items for Exclusion

12.2 Receipt of Information Reports

RECOMMENDATION

THAT the information items contained within the Information Agenda, be received.

12.3 Officer Reports

12.3.1 Action Report	8/0826
12.3.2 Local Government Election Costs 2017	8/0832
12.3.3 LGANT Executive Minutes – 5 February 2016	8/0833

13. DEBATE AGENDA

13.1 Officer Reports

13.1.1 Power to Sell Land – Assessments 105694 and 105669	8/0827
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14. CORRESPONDENCE

15. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

16. PUBLIC QUESTION TIME

At the invitation of the Chair

17. OTHER BUSINESS – ALDERMAN REPORTS

By-law 14(8) provides that the Chairman must not accept a motion without notice if the effect of the motion would, if carried, be to incur expenditure in excess of \$1,000 unless

- a) the motion relates to the subject matter of a committee's or sub committee's recommendations (as the case may be, or an officer's report that is listed for consideration on the business paper; or*
- b) the matter is urgent*

18. CONFIDENTIAL REPORTS

18.1 Rates Concessions Lots 7765, 7766 and 11037

8/0828

RECOMMENDATION

1. THAT pursuant to Section 65 of the Local Government Act, Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director of Technical Services, Director of Corporate and Community Services and Minute Secretary on the basis that Council considers it necessary and appropriate to act in a manner closed to the public in order to receive, discuss and consider the report and associated documents in relation to confidential agenda item 18.1 Rates Concessions Lots 7765, 7766 and 11037 and that Council is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report and associated documentation involves:

- (b) information about the personal circumstances of a resident or ratepayer;

This item is considered confidential pursuant to Regulation 8 (b) of the Local Government (Administration) Regulations.

2. THAT Council orders that the minutes from the Confidential Council meeting held on 1 March 2016, in relation to confidential item number 18.1 Rates Concessions Lots 7765, 7766 and 11037 and the report and associated documentation remain confidential and not available for public inspection for a period of 2 years from the date of this meeting or a lesser period as determined by the Chief Executive Officer.

RECOMMENDATION

1. THAT pursuant to Section 65 of the Local Government Act, Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director of Technical Services, Director of Corporate and Community Services and Minute Secretary on the basis that Council considers it necessary and appropriate to act in a manner closed to the public in order to receive, discuss and consider the report and associated documents in relation to confidential agenda item 18.2 Application – Rates Concession for Assessment 105270 and that Council is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report and associated documentation involves:

- (b) information about the personal circumstances of a resident or ratepayer;

This item is considered confidential pursuant to Regulation 8 (b) of the Local Government (Administration) Regulations.

2. THAT Council orders that the minutes from the Confidential Council meeting held on 1 March 2016, in relation to confidential item number 18.2 Application – Rates Concession for Assessment 105270 and the report and associated documentation remain confidential and not available for public inspection for a period of 12 months from the date of this meeting or a lesser period as determined by the Chief Executive Officer.

RECOMMENDATION

1. THAT pursuant to Section 65 of the Local Government Act, Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director of Technical Services, Director of Corporate and Community Services and Minute Secretary on the basis that Council considers it necessary and appropriate to act in a manner closed to the public in order to receive, discuss and consider the report and associated documents in relation to confidential agenda item 18.3 Application – Rates Concession for Assessment 103434 and that Council is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report and associated documentation involves:

- (b) information about the personal circumstances of a resident or ratepayer;

This item is considered confidential pursuant to Regulation 8 (b) of the Local Government (Administration) Regulations.

2. THAT Council orders that the minutes from the Confidential Council meeting held on 1 March 2016, in relation to confidential item number 18.3 Application – Rates Concession for Assessment 103434 and the report and associated documentation remain confidential and not available for public inspection for a period of 12 months from the date of this meeting or a lesser period as determined by the Chief Executive Officer.

**18.4 Greening Australia – Lease Agreement Offer to Operate
from Archer Waste Transfer Station**

8/0825

RECOMMENDATION

1. THAT pursuant to Section 65 of the Local Government Act, Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director of Technical Services, Director of Corporate and Community Services and Minute Secretary on the basis that Council considers it necessary and appropriate to act in a manner closed to the public in order to receive, discuss and consider the report and associated documents in relation to confidential agenda item 18.4 Greening Australia – Lease Agreement Offer to Operate from Archer Waste Transfer Station and that Council is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report and associated documentation involves:

(c) information that would, if publicly disclosed, be likely to:

- (i) cause commercial prejudice to, or confer an unfair commercial advantage on, any person

This item is considered confidential pursuant to Regulation 8 (c)(i) of the Local Government (Administration) Regulations.

2. THAT Council orders that the minutes from the Confidential Council meeting held on 1 March 2016, in relation to confidential item number 18.4 Greening Australia – Lease Agreement Offer to Operate from Archer Waste Transfer Station and the report and associated documentation remain confidential and not available for public inspection for a period of 12 months from the date of this meeting or a lesser period as determined by the Chief Executive Officer.

RECOMMENDATION

1. THAT pursuant to Section 65 of the Local Government Act, Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director of Technical Services, Director of Corporate and Community Services and Minute Secretary on the basis that Council considers it necessary and appropriate to act in a manner closed to the public in order to receive, discuss and consider the report and associated documents in relation to confidential agenda item 18.5 Sale of a Portion of Miller Court Road Reserve and that Council is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report and associated documentation involves:

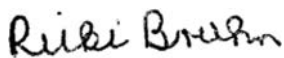
(c) information that would, if publicly disclosed, be likely to:

- (i) cause commercial prejudice to, or confer an unfair commercial advantage on, any person

This item is considered confidential pursuant to Regulation 8 (c)(i) of the Local Government (Administration) Regulations.

2. THAT Council orders that the minutes from the Confidential Council meeting held on 1 March 2016, in relation to confidential item number 18.5 Sale of a Portion of Miller Court Road Reserve and the report and associated documentation remain confidential and not available for public inspection for a period of 2 years from the date of this meeting or a lesser period as determined by the Chief Executive Officer.

19. CLOSURE



Ricki Bruhn
Chief Executive Officer

Any member of Council who may have a conflict of interest, or a possible conflict of interest in regard to any item of business to be discussed at a Council meeting or a Committee meeting should declare that conflict of interest to enable Council to manage the conflict and resolve it in accordance with its obligations under the Local Government Act and its policies regarding the same.

ITEM NO. 4 **Mayor's Report**
FROM: **Ian Abbott**
REPORT NUMBER: **M8-16**
MEETING DATE: **1 March 2016**

Summary:

My report provides Council with an update on recent meetings or events of interest to Elected Members.

General:

Wednesday 10 February 2016

5.30pm – Attended the Defence Reserves Support NT/K Welcome Function at Larrakeyah Barracks

Thursday 11 February 2016

8.30am – Attended the Governance and Organisation Committee Meeting

9.30am – Attended the Economic Development and Infrastructure Committee Meeting

9.45am – Scheduled interview with Territory FM

- The Boulevard Stage 2 Construction
- Archer Landfill Site

Friday 12 February 2016

5.30pm – Attended the Northern Territory Board of Studies Awards Presentation Ceremony at Parliament House

Monday 15 February 2016

11.00am – Attended a meeting with Minister Chandler regarding funding for The Boulevard.

Tuesday 16 February 2016

3.30pm – Provided JP services to a resident of Palmerston

4.00pm – Attended a meeting regarding the Gray Community Garden

6.30pm – Chaired the regular Council meeting

Wednesday 17 February 2016

5.00pm – Chaired the special Council meeting

Thursday 18 February 2016

9.00am – Attended a meeting regarding Neighbourhood Watch

9.30am – Scheduled interview with Territory FM

- Clean Up Australia Day
- Palmerston Library
- Council meeting outcomes

9.45am – Attended the Palmerston Safe Communities Committee meeting

6.00pm – Conducted a Citizenship Ceremony in Council Chambers

Friday 19 February 2016

8.15am – Attended a Memorial Service for the 74th Anniversary of the Sinking of the USS Peary

9.30am – Attended a Memorial Service for the Bombing of Darwin

11.00am – Attended a reception for the 74th anniversary of the Bombing of Darwin

Saturday 20 February 2016

3.00pm – Attended the Palmerston & Rural Swimming Club Carnival and presented awards at the Palmerston Pool

Monday 22 February 2016

2.00pm – Attended the Palmerston Christian School induction of the 2016 Student Representative Council and presented certificates

3.00pm – Attended a meeting with the Chief Minister for Mayors to discuss local government issues

Wednesday 24 February 2016

9.30am – Scheduled interview with ABC Grassroots

- Clean Up Australia Day
- The Boulevard Stage 2
- International Women's Day Event

10.15am – Scheduled interview with Radio Larrikia

- Clean Up Australia Day
- The Boulevard Stage 2
- International Women's Day Event

11.00am – Scheduled interview with Mix 104.9's 360

- Clean Up Australia Day
- The Boulevard Stage 2
- International Women's Day Event

2.30pm – Attended a meeting with Sealink Ferry Futures in Council Chambers

Future Schedule:

Nil

Invitations:

Nil

RECOMMENDATION

THAT Council receives Report Number M8-16.

Recommending Officer:

Any queries on this report may be directed to Ian Abbott on telephone (08) 8935 9911 or email ian.abbott@palmerston.nt.gov.au

Schedule of Attachments:

Nil

ITEM NO. 12.3.1 Action Report

FROM: Chief Executive Officer

REPORT NUMBER: 8/0826

MEETING DATE: 1 March 2016

Municipal Plan:

4. Governance & Organisation

4.3 People

We value our people, and the culture of our organisation. We are committed to continuous improvement

Summary:

This report outlines individual action items outstanding from previous Council Meetings. Council is asked to receive this report:

Dec #	Task Date	Matter	Action	Update
8/0949	18/02/2014	Car Parking Contribution Plan Update	Matter on the table	
8/1126	17/06/2014	Reconstruct Radford Road	Council to enter into a memorandum of understanding regarding the use of any contractor security held by LDC.	Construction work in progress.
8/1354	09/12/2014	Draft Palmerston City Centre Master Plan 2014 and associated documents	<ul style="list-style-type: none">- Draft Palmerston City Centre Parking Strategy to be presented to and considered by the City of Palmerston's Car Parking Committee.- Final documents and application submission to amend the NT Planning Scheme be submitted to Council for endorsement at the Council meeting scheduled 17 February 2015.- Mayor to forward a letter to the Minister for Lands and Planning to inform the NT Government of the public consultation process for the Draft City Centre Master Plan "package", prior to lodgement of the formal rezoning application with the Minister in 2015.	<p>Council has adopted the Palmerston City Centre Master Plan and associated documents. Council adopted the Palmerston City Centre Parking Strategy on 2 June 2015.</p> <p>Staff are currently reviewing the proposed NT Planning Scheme Amendment Package for the Palmerston City Centre Master Plan and associated documents. After the completion of the review, documents will be submitted to the DLPE for their consideration.</p>

8/1666		The Heights Durack Eastern Collector Road	Mayor and CEO to be delegated the ability to apply Council's seal and to sign all documents for the establishment of a road access easement on Lot 11504, 80 University Avenue, Durack.	Awaiting construction and transfer documents from developer. No further action expected until mid to late 2016.
8/1707	20/10/2015	Bi-Annual Council Meetings in Community Venue	Council to trial the holding of two Council meetings in 2016 in community venues with a budget allocation of \$4,600.	Meetings will be scheduled in line with Chambers roof repairs approximately April / May 2016.
8/1714	20/10/2015	Joy Anderson Centre	CEO to write to the Dept. of Housing, to seek consideration for the freehold title of the Joy Anderson Centre, to be transferred to the City of Palmerston as a community asset.	Letter received by CEO Dept Housing, advising they are currently undertaking a review into NT Government Housing Programs and are unable to comment on future arrangements until the review is completed.
8/1755	17/11/2015	Sale of a Portion of Miller Court Road Reserve	CEO to arrange a valuation and report back to Council.	An independent valuer has been commissioned to undertake the valuation. The valuer's report is expected to be received in February. A report will be provided to the first Council Meeting in March.
8/1764	17/11/2015	- Costs for Fencing of Playgrounds in Parks	- Council to conduct a level 1 consultation with Palmerston families in 2016, in regards to fencing and partial fencing of some Palmerston playgrounds in our parks.	- A report on the cost of undertaking consultation was provided to the meeting held on 8/12/2015.
8/1768	17/11/2015	- Fencing Options Level 1 Consultation	- Report to be provided to Council regarding the cost of undertaking a Level 1 consultation on fencing options for playgrounds.	
8/1773	8/12/2015	Motorbike Parking on Private Property/Verges	DTS to approach the owner of Highway House regarding the storage of a motorcycle adjacent to Ben and Sam's Café and Bakehouse.	Letter sent 15 December 2015.
8/1776	8/12/2015	Goyder Walking Trail	A draft Goyder Walking trail be provided to Council for consideration.	Heritage Study (CCE/0482) to be undertaken to inform possible Goyder Walking trail. Staff are working on commissioning a consultant for the study.

8/1777 8/1780	8/12/2015	Recreational Fishing – Durack Lakes and Marlow Lagoon	<ul style="list-style-type: none"> - Signage to be erected at Lake 5, 6 and 10 Durack Lakes and Marlow Lagoon. - Estimated cost to construct recreational fishing infrastructure at lakes 5, 6 and 10 be provided to Council for consideration prior to its inclusion in the draft 2016/17 budget. 	Estimated costs for the fishing infrastructure were provided to the Capital Works Workshop held on 3/12/2015.
8/1802	12/01/2016	Review of Rates Concessions	Council to be provided with a report on the ability to rescind rates concessions at the Gateway site should a gaming licence be approved.	Report expected to Council first meeting in March 2016.
		Community Infrastructure Plan	Progress update.	The draft Community Infrastructure Plan is nearing completion with a Council workshop scheduled to be held in February. Followed by a report to Council seeking formal endorsement. Once endorsed, the Plan will undertake Public consultation in March / April 2016.
8/1813	2/02/2016	Capital Works for Disability Access for 2015/16	DTS to check the requirement to improve the proposed disability path at Location 9: Marlow Lagoon as identified in Attachment A to Report number EDI/198, prior to works commencing.	Location 9 (Marlow Lagoon) has been removed from the list of works to be undertaken in 2016.
8/1814	2/02/2016	Disability Access Works	Report to be provided to the EDI Committee for their review detailing the current process undertaken by Technical Services to compile the disability access improvement works program each year from customer requests and other sources.	
8/1815	2/02/2016	Timed Parking Signs on The Boulevard Stage 1	Timed parking signs to be installed on The Boulevard Stage 1.	
8/1831	16/02/2016	Tender TS2016/02 – Flockhart Drive Pedestrian/Cycle Bridge	Mayor and CEO are granted consent to sign and seal all required contract documentation for the contract TS2016/02 – Flockhart Drive Pedestrian/Cycle Bridge.	Completed

8/1831	16/02/2016	Arch Rival Bar – Alfresco Dining	Arch Rival Bar & Grill will be advised in writing that should an unconditional bank guarantee or cash security deposit to the value of \$20,000 satisfactory to the Chief Executive Officer not be lodged with Council by 11th March 2016 the current Alfresco Dining licence will be revoked and the site reinstated at no cost to Council.	
8/1842	16/02/2016	Financial Hardship Application – Assessment 102837	Mayor and CEO are authorised to sign and seal all documentation relation to the statutory charge for assessment 102837, including discharge of statutory charges if full payment should occur.	Completed
8/1845	17/02/2016	Sale of Land - Lot 10029 and Part Lot 9608	Council set the method of sale for Lot 10029 and part Lot 9608 as a direct sale to any interested buyer following the advertising of the property, based on the considerations documented in Report 8/0824. The CEO will bring any offer of purchase for Lot 10029 and part Lot 9608 to Council for its consideration.	Sale of Land currently being advertised in the NT News.

RECOMMENDATION

THAT Council receives Report Number 8/0826.

Recommending Officer: Ricki Bruhn, Chief Executive Officer.

Any queries on this report may be directed to Ricki Bruhn, Chief Executive Officer on telephone (08) 8935 9902 or email ricki.bruhn@palmerston.nt.gov.au

ITEM NO. 12.3.2 **Local Government Election Costs 2017**

FROM: Chief Executive Officer

REPORT NUMBER: 8/0832

MEETING DATE: 1 March 2016

Municipal Plan:

4. Governance & Organisation

4.1 Responsibility

We are committed to corporate and social responsibility, the sustainability of Council assets and services, and the effective planning and reporting of Council performance to the community

Summary:

To provide information to Elected Members on the estimated costs which will be payable to the Northern Territory Electoral Commission for the conduct of the 2017 Local Government General Election.

Background:

The total cost of the 2012 Local Government General Elections across the Northern Territory was \$2.62m with councils contributing \$1.22m and the balance of \$1.4m being funded by the Northern Territory Government. The City of Palmerston contributed \$70,000 for this election, although the actual cost advised by the NT Electoral Commission was \$120,143.

The NT Electoral Commission has previously presented information to the CEO's Forum back in November 2015 and has since provided correspondence which sets out the estimated election costs for individual councils for the 2017 Local Government General Election.

General:

The information provided by the NT Electoral Commission indicates that our contribution towards Local Government General Election Costs will increase from \$70,000 in 2012 to \$208,395 in 2017.

Financial Implications:

Council currently has \$62,038 in its Election Reserve following the recent by-election. Council may wish to consider increasing the balance of this Reserve during the 2016/2017 financial year to ensure the full cost of \$208,395 is not required to be budgeted during the 2017/2018 financial year.

Policy / Legislation:

- Part 8.4 of the Local Government Act;
- Local Government (Electoral) Regulations

RECOMMENDATION

THAT Council receives Report Number 8/0832.

Recommending Officer: Ricki Bruhn, Chief Executive Officer

Any queries on this report may be directed to Ricki Bruhn, Chief Executive Officer on telephone (08) 8935 9902 or email ricki.bruhn@palmerston.nt.gov.au.

Schedule of Attachments:

Attachment A	Letter received from the Northern Territory Electoral Commission dated 22 December 2015;
Attachment B	Presentation made by the Northern Territory Electoral Commission to the CEO's Forum in November 2015.



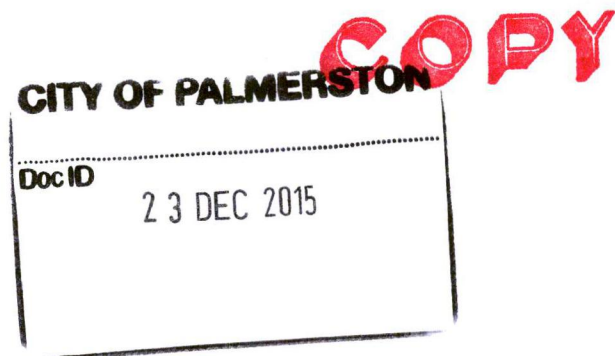
**NORTHERN
TERRITORY
ELECTORAL
COMMISSION**

Level 3, TCG Centre | 80 Mitchell Street, Darwin | GPO Box 2419, Darwin NT 0801
T 08 8999 5000 | F 08 8999 7630 | E mail.ntec@nt.gov.au | ABN 8408 5734 992

ATTACHMENT A

F
:
YOUR REF:

Mr Ricki Bruhn
Chief Executive Officer
City of Palmerston
PO Box 1
PALMERSTON NT 0831



Dear Mr Bruhn

RE: 2017 LOCAL GOVERNMENT GENERAL ELECTION COSTS

Further to my briefing session prior to the LGANT annual conference attached are details and methodology for estimating the costs for the 2017 Local Government election.

The total cost of the 2012 Local Government General Elections was \$2.62 million (GST inclusive) with councils contributing \$1.1 million. The difference was funded by the Northern Territory Government. This estimated costing is provided to allow your council time to budget for these election costs.

The cost of a general election is significantly higher than a by-election due to the scale and external services that need to be procured to conduct a general election. Councils are charged the marginal costs plus a 15% corporate overhead for the conduct of by-elections with most elections tasks undertaken by NTEC staff to reduce costs. This is not possible for general elections and therefore apportioned costs for each council are notably higher for general elections.

General elections need to factor in services such as operating a call centre, conducting a Territory wide public awareness campaign (which includes establishing a dedicated Local Government election website), establishing and running a number of temporary offices to offer early voting services.

The current estimate for the conduct of the 2017 City of Palmerston General election is \$208,395. A breakdown of this cost is detailed in attachment A. This estimate provides a starting point to determine activities and/or functions that council can undertake or provide resources to the NTEC in order to reduce costs.

The following details the assumptions and methodology used to develop the 2017 estimate:

Not Included in Estimate

- Supplementary or further elections conducted post the August 2017 election.
- Pre-election enrolment activities (excluding TV enrolment advertisements).
- Costs associated to Non Voter follow-up and prosecutions
- No contribution of staff, premises, vehicles by the City of Palmerston

Assumptions/Methodology

- Both Mayor and Alderman Positions are all contested.
- Recruitment within the NTPS in Darwin and Palmerston to build electoral knowledge capacity to reduce the number of interstate electoral practitioner secondments.
- The estimate includes 18 weeks for interstate secondments to the Top End to manage Darwin, Palmerston, Litchfield and Coomalie Councils. 6 weeks of this cost is apportioned to the City of Palmerston.
- There are currently 125831 electors on the NT Roll with the City of Palmerston having 19231 electors and are therefore attributed 15.3% of indirect costs (see attachment B for breakdown).
- Indirect costs include public awareness program, lease of proportional voting counting software, website, preparation of election report and additional staff in the corporate area over the election period.

As previously stated, the 2017 Estimates only include marginal costs and do not include the following that are borne by the NTEC:

- Cardboard election equipment and other election specific stores
- Indirect overhead expenses, including infrastructure expenses for the agencies premises, vehicles, phones, costs of payroll processing undertaken by other Government Departments for NTEC.
- In house printing and designs i.e. posters, newspaper advertising
- Senior staff time and ordinary hours of other staff.
- Legal advice through NTG
- On-going NTEC staff costs associated with the provisions of early voting from the NTEC's Darwin office.

As I stated in the briefing, further discussions regarding election planning and estimated costs will take place after the Legislative Assembly election in August 2016, but should you have any immediate points of clarification please email lain.loganathan@nt.gov.au.

I look forward to continuing the productive working relationship with the Council and would like to take this opportunity, on behalf of the agency, to wish the Council a safe and enjoyable Christmas.

Yours sincerely


Iain Loganathan
ELECTORAL COMMISSIONER

Date: 22 December 2015

Attachment A

[illegible]

	Enrolment	%
Alice Springs	12584	10.0%
Barkly	4261	3.4%
Central Desert	2654	2.1%
Coomalie	609	0.5%
Darwin	47788	38.0%
East Arnhem	5784	4.6%
Katherine	4938	3.9%
Litchfield	11526	9.2%
MacDonnell	3481	2.8%
Palmerston	19231	15.3%
Roper Gulf	3881	3.1%
Tiwi	1612	1.3%
VD	1714	1.4%
WAG	294	0.2%
West Arnhem	3734	3.0%
West Daly	1740	1.4%
TOTAL	125831	100.0%

Indirect Costs

Easy Count	\$25,000
Election management System development	\$75,000
Website development	\$15,000
Report writing	\$20,000
Additional Corporate Support Staff	\$30,000
Public Awareness Campaign	\$400,000
Total	\$565,000



**NORTHERN
TERRITORY
ELECTORAL
COMMISSION**

EVERY vote counts!

Local Government Elections

TOPICS

- 2017 General Election Cost Estimates
- LG Election Procedures Manual
- Mandatory Postal Voting Manual

2012 ELECTION COSTS

- Total cost \$2.62M
- Councils contributions \$1.22M
- DLG contributed \$0.3M, Treasury \$1.1M

2012 ELECTION COSTS

Council	2012 Council Contribution (\$)	2012 Actual Cost (\$)
Alice Springs Town Council	70 000	180 147
Barkly Regional Council	100 000	315 117
Central Desert Regional Council	100 000	134 419
City of Darwin	200 000	348 159
City of Palmerston	70 000	120 143
Coomalie Community Government Council	10 000	11 118
East Arnhem Regional Council	130 000	449 568
Katherine Town Council	40 000	107 616
Litchfield Council	50 000	83 430
MacDonnell Regional Council	100 000	111 772
Roper Gulf Regional Council	100 000	236 286
Tiwi Islands Regional Council	40 000	92 701
Victoria Daly Regional Council	100 000	286 199
Wagait Shire Council	10 000	11 118
West Arnhem Regional Council	100 000	141 866
West Daly Regional Council	NA	NA
Total	1 220 000	2 629 659

WHY WAS 2012 SO EXPENSIVE?

- First LG General Election
- Conducting the poll in March
- New voting system
- System development
- Heavy reliance on interstate electoral staff
total cost of staffing (including polling), over \$1M
- Extensive PA campaign

WHAT WILL BE DIFFERENT IN 2017

- Election conducted in August - one year after LA Election
- Limited absent voting
- Remove criteria for postal and early voting
- 12 noon Friday deadline for postal votes
- PA design costs and system development attributed to LA Election
- Less reliance on interstate electoral staff
- More Consultation with Councils and LGANT

LG COSTING METHODOLOGY

- Marginal cost
- Differences between By-election & General Elections
 - Counting Staff
 - Website
 - Systems development
 - Call centres
 - Advertising campaign
- 15% Corporate overhead

WHAT COSTS ARE NOT INCLUDED IN 2017 ESTIMATE?

- What's not included in the estimate
 - 15% Corporate overhead
 - NTEC (non-marginal costs)
 - Supplementary or failed elections
 - Legal costs (outside of Solicitor General)
 - Enrolment promotion
 - Non voters follow-up
 - Cardboard and election materials

COSTING ASSUMPTIONS

- All wards go to poll
- Stand alone poll
- No further changes to the LG Act and regulations
- No adverse weather
- 11 remote static polling places
- 7 absent voting centres
- Recruitment of NTG employees for casual and contract positions

COSTING METHODOLOGY

- Councils charged all direct attributable cost
- Collective costs i.e. public awareness, website, computer counting system, call centre - apportioned based on enrolment numbers
- Interstate regional coordinators cost allocations based on 18 weeks in Darwin, 5 weeks in Katherine, 7 weeks in Alice Springs, 4 weeks in Tennant Creek.

2017 ESTIMATED COSTS

- 2012 Actual costs \$2.62M
- 2017 Estimated costs \$1.7M
- Costs will decrease for all regional councils except Coomalie
- Costs will increase for all municipal councils

**COUNCILS CAN PROVIDE RESOURCES
I.E. STAFF | PREMISES | VEHICLES & IT
TO LOWER ELECTION COSTS**

2017 ESTIMATED COSTS

Council	2017 Estimated Cost (\$)
Alice Springs Town Council	181 862
Barkly Regional Council	96 780
Central Desert Regional Council	60 507
City of Darwin	433 929
City of Palmerston	208 395
Coomalie Community Government Council	18 705
East Arnhem Regional Council	122 779
Katherine Town Council	80 849
Litchfield Council	137 273
MacDonnell Regional Council	58 514
Roper Gulf Regional Council	82 217
Tiwi Islands Regional Council	34 878
Victoria Daly Regional Council	54 799
Wagait Shire Council	7 222
West Arnhem Regional Council	97 436
West Daly Regional Council**	36 296
Total	1 712 441

FUNDING THE ELECTION

Whilst the estimate for 2017 is significantly lower than 2012, conducting elections in the NT is still an expensive exercise.

Issues for Consideration

- What can Councils provide to lower election costs?
- Is the NT Government going to provide a subsidy?

WHERE TO FROM HERE?

- Write to all councils with costings before Christmas
- Meet with councils after LA election to finalise costings

QUESTIONS?



ELECTION PROCEDURES MANUAL

- LGANT commissioned NTEC to develop manuals so councils can conduct by-elections themselves
- LGANT working group reviewing draft manual

ISSUES WITH COUNCILS CONDUCTING BY-ELECTIONS

- Security arrangements with electoral roll (especially silent electors)
- Nominations recording and checking
- Conducting counts for multiple vacancies under PR
- Ballot paper preparation and printing
- Processing of declaration votes
- Online postal voting applications
- Eligibility checks of postal votes
- Polling place cardboard and equipment
- Displaying results on websites

MANDATORY POSTAL BALLOTS

- Only applies to municipal councils for by-elections
- Draft manual sent to CEOs in May 2015
- Feedback has been received and is currently being promulgated

MANDATORY POSTAL BALLOTS

- Candidate statement must not contain material that is defamatory (LG Regulation 10A(5))
- Servicing electors without a mailing address
- Electors with incorrect mailing address on the electoral roll
- Servicing electors who reside in an area without a mail service
- Procedures for Electors who don't receive a postal ballot
- Privacy concerns

ITEM NO. 12.3.3 **LGANT Executive Minutes – 5 February 2016**

FROM: Chief Executive Officer

REPORT NUMBER: 8/0833

MEETING DATE: 1 March 2016

Municipal Plan:

4. Governance & Organisation

4.3 People

We value our people, and the culture of our organisation. We are committed to continuous improvement and innovation whilst seeking to reduce the costs of Council services through increased efficiency

Summary:

At the General Meeting of LGANT in March 2010, it was agreed that draft minutes of each Executive Meeting be made available for Council's information.

General:

The LGANT Executive Meeting draft meeting minutes will be sent out approximately on a monthly basis.

The draft minutes of the Executive Meeting held Friday, 5 February 2016 are attached for information.

Financial Implications:

Nil

Policy / Legislation:

Nil

RECOMMENDATION

THAT Council receives Report Number 8/0833.

Recommending Officer: Ricki Bruhn, Chief Executive Officer

Any queries on this report may be directed to Ricki Bruhn, Chief Executive Officer on telephone (08) 8935 9902 or email ricki.bruhn@palmerston.nt.gov.au

Schedule of Attachments:

Attachment: LGANT Executive Meeting Draft Minutes – 5 February 2016

**LOCAL GOVERNMENT ASSOCIATION
OF THE NORTHERN TERRITORY**

**MINUTES OF THE LGANT EXECUTIVE MEETING
HELD ON FRIDAY 5 FEBRUARY 2016 IN THE LGANT OFFICE
COMMENCING AT 8:40 AM**

1. PERSONS PRESENT AT THE MEETING OR ON THE TELEPHONE

Mayor Damien Ryan	President
Mayor Tony Jack	Vice-President – Regional & Shires
Mayor Fay Miller	Executive – Municipal
Alderman Gary Haslett	Executive – Municipal
President Barb Shaw	Executive – Regional & Shires
Councillor Greg Sharman	Executive – Regional & Shires
Mayor Lothar Siebert	Executive – Regional & Shires (<i>from 9:20am</i>)
Councillor Kaye Thurlow	Executive – All Councils
IN ATTENDANCE:	
Tony Tapsell	LGANT CEO
Peter McLinden	LGANT
David Jan	LGANT
Camden Smith	LGANT

The President welcomed Alderman Gary Haslett to the Executive as the new City of Darwin nominated representative.

2. APOLOGIES FROM MEMBERS WHO WERE ABSENT FROM THE MEETING

Alderman Bob Elix	Vice-President – Municipal
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3. NOTIFICATION OF CONFLICT(S) OF INTERESTS - Nil

4. CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING

RESOLUTION

THAT the minutes of the previous Executive meeting held on Tuesday 8 December 2015 be confirmed as a true and correct record of that meeting.

Moved: Mayor Jack
Seconded: Councillor Sharman
Carried

5. ACCEPTANCE OF THE AGENDA AND NOTIFICATION OF GENERAL BUSINESS ITEMS

RESOLUTION

THAT the papers as circulated be received for consideration at the meeting.

Moved: Mayor Miller
Seconded: Mayor Jack
Carried

6. DECISIONS THE EXECUTIVE IS BEING ASKED TO MAKE THIS MEETING

6.1 2016-2017 LGANT Strategic Plan and Annual Priorities

Recent History

- Strategic Planning meeting 6/02/15.
- General meeting 16/04/15.

Discussion

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

Members discussed the draft document and asked for the following amendments:

- **Weaknesses** – identify elected member performance knowledge and governance plans
- **Threats** – add in: *Territory/Commonwealth policy decisions*
- **Goal 1** – add to Annual Priorities: *1.4 Improve councils' knowledge and use of social media*
- **Goal 3** – LGANT to work with regional councils continuously
- **Goal 4** – remove Annual Priority 4.5: *Investigate the feasibility of video conferencing for LGANT Executive meetings*

Members asked that the government be consistently referred to as the 'Northern Territory Government' throughout the document. The amended draft Strategic Plan will be taken to the general meeting in April 2016 for endorsement by members.

RESOLUTION

THAT the Executive endorses the 2016/17 annual priorities as presented with the 2014-2019 LGANT Strategic Plan.

Moved: Alderman Haslett
Seconded: Mayor Miller
Carried

6.2 LGANT Financial Reports for 30 November 2015

Recent History

This report is made up of:

1. Debtors trial balance, breakup and ledger
2. Statement of cash flows to
3. Statement of financial position
4. Monthly function report
5. Bank statements
6. Explanation of ratios
7. List of Payments

Discussion

Members noted the report.

RESOLUTION

THAT the Executive receives and adopts the financial reports for 30 November 2015.

Moved: Mayor Siebert
Seconded: Councillor Sharman
Carried

6.3 2016-2017 Budget Including Member Subscriptions

Recent History

- General meeting 15/04/15.

Discussion

Members discussed the various revenue options for LGANT.

RESOLUTION

THAT the Executive endorses a 3.5% increase in membership subscriptions and the annual budget for 2016-2017.

Moved: Mayor Siebert
Seconded: Mayor Jack
Carried

6.4 Anti-Corruption, Integrity and Misconduct Commission Inquiry

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

Recent History

- NT Parliament resolved on 26 August 2015 under the *Inquiries Act* to appoint a judge to inquire into and report to the Administrator on the establishment of an independent anti-corruption body in the NT.
- Letter from the Commissioner to the LGANT President 16/12/15.

Discussion

The President of Barkly Regional Council formally voiced the Council's appreciation to LGANT in the recruitment and review process for their new CEO.

Members asked that LGANT set up a list of guidelines for councils to follow in the recruitment of CEOs. Members endorsed the recommendations in the submission to the Anti-Corruption, Integrity and Misconduct Commission Inquiry. This item will be included in the general meeting in April 2016 for open discussion.

RESOLUTION

THAT the Executive approves:

1. the draft submission to the Anti-Corruption, Integrity and Misconduct Commission Inquiry
2. the draft LGANT policy.

Moved: Mayor Miller
Seconded: President Shaw
Carried

6.5 Draft 2016 Northern Territory Election Document

Recent History

There is no recent history with this item.

Discussion

Members discussed the draft document and asked for the following amendments:

- Page 3 **Street Lighting**
 - remove *'in a bid to re-open communication channels and to find a resolution to issues of ORM and street light ownership'*
 - add in the word *'all'* before *'political parties'* (throughout the whole document)
- Page 3 **Morgues in remote communities**
 - change the words *'support having'* to *'ensures responsibility'*
- Page 4 **Constitutional Recognition**
 - change title to *'Constitutional Recognition in a Future NT Constitution'*
- Page 5 **Financial Assistance Grant Program**
 - reword *'put a significant kink in local government's funding pipeline'*
- Page 6 **Northern Territory Operational Subsidy**
 - remove *'(at least to the level of the local government index)'*
- Page 6 **Remote Housing**
 - focuses on repairs and maintenance – needs to focus more on the provision of more houses
- Page 7 **Conditionally Rateable Land**
 - remove *'Win. Win. Win.'*
 - remove *'Who benefits from a park in a shopping precinct – the business ratepayer, the residential ratepayer, a tourist using the facility or a pastoralist in town for the day?'*
- Page 9 **Financial Sustainability of Local Government**
 - add a separate statement about financial sustainability of councils

**LOCAL GOVERNMENT ASSOCIATION
OF THE NORTHERN TERRITORY**

RESOLUTION

THAT the Executive approves the draft 2016 Northern Territory Election document (with changes) for inclusion in the April 2016 general meeting agenda.

Moved: President Shaw
Seconded: Councillor Sharman
Carried

6.6 Nominations to the Animal Welfare Advisory Committee

Recent History

- Alderman Rebecca Want de Rowe's three year term expired 13/01/16.
- Call for nominations emailed to councils 17/12/15.
- Nomination from Alderman Geoff Carter, City of Palmerston 15/01/16.
- Nomination from Will Green, Litchfield Council 25/01/16.
- Nomination from Councillor Eli Melky, Alice Springs Town Council 27/01/16.
- Nomination from Dr Emma Kennedy, East Arnhem Regional Council 27/01/16.

Discussion

Members endorsed the nomination of Dr Emma Kennedy of East Arnhem Regional Council to the Animal Welfare Advisory Committee.

RESOLUTION

THAT the Executive endorses the nomination of Dr Emma Kennedy of East Arnhem Regional Council to the Animal Welfare Advisory Committee.

Moved: Mayor Miller
Seconded: President Shaw
Carried

6.7 Capital Grant Funding Agreement LGANT Seal – Yilpara Road Gravel Sheet

Recent History

- Round two "Regional Economic Infrastructure Fund 2015" (REIF) application submitted December 2015.
- Application successful and deed of agreement forwarded.

Discussion

Members approved the use of the LGANT seal.

RESOLUTION

THAT the Executive approves the use of the Association seal on the Capital Grant Funding Agreement with the Department of Transport for \$777,140 for gravel sheeting of the Yilpara Road, East Arnhem Regional Council.

Moved: Mayor Miller
Seconded: Mayor Jack
Carried

**LOCAL GOVERNMENT ASSOCIATION
OF THE NORTHERN TERRITORY**

6.8 Submission to the Housing Strategy Consultation Draft

Recent History

- NTG media release on Housing Strategy Consultation Draft 9/12/15.

Discussion

Members were told that this submission is due in today. The submission will be amended to mention discussion about regional centres as well as municipal areas, and include references to having transformation plans for urban Aboriginal living areas.

RESOLUTION

THAT the Executive approves the draft LGANT submission (with changes) on the Housing Strategy Consultation Draft.

Moved: Councillor Thurlow

Seconded: Mayor Jack

Carried

6.9 Draft Submission on the Oil and Gas Industry Development Strategy

Recent History

- LGANT Executive meeting 8/12/15.
- Letter to the LGANT President from the Acting Chief Executive of the Department of Mines and Energy, Ian Scrimgeour 17/12/15.
- LGANT submission sent 28/01/16.

Discussion

Members heard that Ron Kelly, Chief Executive of the Department of Mines and Energy has been invited to address the general meeting in April 2016.

RESOLUTION

THAT the Executive approve the draft submission on the Northern Territory Government's Oil and Gas Industry Development Strategy.

Moved: Mayor Siebert

Seconded: Mayor Miller

Carried

6.10 NDRRA – Acquittal Canteen Creek Road

Recent History

- January 2015 Central Australian rain event.
- May 2015 NDRRA application for Canteen Creek approved by LGANT Executive.
- June 2015 application and funds received for Canteen Creek Road restoration.
- August 2015 works commence.
- September 2015 works completed.

Discussion

Members approved lodgement of the financial acquittal.

**LOCAL GOVERNMENT ASSOCIATION
OF THE NORTHERN TERRITORY**

RESOLUTION

THAT the Executive approves lodgement of the financial acquittal for NDRRA funding for the restoration of the Canteen Creek Road in 2015.

Moved: President Shaw

Seconded: Mayor Jack

Carried

7. REPORTS ON ACTIONS REQUIRED TO BE DONE FROM THE LAST MEETING

7.1 2015-16 LGANT Budget Submission

Recent History

- Finance Reference Group meeting 17/09/15.
- CEO Forum meeting 11/11/15.
- Executive meeting 8/12/15.
- Submission sent 12/01/16.

Future Action

Review response from the government on the release of its annual budget for 2016/17.

Discussion

Members noted the submission has been sent and that outcomes would be assessed in May 2016 when the NT Budget is adopted.

7.2 Policy on Morgues in Remote Communities

Recent History

- President's letter to Minister Elferink 13/03/15.
- Response from Minister 7/04/15.
- Department of Health representative, Camden Smith gives presentation at the Executive meeting 19/05/15.
- Email from Camden Smith providing details of existing morgue facilities throughout the Northern Territory three of whom are managed by the Victoria Daly, Central Desert and Barkly Regional Councils respectively 21/05/15.
- Email to Camden Smith providing council meeting dates so the Department of Health can attend and consult councils individually on the morgues issue 25/05/15.
- Media release from the Northern Territory Government on funding for morgues 23/06/15.
- Letter and review report of deceased persons facilities from Department of Health to LGANT 28/07/15.
- Email to the LGANT Executive and council CEOs 10/08/15 calling for nominations to working group and distributing report.
- Letter from Roper Gulf Regional Council 5/10/15.
- Executive meeting 15/09/2015; 27/10/15; 8/12/15.
- Executive resolution – *THAT the Executive approves the draft policy on morgues in remote communities and that LGANT responds to the Roper Gulf Regional Council 8/12/15.*
- Letter to the Chief Executive Department of Health 17/12/15.
- Letter to Roper Gulf Regional Council 22/01/16.

Future Action

Follow up with the Department of Health its stance over the Numbulwar morgue facility.

Discussion

Members noted the report.

7.3 Submission to the 2014-15 Local Government National Report

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

Recent History

- Letter from the Federal Minister for Territories, Local Government and Major Projects, the Hon Paul Fletcher MP to the LGANT President 6/11/15.
- Executive meeting 8/12/15.
- LGANT's Report for 2014/15 sent 27/01/16.

Future Action

Review the Local Government National Report for 2014/15 once it is released.

Discussion

Members noted the report.

7.4 LGANT Representation on External Committees

Recent History

- Letter to Minister requesting increase of LGANT's representation on the Heritage Council 6/10/15.
- Response from Minister 30/10/15.
- At the LGANT AGM there was discussion about the need to review representation on all committees so that it includes representation from both municipal councils as well as regional or shire councils.
- Request for increased membership sent to the following committees 16/12/15:
 - Minister's Advisory Committee on Senior Territorians
 - Animal Welfare Advisory Committee
 - NT Place Names Committee
 - NT Weeds Advisory Committee.
- Response from NT Weeds Advisory Committee 12/01/16 (see Agenda Item 10.26).

Future Action

Decide whether or not it is worthwhile to pursue dual representation on the above four committees.

Discussion

It was suggested that LGANT has alternate members for important committees and that a list of upcoming committee meetings for the next month be provided at future Executive meetings.

8. BUSINESS WHICH ONLY REQUIRES THE EXECUTIVE TO RECEIVE AND NOTE INFORMATION

8.1 White Paper on the Reform of the Federation

Recent History

- Council of Australian Governments(COAG) meeting 11/12/15.

Discussion

Members heard that there has been a delay in the release of the Green Paper due to a change in Prime Minister and Cabinet. The major focus of the paper is on Education, Health, Housing and Homelessness.

RESOLUTION

THAT the Executive receives and notes the report on the White paper on the Reform of the Federation.

Moved: Mayor Miller
Seconded: Councillor Sharman
Carried

8.2 Small Claims Bill 2015

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

Recent History

- Letter from Department of the Attorney-General and Justice 14/01/16.

Discussion

Members noted the useful increase proposed in the jurisdictional amount of small claims from \$10,000 to \$25,000.

RESOLUTION

THAT the Executive receives and notes the report on the *Small Claims Bill 2013*.

Moved: Councillor Sharman

Seconded: Councillor Thurlow

Carried

8.3 WALGA Agreement Report July – December 2015

Recent History

- 19/05/15 Executive Meeting January – March 2015 report.
- 21/07/15 Executive Meeting - update of agreement with WALGA Workplace Solutions
- 12/11/15 LGANT AGM – Presentation of the Annual Report including 2014-2015 statistics.

Discussion

Members noted the composition of councils utilising the source.

RESOLUTION

THAT the Executive receives and notes the report on work performed by WALGA Workplace Solutions through the LGANT/WALGA Agreement.

Moved: Mayor Jack

Seconded: President Shaw

Carried

8.4 LGANT Executive Elections

Recent History

There is no recent history with this issue.

Discussion

Members noted the machinations of elections that will impact upon the LGANT Executive elections.

RESOLUTION

THAT the Executive receives and notes the report on LGANT Executive elections.

Moved: Mayor Jack

Seconded: Councillor Thurlow

Carried

8.5 Street Lighting Charges

Recent History

- February 2014 LGANT working group and industry research work and report completed costing \$81 000.
- Legal advice received and amendments made to the service level agreement (SLA) and circulated to councils 14/11/14.
- Councils now have a service level agreement they can use for negotiating with Power and Water for streetlight repairs and maintenance.
- General meeting resolution – *THAT delegates endorse councils conducting an audit of their street lights to assist them to:*
 - *be better informed on the benefit or not of owning street light assets*

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

- *enable them to develop a policy position about the Power and Water Corporation's capital charge 6/11/14.*
- Met with Power and Water CEO John Baskerville on 23/03/15.
- Letter sent 9/04/15 to the Minister for Essential Services calling for the capital charge to commence on 1/12/15 so that SLAs can be entered into beforehand.
- Power and Water is to speak to all municipal councils individually.
- Telephone conference with member councils and Power and Water officers regarding progress of negotiations with individual council 05/08/15.
- Minister's response confirms agreement to defer capital charges for street lighting until December 2015.
- Executive meetings 15/09/15; 27/10/15; 8/12/15.
- Legal brief with the support of the Alice Springs Town Council forwarded to Lawyers for a fee offer.
- Fee offer accepted 26/11/15.
- Draft report from lawyers received 24/12/15.
- Mayors and CEOs teleconference 7/01/16.
- Meeting with Chief Minister and Treasurer 11/01/16.
- LGANT media release 14/01/16.
- Meeting of working group of senior officials 2/01/16.

Discussion

Members heard that Brendan Dowd, City of Darwin and Ben Dornier, City of Palmerston are LGANT's representatives on the Street Lighting Working Group. Other members of the Working Group are Tony Musumeci, Economic Advisor to the Treasurer, Michael Thomson, Power and Water and the Chair is Nathan Barrett MLA, Member for Blain. A letter (attached) sent from LGANT to the Chair of the Street Lighting Working Group was tabled at the meeting.

Members asked that the LGANT representatives get a clear indication of the responsibility of existing invoices sent to councils by Power and Water while this issue is still in abeyance. It was also requested that the LGANT representatives present a report at the April 2016 general meeting.

RESOLUTION

THAT the Executive receives and notes the report on street lighting charges.

Moved: Mayor Jack
Seconded: Councillor Thurlow
Carried

8.6 National Stronger Regions Fund

Recent History

- Letter sent to Minister for Infrastructure and Regional Development 15/12/15.
- LGANT media release issued 17/12/15.
- Response from the Minister 20/01/16.

Discussion

Members heard that MacDonnell Regional Council has received a grant for planting of 1,000 trees. The LGANT Media Officer will follow up on this with the Council CEO. The next round of applications to the National Stronger Regions Fund need to be in by March 2016 and councils are encouraged to apply.

RESOLUTION

THAT the Executive receives and notes the report on the National Stronger Regions Fund.

Moved: Mayor Jack
Seconded: Councillor Sharman
Carried

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

9. PRESIDENT'S REPORT

10. BUSINESS FROM PREVIOUS MEETING THAT IS NOT YET FINISHED

10.1 Administration & Legislation Advisory Committee

Short Term History

- ALAC meetings 7/05/15; 4/08/15; 9/12/15.
- Executive meeting 15/09/15; 27/10/15; 8/12/15.
- Action items include:
 - legislative reviews, *Local Government Act*, *Information Act*, *Cemeteries Act*
 - disciplinary committees, by-laws, member allowances, morgues, statutory immunity for road authorities.
- The next meeting of ALAC is being held on 22/03/16.

Future Action

Provide progress reports.

Discussion

Members noted the report.

10.2 The Transfer of Local Roads from the NT Government to Local Government

Short Term History

- LGANT met with Department officers 12/11/14 to discuss the Partnership Board. The Board has never met despite the Chief Minister creating it in August 2012.
- Executive meeting 15/09/15; 27/10/15; 8/12/15.
- Business papers to the FRG (24-25/02/15), ETIRG (26-27/02/15) and CEO Forum (15/04/15)
- Department of Transport CEO delivered presentation at the General Meeting in Tennant Creek 16/04/15 calling on councils to put forward proposals.
- The Northern Territory and Commonwealth budgets included announcements on:
 - \$5B infrastructure loan facility for Northern Australia
 - \$100M beef roads (many of which are local roads in the NT earmarked for transfer)
- All of the above are relevant to this matter.
- Councils need to consider their negotiated positions in light of what LGANT has informed council CEOs about the likely finances to do with such transfers.
- There are additional funds through the Roads to Recovery Program for local roads for the 2015/16 and 2016/17 financial years which includes local roads the NT Government is currently responsible for.
- General meeting resolution – *THAT delegates request LGANT write to the CEO of the Department of Transport requesting a meeting to discuss a terms of reference and convening of the "Local Roads Partnership Board" as per letter from Chief Minister dated 11 August 2013 12/11/15.*
- LGANT is to update its paper for presentation at the next general meeting for members to consider further action.
- A meeting has been organised with Department of Transport officers on 1 February 2016. An update on the outcomes of this meeting will be provided at the Executive meeting.

Future Action

Arrange meeting in 2016 with new CEO Of the Department of Transport, Andrew Kirkman.

Discussion

Members were told that LGANT has made several unsuccessful attempts to arrange a meeting with the Department of Transport. The LGANT President advised he wishes to attend the meeting once it is arranged.

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

10.3 White Paper on Taxation

Short Term History

- Tax discussion paper released 30/03/15.
- ALGA submission to the Taxation Issues Paper 26/05/15.
- Executive meeting 15/09/15; 27/10/15; 8/12/15.

Future Action

Consider putting a submission to the Green Paper once it has been released.

Discussion

Members noted the recent media announcements which pointed towards a ceasing of this process.

10.4 Land Development in the Northern Territory

Short Term History

- Meeting with Department of Lands, Planning and the Environment 5/03/14.
- General meeting resolution – *THAT delegates call on councils to commit to examining proposals to do with land subdivisions from the Department of Lands, Planning and the Environment* 3/04/14.
- Meetings of the reference group 29/05/14; 26/06/14; 6/08/14.
- Draft Subdivision Guidelines tabled at the CEO Forum 19/08/14.
- CEO teleconference 9/09/14.
- ETIRG meeting 12/09/14.
- Executive resolution – *THAT the Executive receives and notes the report on land development in the Northern Territory* 16/09/14.
- General meeting 6/11/14; 16/04/15; 12/11/15.
- Director Land and Economic Development spoke at the ETIRG meeting 26/03/15.
- Executive meetings 15/09/15; 27/10/15; 8/12/15.
- The NTG 2015/16 budget identifies funding to continue with the development of uniform subdivision guidelines in the Northern Territory.
- Meeting with Department of Planning to discuss proposed changes in dealing with minor planning approvals ie sheds, fencing and boundary setbacks.
- Letter from Department of Planning Chief Executive 8/12/15 advising formation of a management committee having three local government representatives.

Future Action

Establish regional working groups amongst councils that can feed into the Management Committee.

Discussion

Members heard that regional working groups will be set up to deal with technical issues while a high level working group will be established to deal with the overall directions of the guidelines.

10.5 Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples

Short Term History

- Evidence provided at inquiry hearing in Darwin 20/08/14.
- Executive resolution – *THAT the Executive endorses the referendum matter being put to the November 2014 general meeting for resolution as LGANT policy and request councils consider passing a resolution in favour of the referendum* 16/09/14.
- General meeting resolution – *THAT delegates approve the draft resolution and LGANT policy on the recognition of Aboriginal and Torres Strait Islander peoples in the Australian Constitution* 6/11/14.
- Executive meeting 15/09/15; 27/10/15; 8/12/15.
- General meeting 16/04/15; 12/11/15.
- CEO of Palmerston, Ricki Bruhn advised in an email dated 1/06/15 that council would not consider the matter until the detail of the referendum question had been approved by the government. It is likely that other councils will follow this approach.

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Council	Resolution passed at council meeting on date
East Arnhem Regional Council	6 September 2011
Katherine Town Council	23 September 2014
Central Desert Regional Council	6 December 2014
MacDonnell Regional Council	26 June 2015
West Arnhem Regional Council	10 June 2015

Future Action

Follow up with councils if they have passed resolutions. Update LGANT policy statements.

Discussion

Members noted the uncertainty surrounding both the wording of the referendum question and the timing for it to be held.

10.6 Arts and Cultural Policy Reference Group

Short Term History

- Email received from Arts NT, Department of Arts and Museums 28/11/14.
- Expression of interest sent online from the LGANT CEO 2/12/14.
- Letter from CEO Department of Arts & Museums 24/05/15.
- Angela Hill (Director NT Arts) advised:
 - representatives on the group have yet to be announced
 - there will be a discussion paper released soon on arts and culture which local government will be invited to comment on
 - forums are planned in regional centres
- Minister's media release on Arts and Cultural Policy Reference Group 8/06/15.
- Executive meeting 15/09/15; 27/10/15; 8/12/15.
- Discussion paper released with submissions required by 5/11/15:
<http://www.artsandmuseums.nt.gov.au/corporate/arts-and-cultural-policy>

Future Action

Report details of the government's policy once released.

Discussion

Members heard LGANT was asked to provide the expenditure figures for Arts and Culture in the NT.

10.7 Belyuen, Coomalie, Wagait Local Government Advisory Group

Short Term History

- Advisory Group meetings 2/03/15 (Batchelor), 9/6/15 (Belyuen) and 10/11/15 (Wagait).
- Executive meeting 18/09/15; 27/10/15; 8/12/15.
- A proposal for the establishment of a new regional council which includes Belyuen and Coomalie is expected to go before Cabinet in January 2016.

Future Action

Continue to provide progress reports.

Discussion

Members noted that no new information had been released on this matter.

10.8 Draft Submission on the *Cemeteries Act*

Short Term History

- In December 2012, the Department of Local Government and Regions (the Department) released a public discussion paper, *Review of the Cemeteries Act*.
- In February 2013, the LGANT submission on the review was sent to the Department.

LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

- The review was in abeyance from March 2013 to November 2014 while the Department completed further research as well as undertaking consultations with stakeholders.
- Letter from the Department of Local Government and Regions to LGANT President inviting LGANT to lodge another submission on the review of the *Cemeteries Act* 27/11/14.
- Email and draft submission forwarded to members on 29/01/15.
- Business Paper to Executive on 6/02/15.
- LGANT submission sent to the Department of Local Government 13/3/2015
- Executive meeting 15/09/15; 27/10/15; 8/12/15.

Future Action

Monitor development of legislation once it is known.

Discussion

Members noted the report.

10.9 Financial Assistance Grants

Short Term History

- Release of Federal Budget on 13/05/14.
- General meeting resolution – *THAT delegates call upon councils:*
 - (a) *to support the campaign to restore the indexation of the Financial Assistance Grants by highlighting to Federal politicians:*
 - *the absolute need for the Grants*
 - *the losses resulting from the Grants not being indexed*
 - (b) *to agree to work with LGANT to document the many reforms and activities which demonstrate improvements and efficiencies councils are undertaking* 6/11/14.
- General meeting resolution – *THAT delegates revoke the current LGANT policy 3.3(a)* 16/04/15.
- Email to CEOs requesting notice of resolutions 12/05/15.
- The resolution that councils have been asked to mirror includes:

That the Council:

1. *Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of councils services and infrastructure;*
2. *Acknowledges that the council will receive \$X.Y million in 2014 – 15; and*
3. *Will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports.*

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Council	Resolution passed at council meeting on date
Central Desert Regional Council	6 December 2014
West Arnhem Regional Council	14 January 2015
Coomalie Community Govt Council	21 April 2015
Victoria Daly Regional Council	28 April 2015
West Daly Regional Council	20 May 2015
Barkly Regional Council	22 May 2015
Tiwi Islands Regional Council	27 May 2015
East Arnhem Regional Council	29 May 2015
City of Palmerston	2 June 2015
Litchfield Council	18 June 2015
MacDonnell Regional Council	26 June 2015
Alice Springs Town Council	29 June 2015
Roper Gulf Regional Council	22 July 2015
Katherine Town Council	28 July 2015
City of Darwin	11 August 2015
Wagait Shire Council	15 September 2015

- Executive meeting 15/09/15; 27/10/15; 8/12/15.
- Letter from the LGANT President to the NT Treasurer on support for the ALGA President to be present at meetings of Treasurers (Federal, State and Territory) to advance financial matters arising from the COAG meeting of 22/07/15.

Future Action

Continue to pursue with councils their work on getting resolutions passed about FAGs and in identifying case studies and projects that FAGs are used for.

Discussion

Members noted the report.

10.10 Draft Darwin Regional Transport Plan

Short Term History

- December 2013 Integrated Transport Planning and Investment Road Map.
- 2014 Darwin Regional Land Use Plan.
- 2/06/15 Letter from Department of Transport with invitation to comment.
- Community/Industry consultation 26/06/15.
- LGANT submission sent 30/06/15.
- Executive meeting 15/09/15; 27/10/15; 8/12/15.

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- Email advising release of consultation draft 1/12/15; website www.transport.nt.gov.au/publications/strategies-and-plans/darwin-regional-transport-plan
- Tabled at TOPROC meeting 4/12/15.
- LGANT submission sent 18/12/2015.

Future Action

Await Government response and release of the final plan and assess in terms of LGANT submission.

Discussion

Members noted the report.

10.11 Heavy Vehicle Task Force

Short Term History

- October 2010 Darwin Region Heavy Vehicle Task Force.
- June 2011 Darwin Region Heavy Vehicle Task Force Final Report 'A Safe System Approach to Heavy Vehicles in Greater Darwin Region'.
- Northern Territory Heavy Vehicle Taskforce meeting 06/05/15.
- Executive meeting 15/09/15; 27/10/15; 8/12/15.

Future Action

Waiting for Department of Transport invitation on further follow up meetings.

Discussion

Members noted the Government had not responded to the final report.

10.12 Waste Management Regional Projects

Short Term History

- 2012/2015 Central Australian Waste Management Coordinator Project.
- 2014/15 Big Rivers / Katherine Pilot Project Waste Management Coordinator Initiative.
- 2014/15 Public Health Community Education Initiative Central Australia.
- Presentation in Perth (WALGA) on the project and governance arrangements.
- Funding agreement approved by the Executive 18/08/15.
- Executive meeting 15/09/15; 27/10/15; 8/12/15.

Future Action

Working Group meeting has been planned for February 2016. The appointment of a coordinator for the "Big Rivers" region is expected in March/April 2016.

Discussion

Members noted the report.

10.13 National State of the Assets Report 2014

Short Term History

- 2010 the Local Roads Funding Gap Report.
- 2012/13 data collection undertaken.
- 2013 State of Assets Report launched at the 2013 Road Congress in Alice Springs.
- 2014 appointment of consultants Jeff Rorda and Associates.
- Executive resolution – *THAT the Executive supports ALGA and promote participation of member councils in the "National State of Assets Report 2014"* 16/09/14.
- Report launched at the "Local Government Roads and Transport Congress" in Tamworth November 2014.
- ALGA President spoke to the Executive on the initiative on 1/05/15.
- Executive meetings 15/09/15; 27/10/15; 8/12/15.
- Launch at the National Roads Congress 18 November 2015.

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Future Action

Provide progress reports to EITRG and the Executive during 2016.

Discussion

Members noted the report.

10.14 Establishing a Territory Wide Local Government Insurance Scheme

Short Term History

- Finance Reference Group meeting 17/10/14 resolution – *That the Finance Reference Group asks Jardine Lloyd Thompson (JLT) to develop a proposal for local government councils in the Northern Territory.*
- Letter of authority for provision of date from JLT 4/12/14.
- Jardine Discretionary Trust Proposal – Modelling and Preliminary Pricing received 13/02/15.
- Finance Reference Group meeting 24-25/02/15 resolution – *That the Finance Reference Group resolves that the JLT be asked to:*
 - *file further indicative information in relation to costs for each council*
 - *that it be emailed to councils as soon as possible*
 - *that FRG members respond in time for the presentation to the CEO's Forum should the majority be in favour of that option.*
- Executive meeting resolution 19/05/15 – *That the Executive give in principle support to the establishment of an insurance scheme for local government in the Northern Territory.*
- Legal advice obtained on the trust deed 12/06/15.
- Email to JLT advising reasons for not proceeding with the scheme and response from JLT 29-30/06/15.
- Executive meeting 15/09/15; 27/10/15; 8/12/15.

Future Action

Working party meeting on 10/02/16 will include a presentation from a representative of the Municipal Association of Victoria which operates an insurance scheme.

Discussion

Members were told that LGANT is bringing up Owen Harvey-Beavis from the Municipal Association of Victoria to speak to the Working Group about how the scheme was established in Victoria and how it is proceeding.

10.15 Review of the *Local Government Act*

Short Term History

- Letter from Executive Director, David Willing of the Department of Local Government and Regions ('the Department') to the LGANT CEO:
 - giving notice of the review of the *Local Government Act*
 - requesting representation from LGANT to a working party by 30/01/15
 - asking for submissions to the review to be in by 30/04/15.
- All Executive members provided out-of-session endorsement by 23/01/15 of the LGANT CEO as the LGANT representative on the working party.
- Letters received from Department appointing LGANT President as Chair and CEO to the working group 19/03/15.
- Draft LGANT submission approved at the general meeting subject to further changes 16/04/15.
- LGANT submission sent 29/04/15.
- First meeting of the working party was held on 29/07/15.
- Executive meeting 15/09/15; 27/10/15; 8/12/15.

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Future Action

Attend further meetings of the working party and report.

Discussion

Members noted the report.

10.16 Nominations to the Heritage Council

Short Term History

- Letter to Minister requesting representation from both municipal and regional councils on the Heritage Council 26/08/15
- Executive meeting 15/09/15; 27/10/15; 8/12/15.
- Response from Minister 4/11/15.

Future Action

Await formal notice of appointment and alter records.

Discussion

Members noted the report.

10.17 Infrastructure Australia – ALGA Submission

Short Term History

- 2014 Productivity Commission report on “Public Infrastructure”.
- January 2015 Northern Australia Audit from Infrastructure Australia is released.
- 7 August 2015 RATAC meeting with Infrastructure Australia.
- 28 September 2015 ALGA forwards its submission to Infrastructure Australia.
- Executive meeting 15/09/15; 27/10/15; 8/12/15.

Future Action

Watching brief through ALGA (RATAC).

Discussion

Members noted the next meeting of RATAC is on 23-24 February 2016.

10.18 White Paper for Developing Northern Australia

Short Term History

- Executive resolution – *THAT the Executive agrees to LGANT lodging a submission on the Green Paper for Developing Northern Australia* 26/06/14.
- Final submission sent 7/08/14.
- Website is: www.northernaustralia.dpmc.gov.au
- Luke Bowen addressed CEOs, Mayors and Presidents at a meeting convened by the Department of Local Government and Community Services on 29/07/15.
- Executive meeting 15/09/15; 27/10/15; 8/12/15.
- Mark Coffey has been appointed to head up the Federal Office of Northern Australia in Darwin. He starts in January 2016.

Future Action

Monitor the implementation of the White Paper recommendations.

Discussion

Members asked that Mark Coffey from the Federal Office of Northern Australia in Darwin be asked to talk at the April 2016 general meeting.

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10.19 Visitations by Ministers and Community Champions

Short Term History

- Executive meeting 15/09/15; 27/10/15; 8/12/15.
- Letter sent to Chief Minister and copied to Minister for Local Government 5/10/15.
- Letter from Minister for Local Government and Community Services 29/10/15.
- Response from Chief Minister 4/11/15. Does not make any reference to Ministerial visitations.

Future Action

Obtain feedback from councils on notifications.

Discussion

Members noted the report.

10.20 Council Raising Own Source Revenue

Short Term History

- General meeting resolution – *THAT LGANT supports the motion by having the matter referred to the Finance Reference Group and reported to the Executive and the next LGANT general meeting 12/11/15.*
- Executive meeting 8/12/15.

Future Action

Put item on the agenda for the next FRG meeting on 9 March 2016.

Discussion

Members noted the report.

10.21 The Transfer of Barge Landings, Boat Ramps and Airstrips to Local Government

Short Term History

- General meeting resolution – *THAT LGANT writes to the Minister for Transport to initiate meetings between LGANT and relevant government agencies to address the issues surrounding the condition of barge landings and boat ramps 12/11/15.*
- A draft letter will be circulated to relevant coastal councils and tabled at the meeting.
- Executive meeting 8/12/15.

Future Action

A draft letter will be tabled at the meeting.

Discussion

Members noted the report.

10.22 Local Government Excellence Report Update

Short Term History

- Funding approved August 2014.
- Project commenced on 1/09/2014.
- 15/01/2015 First progress report submitted to the Department of Local Government and Community Services.
- 08/05/2015 Meeting with Meeta to discuss the revised budget for 2014/15 and updated service plan for 2015/16.
- Executive meeting 15/09/15; 27/10/15; 8/12/15.

Future Action

Provide progress reports.

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Discussion

The Department has asked to review all LGANT's modules before they are taken to councils members were told. LGANT staff are currently working on these modules which should be finished within the next two weeks.

Members felt that it is important that LGANT make it clear at the April 2016 general meeting that LGANT will continue to provide member training unless there is a change of direction after the NT Election in August 2016.

10.23 Nominations to the NT Weeds Advisory Committee

Short Term History

- Letter from Weed Management Branch, Department of Land Resource Management 27/11/14.
- Call for nominations emailed to councils 12/12/14.
- Reminder email sent 20/01/15.
- Committee advised of Andrew Farrell's nomination 17/02/15.
- Executive meeting 1/05/15; 19/05/15; 23/06/15.
- Email to Committee 8/05/15.
- Email from Weeds Management Branch 14/05/15.
- Email to Weeds Management Branch advising LGANT's nominated representative has resigned from Litchfield Council 23/06/15.
- Email response from Weeds Management Branch 3/07/15.
- Letter from Department of Land Resource Management inviting nominations to Regional Weed Reference Groups in Darwin, Katherine and Alice Springs 12/01/16.
- The matter will now be referred to the meeting of the Environment, Transport and Infrastructure Reference Group in March 2016.

Future Action

Pending advice from the above reference group, there could be no further action required.

Discussion

Members asked that LGANT send a letter to the Minister expressing disappointment at not being on the NT Weeds Advisory Committee.

RESOLUTION

THAT the Executive receives and notes the reports on business from previous meetings that is not yet finished.

Moved: Mayor Siebert
Seconded: President Shaw
Carried

11. BUSINESS NOT YET FINISHED BUT INACTIVE

RESOLUTION

THAT the Executive accepts the business not yet finished but inactive.

Moved:
Seconded:
Carried

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12. MEMBERS QUESTIONS

Question:

At the last East Arnhem Regional Council meeting elected members were asked to nominate council's representative to CouncilBIZ and were told it has to be the CEO or his representative. If CouncilBIZ is owned by councils why are CEOs the representatives and not elected members?

Answer:

This is what is stated in the CouncilBIZ constitution. The constitution is currently being reviewed.

13. GENERAL BUSINESS

13.1 Nomination of LGANT Representative on CouncilBIZ

The LGANT CEO requested that the Executive approves his nomination to CouncilBIZ.

RESOLUTION

THAT the Executive nominates Tony Tapsell as LGANT's representative on CouncilBIZ.

Moved: Alderman Haslett
Seconded: Councillor Sharman
Carried

13.2 Community Champions

The President asked that councils follow up with the Chief Minister's Department if their community champion is letting them down. LGANT will follow up with the communities that have community champions to see whether there has been any results.

13.3 Australian Local Government Women's Association (ALGWA)

ALGWA will be holding a governance and training session for local government employees in Katherine on Saturday 27 February 2016. Members asked that LGANT form an MOU with ALGWA-NT to work together for a common goal. It was agreed that ALGWA can use LGANT's postal address its registered address.

RESOLUTION

THAT LGANT works closer with ALGWA and forms an MOU.

Moved: Mayor Miller
Seconded: Councillor Thurlow
Carried

13.4 Welcome to Country in Jabiru

LGANT will contact West Arnhem Regional Council to arrange for a Welcome to Country ceremony to be held at the commencement of the general meeting in Jabiru.

14. COMPLETED BUSINESS

RESOLUTION

THAT the Executive approves the removal of items of completed business from the agenda for the next meeting.

Moved: Mayor Miller
Seconded: Mayor Siebert
Carried

15. CONFIDENTIAL BUSINESS

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16. NEXT MEETING

The next meeting of the LGANT Executive will be held on Tuesday 15 March 2016 at 10:00am in the LGANT Boardroom.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 2:15pm.

DRAFT

ITEM NO. 13.1.1 **Power to Sell Land – Assessments 105694 and 105669**

FROM: Director of Corporate and Community Services
REPORT NUMBER: 8/0827
MEETING DATE: 1 March 2016

Municipal Plan:

4. Governance & Organisation

4.1 Responsibility

We are committed to corporate and social responsibility, the sustainability of Council assets and services, and the effective planning and reporting of Council performance to the community

Summary:

Division 4 of the Local Government Act Northern Territory gives Council the right to execute the power to sell land for non-payment of rates. Senior Management has identified two properties with outstanding rates that qualify for the sale of land. Property owners have been given warnings and debt recovery steps have been taken to try to recover the debt.

Council is asked to approve that those properties will be handed over to lawyers to start the process of selling land for non-payment of rates.

Background:

The rates debts on the following properties are not recoverable through the debt recovery process handled by Council administration under the debt recovery policy. Management strongly believes that all possible steps have been taken to attempt to recover the debt without legal actions and that both owners have received sufficient warning of the process that will occur if the debt is not settled.

Both properties have rates in arrears for at least three years and an overriding statutory charge securing the liability for at least six months as required by Section 173 of the Local Government Act to qualify for the sale of land process to be initiated.

Senior management suggests to involve legal aid to facilitate the pre-conditions for the sale (outlined in Section 174 Local Government Act Northern Territory) and if required the process of sale of land.

General:

Assessment 105694

Residential property is owner occupied and has been registered under the name of the current owner since 2009. Rates have been in arrears since the change of ownership with one major payment in 2011/12 financial year to clear debt, but no further payments after this until small payments being made in 2015. Account has not been debt free since June 2011.

The total amount outstanding on the property as per 24 February 2016 is \$9,551.75

Council has been in contact with the owner and the person holding legal power of attorney. Both parties have been advised in meetings about the financial hardship concession policy from Council. This resulted in a financial hardship concession application in November 2015, approved by Council under condition of a regular pay agreement and a lump sum payment by 31 January 2016. The owner has adhered to the payment agreement, but has not made any lump sum payment. The current payment amount is insufficient to cover the current rates and therefore debt will increase. The owner has been advised in writing about the concession being cancelled due to the lack of lump sum payment and that further legal actions might be taken. The owner has not made contact with Council since.

The following table outlines the debt recovery actions that have been taken over the years in a timeline. Not outlined in the table is standard correspondence from Council in the form of annual and reminder notices as well as overdue letters sent after each instalment.

Financial year	Debt Recovery action	Result
2009/10	Letter of Demand	No response from owner
	Field Call	Bailiff could not contact owner after several attempts, left contact, no response from owner
	Statement of claim	One off payment to clear debt in 2011
2011/12	3 Letters of Demand	No response from owner
	Field Call	Bailiff could not contact owner after several attempts, left contact, no response from owner
2012/13	Statement of Claim	Statement of claim was served- no response from owner
	Directors Default Letter outlining legal procedures (registered mail)	No response from owner
2013/14	Statutory Charge	Owner contacted council to allow council to discuss matter with Department of Human Resources, attorney got involved

Senior Management believes that the current owner is not in a financial situation to cover the ongoing rates on the property or reduce the debt occurred over the last four and a half years. Whilst staff sympathise with the owner's situation it is in Council's interest to pursue the recovery of the debt. Management believes that administration has exhausted the avenues given under policy to support the owner in decreasing the debt.

Assessment 105669

Residential property is owner occupied and has been registered under the name of the current owner since 2003. Rates have been periodically in arrears since the change of ownership. Account has not been debt free since June 2009.

The total amount outstanding on the property as per 24 February 2016 is \$8,777.30

Council has been in contact with the owner over the years discussing the debt and the possibilities to reduce debt. Owner claimed financial hardship and inability to commit to regular payments. Owner has been advised about the financial hardship concession policy of Council, but did not pursue this option. Last contact with the owner was in October 2015 requesting a pay agreement of \$50 per fortnight. The owner was advised that this would not resolve the debt as the amount is too small and that he would need to request a financial hardship concession for administration to stop any further legal actions being taken. Last payment received was \$110 in May 2015. A phone call and letter from senior management in October 2015 advised owner again of the debt and the potential further legal proceedings.

The following table outlines the debt recovery actions that have been taken over the years in a timeline. Not outlined in the table is standard correspondence from Council in the form of annual and reminder notices as well as overdue letters sent after each instalment.

Financial year	Debt Recovery action	Result
2003/2004	Letter of Demand	Settled debt
2004/2005	Letter of Demand	Settled debt
2005/2006	Letter of Demand	Settled debt
2008/2009	Letter of Demand	Settled debt
2009/2010	Letter of Demand	Part payment
2010/2011	Letter of Demand	Small payment
	Field Call	Bailiff could not contact owner after several attempts, left contact, no response from owner
2011/2012	Letter of Demand	No response from owner
	Field Call	Owner set up pay agreement – failed to adhere to agreement
2012/13	Field Call	Owner set up pay agreement – failed to adhere to agreement
2013/14	Letter of Demand	Owner made aware of constant dishonoured direct debits, owner could not commit to any repayments
2014/15	Directors Default Letter outlining legal procedures (registered mail)	Owner met with senior management trying to access superannuation funds, unsuccessful, no payment commitment
	Statutory Charge	No further contact
2015/16	Letter from senior management	Owner requested confirmation of debt to try to access superannuation fund

Senior Management believes that the current owner is not in a financial situation to cover the ongoing rates on the property or reduce the debt occurred over the last six and a half years. Whilst staff sympathise with the owner's situation it is in Council's interest to pursue the recovery of the debt. Management believes that administration has exhausted the avenues given under policy to support the owner in decreasing the debt.

Financial Implications:

The overall accrued debt of \$18,329.05 (as at 24/02/2016, accruing penalty interest daily) is a shortage in operational funds.

All legal fees incurred are fully recoverable over the sale of land and will not be at any cost to Council.

Policy Legislation:

Local Government Act, Dec 2014

Part 11.9 Recovery of rates
Division 4 Sale of land

- 173 *Power to sell land for non-payment of rates*
If rates have been in arrears for at least 3 years, and an overriding statutory charge securing liability for the rates has been registered for at least the last 6 months, the council may sell the land.
- 174 *Pre-conditions of sale*
(1) Before the council sells land for non-payment of rates, it must give a notice to the principal ratepayer for the land at the address appearing in the assessment record:
 (a) stating the period for which rates have been in arrears; and
 (b) stating the total amount currently outstanding on the land; and
 (c) warning that if that amount is not paid in full within a stated period (at least 1 month) after the date of the notice, the council will sell the land for non-payment of rates.
(2) A copy of the notice must be given to:
 (a) any other person with a registered interest in the land; and
 (b) if the land is a pastoral or other lease granted by the Territory, or a mining tenement – the Minister administering the legislation under which the lease or mining tenement was granted.
(3) If the whereabouts of a person to whom a notice (or copy) is, after reasonable inquiries, not ascertained by the council, the notice may be given by:
 (a) publishing it in a newspaper circulating generally throughout the Territory; and
 (b) leaving a copy of the notice in a conspicuous place on the land.
- 175 *Sale of land*
(1) If the full amount of the outstanding rates is not paid within the time allowed in the warning notice, the council may sell the land.
(2) The sale must be by public auction.
 Exceptions
 1 If the land is a pastoral or other lease granted by the Territory, or a mining tenement, the sale must be made as approved by the Minister administering the legislation under which the lease or mining tenement was granted.
 2 If the land is a leasehold estate granted by a Land Trust, the sale must be made as approved by the relevant Land Council.
(3) A public auction must be advertised:
 (a) on the council's website; and
 (b) on at least 2 separate occasions in a newspaper circulating generally throughout the Territory.
(4) If before the date of the sale, the outstanding rates (including costs incurred by the council with a view to sale of the land) are paid, the council must call off the sale.
(5) If an auction fails, the council may sell the land by private contract for the best price that it can reasonably obtain.

(6) If a council sells land under this section, the council may execute a conveyance of the land under its common seal.

(7) On registration of the conveyance, title to the land vests in the purchaser freed and discharged from all mortgages, charges and encumbrances securing the payment of money.

176 *Proceeds of sale*

(1) The council must apply the proceeds of the sale of the land as follows:

(a) first in the payment of the costs incurred in selling the land under this Division;

(b) secondly, in the payment of all liabilities secured on the land (including the liability to the council) in the order of their priority;

(c) thirdly, in payment to the owner of the land.

(2) If the council fails, after reasonable inquiry, to discover the identity or whereabouts of a person entitled to payment under this section, the council may make the payment to the Public Trustee as unclaimed property.

(3) A payment made to the Public Trustee under subsection (2) vests in the Public Trustee under, and for the purposes of, section 59A of the Public Trustee Act.

RECOMMENDATION

1. THAT Council receives Report Number 8/0827.
2. THAT Council approves the recommended process of power of sale of land for non-payment of rates for Assessment 105694.
3. THAT Council approves the recommended process of power of sale of land for non-payment of rates for Assessment 105669.
4. THAT the Mayor and Chief Executive Officer be authorised to sign and seal all documentation in relation to the sale of land for non-payment of rates for the above mentioned properties.

Recommending Officer: Ben Dornier, Director of Corporate & Community Services

Any queries on this report may be directed to Ben Dornier, Director of Corporate & Community Services on telephone (08) 8935 9971 or email ben.dornier@palmerston.nt.gov.au.

Schedule of Attachments:

Nil