



2nd ORDINARY COUNCIL MEETING

NOTICE OF MEETING

TUESDAY, 16 JULY 2019

The Ordinary Meeting of the City of Palmerston will be held in the Council Chambers, Civic Plaza, 1 Chung Wah Terrace, Palmerston commencing at 5.30pm.

A handwritten signature in black ink, appearing to read "Luccio Cercarelli".

LUCCIO CERCARELLI
CHIEF EXECUTIVE OFFICER

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2nd Ordinary Council Meeting

1 ACKNOWLEDGEMENT OF COUNTRY

2 OPENING OF MEETING

3 APOLOGIES AND LEAVE OF ABSENCE

- 3.1 Apologies
- 3.2 Leave of Absence Previously Granted
- 3.3 Leave of Absence Request

4 REQUEST FOR TELECONFERENCE

5 DECLARATION OF INTEREST

- 5.1 Elected Members
- 5.2 Staff

6 CONFIRMATION OF MINUTES

6.1 Confirmation of Minutes

THAT the Minutes of its Council Meeting held on 2 July 2019 pages 9817 to 9826 be confirmed.

6.2 Business Arising from Previous Meeting

7 MAYORAL REPORT

8 DEPUTATIONS AND PRESENTATIONS

9 PUBLIC QUESTION TIME (WRITTEN SUBMISSIONS)

10 CONFIDENTIAL ITEMS

- 10.1 Moving Confidential Items into Open
- 10.2 Moving Open Items into Confidential

10.3 Confidential Items

THAT pursuant to *Section 65(2) of the Local Government Act and Regulation 8 of the Local Government (Administration) Regulations* the meeting be closed to the public to consider the following confidential items.

ITEM	REGULATION	REASON
25.2.1	8(c)(iv)	This item is considered 'Confidential' pursuant to <i>Section 65(2) of the Local Government Act and 8(c)(iv) of the Local Government (Administration) Regulations</i> , which states municipal council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person is discussed.
25.2.2	8(c)(iv)	This item is considered 'Confidential' pursuant to <i>Section 65(2) of the Local Government Act and 8(c)(iv) of the Local Government (Administration) Regulations</i> , which states municipal council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person is discussed.

11 PETITIONS

11.1 Small Dog Play Area, Marlow Lagoon

12 NOTICES OF MOTION

13 OFFICER REPORTS

13.1 Receive and Note Reports

13.1.1	Community Benefit Scheme July 2019 Update	9/0266
13.1.2	Lifestyle and Community Quarterly Report April – June 2019	9/0267
13.1.3	Financial Report for the Month of June 2019	9/0272

AGENDA ITEM:	13.1.1
REPORT TITLE:	Community Benefit Scheme July 2019 Update
REPORT NUMBER:	9/0266
MEETING DATE:	16/07/2019
AUTHOR:	Manager Community Services, Jan Peters
APPROVER:	Acting Director Lifestyle and Community, Amelia Vellar

COMMUNITY PLAN

Family and Community: Palmerston is a safe and family friendly community where everyone belongs.

PURPOSE

This report provides Council with a summary of the Community Benefit Scheme 2018/2019 Financial Year activity.

KEY MESSAGES

- The City of Palmerston actively supports community organisations and groups to deliver community initiatives, programs and events which benefit the community.
- In 2018/2019 the City of Palmerston's Community Benefit Scheme for grants, donations and sponsorships was increased by 30% to \$130,000. The additional \$30,000 drawn from the Community Benefit Scheme Reserve.
- Council has provided a total of \$114,436 in grants, scholarships, sponsorship and donations including representation support in 2018/2019.
- Community Benefit Scheme has supported twenty-six Community groups in 2018/2019
- Community Benefit Scheme has supported thirty-seven individuals in 2018/2019
- A balance of \$15,564 remained unexpended in the Community Benefit Scheme 2018/2019 budget.

RECOMMENDATION

THAT Report Number 9/0266 entitled Community Benefit Scheme July 2019 Update be received and noted.

BACKGROUND

The City of Palmerston actively supports community organisations and groups to deliver community initiatives, programs and events which benefit the community. In 2018/2019 the City of Palmerston's Community Benefit Scheme for grants, donations and sponsorships was increased by 30% to \$130,000. \$30,000 was drawn from the Community Benefit Scheme Reserve to provide additional support to Council's multi-year agreements already in place and ensure adequate funds remain to support new initiatives and applications throughout 2018/19.

City of Palmerston provides funding to eligible community groups that offer activities, projects and services that assist Council to deliver on Palmerston's vision of "A Place or People".

Applications are accepted year-round and the scheme is promoted at every opportunity. Successful applicants agree to acknowledge Council's support and provide images that may be used to promote the funding scheme.

DISCUSSION

The Community Benefit Scheme funding for organisations includes grants and sponsorships, with scholarship, donations, including representation support, which is available to individuals.

Individual representational support was added this year to increase the community's ability to access the scheme. The scheme is being assessed to further broaden the ability to apply for funds in the next financial year, to ensure that Council can provide support to the Palmerston community where appropriate. The overall support provided was up from \$95,509.09 in 2017/18 to \$114,436 in 2018/19.

Annual funding was provided to:

- Palmerton College for the Aridagawa Sister city Student Exchange Scholarship
- Annual School Community Awards of \$150 per school was awarded to fifteen local schools.
- Nineteen Community Groups received individual funding to the value of \$ 32,050.00

The following are some examples of recipients of Community Benefit Scheme funding this financial year.

Zimbabwe Darwin Community Association

The Zimbabwe Darwin Community Association received \$2,000 to sponsor the 2019 Zimpride Football (Soccer) event on 20 and 21 April 20 and 21. This is the northern Zimpride event over Easter, attracting up to twelve teams from the Northern Territory, Western Australia, New South Wales, New Zealand, Victoria, Australian Capital Territory, Queensland and South Australia. Zimpride is a celebration of Zimbabwean culture, food and love of soccer; funding from Council will assist with catering and children's entertainment. Football Federation NT are partnering with the ZDCA to host the event at Gray Oval.



STEPS

STEPS Group was successful in its \$500 grant to purchase sewing program needs including two sewing machines. The participants of STEPS Training are developing confidence, language and new sewing skills that will open opportunities for employment in the future. The ladies have been making clothing, quilts, bags and gifts. They designed and created a quilt to celebrate NAIDOC week 2018 and another quilt to

celebrate International Women's Day and Harmony Day; this quilt is currently displayed in Palmerston Library. (below)



Litchfield/Palmerston Rotary

Litchfield/Palmerston Rotary was successful in receiving \$4000 to take part in the Buddy Bench program at Forest Parade Primary School.

A 'Buddy Bench', which is also known as a friendship bench is a special place within a school playground where a child can go when they want someone to talk to or play with. Other children and staff will recognise this as a sign that some help, support or comfort is needed and come to talk with the child.

The 'Buddy Bench' is also a means by which a child can seek support without the need to rationalise their feelings or to seek-out a member of staff or special friend. Because the bench is in the day-to-day environment of the school it can be used at any time and for any reason – from seemingly trivial matters to more serious concerns – and encourages children to ask for help when they are troubled.



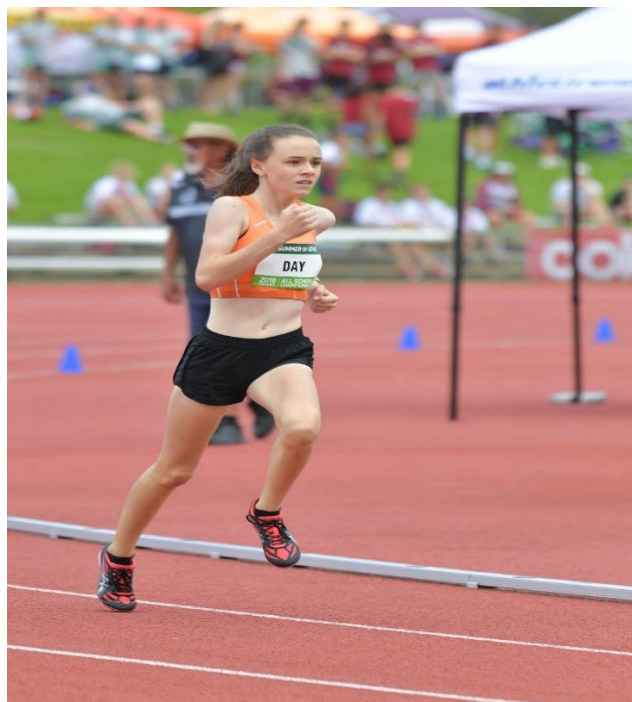
The following 3 year funding was awarded to:

- The Returned and Services League of Australia – Palmerston received 3 year funding to hold ANZAC Day Services in Palmerston.
- Touch Football NT for their NT Titles
- The Palmerston and Rural Seniors Committee for sponsorship of the Seniors Fortnight NT PGA Championship

Palmerston Rugby League Club successfully received funding to support the Mayors Cup an annual event between to local Palmerston based Rugby League Clubs.

Representation Support commenced in November 2019 with 37 individuals receiving a total of \$9250.00.

Individuals representative Palmerston in the following sports: National all Schools Athletics Championships, Sport Australia Track and Field Championships, Queensland Junior Teams Tennis Carnival. Police Rugby World Cup, National Rugby Union 7's, Men & Woman's National Hockey Championships, BMX Australia's National Series, Under 12 NT AFL Team NTRL Championships, Under 12 Netball Championships, Australian Calisthenics Federation Nationals, Hattah Desert Race



Ella Day Australia Track and Field Championships

and a representative attended the Climate Reality Leadership Corp Training in Brisbane.

\$130,000 was allocated to the 2018/2019 Community Benefit Scheme. Extensive promotion of the Community Benefit Scheme and the new representational support funding, meant only \$15,564 remained in the fund at the end of the financial year.

Since the previous Community Benefit Scheme Update report in June, Council has received seventeen (17) eligible representational support funding applications plus two (2) sponsorship applications and grant applications. The entire twenty (20) have been processed and awarded.

Representation Support:

One application, received in May, by a young resident remains on hold waiting for confirmation of his place in a golfing tournament interstate.

Seventeen representational support applications were received and awarded during June 2019. The representations included:

- 3 x Under 12 AFL Team: 3 -10 August, Mandurah WA.
- 2 x Under 14 NT NRL Titans Championship: 7 – 9 June, Townsville QLD
- 1 x Under 15 NT NRL Titans Championship: 7 – 9 June, Townsville QLD
- 3 x Under 12 School Sports Australian Rugby League Championship: 3 – 9 August, Coorparoo QLD
- 2 x Under 12 Netball Championships 14 – 20 September, Canberra ACT
- 1 x Australian Calisthenics Federation Nationals: 8 – 11 July, Perth WA
- 1 x Under 15 National Netball Championship: 20 – 26 July, Caloundra QLD
- 1 x Hattah Desert Race: 5 – 6 July, Mildura VIC
- 3 x Under 14 NT Rugby Union State Championship: 5 – 7 July, Toowoomba QLD

Other applications:

- The Duke of Edinburgh's International Award Australia NT were successful in receiving \$2000 sponsorship in support of the Duke of Edinburgh's Awards program.
- The Palmerston Raiders Rugby League Club were successful in receiving \$2000 sponsorship in support of their Family Fun Home Game Day on 15 June 2019.
- Riding for the Disabled were successful in receiving a \$2000 grant to purchase new tack equipment for their new horses.

A table listing all successful funding applications and acquittals processed to June for 2018/2019 is provided as **Attachment A**.

CONSULTATION PROCESS

Council will continue to promote this program to the community via various methods. Successful applicants will be posted to our website and where appropriate, media releases will be circulated.

POLICY IMPLICATIONS

Council Policy *FIN18 Grants, Donations, Sponsorships and Scholarships*

BUDGET AND RESOURCE IMPLICATIONS

The budget for the 2018/2019 Financial Year for Grants, Donations, Sponsorships and Scholarships was \$130,000. For the 2018/2019 financial year, Council awarded \$114,436 and with \$15,564 remaining unexpended.

RISK, LEGAL AND LEGISLATIVE IMPLICATIONS

There is no risk, legal and legislative implications relating to this report.

ENVIRONMENT SUSTAINABILITY IMPLICATIONS

There are no environment sustainability implications for this report.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

ATTACHMENTS

Attachment A: City of Palmerston Approved Community Benefit Scheme Applications – July 2019

City of Palmerston Approved Community Benefit Scheme Applications - July 2019

Activity Project	Applicant	Amount Requested	Amount Received	Notes
Aridagawa Sister City Student Exchange Scholarship	Palmerston College	\$ 4,000 inc GST	\$3,636	2019 Aridagawa visit
ANZAC Day Services (3 years)	The Returned & Services League of Australia Palmerston	\$10,000	\$10,000	Final of 3-year agreement
Touch Football NT Titles	Touch Football NT	\$13,000	\$13,000	Final of 3-year agreement
PGA Championship	Cazaly's Club Palmerston, Palmerston Golf Club	\$30,000	\$30,000	First of 3-year agreement
Special Children's Christmas Party	AM Media (Special Children's Christmas Party)	\$ 1,000	\$ 1,000	2018 event
Christmas Bash	Palmerston 50+ Club Inc.	\$ 1,000	\$ 1,000	2018 event
Annual School Community Awards - to date	All Palmerston Schools	\$ 1,500 (TOTAL)	\$ 1,500	Offered annually to all schools; 15 of 15 accepted
Launch Mental Health Week	NT Mental Health Coalition	\$ 2,000	\$ 2,000	2018 event
Buddy Benches in schools	Litchfield/Palmerston Rotary Club	\$ 4,000*	\$ 4,000*	2018 activity * exc. GST
Autism NT Luncheon 2018	Autism NT	\$ 1,818 *	\$ 1,818*	2018 activity * exc. GST
City of Palmerston Seniors Fortnight 2019	Palmerston and Rural Seniors Committee	\$15,000	\$15,000	First of three-year funding request
Year 12 Pool Party	YMCA Youth and Community Services Limited	\$ 1,840	\$ 1,840	2018 event
Art Practice Wellbeing program	Top End Mental Health Consumers Organisation	\$2,000	\$2,000	2019 activity
Graffiti Removal project	Mackillop Catholic College	\$500	\$500	2019 activity
Catering for Training Course	Come Talk/Walk With Me	\$500	\$500	
Family Fun Day	NT Multiple Births Club	\$1,000	\$1,000	2019 activity
International Women's Day Walk	United Nations Association of Australia	\$2,000	\$1,000	2019 event
Walk Event Sponsorship	Walking Off the War Within	\$1,000	\$1,000	2019 event
Harvest Corner/ Gray Community Garden items	Gray Community Garden Inc.	\$4,142	\$4,142	
Sewing Program	STEPS Group Training	\$500	\$500	
Zimpride National Football Event (Soccer)	Zimbabwe Darwin Community Association Inc.	\$2,000	\$2,000	2019 event
Shirts	Palmerston Scout Group	\$1,500	\$1,500	Grant
Sponsorship Women in Motor Cross Series	Top End Motocross Club	\$250	\$250	Sponsorship
Sponsorship Duke of Edinburgh Program	Duke of Edinburgh Awards	\$2000	\$2000	Sponsorship

City of Palmerston Approved Community Benefit Scheme Applications - July 2019

Activity Project	Applicant	Amount Requested	Amount Received	Notes
Palmerston Raiders Rugby League Club	Home Game – 15 June 2019	\$2000	\$2000	2019 event
Riding for the Disabled	New tack for a new horse	\$2000	\$2000	Grant
Palmerston/NT/Australian Representation - Sport	1. Resident, National All Schools Athletics Championships	\$250	\$250	Representation Support
	1. Resident, School Sport Australia Track and Field Championships 2. Resident, School Sport Australia Track and Field Championships	\$250 \$250	\$250 \$250	
	1. Resident, Queensland Junior Teams Tennis Carnival 2. Resident, Queensland Junior Teams Tennis Carnival 3. Resident, Queensland Junior Teams Tennis Carnival 4. Resident, Queensland Junior Teams Tennis Carnival 5. Resident, Queensland Junior Teams Tennis Carnival	\$250 \$250 \$250 \$250 \$250	\$250 \$250 \$250 \$250 \$250	
	1. Resident, Australian Teams Championships, (Tennis)	\$250	\$250	
	1. Resident, Police Rugby World Cup 2. Resident, Police Rugby World Cup 3. Resident, Police Rugby World Cup 4. Resident, Police Rugby World Cup	\$250 \$250 \$250 \$250	\$250 \$250 \$250 \$250	
	1. Resident, National Rugby Union 7's Championships	\$250	\$250	
	1. Resident, Super 10's National Camp (Tennis)	\$250	\$250	
	1. Resident, Australian Under 18 Women's National Hockey Championships	\$250	\$250	
	1. Resident, Australian Under 15 Girls' National Hockey Championships	\$250	\$250	
	1. BMX Australia's National Series Round One Competition	\$250	\$250	
	1. Resident, Under 18 Men's Outdoor Hockey Championships	\$250	\$250	
	1. Resident, Under 14 NT NRL NT Titans Championship 2. Resident, Under 14 NT NRL NT Titans Championship 3. Resident, Under 15 NT NRL NT Titans Championship	\$250 \$250 \$250	\$250 \$250 \$250	
	1. Resident, Under 12 NT AFL Team in Mandurah WA 2. Resident, Under 12 NT AFL Team in Mandurah WA 3. Resident, Under 12 NT AFL Team in Mandurah WA	\$250 \$250 \$250	\$250 \$250 \$250	
	1. Resident, Climate Reality Leadership Corps Training	\$250	\$250	
	1. Representation Support PARRS Soccer	\$250	\$0	Non-resident of Palmerston

City of Palmerston Approved Community Benefit Scheme Applications - July 2019

Activity Project	Applicant	Amount Requested	Amount Received	Notes
	1. Resident, Under 12 Netball Championships	\$250	\$250	
	2. Resident, Under 12 Netball Championships	\$250	\$250	
	3. Resident, Under 15 Netball Championships	\$250	\$250	
	1. Resident, Australian Calisthenics Nationals	\$250	\$250	
	1. Resident, Hattah Desert Race	\$250	\$250	
	1. Resident, Under 14 NT Rugby Union State Championship	\$250	\$250	
	2. Resident, Under 14 NT Ruby Union State Championship	\$250	\$250	
	3. Resident, Under 14 NT Rugby Union State Championship	\$250	\$250	
	1. Resident, Under 12 Rugby League Championship	\$250	\$250	
	2. Resident, Under 12 Rugby League Championship	\$250	\$250	
	3. Resident, Under 12 Rugby League Championship	\$250	\$250	
TOTAL			\$114,436	

Current Community Benefits Scheme Expenditure to Date

	Account Name	YTD	Commitment	YTD + Comm	Budget	Budget Available
Grants/Donations/Sponsorships/Scholarships Paid	Community Grants	\$114,586		\$114,436	\$130,000	\$15,564

In-Kind Support Approved to Date

Activity Project	Applicant	Value Requested	Value Received	Notes
Seniors Indoor Croquet Club	Seniors Indoor Croquet Club	\$500	\$500	Recreation Centre hire
Playgroup Venue hire	Tumbledown Tots Playgroup	\$500	\$500	Driver Resource Centre hire
TOTAL			\$1,000	

AGENDA ITEM:	13.1.2
REPORT TITLE:	Lifestyle and Community Quarterly Report April - June 2019
REPORT NUMBER:	9/0267
MEETING DATE:	16/07/2019
AUTHOR:	Executive Assistant to Director Lifestyle and Community, Tree Malyan
APPROVER:	Acting Director Lifestyle and Community, Amelia Vellar

COMMUNITY PLAN

Family and Community: Palmerston is a safe and family friendly community where everyone belongs.

PURPOSE

This report summarises the key activities undertaken by the Department of Lifestyle and Community in the quarter April – June 2019.

KEY MESSAGES

- The Department of Lifestyle and Community provides a summary of its activities for the previous quarter.
- The Library trialed Drag Queen and Refugee Week Storytime as part of its commitment to providing opportunities for all people, which was well attend by the community and considered a success. Future Storytime's with the same intent are being scheduled for the remainder of the year.
- Library staff at the Taminmin Library led the Taminmin Library Refurbishment and Open Day on behalf of Litchfield Council.
- Council hosted the first of three "On Frances" events Noche Cubana on Saturday 22 June, which was considered a huge success.
- Planning continues for the Inaugural Palmerton Youth Festival to occur from 13 – 20 July 2019.
- Over 500 people attended the Palmy Pool Party in April.
- Planning for the delivery of the expansion of the Gray Community Hall continues and is awaiting the committed funding by the Australian Government to allow delivery.

RECOMMENDATION

THAT Report Number 9/0267 entitled Lifestyle and Community Report April – June 2019 be received and noted.

BACKGROUND

The Department of Lifestyle and Community provides a quarterly report to Council on key activities undertaken during the past quarter.

DISCUSSION

The activities report for the April to May quarterly report is, provided as **Attachment A**.

Highlights include:

- **Drag Queen Storytime** - The City of Palmerston Library trailed Drag Queen Storytime as part of our commitment to providing opportunities for all people, including children, to access information and participate in activities that represent and celebrate them and their families. The first event was a great success, with over 100 people attending.
- **Taminmin Library Refurbishment and Open Day** - One of the projects the City of Palmerston Library has been involved with since January 2019 is a joint-use arrangement with Litchfield Council to staff the Taminmin Community Library. Taminmin Community Library is a small joint-use library situated on the grounds of Taminmin College, which services both the school and the Litchfield Community. City of Palmerston Library staff have been working very hard to make significant improvements to the layout, collection and programs, as well as assisting with moving stock for the library refurbishment. The improvements have had very positive results and feedback from the community.

To celebrate this achievement, Taminmin Community Library held an Open Day on the 4 May. Activities included live music, sausage sizzle, face painting, balloon twisting, and a visit from Darwin Party Animals to make it a fun day for all. Taminmin Community Library also launched its new Kids Reading Club at this event, approximately 200 people attended the Open Day.

- **On Frances** - On Saturday 22 June City of Palmerston hosted the first of three “On Frances” events Noche Cubana. These events are themed with the first theme being Latin. The event brought people from Palmerston and the surrounds, to enjoy cultural food and music in a lively street party event. Tables were set in the middle of the street with lounges, small comfortable chairs, bright coloured throws and cushions were placed along the street to add to the atmosphere. The Council worked in partnership with three local Hotels - The Bell Bar & Bistro, Landmark and Good Times Bar & Grill, who provided Latin food and bar facilities. The Red Lantern was invited to hold a stall out the front of their restaurant. This event was attended by approximately 600 people.

CONSULTATION PROCESS

The following City of Palmerston staff were consulted in preparing this report.

- Manager Library
- Manager Community Services
- Community Development Officer Health and Wellbeing
- Community Development Officer Children and Families
- Community Development Officer Youth Sport and Recreation
- Community Development Officer Art and Culture
- Events Coordinator

POLICY IMPLICATIONS

There are no policy implications for this report.

BUDGET AND RESOURCE IMPLICATIONS

There are no budget or resource implications relating to this report.

RISK, LEGAL AND LEGISLATIVE IMPLICATIONS

There are no risk, legal and legislative implications relating to this report.

ENVIRONMENT SUSTAINABILITY IMPLICATIONS

There are no environment sustainability implications for this report.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

ATTACHMENTS

Attachment A: Lifestyle and Community Quarterly Report April – June 2019

LIFESTYLE AND COMMUNITY

QUARTERLY REPORT/April to June 2019

Family and Community

1. Palmerston is a safe and family friendly community where everyone belongs.

Democracy Dash - 8 April

The City of Palmerston Library participated in the 'Democracy Dash' at the Palmerston Senior College. The Democracy Dash is an Amazing Race Style event designed for Year 12 students to learn about the concept of democracy. At the City of Palmerston Library stand, students had to find hidden words within library books and then unscramble the words to form the City of Palmerston's Vision statement. Around 40 year 12 students participated.



Easter School Holiday Program 16-18 April

The City of Palmerston Library ran another successful free School Holiday Program in the April school holiday. Activities included Easter craft activities, a wonderful and engaging illustrating workshop with children's illustrator Craig Smith, and an Easter scavenger hunt, with over 200 people participating overall.



LIFESTYLE AND COMMUNITY

QUARTERLY REPORT/April to June 2019

Taminmin Library Refurbishment - 15-18 April and Open Day - 4 May

One of the projects the City of Palmerston Library has been involved with since January 2019 is a joint-use arrangement with Litchfield Council to staff the Taminmin Community Library. Taminmin Community Library is a small joint-use library situated on the grounds of Taminmin College, which services both the school and the Litchfield Community. Since taking on a contract to staff this library, City of Palmerston Library staff have been working to make significant improvements to the layout, collection and programs, as well as assisting with moving stock for the library refurbishment. The improvements have had very positive results and feedback from the community.

To celebrate this achievement, Taminmin Community Library held an Open Day on the 4th May. Activities included live music, sausage sizzle, face painting, balloon twisting, and a visit from Darwin Party Animals to make it a fun day for all. Taminmin Community Library also launched its new Kids Reading Club at this event, and around 200 people attended overall.



LIFESTYLE AND COMMUNITY

QUARTERLY REPORT/April to June 2019

Harry Potter Day - 2 May

A small but enthusiastic group of around 20 Harry Potter fans dressed up and attended our free Harry Potter Screening in celebration of International Harry Potter Day. Popcorn and refreshments were provided.

Star Wars Day - 4 May

The City of Palmerston Library hosted a mystery scavenger hunt on Star Wars Day 'May the Fourth be with you'!



Participants raced each other around the library to find the hidden symbols & characters for a chance to win awesome prizes. Around 25 kids participated, and the winners were very pleased with their prizes.



Morris Gleitzman Author Visit - 21 May

The City of Palmerston Library hosted best-selling children's author Morris Gleitzman. Morris Gleitzman books explore serious and sometimes confronting subjects in humorous and unexpected ways. His titles include Two Weeks with The Queen, Grace, Doubting Thomas, Bumface, Give Peas A Chance, Extra Time, Loyal Creatures, Snot Chocolate and the series Once, Then, Now, After, Soon and Maybe.

Morris gave a very interesting and thought-provoking talk and signed books for attendees, with a small group of around 20 participating.

National Simultaneous Storytime Event - 22 May

The City of Palmerston participated in the national reading event 'National Simultaneous Storytime', where libraries and schools throughout Australia read the same book at the same time. This year, the book was 'Alpacas with Maracas', and the City of Palmerston Library held an event on Goyder Square which included the Deputy Mayor Sarah Henderson



reading the book, as well as music, balloon twisting, a jumping castle,

LIFESTYLE AND COMMUNITY

QUARTERLY REPORT/April to June 2019

petting zoo and other fun activities. We had visits from local childcare centres at this event as well as the public, and around 200 people attended.

Brekkie in the Park – May and June



The Brekkie in the Park (BITP) series offers families the chance to connect with their local parks and helps the community live healthy and active lifestyles. BITP occurs once a month from May through to September. The first BITP was held on Sunday 12 May 2019 at Joan Fejo Park, Rosebery in conjunction with Council Rangers. The Rangers offered free registration to new dogs in Palmerston and free microchipping. Local animal organisations such as the RSPCA and PAWS were also in attendance. Approximately 300 attended the event, 66 dog registrations were completed, and 51 dogs and 3 cats were microchipped.



The second event was held on Sunday 2 June 2019 in Phyllis Uren Park, Farrar. Approximately 200 people were in attendance

over the two-hour period. Palmerston Lions catered the free breakfast and free activities included Lego ® Brick Build & Play & Messy Bubs.

City of Palmerston Art Exhibition Celebrating National Families Week - May

The City of Palmerston Art Exhibition Celebrating National Families Week returned for a second year. Entries were open to children aged 3 to 16 years from across Palmerston with 5 exhibition categories open for participation. The exhibition received over 230 entries from Durack, Woodroffe, Gray and Bakewell Primary Schools, in addition to Mother Teresa Catholic Primary School, Gray Child Care Centre, Larrakia Nation and Journey Early Learning in Durack.



11 winners were selected from the exhibition as voted by community members. The People's Choice recipients received a \$50 voucher to either Big W or Target and a certificate. The exhibition aims to highlight and celebrate the voices and talents of children in Palmerston.



Image: Bakewell Primary School Facebook

LIFESTYLE AND COMMUNITY

QUARTERLY REPORT/April to June 2019

The People's Choice Winners from Bakewell Primary School & entries from the 'People Who are Important to Me' category

Activate

Activate has now reached almost 1300 registrations as of June 2019. Levels of participation have been good and there has been a high level of engagement from the activity suppliers in the program. Another supermarket tour and cooking demonstration was well attended by participants and held at IGA in Zuccoli. In July there will be a lunchbox workshop to encourage participants to have healthier choices during the day. The success of Activate is dependent on both the participants and the suppliers being engaged in the program and the objectives of Activate being met. To ensure we keep this program relevant to all involved we will be conducting surveys with participants and a series of meetings with suppliers to guide the direction we take in 2020.

Yoga Day Event - 21 June

The City of Palmerston Library held 'Bend Among the Books' for the International Day of Yoga. The event was run by Karuna Yoga and Emily Williams Yoga, and a small group of 6 keen yoga enthusiasts participated.

Game of Cooks Youth Cooking Competition – 9 April



Image: Game of Cooks contestants

In April, Palmerston's best young cooks went head to head at Palmerston Recreation Centre to be the Game of Cooks Champion for 2019. Local chef Martin Wildman from Needle in a Haystack led the participants through a cooking demo and then challenged them to create their own twist on a basil pesto zoodle recipe and a healthy tiramisu. Betty Banks of Bankslife and former MKR contestant was on hand to MC the event and teach them all about food photography for social media.

18 youth competed for the chance to head to the Territory Taste festival, attend Manu Feildel's cooking demonstration as a VIP and have a meet and greet with him. After a closely fought contest the competition ended in a draw, with Hamish Stewart and Joel Tabans claiming victory. The next cooking competition, Rookie Cooks will be held in July as part of the Palmerston Youth Festival.



LIFESTYLE AND COMMUNITY

QUARTERLY REPORT/April to June 2019

Sanctuary Sessions – May - September

Sanctuary Sessions has returned once a month on a Saturday afternoon from 4pm-7pm, during the dry season, supporting young, up and coming artists to professional artists.

The first Sanctuary Sessions held on 18 May included local performers Prayer Corby and Melanie Gray Duo with sumptuous foods from Seafood BBQ Frenzy. Approximately 150 people attended.

The second Sanctuary Sessions was held on 15 June with talented performers and songwriters, Phoebe Wear and Serina Pech with a food truck on site, Rick's Grilled & Cheese for the families to enjoy. Approximately 180 people attended.

Over the two sessions, the acoustic tunes created a relaxing ambience giving an opportunity for families and friends to catch up and children to play on the playground nearby. Many families brought their family dog (on leashes) to enjoy the music as the sunset.

On Frances – 22 June

On Saturday 22 June City of Palmerston hosted the first of three "On Frances" events Noche Cubana. These events are themed with the first theme being Latin.

Frances Drive was closed for the event and decorated to suit the theme.



The event brought people together from Palmerston and the surrounds, to enjoy cultural food and music.

Tables were set in the middle of the street with lounges, small comfortable chairs, bright coloured throws and cushions were placed along the street to add to the atmosphere.

The Council worked in partnership with three local Hotels - The Bell Bar & Bistro, Landmark and Good Times Bar & Grill, who provided Latin food and bar facilities. The Red Lantern was invited to hold a stall out the front of their restaurant

LIFESTYLE AND COMMUNITY

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The evening commenced at 6 pm with a Latin guitarist making everyone feel welcome and relaxed. Jigsaw Collective a 7-piece band played Latin music. Espirito do Samba performed a 20-minute Samba dance and Salsa Rueda dance with audience participation. It is estimated that approximately 600 attended and the night certainly proved to be very successful, safe and family friendly event. There are two further events proposed for On Frances this dry, Council will partner with other local hoteliers for the third iteration.

Creative Workshops in Palmerston – May-June

City of Palmerston offered an exciting series of Creative Workshops at the Durack Community Centre this quarter. The concept is simple – four different workshops, one night a week, for six weeks. The benefits are even more simple – supporting local artists to deliver high quality creative sessions, the community having affordable opportunities to learn new skills and meet other locals, and people utilizing and becoming more familiar with the Durack Community Centre.

This is the first ‘block’ of workshops in a series of three for 2019. They ran from Monday 13 May to the 20 June, from 6pm-8pm each night.



Recycled Art with Bev Garside on Monday



Photography with Hels Orr on Tuesday



Screen Printing with Dave Garnham on Wednesday



African Drumming with Mbackeh on Thursday

The Package – Performance and Workshops – 23 June 2019

In partnership with Artback NT, City of Palmerston was able to bring a touring puppet show to Palmerston, devised and performed by an Alice Springs-based theatre company, Packed Theatre.

LIFESTYLE AND COMMUNITY

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"Alone but for a bed and window of animated stars, a frail old woman is visited by a strange, comical bird trying to deliver a mysterious package ... Exploring life, death, love and loss, The Package is a soulful story without any words. Combining an original musical score with puppetry, physical theatre, animation and mask The Package reminds audiences that no matter how old they are, the theatre – and life itself – is full of magic."

The performance utilized Goyder Square on a Sunday morning, with the hire of a marquee and stage, and attracted a crowd of 70 people – parents, grandparents and children of varying ages.

The performance was followed by a one-hour free workshop for young people in the City of Palmerston Library, where the participants created some beautiful puppets out of newspaper and other recycled objects.

UPTOP Music Project - January to July 2019

City of Palmerston was successful in receiving \$50,000 from the Northern Territory Government's Palmerston Youth Activities Grant for a hip-hop music project. Approximately two thirds of the grant has been expended so far on professional music recording equipment, and facilitation fees for professional musicians and producers from NT-based label Skinnyfish Music. will be used to coordinate.

In April, City of Palmerston and Skinnyfish Music offered a four-day intensive workshop series to deliver the technical facilitation of the project. Attendee numbers varied from day to day (between 5 and 12 participants), and several songs were written and recorded by young people.



Sydney film crew Entropico filming musician Eddie Fejo

Workshops are continuing in the lead up to the Palmerston Youth Festival, where musicians from the UPTOP Music Project will have the opportunity to perform onstage at the Palmy Street Party on July 20.

An additional and unplanned outcome of this project is that one young person had the opportunity to work with Entropico Films (a Sydney-based film production company) who shot and edited a professional quality film clip for his song which he recorded during the UPTOP Music Project for free!

National Youth Week Pool Party - April

Celebrating Youth Week – City of Palmerston held their annual Palmy Pool Party. The events objectives were to provide a free family event celebrating Youth Week and the school holidays, offer a place of belonging, through engaging and fun activities, provide opportunities for local organisations to partner with City of Palmerston and promote their services and programs. The party showed appreciation for all the great things our young people do in Palmerston.

LIFESTYLE AND COMMUNITY

QUARTERLY REPORT/April to June 2019

Special Guest and Entertainment Including:

- 2019 Youth Ambassador Rochelle Cabry
- Palmerston Youth Local Action Group – Community Engagement Stall
- DJ Emily – Live DJ
- Team FUN – Chill Space and Minute to Win it
- Picture This NT - Photobooth
- YMCA Pool - Obstacle Course
- YMCA Drop in Space - Gladiator Ring
- Anglicare – Tattoos and Water Guns stall
- Cancer Council – Sun Safety Stall
- Burning Circus – Fire Show
- Sharks Swimming Club – BBQ

Total attendees: 508



Trailer Bookings – April to June 2019

Trailer	April	May	June	Total
BBQ	3 (9 days)	0	2 (4 days)	5 (13 days)
Imagination	4 (7 days)	3 (10 days)	3 (11 days)	10(28 days)
Movie	2 (5 days)	0	3 (6 days)	5 (11 days)
Smoothie Bike	1 (2 days)	1 (3 days)	3 (9 days)	5 (14 days)

LIFESTYLE AND COMMUNITY

QUARTERLY REPORT/April to June 2019

Verandah Upgrade



The Palmerston Recreation Centre outdoor verandah has been upgraded into a shared community space. The aim of this project was to support places for people to gather and socialize. Multiple groups and organisations use this space. One of the main groups is PaRBA whom we partner with on the Youth Drop in Sports program. Youth attending the Recreation Centre were consulted giving them the opportunity to have a role in shaping the space.

The following feedback was given on how we could improve the space:

- A nice place to eat with friends
- Fun seating like bean bags or couches
- Art
- Floor mats
- Improved cooking area

From that feedback we purchase and installed:



- Two dining tables and a cooking bench adjoined to the BBQ; these items were assembled by Helping People Achieve (HPA).
- Four custom seating boxes were made by a local carpenter and will be used as multipurpose boxes for seating and storing XL Floor Cushions.



LIFESTYLE AND COMMUNITY

QUARTERLY REPORT/April to June 2019

- Artificial turf was laid under this seating area and used for cushions to sit on and create a chill space to sit with friends.
- A mural was painted in the space by local artist and supported by youth from PaRBA Drop in Sports Program.
- Lastly, plants have been hired to bring the space together and support social and emotional wellbeing.

Our aim in creating this space reflects our vision of a place for people and where possible local businesses were utilized in this project.

FlicNics

FlicNics returned this dry season with free movies under the stars at Goyder square, screening Saturday evenings from 7pm. FlicNics program commenced earlier this year to tie in with the April school holidays. Eleven FlicNics screenings were scheduled between the months of April to June. There has been an 41.82% increase of patrons' attendees compared to the same period last year.

Month	Patron Numbers in 2018	Patron Numbers in 2019	Comparison 2018/2019
April	220	383	+74.09%
May	410	598	+45.85%
June	415	501	+20.72
Total	1045	1482	+ 41.82%

Youth Drop-In Sports

Youth Drop-In Sports (YDIS) is a daily youth drop-in sports program at Palmerston Recreation Centre. The program aims to provide a positive, fun and safe environment for young people of all backgrounds to participate at no cost in sport and active recreation.

This program is a joint initiative between City of Palmerston, Northern Territory Government and Palmerston and Regional Basketball Association.

The partnership delivers an after-school sports program from 3pm-5pm Monday to Thursday and 6pm-8pm Fridays, including school holidays. 4992 visits to the program during April to June 2019 quarter. Attendance numbers significantly down due to stadium unavailability during April due to the refurbishment of the stadium floor.

Number of Attendees Per Month – April to June 2019

April	May	June	Total
505	2173	2314	4992

3. Cultural Diversity

In Palmerston we celebrate our cultures in a way that values our diversity.

Shakespeare in the Park – 3 and 4 May

William Shakespeare's "A Midsummer Night's Dream" was performed by Essential Theatre on Friday and Saturday 3 and 4 May 2019 at Sanctuary Lakes. This is the third year that Essential Theatre has attended Palmerston to perform the live show. Mayor Athina Pascoe-Bell presented a welcome speech on Friday night and Deputy Mayor Sarah Henderson welcomed all present on Saturday night.

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QUARTERLY REPORT/April to June 2019

One hundred and six people attended on Friday night. Unfortunately, the weather was not on our side and the event was cancelled 20 minutes into the performance due to heavy rain. Patrons were offered the opportunity to return to Saturday night's performance or request a refund. Saturday night was a lovely warm clear night with one hundred and seventy four people attending.

Staff farewelled ticket holders on their departure where they received excellent feedback on the venue and performance.

Foster and Kinship Carer Information Session - 1 May

The City of Palmerston Library hosted the Foster and Kinship Carer Association for an information session about foster and kinship care. They covered the following topics:

- What's involved in being a Foster Carer
- Steps to come a Carer
- Roles and responsibilities of a Foster Carer
- Foster Carer Charter of Rights
- Assistance available for Foster Carers and members
- Advocacy service available to members

Refugee Week Storytime - 20 June

STEPS AMEP and the Multicultural Association of the NT partnered with the City of Palmerston Library for our Refugee Week Storytime. Around 80 people came along to help us celebrate Refugee Week and learn about some of the challenges refugees face through storytelling and song.

Refugee Week is Australia's peak annual activity to inform the public about refugees and celebrate positive contributions made by refugees to Australian society.... Refugee Week is a unique opportunity for us all to experience and celebrate the rich diversity of refugee communities through theatre, music, dance, film and other events which take place all over Australia.



LIFESTYLE AND COMMUNITY

QUARTERLY REPORT/April to June 2019

Drag Queen Storytime - 22 June



The City of Palmerston Library partnered with Drag Territory to bring to the community a Storytime with a twist, hosting the first 'Drag Queen Storytime' ever in the Northern Territory. The event was a great success, with over 100 people attending, and Vogue and Ferocia from Drag Territory were fabulous entertainers, reading several books to the children and getting everyone up dancing. 'Baby Shark' was particularly popular!

The City of Palmerston Library trialed Drag Queen Storytime as part of our commitment to providing opportunities for all people, including children, to access information and participate in activities that represent and celebrate them and their families.

Drag Queen Storytime's are becoming increasingly popular in libraries worldwide as a fun way of helping LGBTQI+ children and families, otherwise known as Rainbow Families, feel recognised, valued and included in activities within their communities. At the same time, libraries can promote books and other items in the collection that celebrate and inform residents about these important issues.



The library received lots of very positive feedback from the community after this event. Some included:

"Thank you for taking a chance and thinking outside of the box to help children to grow up with acceptance and a lack of judgement for lifestyles different to their own" – Imogen

"...it was absolutely amazing, would really love if this was a regular event, the kids & parents had a ball!!!" – Nicole

LIFESTYLE AND COMMUNITY

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"Fun, awesome way to start the day. Definitely will be coming back again. Please have more sessions, totally worth coming" – Vyk

"Thank you so much! The Drag Queens in the Library is an amazing idea, please invite them again!!!" – Emily

"Drag Queen Storytime was fantastic. More story times like this featuring diversity and inclusion..." – Anon

"I am a member of a church that promotes inclusivity for all LGBTQ+ people and I applaud and support this initiative... blessings" – Lauren

Our next Drag Queen Storytime will be held on Friday 5th July at 6pm.



4. A Future Focus

Palmerston is an innovative city that sustains itself through the challenges of the future.

Instagram

City of Palmerston have historically had a dedicated Youth Facebook page which highlights local events programs and services for the youth of Palmerston.



After reviewing analytics, it showed that numbers of young people accessing this platform are decreasing. A new platform that is more specific to the youth age group, Instagram a photo-based platform, was implemented and is being used as a promotional tool for the Palmerston Youth Festival.



Our aim with this improvement was to ensure youth are visible through positive stories and to have a direct channel of communication as an opportunity to promote local activities and services. Current followers: Two hundred and fifty one

LIFESTYLE AND COMMUNITY

QUARTERLY REPORT/April to June 2019

Palmerston Youth Festival – 13 to 20 July

Significant time during the past quarter has been spent on the planning and coordination of the inaugural Palmerston Youth Festival. The Palmerston Youth Festival is scheduled for 13 to 20 July 2019.

The Festival program will include nine events over eight days, including three major events. Planning for the major events is well underway and includes:

- Saturday 13 July 2019 Geekfest Top End, a celebration of everything geek culture.
- Thursday 18 July 2019 Rookie Cooks Finale, a youth cooking competition with special guest Hayden Quinn.
- Saturday 20 July 2019 The Palmy Street Party, an urban party celebrating everything street; street dance, street art, hip hop music and street food.

The Festival program will also include five more boutique style events as follows:

- Sunday 14 July 2019 The Stones, a popular teenage play held in Palmerston Skate Park
- Monday 15 July 2019 Anime-a-thon, an Anime movie Marathon at Event Cinemas
- Tuesday 16 July 2019 No Lights, No Lycra, a disco with a difference
- Wednesday 17 July 2019 Comedy Gold, youth comedy night
- Friday 19 July 2019 Suburb of Origin, 3 on 3 Basketball finale

A major part of the festival are the competitions. We will be running seven major competitions with major prizes on offer including:

- Cosplay competition
- E Games tournament
- Rookie Cooks
- Palmerston Song of the Year
- Break the Floor, Dance competition
- Rush, photography competition.
- Film me in (videos of the Festival events) competition

The Festival media release was distributed on 11 June and all events and competitions are now live on Council website and Facebook and Instagram pages.

Multipurpose Community Facilities

Palmerston Swimming and Fitness Centre

- Palmerston Swimming and Fitness Centre located in Tilston Avenue, opens daily to the public to use the pool and gym from 5am – 7pm.
- The facility can be hired out for private parties, school swimming carnivals and community events.
- The Aquatic Centre is home to Palmerston Sharks Swimming Club.
- The gym is used by YMCA members individuals and holds fitness classes every day for YMCA members.
- This quarter the YMCA offered free Centre and Pool access for one day a week as part of the Activate program.

LIFESTYLE AND COMMUNITY

QUARTERLY REPORT/April to June 2019

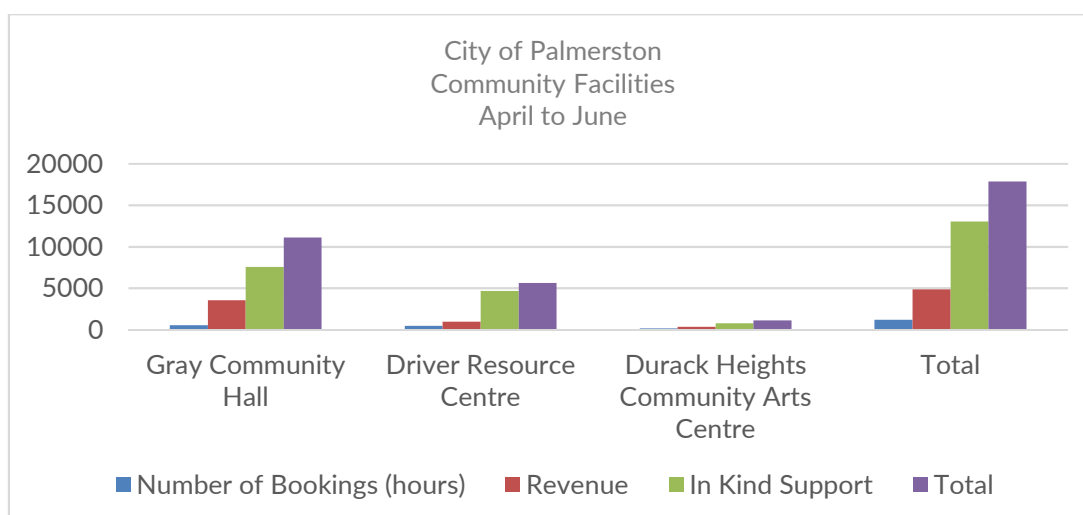
INDICATOR	APRIL	MAY	JUNE	TOTAL
Total Members	155	147	155	457
Total Sales (New & Renewed)	31	15	29	75
Total Leavers (Cancelled & Expired)	11	18	17	46
Net Growth (Gain / Loss)	20	3	12	35
Suspensions	4	5	4	13
Total Visit Pass Sales	57	33	53	143
Swimming Lesson	277	187	88	552

Gray Community Hall

- Gray Community Hall continues to support the community with several long-term bookings and one-off celebratory bookings.
- Driver Family Resource Centre has long-term bookings across six days, and a growing base of one-off users. This facility is well suited for groups of children.
- Durack Heights Community Arts Centre provides a practical workspace for performing and visual artists. A range of features, both fixed and mobile, support practitioners to encourage cultural growth, social interaction, creativity and participation in the arts. Users include practicing and emerging artists, community groups and individuals.

Gray, Driver and Durack – April to June

	Gray Community Hall	Driver Resource Centre	Durack Heights Community Arts Centre	Total
Number of Bookings (hours)	539.5	488	170	1,197.5
Revenue	\$ 3,552.00	\$ 957.00	\$ 340.00	\$ 4,849.00
In Kind Support	\$ 7,549.00	\$4,686.00	\$ 780.00	\$13,015.00
Total	\$11,101.00	\$5,643.00	\$1,120.00	\$17,864.00

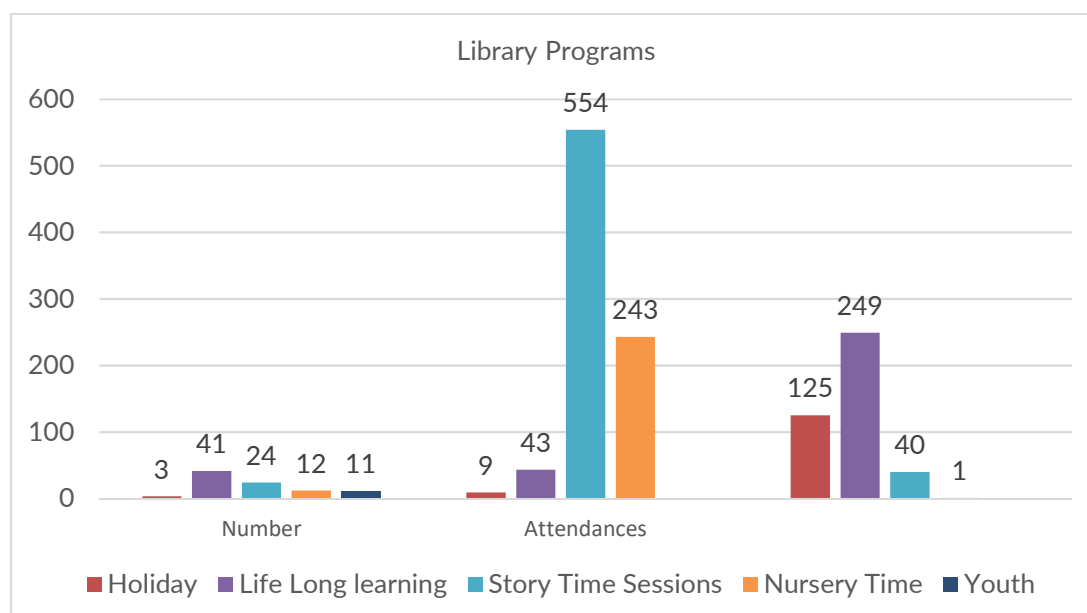


LIFESTYLE AND COMMUNITY

QUARTERLY REPORT/April to June 2019

City of Palmerston Library

	Oct - Dec 2018	Jan - Mar 2019	April- Jun 2019
Library visits	34,638	34,339	35,857
Library items borrowed	28,662	40,171	39,044
Hours on public PCs	2,256	2,707	2,800
Attendance at library programs	2,967	2,422	3,357
Library programs and events delivered	103	101	129



Programs/Services	Number	Attendances				
		Pre School	School	Youth	Adults	Totals
Holiday	3	9	125	0	67	201
Literacy Based	4				4	4
Life Long learning	41	43	249	5	103	400
Story Time Sessions	24	554	40	1	547	1142
Nursery Time	12	243	1	0	255	499
Youth	11			195	1	196
Outreach	9	231			100	331
Digital Literacy Training	12				45	45
Home Service	6	0			59	59
Events	6	184	61	5	215	465
Orientations	1				15	15
Totals	129	1264	476	206	1411	3357

LIFESTYLE AND COMMUNITY

QUARTERLY REPORT/April to June 2019

Library Community Room and Training Room Bookings – April - June

Month	Apr 2019	May 2019	Jun 2019	Total
Number of Bookings	60	65	52	
Number of Hours	186.5	192.5	167.5	
Revenue	\$3,030.00	\$3,520.00	\$2,760.00	\$9,310.00
In Kind Support	\$200.00	\$80.00	\$120.00	\$400.00
Programs/Internal	\$980.00	\$1,290.00	\$1,120.00	\$3,390.00
			TOTAL	\$13,100.00

Recreation Centre



- Recreation Centre facilities are continually used for meetings, activities, events and private bookings.
- The installation of solar panels on the roof of the Recreation Centre has been completed and we are awaiting our first power bill.
- The recently installed LED lighting and a fresh coat of paint has brightened up the Centre, with users commenting on the big difference it has made.
- The stadium floor has been refurbished with positive feedback from all users.

I write on behalf of the Palmerston and Regional Basketball Association to congratulate and thank the City of Palmerston for the significant financial investment in refurbishing the floor, painting and upgrades to lines and LED lights at the Recreation Centre. The recent additions to the outdoor space have also been well received.

Now, a few weeks in, I can share the renewed excitement and appreciation of our players, coaches and volunteers.

We also thank the Palmerston Council for their support to our programs that include Mini-ball, Rookie League and the Youth Drop in Sports Program. We think each of these programs play significant roles in the Palmerston community and confirm our commitment to both the retention and growth of these program.

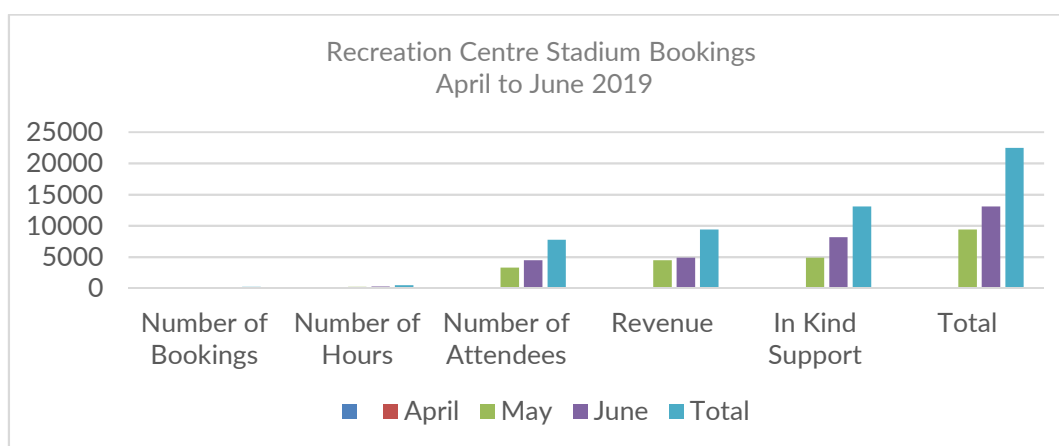


LIFESTYLE AND COMMUNITY

QUARTERLY REPORT/April to June 2019

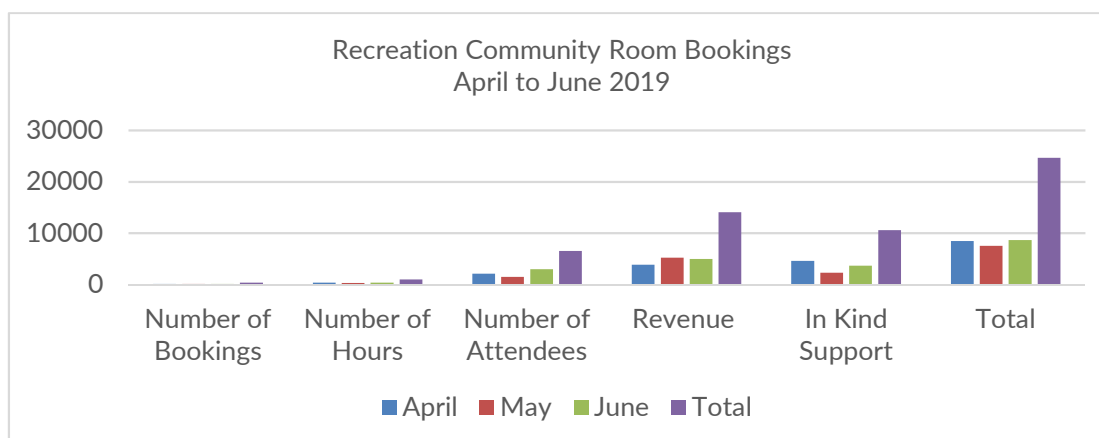
Recreation Centre – April – June Stadium

Month	April	May	June	Total
Number of Bookings	0	111	128	239
Number of Hours	0	200	271.75	471.75
Number of Attendees	0	3,310	4,464	7,774
Revenue	\$0	\$4,475.00	\$4,903.00	\$9,378.00
In Kind Support	\$0	\$4,900.00	\$8,185.00	\$13,085.00
Total	\$0	\$9,375.00	\$13,088.00	\$22,463.00



Community Rooms

Month	April	May	June	Total
Number of Bookings	103	113	118	334
Number of Hours	3,21.5	3,00.5	340	962
Number of Attendees	2,112	1,489	2,936	6,537
Revenue	\$ 3,8650.00	\$ 5,220.00	\$ 4,965.00	\$14,450.00
In Kind Support	\$ 4,600.00	\$ 2,305.00	\$ 3,665.00	\$10,570.00
Total	\$ 8,645.00	\$ 7,525.00	\$ 8,630.00	\$24,620.00

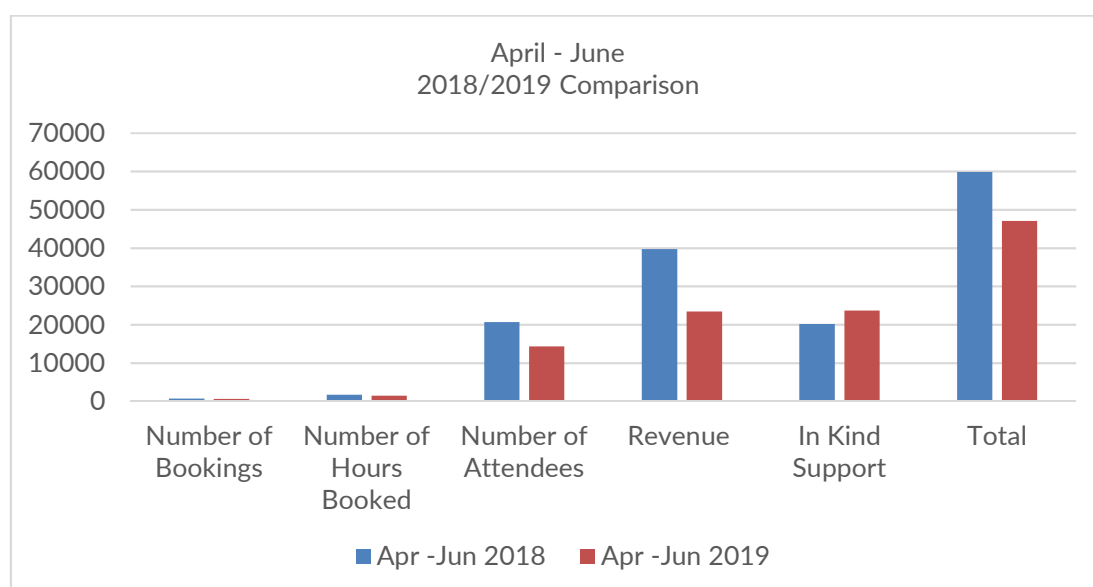


LIFESTYLE AND COMMUNITY

QUARTERLY REPORT/April to June 2019

A comparison of total Recreation Centre bookings, hours booked and attendees from the same time last.

	Apr -Jun 2018	Apr -Jun 2019
Number of Bookings	703	573
Number of Hours Booked	1,713.75	1,433.75
Number of Attendees	2,0684	1,4311
Revenue	\$3,9710.00	\$23,428.00
In Kind Support	\$2,0147.00	\$23,655.00
Total	\$5,9857.00	\$47,083.00



In-Kind Support

The City of Palmerston offers in-kind support to users of its Community Facilities.

Driver Resource Centre

Driver Resource Centre's lead tenant Red Cross receives in-kind support to offset the weekly hire cost as well as the other four user groups; Playgroup NT, Save the Children, Tumbledown Tots and Palmerston Seventh Day Adventist Church.

Gray Community Hall

Each month, in-kind support is provided to eight groups conducting activities at Gray Community Hall. These include Busy Bees Bingo, Seniors Dancing, Mulligas and Cudgeries Social Group, Palmerston 50+ Club, Palmerston Line Dancers, Light and Life in Jesus Church, Simply Craft and NuLine Dance

Recreation Centre

The main recipient of in-kind support at the Recreation Centre, is the partnership between PaRBA, City of Palmerston and Department of Chief Minister to deliver the Youth Drop in Sports program. Seniors Croquet, Church of Christ, Northern Light Pentecostal and Community Meetings such as; Grow Well Live Well, Youth Local Action Group, Palmerston Safe Communities, NTG School Holiday Coordination meetings, Seniors Advisory Committee,

LIFESTYLE AND COMMUNITY

QUARTERLY REPORT/April to June 2019

Palmerston Kids Network Meetings, Local Drug Action Team, Palmerston Rural Seniors, also receive in-kind support, through free or reduced room hire.

In May COTA held their Seniors Expo in the Recreation Centre with the City of Palmerston giving in-kind support for the hire of the whole Centre for a day and a half.

5. Environmental Sustainability

Palmerston is an environmentally friendly, liveable city that promotes renewable practices and sustainability.

Reboot Your Loot – 29 June

The popular Reboot Your Loot returned to Civic Plaza Main Carpark from 8am-11am on 29 June. Over 70 stall holders registered to sell their pre-loved, recycled goods for community to engage with one another. Leading up to the event 15 stall holders cancelled.

Feedback indicated the event was well received with additional positive comments on the community BBQ and a coffee stall. Many stall holders showed interest for the next Car Boot Sale which will be held on 10 August.



6. Governance

Council is trusted by the community and invests in things that the public value.

Palmerston Seniors Advisory Committee

Palmerston Seniors Advisory Committee (PSAC) works is an advisory committee to the City of Palmerston, regarding issues relating to seniors in the Palmerston Municipality.

One PSAC meeting was held during this quarter, on Monday 13 May 2019 at the Palmerston Recreation Centre. The meeting was attended by eighteen members. COTA Expo, Senior Week and the In Case of Emergency Card was discussed followed by training on Enabling Edie delivered by Dementia Australia.

Palmerston Safe Communities Committee

Palmerston Safe Communities Committee (PSCC) works in partnership with Council and the NT

LIFESTYLE AND COMMUNITY

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Government, businesses and the community to reduce and prevent injuries, accidents and crime. The PSCC is committed to promoting the safety and wellbeing of Palmerston residents and visitors. Meetings are held bi-monthly with membership of over sixty people.

Two PSCC meetings were held during this quarter, on Thursday 4 April 2019 and Thursday 30 May 2019 at the Palmerston Recreation Centre. The April meeting was attended by ten members, this low attendance was due to bad weather conditions. The May meeting was attended by seventeen members and included a presentation from representatives of the Northern Territory Government regarding the introduction of the Liquor Bill 2019.

Palmerston Kids Network

Palmerston Kids Network (PKN) is a committed network of workers representing organisations who provide services and programs to children up to twelve years old and their families living in Palmerston. Meetings are held bi-monthly with a membership of over one hundred Community Services providers and attendees to the meeting. Two PKN meetings were held during the quarter, the first on Thursday 11 April and it was attended by twelve members. The second meeting was held on Monday 3 June 2019 and was hosted offsite at the Asthma NT office in Parap. Eighteen members attended the meeting with several of those being new members or members who had not attended in over twelve months.

Palmerston and Rural Youth Services Network

This year the Palmerston and Rural Youth Services (PARYS) Network saw some digital updates take place. After consulting the group, they moved a motion to create an online portal to disburse sector information. Trello was chosen as the platform and has been implemented.

Fifty members out of three hundred and seventy four, have already signed up and are actively using the board. It is a public board so all members can still see and access the board. However only members of PARYS can edit or add to the board. The sign in process was also updated and is now electronic. Saving paper and shortening the process of entering attendees into the PARYS minutes.

This improvement fosters innovation and encourages forward thinking, while supporting environmental sustainability.

Two PARYS meetings were held during the quarter, the first on Tuesday 30 April attended by twenty three members. The second meeting was held on Tuesday 18 June with thirty one members attending. The current membership of the PARYS Network is three hundred and seventy four Community group or organisational representatives.

YIP – Palmerston Youth Festival Working Group

YIP (Youth Inspiring Palmerston) is currently under review. In the interim we have formed the Palmerston Youth Festival Working Group. The group have been meeting to inform and help develop the Palmerston Youth Festival program, have provided feedback on all components for the Festival and will volunteer at events during the weeklong Festival.

The aim of the group is to allow City of Palmerston to collaborate with youth, ensuring their voices are included in all aspects of decision making when planning the Palmerston Youth Festival. Members are also given the opportunity to volunteer and gain experience working at events.

Current members: Fifteen.

AGENDA ITEM:	13.1.3
REPORT TITLE:	Financial Report for the Month of June 2019
REPORT NUMBER:	9/0272
MEETING DATE:	16/07/2019
AUTHOR:	Executive Manager Finance, Shane Nankivell
APPROVER:	Chief Executive Officer, Luccio Cercarelli

COMMUNITY PLAN

Governance: Council is trusted by the community and invests in things that the public value.

PURPOSE

The purpose of this report is to present to Council the Financial Report for the Month of June 2019.

KEY MESSAGES

- The figures presented in this report do not include all final year-end transactions and will vary from the financial statements contained with the Annual Report 2018/2019 currently in preparation.
- A final budget to actuals comparison for the year 2018/2019 will be presented to Council as part of the Annual Report.
- Council received a prepayment in June for a portion of the 2019/2020 financial assistance grant to the value of \$884,000.
- Council also received its reimbursement through the NDRRA in full for some of the clean-up costs of Cyclone Marcus to the value of \$865,000.
- The remaining Operating Income and Expenditure are generally in-line with budget expectations and cashflows.
- After adjusting for *Making the Switch*, Capital Expenditure including commitments shows 89% of budget spent and 76% excluding commitments.
- Council drew down on the external loan funding in June for the final stage of the Archer Rehabilitation works.

RECOMMENDATION

THAT Report Number 9/0272 entitled Financial Report for the Month of June 2019 be received and noted.

BACKGROUND

In accordance with Section 18 of the *Local Government (Accounting) Regulations* the proceeding months financial report must be presented to Council. The commentary below and the attachment present the financial position of Council at the end of June 2019.

DISCUSSION

The figures presented in this report do not include all final year-end transactions and will vary from the financial statements contained with the Annual Report 2018/2019 currently in preparation. A final

budget to actuals comparison for the year 2018/2019 will be presented to Council as part of the Annual Report.

Monthly cashflows for income and expenses have been updated and are recorded in the report. This information details when income or expenses are expected to happen throughout the year with consideration of seasonality and appropriate timing of works. This allows for improved reporting for Elected Members and budget management for Council Officers.

Operating Income

- Total Operating Income is at 103% of the current budget.
- All Operating Income items are generally tracking as expected. Statutory Charges are below budget representing a reduction in the number of parking fines issued.
- Other Income includes income from Litchfield Council for the operation of the Taminmin Library on behalf of Litchfield Council.
- Reimbursements are showing at 1593% of budget due to the receipt of \$865,949 from the NT Government relating to reimbursement of eligible expenses for Cyclone Marcus under the National Disaster Relief and Recovery Arrangements.
- Grants, Subsidies and Contributions are also showing above budget, this is from the early release of the Financial Assistance Grants for 2019/2020 of \$884,030.

Operating Expenditure

- Total Operating Expenditure is at 95% of the budget inclusive of commitments.
- Operating Expenditure is generally in-line with budget expectations.
- Telephone and Communication charges are slightly over budget due to the introduction of fleet tracking, which was implemented to improve fleet management. This slight overspend can be funded from savings in general operations.

Capital Income

Capital Income is currently 113%. Council is expecting to receive \$10 million in gifted assets from developments, such as roads, parks and other infrastructure assets. Officers are currently reviewing and reconciling asset information provided by developers, to include these gifted assets on Council's asset register.

Council was expecting to receive capital grants and contributions to the value of \$1,113,410, currently 100% to the value of \$1,119,558 has been received.

In the last week of June Council received \$7.55 million in capital grant funding for various projects including the Smart Cities Program and *Splashing Out*. This has resulted in Grants Received showing as 3039% of budget. These funds will be transferred to the Unexpended Grants Reserve at end of year for expenditure in 2019/2020.

Capital Expenditure

Capital Expenditure is showing at 104% for the year including commitments raised.

After adjusting for *Making the Switch*, Capital Expenditure including commitments raised is at 89% of the 2018/2019 budget.

The initial phase of *Making the Switch* has commenced, with a total budget allocation of \$700,000 in this financial year. Upon commencement, purchase orders for *Making the Switch* were created with budget and expenditure planned for both the 2018/2019 and 2019/2020 financial years. It is expected that the works for 2019/2020 will be to the value of approximately \$1.3 million, which is funded in the

2019/2020 budget. Therefore, Capital Expenditure for 2018/2019 should be looked at independent of these future commitments.

Loans

Council has approved an internal loan for \$3.675 million to fund *Making the Switch* and an external loan for \$1.96 million to fund the final stage of remediation works at the previous Archer Landfill site.

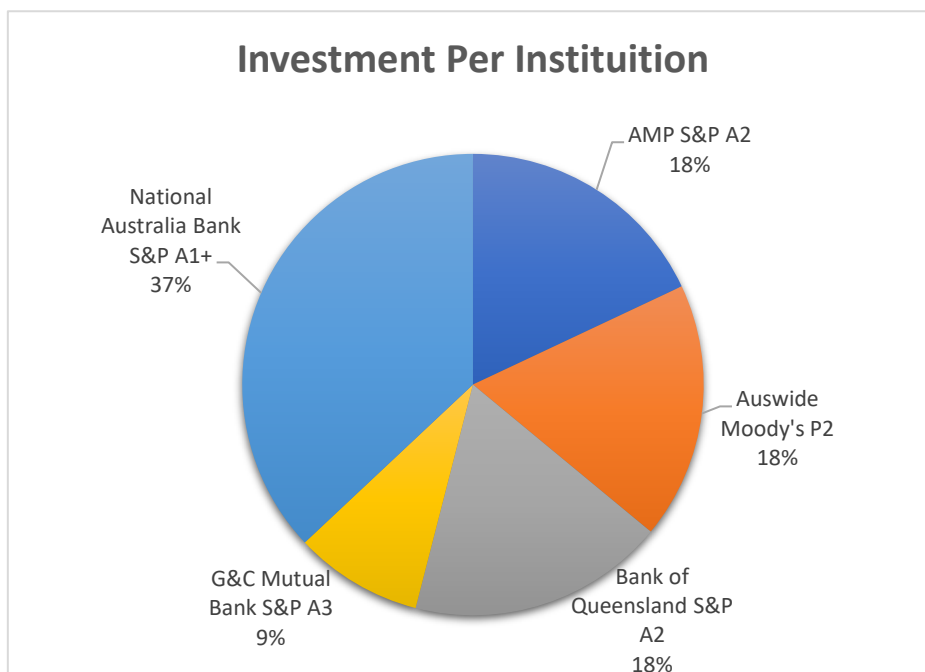
The initial internal loan for *Making the Switch* has been drawn upon, with the corresponding figures shown in **Attachment A**, section 2.10 Council Loans. As at the end of May, \$447,888 of the loan has been drawn down and with \$1,952 of internal interest accrued. As energy savings from the project are realised, a portion will be allocated to the repayment of the loan, with the remainder allocated to improving the public lighting network as previously approved.

The loan for Archer Landfill Rehabilitation of \$1.96 million was drawn upon on 28 June 2019. The repayments for this loan have not yet commenced. Details of the loan are provided in **Attachment A**, section 2.10 Council Loans. The Department of Local Government have been advised of final loan details as required.

Investments

As at 30 June 2019, Council held a total of \$16,663,537.49 in term deposits in five separate financial institutions.

The breakup between the institutions is:



Outstanding Rates

The review on Council's debt collection procedures is nearing completion. To review was undertaken ensure that best practice is been applied to improve collection rates whilst still providing relief for ratepayers suffering from financial hardship.

CONSULTATION PROCESS

There was no consultation required during the preparation of this report.

POLICY IMPLICATIONS

Council Policy *FIN06 - Investments*. Investments are fully compliant with policy.

BUDGET AND RESOURCE IMPLICATIONS

Budget and resource implications are outlined in the body of the report and attachment.

RISK, LEGAL AND LEGISLATIVE IMPLICATIONS

The *Local Government (Accounting) Regulations* prescribes that:

18 Financial Reports to Council

1. The CEO must, in each month, lay before a meeting of the Council a report, in a form approved by the Council. Setting out:
 - a. The actual income and expenditure of the Council for the period from the commencement of the financial year up to the end of the previous month;
 - b. The forecast income and expenditure for the whole of the financial year.
2. The report must include:
 - a. Details of all cash investments held by the Council (including any money held in trust);
 - b. A statement of the debts owed to the Council including aggregate amount owed under each category with a general indication of the age of the debts;
 - c. Other information required by the Council.

ENVIRONMENT SUSTAINABILITY IMPLICATIONS

There are no environment sustainability implications for this report.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

ATTACHMENTS

Attachment A: Financial Management Report – June 2019

Financial Management Reports

June 2019

- ❖ 1. Executive Summary
- ❖ 2. Financial Results

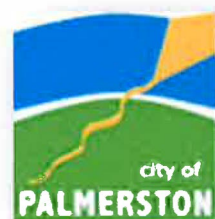


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June 2019

SECTION 1 – EXECUTIVE SUMMARY	1.1	Executive Summary
SECTION 2 – FINANCIAL RESULTS	2.1	Budget Summary Report
	2.2	Reserves Schedule
	2.3	Investments Management Report
	2.4	Debtor Control Accounts
	2.5	Financial Indicators
	2.6	Creditor Accounts Paid
	2.7	Creditor Accounts Outstanding
	2.8	Waste Charges
	2.9	Commercial Leases
	2.10	Internal Loan: <i>Making the Switch</i>

Section 2

Financial Results

30 June 2019

1.1 - Executive Summary as at

% of year passed

100%

	Revised Budget 2019 \$	YTD Actual \$	YTD Committed \$	Budget Forecast \$	% Utilised
Operating Income					
Rates & Annual Charges	27,962,285	27,028,124	0	27,962,285	97%
Statutory Charges	166,500	133,131	0	166,500	80%
User Charges & Fees	1,405,724	1,306,737	14	1,405,724	93%
Interest & Investment Revenue	1,098,160	1,188,714	0	1,098,160	108%
Reimbursements	58,042	924,612	0	58,042	1593%
Other Income	161,186	181,630	0	161,186	113%
Grants, Subsidies & Contributions	1,969,073	2,995,204	0	1,969,073	152%
Operating Income	32,820,970	33,758,152	14	32,820,970	103%
Operating Expenditure					
Employee Costs	-8,806,994	-8,401,362	-3,773	-8,806,994	95%
Professional Services	-1,608,483	-1,448,736	-127,335	-1,608,483	98%
Auditor's Remuneration	-35,000	-25,345	0	-35,000	72%
Bad and Doubtful Debts	0	5,895	0	0	0%
Operating Lease Rentals	-217,300	-143,078	-1,621	-217,300	67%
Energy	-1,248,227	-1,153,417	0	-1,248,227	92%
Materials & Contractors	-11,564,343	-9,899,166	-501,764	-11,564,343	90%
Depreciation, Amortisation & Impairment	-11,500,000	-11,500,000	0	-11,500,000	100%
Elected Members Expenses	-361,287	-287,696	0	-361,287	80%
Legal Expenses	-381,256	-383,872	-49,045	-381,256	114%
Water Charges	-1,608,719	-1,233,950	0	-1,608,719	77%
Telephone & Other Communication Charges	-226,000	-259,439	-1,880	-226,000	116%
Community Grants	-130,000	-114,937	0	-130,000	88%
Other Expenses	-2,596,887	-2,441,089	-248,763	-2,596,887	104%
Borrowing Costs	-92,200	0	0	-92,200	0%
Operating Expenditure	-40,376,696	-37,286,193	-934,181	-40,376,696	95%
OPERATING SURPLUS/(DEFICIT)	-7,555,726	-3,528,041	-934,168	-7,555,726	
Capital Income					
Net gain (loss) on disposal or revaluation of assets	179,906	186,682	0	179,906	104%
Developer Contributions	850,000	922,512	0	850,000	109%
Asset Income	10,000,000	5,913,046	0	10,000,000	59%
Grants received	263,410	8,003,879	0	263,410	3039%
Capital Income	11,293,316	15,026,119	0	11,293,316	133%
Net SURPLUS / (DEFICIT) transferred to Equity Statement	3,737,590	11,498,078	-934,168	3,737,590	
Capital Expenditure					
Land Purchase	0	0	0	0	0%
Asset Purchase	-2,020,403	-1,714,934	-352,961	-2,020,403	102%
Asset Upgrade	-6,614,126	-4,871,019	-2,015,255	-6,614,126	104%
Capital Expenditure	-8,634,529	-6,585,953	-2,368,216	-8,634,529	104%
Less Non-Cash Expenditure	-11,500,000	-11,500,000	0	-11,500,000	100%
Plus Gifted Assets	10,000,000	5,913,046	0	10,000,000	59%
NET CAPITAL SURPLUS/(DEFICIT)	-3,396,940	10,499,079	-3,302,384	-3,396,940	
Borrowings	2,000,000	0	0	2,000,000	0%
Repayment of Borrowings	-208,814	0	0	-208,814	0%
Reserve Movement	1,605,753	0	0	1,605,753	0%
NET OPERATING SURPLUS/(DEFICIT)	0	10,499,079	-3,302,384	0	



Approved by: Executive Manager Finance

ATTACHMENT A
Section 2
Financial Results

2.1 - Budget Summary Report as at

30 June 2019

% of year passed
Cashflowed Estimate of Budget YTD

100%
100%

Operating Income

	Revised Budget \$	YTD Actuals \$	%
Governance			
Office of the CEO	374,619	1,702,454	454.45%
Governance	374,619	1,702,454	454.45%
Corporate Services			
Financial Services	544,786	595,871	109.38%
Director Corporate Services	174,018	172,829	99.32%
Rates	21,109,994	20,228,782	95.83%
Corporate Services	21,828,798	20,997,481	96.19%
Community Services			
Arts & Culture	39,000	39,000	100.00%
Community Development	30,000	31,435	104.78%
Events Promotion	1,500	2,900	193.35%
Health and Wellbeing Services	9,000	9,000	100.00%
Library Services	870,440	869,666	99.91%
Senior Citizens	1,500	1,500	100.00%
Youth Services	300,000	300,000	100.00%
Director Lifestyle & Community	40,000	0	0.00%
Community Services	1,291,440	1,253,501	97.06%
Technical Services			
Animal Management	336,000	347,727	103.49%
Aquatic Centre	25,764	25,764	100.00%
Civic Centre	151,304	142,779	94.37%
Driver Resource Centre	10,000	9,556	95.56%
Gray Community Hall	16,800	12,535	74.61%
Director City Growth & Operations	81,280	208,698	256.76%
Parking & Other Ranger Services	144,500	95,192	65.88%
Private Works	120,000	76,448	63.71%
Recreation Centre	120,000	120,454	100.38%
Roads & Transport	441,454	930,844	210.86%
Stormwater Infrastructure	1,120	1,120	100.00%
Subdivisional Works	100,000	128,992	128.99%
Waste Management	6,999,791	7,002,307	100.04%
Odegaard Drive Investment Property	446,160	446,160	100.00%
Durack Heights Community Centre	1,940	2,218	114.34%
CBD Car Parking	330,000	253,923	76.95%
Technical Services	9,326,113	9,804,716	105.13%
	32,820,970	33,758,152	102.86%
	32,820,970	33,758,152	102.86%

Section 2

Financial Results

30 June 2019

2.1 - Budget Summary Report as at

% of year passed
Cashflowed Estimate of Budget YTD

100%

100%

Capital Income

	Revised Budget \$	YTD Actuals \$	%
Corporate Services			
Information Technology	0	650,469	0.00%
Director Corporate Services	179,906	186,682	103.77%
Corporate Services	179,906	837,151	465.33%
Community Services			
Director Lifestyle & Community	0	40,000	0.00%
Community Services	0	40,000	0.00%
Technical Services			
Director City Growth & Operations	0	7,050,000	0.00%
Roads & Transport	263,410	263,410	100.00%
Subdivisional Works	10,850,000	6,835,557	63.00%
Technical Services	11,113,410	14,148,967	127.31%
	11,293,316	15,026,119	133.05%
	11,293,316	15,026,119	133.05%

ATTACHMENT A
Section 2
Financial Results

2.1 - Budget Summary Report as at

30 June 2019

100%
100%
92%

% of year passed
Cashflowed Estimate of Budget YTD
Actual % Expenditure YTD (not including commitments)

Operating Expenditure

	Revised Budget \$	YTD Actuals \$	Commitment \$	Total YTD Actuals plus Commitments \$	%
Governance					
Elected Members	-386,796	-332,494	-1,279	-333,773	86.29%
Office of the CEO	-865,814	-924,076	-54,070	-978,146	112.97%
Governance	-1,252,610	-1,256,570	-55,349	-1,311,919	104.73%
Corporate Services					
Customer Services	-230,765	-235,620	-360	-235,980	102.26%
Financial Services	-1,546,566	-1,580,903	-17,517	-1,598,420	103.35%
Human Resources	-435,946	-477,184	-199	-477,382	109.51%
Information Technology	-1,083,265	-1,130,335	-31,521	-1,161,856	107.26%
Director Corporate Services	-12,351,361	-12,235,701	-114	-12,235,815	99.06%
Public Relations and Communications	-398,860	-372,737	-2,369	-375,106	94.04%
Rates	-371,700	-362,452	0	-362,452	97.51%
Records Management	-246,716	-243,129	-520	-243,649	98.76%
Corporate Services	-16,665,179	-16,638,062	-52,600	-16,690,662	100.15%
Community Services					
Arts & Culture	-120,500	-106,919	-930	-107,850	89.50%
Community Development	-1,024,063	-853,063	-13,133	-866,196	84.58%
Disabled Services	-1,500	-400	0	-400	26.67%
Events Promotion	-237,000	-213,913	-26,793	-240,706	101.56%
Families & Children	-31,100	-19,464	-2,488	-21,953	70.59%
Health and Wellbeing Services	-61,500	-43,653	-7,536	-51,189	83.23%
Library Services	-1,701,758	-1,427,497	-28,958	-1,456,455	85.59%
Senior Citizens	-8,500	-5,444	0	-5,444	64.04%
Youth Services	-93,500	-98,538	-100,512	-199,050	212.89%
Director Lifestyle & Community	-327,473	-318,417	-600	-319,017	97.42%
Community Services	-3,606,894	-3,087,308	-180,952	-3,268,261	90.61%
Technical Services					
Animal Management	-112,290	-119,810	-2,375	-122,185	108.81%
Aquatic Centre	-689,611	-618,080	-22,532	-640,612	92.89%
Archer Sports Club	-334	-366	0	-366	109.45%
Civic Centre	-397,680	-397,421	-24,837	-422,258	106.18%
Depot	-76,863	-66,840	-3,674	-70,515	91.74%
Driver Resource Centre	-19,195	-11,954	-1,809	-13,762	71.70%
Emergency Operations	-10,000	0	0	0	0.00%
Gray Community Hall	-55,567	-46,814	-3,333	-50,146	90.24%
Director City Growth & Operations	-1,110,140	-1,035,722	-46,288	-1,082,010	97.47%
Open Space	-4,822,362	-4,172,802	-93,617	-4,266,419	88.47%
Parking & Other Ranger Services	-753,456	-743,736	-1,186	-744,922	98.87%
Plant & Equipment	-27,619	-32,555	0	-32,555	117.87%
Private Works	-91,522	-87,229	0	-87,229	95.31%
Recreation Centre	-234,573	-242,858	-22,668	-265,527	113.20%
Roads & Transport	-2,163,163	-1,885,381	-71,982	-1,957,363	90.49%
Stormwater Infrastructure	-295,000	-275,163	-5,150	-280,313	95.02%
Street Lighting	-1,380,000	-1,368,608	-22,582	-1,391,189	100.81%
Subdivisional Works	0	-135	0	-135	0.00%
Waste Management	-6,276,442	-4,903,620	-306,470	-5,210,090	83.01%
Odegaard Drive Investment Property	-126,856	-131,818	0	-131,818	103.91%
Durack Heights Community Centre	-25,430	-19,932	-1,532	-21,464	84.41%
CBD Car Parking	-135,800	-118,509	-7,362	-125,870	92.69%
Goyder Square	-33,110	-17,041	-2,635	-19,677	59.43%
Technical Services	-18,837,014	-16,296,393	-640,033	-16,936,427	89.91%
	-40,361,696	-37,278,334	-928,934	-38,207,268	94.66%

ATTACHMENT A
Section 2
Financial Results
30 June 2019

2.1 - Budget Summary Report as at

% of year passed 100%
 Cashflowed Estimate of Budget YTD 100%
 Actual % Expenditure YTD (not including commitments) 76%

Capital Expenditure

	Revised Budget \$	YTD Actuals \$	Commitment \$	Total YTD Actuals plus Commitments \$	%
Corporate Services					
Customer Services	0	0	-454	-454	0.00%
Information Technology	-179,651	-178,333	-125,402	-303,735	169.07%
Director Corporate Services	-414,500	-370,873	-796	-371,669	89.67%
Records Management	0	0	-2,795	-2,795	0.00%
Corporate Services	-594,151	-549,205	-129,447	-678,652	114.22%
Community Services					
Library Services	-89,000	-76,733	0	-76,733	86.22%
Community Services	-89,000	-76,733	0	-76,733	86.22%
Technical Services					
Aquatic Centre	-173,800	-112,171	-30,099	-142,270	81.86%
Civic Centre	-307,545	-254,436	-546	-254,982	82.91%
Driver Resource Centre	-14,000	0	0	0	0.00%
Director City Growth & Operations	-487,234	-345,318	-98,224	-443,542	91.03%
Open Space	-1,493,986	-1,082,501	-264,654	-1,347,154	90.17%
Recreation Centre	-137,300	-77,100	-8,955	-86,055	62.68%
Roads & Transport	-2,342,513	-2,084,677	-64,994	-2,149,671	91.77%
Stormwater Infrastructure	-100,000	-110,768	-36,681	-147,449	147.45%
Street Lighting	-740,000	-542,703	-1,637,307	-2,180,010	294.60%
Subdivisional Works	-155,000	-157,976	-100,004	-257,981	166.44%
Waste Management	-2,000,000	-1,199,624	-100	-1,199,724	59.99%
Technical Services	-7,951,378	-5,967,274	-2,241,564	-8,208,838	103.24%
	-8,634,529	-6,593,212	-2,371,011	-8,964,224	103.82%

Adjusted Capital Expenditure

	Revised Budget \$	YTD Actuals \$	Commitment \$	Total YTD Actuals plus Commitments \$	%
Total Capital Expenditure	-8,634,529	-6,593,212	-2,371,011	-8,964,224	103.82%
Making the Switch 2019/20 Commitments			1,300,000		
	-8,634,529	-6,593,212	-1,071,011	-7,664,224	88.76%

Section 2

Financial Results

2.2 Reserves Schedule

	Balance as at 1/07/2018	Original Budget \$	TO RESERVES Budget Reviews				Adopted Budget \$	Original Budget \$	FROM RESERVES Budget Review				Adopted Budget \$	Balance as at 30/06/2019
			1st Review \$	2nd Review \$	3rd Review \$				1st Review \$	2nd Review \$	3rd Review \$			
Externally Restricted Reserves														
Unexpended Grants Reserve	1,776,402	0	0	500,000	614,000	1,114,000	0	1,776,402	0	0	0	1,776,402	1,114,000	
Developer Funds in Lieu of Construction	4,985,377	400,000	0	400,000	195,000	995,000	300,000	90,000	0	550,000	940,000	5,040,377	5,040,377	
	6,761,779	400,000	0	900,000	809,000	2,109,000	300,000	1,866,402	0	550,000	2,716,402	6,154,377		
Internally Restricted Reserves														
Election Expenses Reserve	150,000	100,000	0	0	0	100,000	0	0	0	0	0	0	250,000	
Disaster Recovery Reserve	500,000	0	0	0	0	0	0	0	0	0	0	0	500,000	
Strategic Initiatives Reserve	300,000	0	0	0	16,307	16,307	100,000	190,000	0	26,307	316,307	0	0	
Unexpended Capital Works Reserve	845,482	0	0	0	0	0	0	845,482	0	0	845,482	0	0	
Property Reserve	922,104	0	0	0	0	0	0	0	0	0	0	0	922,104	
Plant and Equipment Reserve	271,632	0	0	0	0	0	0	0	0	40,000	40,000	231,632		
Infrastructure Reserve	5,552,686	211,690	0	140,000	300,000	651,690	0	830,215	0	50,000	880,215	5,324,161		
Community Grants Reserve	100,000	0	0	0	0	0	30,000	0	0	0	30,000	70,000		
Waste Management Reserve	26,525	2,289,655	206,000	0	0	2,495,655	2,000,000	0	0	0	2,000,000	522,180		
Streetlighting Reserve	311,063	0	0	0	0	0	0	0	150,000	0	150,000	161,063		
City Centre Improvement Reserve	0	0	0	0	0	0	0	0	0	0	0	0	0	
	8,979,491	2,601,345	206,000	140,000	316,307	3,263,652	2,130,000	1,865,697	150,000	116,307	4,262,003	7,981,139		
Total Reserve Funds*	15,741,270	3,001,345	206,000	1,040,000	1,125,307	5,372,652	2,430,000	3,732,098	150,000	666,307	6,978,405	14,135,516		



Approved by: Executive Manager Finance

Section 2

Financial Results

2.3 Investments Management Report

INVESTMENTS REPORT TO COUNCIL AS AT 30/06/2019

COUNTERPARTY	RATING	AMOUNT	INTEREST RATE	MATURITY DATE	DAYS TO MATURITY	INSTITUTION TOTALS	%COUNTER PARTY
People's Choice Credit Union	S&P A2	\$ 6.79	0.00%			\$ 6.79	0.00%
AMP	S&P A2	\$ 1,500,000.00	2.75%	August 28, 2019	59		
AMP	S&P A2	\$ 1,500,000.00	2.80%	November 6, 2019	129	\$ 3,000,000.00	18.00%
Auswide	Moody's P2	\$ 1,500,000.00	2.78%	July 3, 2019	3		
Auswide	Moody's P2	\$ 1,500,000.00	2.78%	July 31, 2019	31	\$ 3,000,000.00	18.00%
Bank of Queensland	S&P A2	\$ 1,500,000.00	2.78%	July 17, 2019	17		
Bank of Queensland	S&P A2	\$ 1,500,000.00	2.73%	October 9, 2019	101	\$ 3,000,000.00	18.00%
G&C Mutual Bank	S&P A3	\$ 1,500,000.00	2.55%	January 15, 2020	199	\$ 1,500,000.00	9.00%
National Australia Bank	S&P A1+	\$ 7,592.76	1.25%				
National Australia Bank	S&P A1+	\$ 155,937.94	1.25%				
National Australia Bank	S&P A1+	\$ 1,500,000.00	2.77%	August 14, 2019	45		
National Australia Bank	S&P A1+	\$ 1,500,000.00	2.46%	September 11, 2019	73		
National Australia Bank	S&P A1+	\$ 1,500,000.00	1.99%	October 23, 2019	115		
National Australia Bank	S&P A1+	\$ 1,500,000.00	2.05%	December 18, 2019	171	\$ 6,163,530.70	36.99%

TOTAL SHORT TERM INVESTMENT	\$ 16,663,537.49	Average Days to Maturity	86.00
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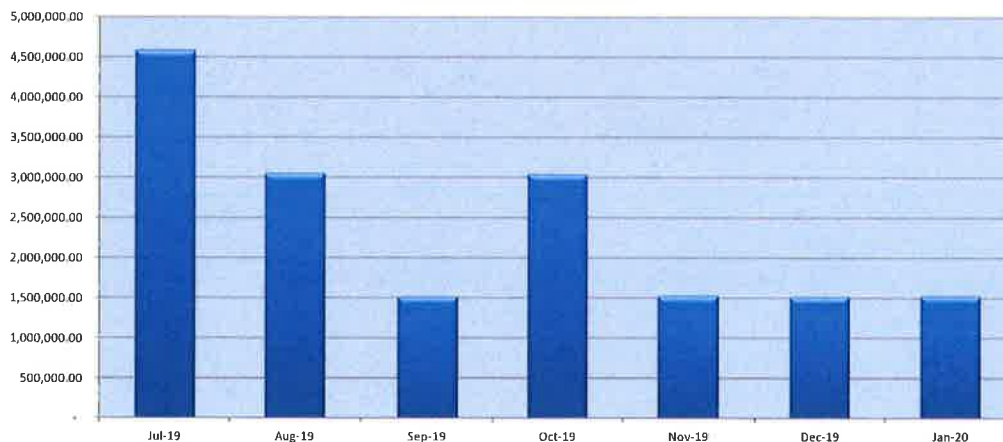
% OF TOTAL INVESTMENT PORTFOLIO	A1 (max 100%) 36%	A2/P2 (max 60%) 55%	A3 (max 40%) 9%	100%
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Weighted Average Rate	2.57%	BBSW 90 Day Rate Benchmark	1.20%
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GENERAL BANK FUNDS	\$ 14,910,781.87	Total Budget Investment Earnings	-\$ 460,000.00
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TOTAL ALL FUNDS	\$ 31,574,319.36	Year to Date Investment Earnings	-\$ 486,934.49
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Cashflow of Investments



PROPERTY INVESTMENT

PROPERTY ADDRESS	VALUATION BASIS	VALUE	INCOME YTD	EXPENSE YTD	NET PROFIT YTD	COMPARATIVE YTD YIELD AT CASH RATE OF 3%
48 Odegaard Drive, Rosebery	Fair Value	\$ 6,773,335	\$ 446,160	\$ 131,818	\$ 314,342	\$ 203,200

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Section 2

Financial Results

30 June 2019

2.4 Debtor Control Accounts

SUNDRY DEBTORS:					
	BALANCE	CURRENT	30 DAYS	60 DAYS	90 DAYS
	189,642.56	124,687.25	65,488.00	(182.00)	
					OVER 90 DAYS
					(350.69)
RATES:					
REPORT MONTH	OVERDUE \$	Payments Received in Advance \$	OVERDUE % OF RATES INCOME		
Jun-19	\$1,086,677	\$1,171,369	3.88%		
Jun-18	\$927,290		3.34%		
TOTAL OVERDUE \$	Charged in 2018/2019	Charged in 2017/2018	Charged in 2016/2017	Charged in 2015/2016	Charged Prior to 2015/2016
\$1,086,677	\$795,713	\$188,151	\$73,486	\$25,364	\$3,964
INFRINGEMENTS:					
			\$		
Animal Infringements			125,012.15		
Public Places			10,569.00		
Parking Infringements			157,461.50		
Litter Infringements			875.00		
Signs			0.00		
Other Law and Order			0.00		
Net Balance on Infringement Debts			<u>293,917.65</u>		

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Section 2

Financial Results

2.5 - Financial Indicators

	Target	2019	2018	2017	2016	2015
Operating Surplus Ratio						
Total Operating Surplus/Deficit	0.00%	-23.02%	-26.12%	-5.16%	-39.40%	-20.18%
Total Operating Income						
This indicator shows the extent to which operational expenses are covered by operational income, and if in surplus, how much is available to use for other purposes such as capital expenses. This has been calculated from the forecast budget.						
Debt Service Ratio (External Loans)						
Net Debt Service Cost	<5%	0:00%	0:00%	0:00%	0:00%	0:00%
Operating Revenue						
A Council's debt service ratio shows Council's debts (principal + interest) in relation to Council's income. Palmerston currently has no loans payable, and therefore the debt ratio is 0:0						
Rate Coverage Percentage						
Rate Revenues	60%-75%	63.87%	61.38%	59.25%	60.02%	61.53%
Total Revenues						
This indicator shows the percentage of total revenue raised through rates income.						
Rates & Annual Charges Outstanding Percentage						
Rates & Annual Charges Outstanding	<5%	3.88%	3.47%	3.57%	3.16%	3.47%
Rates & Annual Charges Collectible						
This percentage shows Council's total rates outstanding against rates payable to Council in this financial year. The rate will decrease as instalment dates pass.						

SECTION 2

Financial Results

2.6 - Creditor Accounts Paid June 2019

Creditor No.	Creditor Name	Amount \$
5023	National Australia Bank	1,500,000.00
V00860	Costojic Pty Ltd	520,761.08
46	Downer EDI Works Pty Ltd	376,344.44
639	Cleanaway Pty Ltd.	225,239.35
5104	JLM Contracting Services Pty Ltd	221,464.79
2	Australian Taxation Office - PAYG	170,302.00
5122	NT Electrical Group	161,653.80
3438	NT Shade & Canvas Pty Ltd	151,338.00
V00318	StatewideSuper Clearing House	145,995.93
54	Powerwater	110,550.76
V00476	Water Dynamics (NT) Pty Limited	107,277.12
V00848	Aldebaran Contracting Pty Ltd	95,755.00
5640	Think Water - Winnellie & Virginia	90,230.80
1607	Sterling NT Pty Ltd	87,281.62
712	Paradise Landscaping (NT) Pty Ltd	67,910.26
V00295	Jacana Energy	57,335.10
938	Nightcliff Electrical	44,934.40
V00200	Red Earth Automotive Pty Ltd	43,671.55
V01860	Hays Specialist Recruitment (Australia) Pty Ltd	41,299.47
V01835	Deloitte Private Pty Ltd	37,771.55
798	YMCA of the Northern Territory	37,551.66
123	Kerry's Automotive Group	34,643.00
V01906	Darwin Automotive Pty Ltd (Darwin Motor Group)	33,970.88
4190	National Australia Bank	30,820.24
V01990	NC Electrical & Air Conditioning Pty Ltd	26,379.36
87	Industrial Power Sweeping Services Pty	25,686.23
V01936	Arjays Sales & Services Pty Ltd	21,923.94
4871	Reface Industries	21,589.24
3683	Area9 IT Solutions	19,834.58
V00582	Ezko Property Services (Aust) Pty Ltd	18,499.49
V00773	Akron Group NT Pty Ltd	17,828.48
V00343	MAGIQ Software Ltd. T/A - NCS Chameleon Ltd	16,651.25
5508	Open Systems Technology Pty Ltd - CouncilFirst	15,848.25
V01643	KPMG	14,907.53
V00250	Ward Keller	14,480.30
4730	Sign City (NT) Pty Ltd	13,145.00
3313	Zip Print	12,853.50
47	Telstra Corporation Ltd	12,407.65
V01937	Australis Advisory Group Pty Ltd	11,715.00
2977	Security & Technology Services P/L	11,568.23
V00368	iWater NT	9,951.70
V01920	Tenite Pty Ltd T/as B&K Revegetation & Landscaping	9,823.00
V01009	Australian Parking and Revenue Control Pty Limited	9,599.64
2161	GHD Pty Ltd	9,314.14
V00599	Athina Pascoe-Bell	8,980.58
V02105	Fusion Joinery Pty Ltd	7,909.00
3880	PAWS Darwin Limited	7,666.66
256	The Bookshop Darwin	7,607.88
5136	RMI Security	7,562.79
V00377	Audio Technology NT Pty Ltd	7,238.00
26	Viva Energy Australia Ltd	6,677.62
V00719	AIA Australia Limited	6,471.25
2587	Top End RACE	6,428.36
566	Stickers & Stuff	6,344.00
V02136	The Harbour Agency	6,175.00

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Creditor No.	Creditor Name	Amount \$
5435	Access Hardware (NT) Pty Ltd	6,166.39
V00193	Amcom Pty Ltd	6,158.34
V01800	Regional Development Australia Northern Territory	6,050.00
4963	Centratech Systems Pty Ltd	5,876.34
5615	EcOz Environmental Consulting	5,827.62
V00228	Outback Tree Service	5,533.00
53	Eggins Electrical	5,379.83
V01423	Fusion Exhibition & Hire Services	5,342.15
V01143	Channel Nine Darwin (Territory Television Pty Ltd)	4,950.00
4065	Southern Cross Protection Pty Ltd	4,661.32
3936	Arafura Tree Services and Consulting	4,444.00
V00693	The Australian College of Commerce & Management	4,400.00
V00271	Fuji Xerox Business Centre NT	4,260.71
V01612	News Corp Australia	4,226.89
V02085	Promotor Trailers Pty Ltd	3,950.00
V01615	Autopia Management Pty Limited	3,729.12
4355	Tonkin Consulting	3,696.00
V02104	Darwin Carpets & Vinyls Pty Ltd	3,689.40
4513	Southern Cross Austereo Pty Ltd	3,407.80
V01565	Waste and Management Services Pty Ltd	3,300.00
V01570	Sarah Louise Henderson	3,096.75
V01571	Michael Spick	3,096.55
V01573	Amber Garden	3,008.54
5651	Minter Ellison Lawyers	2,900.49
V00241	John Gregory	2,800.00
35	WINC Australia Pty Limited	2,793.98
2238	Hollands Print Solutions Pty Ltd	2,778.00
V00831	Powerfunk Records Pty Ltd.	2,640.00
V01785	M&S Mowing Plus	2,552.00
V01663	Jape Furnishing Superstore	2,537.00
353	Otis	2,534.62
5	Australia Post	2,442.85
4825	OracleCMS	2,421.50
112	Beaurepaires	2,381.90
V01584	Salary Packaging Australia	2,334.78
V02122	David Garnham	2,255.00
5007	Goldfishbowl Swim School	2,250.00
V01982	Telensa Systems Pty Ltd	2,218.70
V00939	Defend Fire Services Pty Ltd	2,207.08
5006	Australian Human Resources Institute Ltd (AHRI)	2,200.00
V02158	The Duke of Edinburgh's International Award Aust	2,200.00
274	CSG Business Solutions (NT) Pty Ltd	2,161.36
V01572	Lucy Buhr	2,046.55
V01579	Damian Hale	2,046.55
4561	Bendesigns	2,031.80
V00315	HWL Ebsworth Lawyers	2,029.50
V00399	Palmerston and Regional Basketball Association	2,000.00
V00505	Riding for the Disabled Top End Inc	2,000.00
V02128	Palmerston Raiders Rugby League Club	2,000.00
V01389	Darwin Argos Painting	1,980.00
V01826	Tick of Approval Pty Ltd	1,980.00
V01569	Benjamin Giesecke	1,963.22
V01970	Gallimaufry Designs - Bev Garside	1,940.00
4007	Ark Animal Hospital Pty Ltd	1,932.01
V01574	Dr Thomas A Lewis OAM	1,896.55
350	IBM Global Financing Australia Limited	1,783.33
5036	Dormakaba Aust P/L T/as Territory Door Services	1,727.00
V01813	Steven Ball	1,654.00
2336	Flick Anticimex Pty Ltd	1,617.79
V01902	Bellamack Pty Ltd - WA	1,606.95

Creditor No.	Creditor Name	Amount \$
3099	Iron Mountain Australia Pty Ltd	1,604.35
V01183	Resource Furniture	1,515.54
V01985	Booked Out Agency Pty Ltd	1,507.00
V01243	African Cultural Experience - Mbakeh Darboe	1,500.00
V02114	Jaycar	1,499.00
V01934	Powerpass - Bunnings Group Limited	1,456.00
V00682	Leigh Dyson Plumbing	1,439.90
3504	Raeco International Pty Ltd	1,419.93
V01673	Groove Vitality	1,400.00
V01118	Wilson Security Pty Ltd	1,268.74
48	Top End Line Markers Pty Ltd	1,254.00
V01483	OfficeMax	1,235.11
V01234	Mulga Security	1,222.10
V02039	Humpty Doo Trees Pty Ltd	1,210.00
V00351	Charles Darwin University	1,201.50
3787	Total Event Services T/A Top End Sounds P/L	1,192.40
V01810	Jacana Energy - Payroll Deductions	1,120.00
V00022	Officeworks	1,117.44
2124	Food'll Do Catering Darwin (Grinners Catering)	1,103.00
3098	Roadshow Films Pty Ltd	1,100.00
5204	Voyager Trailers	1,099.56
V02051	Data Mobility Voice Pty Ltd	1,067.00
V02048	National Drones Franchising Pty Ltd	984.50
272	City Wreckers	924.00
5713	Clean Fun T/A Giggling Geckos Jumping Castle Hire	918.00
V01848	Invision NT Pty Ltd	900.00
V00943	Northern Territory Pest and Weed Control	858.00
V01209	Darwin Furniture P/L T/a Harvey Norman Furniture	844.00
V01420	CENTRELINK (PAYROLL)	829.46
5037	Amalgamated Movies	825.00
90	Local Government Association of the NT (LGANT)	805.00
4191	Darwin Castles and Slides	800.00
V01881	Shalom Kaa	800.00
V01082	Real Estate Institute of NT Inc	775.00
5315	Adamant Property Services Pty Ltd	766.70
V02160	Drag Territory	750.00
2186	Optus Billing Services Pty Ltd	744.09
V01812	C R Campbell - Electrical and Data Contractors	742.50
V01691	Blackwoods	733.71
V01494	Paul Maher Solicitors	715.00
V01656	TAFE Queensland North	699.00
V00443	Top End Hydraulic Services P/L T/A Forecast Machin	687.93
4678	Allabout Party Hire & Events - Darwin Party Hire	647.10
2915	Territory Uniforms	633.64
4528	Miranda's Armed Security Officers Pty	631.40
5131	Core Traffic Control Pty Ltd	607.75
5094	Urban Development Institute of Australia	600.00
215	Employee Assistance Services NT Inc (EASA)	592.41
30	Colemans Printing Pty Ltd	552.20
V02030	JAC Traders Pty Ltd T/a Brandit NT	552.20
V01452	CrossFit Palmerston	550.00
4731	Yeni Redding	500.00
V00984	Grant McMurtrie	500.00
V01818	Riece Ranson	500.00
V01106	Darwin Toilet Hire	495.00
V02117	Espirito do Samba	495.00
V02156	Anastasia Grasso	470.00
V00789	Green Plum Tai Chi	455.00
V00813	Middys - Middendorp Electric Co Pty Ltd	451.00
V01961	Messy Bub's - Natalie Hinchliffe	450.00

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Creditor No.	Creditor Name	Amount \$
V02137	Perambulator Management Pty Ltd	440.00
V02150	Asterios Kiranou	428.42
V02131	Andrew O'Brien	428.00
V01272	Storytime Pods Pty Ltd	403.04
59	City of Palmerston	392.20
4508	News 4 U	372.85
V02148	Tamara Franklin	344.57
5598	Diskbank P/L T/A SoundPack Solutions	335.50
V01760	NT Art Storms	334.00
5357	Amiable Communications - Amy	330.00
V02073	Holistic Health Services NT	330.00
V00172	CIC-THD-PTY LTD	298.12
1581	NT Broadcasters Pty Ltd	264.00
4856	Portner Press Pty Ltd	251.00
V01836	Taelah Smith	250.00
V02109	Joanne Sario	250.00
V02116	Beau Ryan (Parent: Nicole Miller)	250.00
V02120	Kalen Russell (Parent: Leticha Russell)	250.00
V02121	Luke Newson (Parent: Richard Newson)	250.00
V02124	Lamontae Banderson (Parent: Chantelle McKenzie)	250.00
V02125	Dr Muhammad Hasan	250.00
V02127	Cieanna Ah Wing (Parent: Tina Haywood)	250.00
V02135	Top End Motocross Club	250.00
V02138	Fraser Brown (Parent: Fiona Brown)	250.00
V02141	Jaydine Dalglish (Parent: Suzi-Lee Dalglish)	250.00
V02144	Piper Lyn Hatton (Parent: Bindi Johnston)	250.00
V02145	Noah Pinheiro (Parent: Jody Pinheiro)	250.00
V02149	Jayden O'Connor (Parent: Nicole O'Connor)	250.00
V02152	Lily Harden (Parent: Kate Harden)	250.00
V02153	Taneesa Hampton (Parent: Teresa Mummery)	250.00
V02154	Aidan Morgan (Parent: Scott Morgan)	250.00
V02165	Lzyiah Pairama (Parent: Sharon Parissakis)	250.00
V02169	John Grenfell - (Parent: Trudy Grenfell)	250.00
V02171	Deisian Brown - (Parent: Fiona Brown)	250.00
V01975	Jenny Grahek	245.00
V01030	Forrest Parade School	200.00
V01381	Phoebe Wear	200.00
V02017	Muhammad Zeeshan Iqbal	200.00
V02123	Sattler Christian College - Jeffrey Kapi	200.00
4737	D & L Plumbing & Gasfitting	192.50
V02118	Mr Jye Cardona	185.00
3428	Bunnings Group Limited	181.49
399	St John Ambulance (NT) Incorporated	180.00
V01324	Leighs Catering	169.40
V02023	Locktec Australia Pty Ltd	165.00
V01554	Meghan Davey	159.88
V02166	Stephen Turner	152.54
5509	Balloon Twisting Services - Sonia Bochow	150.00
2017	Signs Plus	132.50
V00555	Rydges Palmerston	128.00
5611	Steelmans Tools and Industrial Supplies	125.40
V01404	Phil & Karen Lewis - New Horizons NT	125.00
V02130	Shirley Anne Moffat	125.00
V02133	Deeper Christian Life Ministry	125.00
V02147	Deb Mondal	125.00
V02151	Northern Territory Government - Legal Policy Div	125.00
V02155	Ellowiese Mullan - Liwayway Plowman	125.00
V02172	Bangladeshi Community School - - Khadiza Yasmin	125.00
3788	HPA Incorporated	120.00
36	Darwin Lock & Key	110.00

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Creditor No.	Creditor Name	Amount \$
V01784	Edgar Mayos	110.00
V02068	Admedia Australia Pty Ltd	110.00
V00219	Anthony Bryant	100.00
V01515	Mella Martin-Hewitt	100.00
V01561	L W Bestmann	100.00
201	Spotless Facility Services Pty Ltd (T/A Ensign)	96.84
V01402	Leah Sanderson	90.00
V02126	Foster and Kinship Carers Assoc NT Inc	90.00
1569	Australasian Performing Right Assoc Ltd	82.50
18	Integrated Land Information System	82.20
V00994	Frangipani Farm	80.00
V02129	Breatheasy Staars NT - Judy North	60.00
V02146	Antoinette Tomlins	60.00
V02161	Prashant Ranjan Singh	60.00
V01938	Payment Express Australia Pty Ltd	49.50
V00075	Mercury Group of Companies Pty Ltd (T/A Fit2Work)	40.59
V01769	Snows Run (NT) Pty Ltd T/as Territory Green Waste	40.00
610	Data Centre Services (DCS)	33.11
V02170	Lisa Adams	32.50
V02140	Nicole Turner	26.39
		5,042,049.91
Percentage of works undertaken by local suppliers (excludes investments placed)		92%
		
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SECTION 2

Financial Results

2.7 - Creditor Accounts Outstanding June 2019

Creditor No.	Creditor Name	Amount \$
V01134	Territory Technology Solutions Pty Ltd	69,436.24
V01913	OrangeTek	67,650.00
5104	JLM Contracting Services Pty Ltd	54,380.44
938	Nightcliff Electrical	24,884.40
3787	Total Event Services T/A Top End Sounds P/L	18,162.10
V01936	Arjays Sales & Services Pty Ltd	14,285.00
5525	Easyweb Digital Pty Ltd	12,399.75
3936	Arafura Tree Services and Consulting	11,616.00
V00228	Outback Tree Service	8,613.00
V02091	Microwise Australia - CouncilWise	6,490.00
3313	Zip Print	5,621.00
V00476	Water Dynamics (NT) Pty Limited	5,546.31
V01716	Bentley McGuinness Media Pty Ltd	5,500.00
V01694	NT Advertising and Distribution	5,137.00
V01812	C R Campbell - Electrical and Data Contractors	5,132.60
3594	Comics NT	5,075.33
36	Darwin Lock & Key	5,025.19
V01503	LG Solutions Pty Ltd	4,840.00
3438	NT Shade & Canvas Pty Ltd	4,521.00
256	The Bookshop Darwin	3,535.33
566	Stickers & Stuff	3,533.00
4561	Bendesigns	3,376.40
V01590	MSKK Pty Ltd T/A Trojon Contractors	3,355.00
3971	Pipeline Renovations Pty Ltd trading as RenoFLO	3,159.75
V01920	Tenite Pty Ltd T/as B&K Revegetation & Landscaping	2,827.00
2238	Hollands Print Solutions Pty Ltd	2,490.00
5131	Core Traffic Control Pty Ltd	2,192.30
4825	OracleCMS	2,056.54
V00368	iWater NT	2,010.50
3099	Iron Mountain Australia Pty Ltd	1,804.35
4679	iSentia Pty Ltd	1,633.28
30	Colemans Printing Pty Ltd	1,322.20
V00475	Outback Batteries	1,166.60
V00773	Akron Group NT Pty Ltd	1,012.00
V01483	OfficeMax	1,003.94
4029	Totally Workwear Palmerston	812.80
V01661	Patchy's Auto Electrics	760.76
5036	Dormakaba Aust P/L T/as Territory Door Services	759.00
V00971	Go Transit Media Group Pty Limited	546.34
185	Bridge Toyota	509.25
712	Paradise Landscaping (NT) Pty Ltd	495.00
272	City Wreckers	462.00
4398	Quality Indoor Plants Hire	445.49
1453	Able Library Supplies T/A Able Agencies	433.70
V02142	RJ Hoad & KL Schubert	400.00
123	Kerry's Automotive Group	380.00
3683	Area9 IT Solutions	374.00
V00592	Dreamedia	346.50
943	Territory Asset Management Services	330.00
V00284	Wheelers Books	305.39
4912	Remote Area Tree Services Pty Ltd	264.00
5011	A&J Communications	242.00
V02039	Humpty Doo Trees Pty Ltd	165.00

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Creditor No.	Creditor Name	Amount \$
V02075	FL Pools Pty Ltd T/a Figleaf Pool Products	154.00
V02168	Prestige Automotive Air Conditioning & Electrical	98.00
3788	HPA Incorporated	95.00
201	Spotless Facility Services Pty Ltd (T/A Ensign)	48.42
35	WINC Australia Pty Limited	45.87
V01769	Snows Run (NT) Pty Ltd T/as Territory Green Waste	40.00
3428	Bunnings Group Limited	29.88
V01934	Powerpass - Bunnings Group Limited	15.16
		379,351.11


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Section 2

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2.8 - Waste Charges as at 30 June 2019

Waste Management

	Revised Budget \$	YTD Actuals \$	Commitment \$	Total YTD Actuals plus Commitments \$	% Utilised
Income					
Rates & Charges	6,999,791	7,002,307	-	7,002,307	100.04%
Income	6,999,791	7,002,307	-	7,002,307	100.04%
Expenditure					
Employee Costs	(373,463)	(373,463)	-	(373,463)	100.00%
Office Administration Expenditure	-	(1,025)	-	(1,025)	0.00%
Professional Services	(65,000)	(19,568)	(35,461)	(55,029)	84.66%
Educational Resources	(50,000)	(23,115)	-	(23,115)	46.23%
Utilities	(10,413)	(9,409)	-	(9,409)	90.36%
Street Sweeping	(292,000)	(256,086)	(37,020)	(293,106)	100.38%
Litter Collection	(193,515)	(196,114)	(5,467)	(201,581)	104.17%
Domestic Bin Collection	(2,548,756)	(2,167,752)	(29)	(2,167,781)	85.05%
Kerb Side Collections	(98,000)	(116,706)	-	(116,706)	119.09%
Tip Recharge Domestic Bin collection	(632,950)	(498,487)	(81,967)	(580,453)	91.71%
Transfer Station	(1,595,000)	(946,226)	(137,827)	(1,084,052)	67.97%
Loan Repayments	(92,200)	-	-	-	0.00%
Tip Recharge Transfer Station	(325,145)	(295,671)	(8,699)	(304,370)	93.61%
Expenditure	(6,276,442)	(4,903,620)	(306,470)	(5,210,090)	83.01%
Profit/(Loss)	723,349	2,098,687	(306,470)	1,792,217	

Expenditures not included in reconciliation are waste related depreciation, overheads and capital works.

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Section 2

Financial Results

30 June 2019

2.9 - Commercial Leases as at Commercial Leases

	Revised Budget \$	YTD Actuals \$	Commitment \$	Total YTD Actuals plus Commitments \$	% Utilised
Income					
Library Services	32,040	31,841	-	31,841	99.38%
Director Corporate Services	65,976	64,787	-	64,787	98.20%
Aquatic Centre	25,764	25,764	-	25,764	100.00%
Civic Centre	151,304	142,779	-	142,779	94.37%
Income	275,084	265,171	-	265,171	96.40%
Expenditure					
Director Corporate Services	(11,520)	(10,407)	-	(10,407)	90.34%
Expenditure	(11,520)	(10,407)	-	(10,407)	90.34%
Profit/(Loss)	263,564	254,764	-	254,764	

Library Services includes lease held by Mosko's Market

Aquatic Centre includes the lease previously held by Tang Soo Do

Civic Centre includes the lease held by Adult Mental Health

Director of Corporate Services includes the leases held by Peter McGrath and Palmerston Re-Engagement Centre

McGees Management Fees charged to Director of Corporate Services each month

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Section 2

Financial Results

30 June 2019

2.10 - Council Loans

Internal Loan - Making the Switch Expenditure

	Revised Budget \$	YTD Actuals \$	Commitment \$	Total YTD Actuals plus Commitments \$	% Utilised
Expenditure					
LED Lighting PR6JECT-3 Making the Switch	700,000	507,888	1,637,307	2,145,195	306.46%
Expenditure	700,000	507,888	1,637,307	2,145,195	306.46%

The current revised budget for Making the Switch is \$700,000, broken down into the following: \$60,000 funded from the Strategic Initiatives Reserve (Council Decision Number 8/3034 - 20/02/2018); a further \$90,000 allocated in the First Budget Review 2018/19 (9/0337 - 06/11/2018) as the first instalment of the internal loan; \$550,000 allocated in the Third Budget Review 2018/19 (09/0632 - 21/05/2019)

Internal Loan - Making the Switch

	Internal Loan \$	Expended from Loan \$	Interest on Loan \$	Total \$	% Utilised
Expenditure					
LED Lighting PR6JECT-3 Making the Switch	640,000	447,888	1,952	449,840	70.29%
Expenditure	640,000	447,888	1,952	449,840	70.29%

External Loan - Archer Landfill Rehabilitation

	External Loan \$	Principal Repayments \$	Interest Payments \$	Total \$
Expenditure				
Expenditure				
Archer Landfill Rehabilitation	1,960,000	-	-	-
	1,960,000	-	-	-



Approved by: Executive Manager Finance

13 OFFICER REPORTS

13.2 Action Reports

13.2.1	Review of Council Policy <i>REG02 Feral Cat</i>	9/0268
13.2.2	Receipt of Cyclone Marcus Claim	9/0269
13.2.3	Facing North 2019	9/0270
13.2.4	2018/2019 Special Purpose Grant Partial Acquittal of Shared Paths – Walk, Cycle or Scoot to School	9/0271
13.2.5	Draft Local Government Bill Submission	9/0274

AGENDA ITEM: 13.2.1

REPORT TITLE: Review of Council Policy *REG02 Feral Cat*

REPORT NUMBER: 9/0268

MEETING DATE: 16/07/2019

AUTHOR: Director Governance and Regulatory Services, Chris Kelly

APPROVER: Chief Executive Officer, Luccio Cercarelli

COMMUNITY PLAN

Governance: Council is trusted by the community and invests in things that the public value.

PURPOSE

This report seeks Council approval to rescind Council Policy *REG02 Feral Cat*.

KEY MESSAGES

- Council Policy *REG02 Feral Cat* has been reviewed.
- Policies are not required if they simply restate statutory obligations, provide operational information or do not add any value to Council's decision-making process.
- Council Policy *REG02 Feral Cat* is superfluous as it does not add any value to the declaration of feral cats as pests or the requirement to treat cats humanely.
- Council will continue to support feral cat management through existing strategies and increased resources for animal management education.

RECOMMENDATION

1. THAT Report Number 9/0268 entitled Review of Council Policy *REG02 Feral Cat* be received and noted.
2. THAT Council rescind Council Policy *REG02 Feral Cat* at **Attachment A** to Report Number 9/0268 entitled Review of Council Policy *REG02 Feral Cat*.

BACKGROUND

At the 2nd Ordinary Council Meeting of 21 June 2016, Council made the following decisions:

13.1.6 Draft Feral Cat Policy REG02

8/0914

1. THAT the Council receives Report Number 8/0914.
2. THAT Council endorses the draft Feral Cat Policy REG02 in Attachment A to Report Number 8/0914 and that the policy be reviewed on a 4 year cycle.
3. THAT the cat trap hire fee for 2016/17 be set at \$30 per month.

4. *THAT a redeemable voucher be provided with each months trap hire to the value of \$60 in 2016/17 to assist with veterinary costs.*

CARRIED 8/2092 - 21/06/2016

This report presents the outcome of the review of Council Policy *REG02 Feral Cat*.

DISCUSSION

Policies are clear, simple statements of how Council intends to conduct its services, activities or business. Policies do not need to be long or complicated and are only needed if they add value to what is already required or empowered under legislative or other requirements.

Council Policy *REG02 Feral Cat* simply reflects that feral cats are pests consistent with the *National Declaration of Feral Cats as Pests* and that Council and residents are expected to treat cats in a humane manner, which is a legislative requirement. It adds no further value to the challenge of dealing with feral cats.

In addition to existing strategies, Council has appointed an Animal Education Ranger as part of the 2019/2020 budget. This role will underpin a variety of education programs and initiatives to further educate cat owners around responsible cat management practices. It is anticipated that the new position would complement the existing strategies by undertaking the following:

- owner education on methods to mitigate nuisance through home visits and training, particularly in identified problem areas;
- advice on containment;
- accessing national school-based programs to deliver education to families on pet management; and
- overseeing and coordinating our animal management community events, producing promotional material and media releases to further enhance responsible animal management.

There may also be an opportunity to research and attend national forums to be aware of the latest devices, mechanisms or methodology around urban animal management.

Council staff also proactively engage with Territory Housing to assist tenants with animal management issues, including unwanted or feral cats.

Council will focus on these initiatives over the coming year. As Council Policy *REG02 Feral Cat* adds no value to this work, it is recommended to be rescinded.

CONSULTATION PROCESS

The following City of Palmerston staff were consulted in preparing this report:

- Manger Ranger Services

POLICY IMPLICATIONS

If rescinded, Council Policy *REG02 Feral Cat* will no longer be a policy of Council.

BUDGET AND RESOURCE IMPLICATIONS

There are no budget or resource implications relating to this report.

RISK, LEGAL AND LEGISLATIVE IMPLICATIONS

There are no risk, legal and legislative implications relating to this report.

ENVIRONMENT SUSTAINABILITY IMPLICATIONS

Unowned or feral cats cause significant damage to the environment and Council has initiatives and additional resources to reduce the presence of unowned or feral cats.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

ATTACHMENTS

Attachment A: Council Policy *REG02 Feral Cat*

Name:	Feral Cat		
Type:	Council Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Director City Growth and Operations		
Approval Date:	21/06/2016	Next Review Date:	21/06/2020
Records Number:	379025	Council Decision:	8/2092

1 PURPOSE

This policy sets out Council's position on feral cat control within the Municipality. The policy supports responsible pet ownership.

2 PRINCIPLES

The City of Palmerston supports the Federal Government's position on controlling feral cat populations in the community.

Council acknowledges that domestic cats are kept by residents as pets. This policy in no way condones the trapping and disposing of domestic cats. All cats trapped in a cat trap will be examined by an appropriately qualified person and determined to be feral or domestic. All domestic cats will be released as soon as practicable at the point of capture or returned to their owners.

Traps are to be managed in a responsible way and all animals captured are to be treated humanely.

3 DEFINITIONS

For the purposes of this Policy, the following definitions apply:

Term	Definition
Cat	An animal of the species <i>Felis catus</i> or subspecies <i>Felis silvestris catus</i> .
Feral Cat	The result of a domestic cat being abandoned or lost and left to fend for itself or a cat born into the wild.
Domestic Cat	A cat that has been tamed and made fit for a human environment.
Cat trap	A device provided by the Council for the purpose of trapping feral cats.
Micro-chip	An implant of an identifying integrated circuit placed under the skin of an animal.

4 POLICY STATEMENT

4.1 Feral Cats

Council acknowledges the damage and nuisance caused by feral cats in the community. Feral cats can carry infectious diseases which can be transmitted to native animals, domestic pets and humans.

Feral cats are the same species as domestic cats, however they live and breed in the wild, surviving by hunting native wildlife or scavenging.

REG02

Feral cats were declared pests at the meeting of Environment Ministers held on 16 July 2015. Ministers endorsed the *National declaration of feral cats as pests*.

Feral cats will only be disposed of in a humane way.

5 ASSOCIATED DOCUMENTS

- 5.1 Cat Trap Hire Agreement
- 5.2 Cat Euthanasia Declaration Form

6 REFERENCES AND RELATED LEGISLATION

- 6.1 Palmerston (Charges) By-Laws
- 6.2 Annual Fees and Charges

AGENDA ITEM:	13.2.2
REPORT TITLE:	Receipt of Cyclone Marcus Claim
REPORT NUMBER:	9/0269
MEETING DATE:	16/07/2019
AUTHOR:	Executive Manager Finance, Shane Nankivell
APPROVER:	Chief Executive Officer, Luccio Cercarelli

COMMUNITY PLAN

Governance: Council is trusted by the community and invests in things that the public value.

PURPOSE

This report seeks to inform Council of the funds received for eligible reimbursable costs attributed to damage from Cyclone Marcus.

KEY MESSAGES

- Cyclone Marcus caused approximately \$3 million worth of damage and clean-up costs.
- Some of these costs are reimbursable through the National Disaster Relief and Recovery Arrangements (NDRRA).
- Council submitted a claim to the Department for the NDRRA of just over \$927,000.
- Council received a reimbursement of \$865,949 through the Department as part of the NDRRA.
- These funds are uncommitted and are surplus to Council's budget.
- It is being recommended that these funds be transferred to the Strategic Initiatives Reserve to fund potential future projects.

RECOMMENDATION

1. THAT Report Number 9/0269 entitled Receipt of Cyclone Marcus claim be received and noted.
2. THAT National Disaster Relief and Recovery Arrangements reimbursement of \$865,949 being for Cyclone Marcus costs, be transferred to Strategic Initiative Reserve to fund potential future strategic initiative projects.

BACKGROUND

Tropical Cyclone Marcus passed through City of Palmerston Municipality in March 2018. A significant amount of damage occurred relating predominately to felled trees in parks. Under the National Disaster Relief and Recovery Arrangements (NDRRA), Council was able to lodge a claim for eligible expenses through the Department of Local Government, Housing and Community Services (the Department).

DISCUSSION

The clean-up resulting from the damage caused by Cyclone Marcus totalled approximately \$3 million. This was funded at the time from the Disaster Recovery reserve, reprioritised operational funding and delayed capital expenditure.

Under the NDRRA Council is able to claim eligible expenses for reimbursement in the event of a natural disaster. Eligible expenses generally relate to damaged essential infrastructure or removing debris from essential infrastructure.

Council submitted a claim to the Department in December 2018 for what it believed were eligible expenses. The claim that Council submitted totalled just over \$927,000. On 28 June, Council received a reimbursement from the Department for \$865,949 for its reimbursement through the NDRRA.

These funds will be transferred to the Strategic Initiatives Reserve to fund potential future projects. These funds may be allocated from the reserve to potential future projects by Council decision.

CONSULTATION PROCESS

There was no consultation required during the preparation of this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

BUDGET AND RESOURCE IMPLICATIONS

Council drew upon its Disaster Recovery reserve in 2017/18 to help fund the clean-up from the cyclone. At the end of the 2017/18 financial year a cash surplus was realised. This surplus was used to top the Disaster Recovery reserve back up to its limit of \$500,000.

The \$865,949 received from the Department has not been budgeted for and represents additional funds to the Council over and above what is already available. These funds are therefore not committed for any purpose at this stage and can be allocated as Council sees fit.

RISK, LEGAL AND LEGISLATIVE IMPLICATIONS

There are no risk, legal and legislative implications relating to this report.

ENVIRONMENT SUSTAINABILITY IMPLICATIONS

There are no environment sustainability implications for this report.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

ATTACHMENTS

There are no attachments for this report.

AGENDA ITEM:	13.2.3
REPORT TITLE:	Facing North 2019
REPORT NUMBER:	9/0270
MEETING DATE:	16/07/2019
AUTHOR:	Executive Assistant to Chief Executive Officer, Caroline Hocking
APPROVER:	Chief Executive Officer, Luccio Cercarelli

COMMUNITY PLAN

Governance: Council is trusted by the community and invests in things that the public value.

PURPOSE

This report seeks Council endorsement for the Mayor or her representative to attend the Facing North event scheduled to be held on 9 September 2019 in Canberra.

KEY MESSAGES

- This report seeks Council's approval for the Mayor or her representative to attend and represent the City of Palmerston at Facing North 2019.
- Facing North is an initiative of the Territory Leadership Network, a collaborative arrangement between the Darwin Major Business Group and the Northern Territory Government.
- Facing North will bring focus on the North and forge key relationships for the future business and economic benefit to the Northern Territory.
- This event provides opportunity to meet with Australian Members of Parliament to lobby for major project funding.
- City of Palmerston was represented by the Mayor and Chief Executive Officer at last years event.

RECOMMENDATION

1. THAT Report Number 9/0270 entitled Facing North 2019 be received and noted.
2. THAT Council approve the Mayor or Deputy Mayor as their representative to attend Facing North on 9 September 2019 held in Canberra.

BACKGROUND

Facing North is an initiative of the Territory Leadership Network (TLN), a collaborative arrangement between the Darwin Major Business Group and the Northern Territory Government. The event will be held at Parliament House Canberra in the Great Hall on 9 September 2019.

The inaugural event was first held in September 2017 and following its success, *Facing North* has become an annual event. The event showcases Darwin and the Territory as a sophisticated, professional, modern and diverse economy with real opportunities whilst providing a unique opportunity to connect with key government and business decision-makers. Canberra is where many decisions are made that affect the future of The Territory.

The event is co-hosted by the Hon. Michael Gunner MLA, Chief Minister of the Northern Territory, and Northern Territory Federal Politicians.

400 plus guests will be in attendance including Senior Members of Federal and Territory governments, senior business and industry leaders.

The Mayor and the Chief Executive Officer attended last year, and it is recommended that Council be represented again at the event this year.

DISCUSSION

The aim of Facing North is to bring focus on the Top End and forge key relationships for the future business and economic benefit to the Northern Territory.

Being the Northern Territories second largest and fastest growing City, it is important that the Council continually advocates for its community including economic and social developments.

Whilst in Canberra the Mayor will seek opportunities with Ministers and Shadow Ministers, as appropriate, to advocate on behalf of the Palmerston community and to further develop funding partnerships.

It is recommended that Council take every opportunity to raise the City's profile and maximise opportunities for support in delivery outcomes and economic growth for the community.

Currently the Mayor's commitments may prevent her from attending, it is recommended that in the case that the Mayor is unable to attend that the Deputy Mayor attend as Council's representative.

It is noted that the Chief Executive Officer will also attend.

CONSULTATION PROCESS

There was no consultation required during the preparation of this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

BUDGET AND RESOURCE IMPLICATIONS

It is estimated that the cost of attendance by a Council representative and Chief Executive Officer will be in the order of \$1,800 Exc GST per person.

The cost will be accommodated from within the existing operating budget.

Developing partnerships with the Australian Government and promoting Palmerston and Northern Australia will enhance potential funding opportunities for Council.

RISK, LEGAL AND LEGISLATIVE IMPLICATIONS

There are no risk, legal and legislative implications relating to this report.

ENVIRONMENT SUSTAINABILITY IMPLICATIONS

There are no environment sustainability implications for this report.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

ATTACHMENTS

There are no attachments for this report.

AGENDA ITEM:	13.2.4
REPORT TITLE:	2018/2019 Special Purpose Grant Partial Acquittal of Shared Paths – Walk, Cycle or Scoot to School
REPORT NUMBER:	9/0271
MEETING DATE:	16/07/2019
AUTHOR:	Community Development Officer, Liz Middleton
APPROVER:	Acting Director – Lifestyle and Community, Amelia Vellar

COMMUNITY PLAN

Family and Community: Palmerston is a safe and family friendly community where everyone belongs.

PURPOSE

This report seeks Council approval for the 2018- 2019 Special Purpose Grant partial acquittal for the Shared Paths – Walk, Cycle or Scoot to School project up to 30 June 2019.

KEY MESSAGES

- In 2018, City of Palmerston received a \$25,000 Special Purpose Grant (SPG) from the Northern Territory Government (NTG), Department of Housing and Community Development to promote walking, cycling and scooting as a safe, healthy transport option to families attending Palmerston schools.
- The Northern Territory Government Department of Housing and Community Development requires that grant acquittals be completed at the end of each financial year and laid before Council.
- As at 30 June 2019, \$6,677.46 has been expended.
- To date \$18,322.54 remains outstanding, with project expenditure expected to be completed by April 2020 with an increased uptake from additional schools in Term 2, 2020. This is acceptable within the terms of the funding agreement.
- The Department of Housing and Community Development requires Council to fully acquit the SPG within two years of receipt of the funding. The funding was accepted on 20 November 2018 hence, Council has until 20 November 2020 to fully expend all funds.
- It is anticipated that the SPG funds will be fully expended by April 2020 once the program has been rolled-out at two additional schools.

RECOMMENDATION

1. THAT Report Number 9/0271 entitled 2018/2019 Special Purpose Grant Partial Acquittal of Shared Paths – Walk, Cycle or Scoot to School be received and noted.
2. THAT Council approve the 2018/2019 partial acquittal of the Special Purpose Grant to the value of \$6,677.46 to promote and implement the Shared Paths project to Palmerston schools.

BACKGROUND

In November 2018, the City of Palmerston were successful in their Special Purpose Grant application to promote and encourage safer and more active travel to school in Palmerston. The Shared Paths project

emphasises the importance of safe travel in suburban areas, while empowering families to take an active travel option to and from school at least once a week.

DISCUSSION

The Shared Paths – Walk, Cycle or Scoot to School project is designed to support Palmerston’s growing population of young people to engage in safe and healthy routines when travelling to school by increasing awareness of safe pathways to schools. This core aim is enhanced through other project objectives, including changing community perceptions about the safest modes of travel to school, encouraging our younger community members to engage in healthy habits and reducing congestion around school zones. All schools in Palmerston were provided information about the program in January 2019 and given the opportunity to express interest in trialling the program. Rosebery Primary School submitted formal interest in trialling the pilot program for Term 3, 2019 and planning commenced in conjunction with the school from March 2019.

Rosebery Primary School assisted City of Palmerston to survey the school community to collect data regarding the travel habits of the school community. The data was looking to capture information about the proximity of homes in relation to the school, how children currently travel to school, reasons for selected travel mode and concerns regarding paths or roads leading into schools. This data was collected by City of Palmerston and used by staff to map out five (5) separate routes to school across Roseberry and Bellamack. The imminent roll-out of the program at Rosebery School will allow the City of Palmerston to continue to approach additional schools and provide evidence and data regarding the program and the impacts it has within the pilot school. City of Palmerston will commence recontacting schools in August and September 2019 to start discussions about the program uptake for Term 2, 2020.

The program is comprised of two core areas. The first part is the physical decal placement on paths leading into schools to encourage safer road crossing awareness for students to use when travelling to school. Below is an example of a decal that will be used as part of the Shared Paths – Walk, Cycle or Scoot to School project.



The pathway decals provide directional signage to the community on pathways denoting “safe pathways”.

Schools then have the additional option of taking up the in-school program that encourages the selection of an active travel day and collecting data about how families travel to school on the day (this then forms the second core part of the project). To increase uptake of the program from the school community, it was decided that the program should be rolled-out in Terms 2 or Term 3 of the school year to take

advantage of the best seasonal weather and avoid the monsoonal rain or high humidity periods. School commitment to champion the program to the school community is vital to allow for the collection of data and marketing; therefore, working to school terms has meant the collaboration with the school staff been intermittent across 2019. Council will continue to encourage at least two more schools to join the program for commencement in Term 2, 2020 to expend the grant and Council allocated funds.

The report recommends Council's approval for the Partial acquittal for funds expended by 30 June 2019 at **Attachment A**.

Council commenced the roll out of the project at a cost of \$6,677.46 excluding GST.

Council has committed an additional \$5,135 excluding GST and is currently awaiting invoices for the printing and installation of the pathway decals.

Council will expend the remaining amount of \$18,322.54 by April 2020.

CONSULTATION PROCESS

There was no consultation required during the preparation of this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

BUDGET AND RESOURCE IMPLICATIONS

The original estimated cost of the project was \$44,400.

The project was to be funded as follows:

- Special Purpose Grant \$25,000
- Council Contribution \$20,000

As of 30 June 2019, Council has expended a total of \$6,677.46 from Special Purpose Grant funds which requires acquittal.

RISK, LEGAL AND LEGISLATIVE IMPLICATIONS

Failure to approve and submit an acquittal for the Special Purpose Grant as of the end of the 2018/2019 financial year may prevent Council from seeking further Special Purpose Grants through the Northern Territory Government.

ENVIRONMENT SUSTAINABILITY IMPLICATIONS

There are no environment sustainability implications for this report.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.



A Place for People

COUNCIL REPORT

2nd Ordinary Council Meeting

ATTACHMENTS

Attachment A: 2018 – 2019 Acquittal of Special Purpose Grant

City of Palmerston

2018-19 ACQUITTAL OF SPECIAL PURPOSE GRANT

Department of Housing and Community Development

File number: LGR2014/00187

Purpose of Grant: Shared Paths – Walk, Cycle & Scoot to School project to promote walking, cycling or scooting to school in Palmerston.

INCOME AND EXPENDITURE ACQUITTAL FOR THE PERIOD ENDING 30 JUNE 2019

Special Purpose Grant	\$25 000
Other income	_____
Total income	\$25 000

Expenditure (Specify accounts and attach copies of ledger entries)

An 'administration fee' is not to be apportioned to the grant for acquittal purposes.

Expenditure as at 30.6.2019 of \$6,677.46.

Total Expenditure	\$6,677.46
Surplus/(Deficit) \$18,322.54 remains outstanding, currently \$5,135 of expenditure requires invoicing.	\$18,322.54

We certify, in accordance with the conditions under which this grant was accepted, that the expenditure shown in this acquittal has been actually incurred and reports required to be submitted are in accordance with the stated purpose of this grant.

Acquittal prepared by: Liz Middleton 04 / 07 / 2019

Laid before the Council at a meeting held on 16 / 07 / 19. Copy of minutes attached.

CEO or CFO: _____ ____/____/____

DEPARTMENTAL USE ONLY

Grant amount correct: ☐ Yes ☐ No

Expenditure conforms to purpose: ☐ Yes ☐ No

Capital Works – Bought from Territory Enterprise: ☐ Yes ☐ No

Minutes checked: ☐ Yes ☐ No

Balance of funds to be acquitted: \$ _____

Date next acquittal due: ____/____/____

ACQUITTAL ACCEPTED: ☐ Yes ☐ No

Prepared by: _____

Comments:

Donna Hadfield, Manager Grants Program

_____/____/____

AGENDA ITEM:	13.2.5
REPORT TITLE:	Draft <i>Local Government Bill</i> Submission
REPORT NUMBER:	9/0274
MEETING DATE:	16/07/2019
AUTHOR:	Director Governance and Regulatory Services, Chris Kelly
APPROVER:	Chief Executive Officer, Luccio Cercarelli

COMMUNITY PLAN

Governance: Council is trusted by the community and invests in things that the public value.

PURPOSE

This report seeks Council approval for submissions of Council's response to the Draft Local Government Bill.

KEY MESSAGES

- In 2014, a review of the *Local Government Act 2008* was announced.
- A Working Party produced a consultation paper in 2015/16 which formed the basis of the draft Bill.
- The draft Bill was released in late May 2019 with comments due by 18 July.
- A number of changes are proposed, including:
 - Procurement;
 - Conflict of interest;
 - Allowances;
 - Infringements; and
 - Legal proceedings.
- Management has concerns with several proposed changes, as well as the short consultation period.
- Following a workshop with Elected Members, a detailed report and letter have been prepared, along with suggested amendments for submission to the Northern Territory Government.
- Council is also being asked to consider sending a copy to the Minister for Local Government, Housing and Community Development.

RECOMMENDATION

1. THAT Report Number 9/0274 entitled Draft *Local Government Bill* Submission be received and noted.
2. THAT Council endorse **Attachment A** and **Attachment B** to Report Number 9/0274 entitled Draft *Local Government Bill* Submission to be submitted to the Department of Local Government, Housing and Community Development as Council's submission to the Draft *Local Government Bill*.
3. THAT Council provide a copy of Council's submission to the Draft *Local Government Bill* to the Minister for Local Government, Housing and Community Development.

BACKGROUND

At the 1st Ordinary Council Meeting of 4 June 2019 Council made the following decisions:

8.1 Draft Local Government Bill

THAT the presentation on the Draft Local Government Bill by Hugh King, Manager Legislation and Policy Projects and Solomon Gaturu, Manager Legislation and Policy of Department of Local Government, Housing and Community Development be received and noted.

CARRIED 9/0646 – 04/06/2019

In late 2014, a review of the Local Government Act was announced. Submissions were sought from all stakeholders, including the general public and were accepted up until February 2016.

A Local Government Working Party consisting of the Local Government Association of the NT, regional and municipal councils, and department representatives was formed to consider topics raised in the submissions and to make new recommendations to the Department and the Minister. Council was not a member of the Working Party.

A [consultation paper](#) on the proposed new local government legislation was made available to inform stakeholders of intended policy changes and provide an opportunity for comment. Submissions on that paper closed in June 2016.

Legislation was then drafted and released for public comment in late May 2019, with submissions due by 18 July 2019. Elected Members and staff have undertaken consultation with staff from the Department of Local Government, Housing and Community Development and the Mayor has met with the Minister for Local Government, Housing and Community Development to relate Council's concerns.

Council sought an extension to the submissions period, due to the short period for comment and the significant change proposed in the draft Bill. The Minister for Local Government, Housing and Community Development denied this request.

DISCUSSION

Council staff have undertaken a review of the draft Bill and provided management comment to a recent Elected Member workshop. Council's submission has been revised in line with feedback from this workshop and is provided at **Attachment A** and **Attachment B** for submission to the Department of Local Government, Housing and Community Development. It should be noted that **Attachment B**, once approved, will form the Appendix to the letter.

Attachment B considers every section of the draft Bill and deletions, however Council's main concerns with the draft Bill, forms the basis of the letter.

The draft Bill, as well as additional information provided by the Department of Local Government, Housing and Community Development is provided for information at **Attachments C, D and E**. A copy of the current *Local Government Act* is available at <https://legislation.nt.gov.au/en/Legislation/LOCAL-GOVERNMENT-ACT-2008>.

CONSULTATION PROCESS

The following City of Palmerston staff were consulted in preparing this report:

- Executive Leadership Team

In preparing this report, the following external parties were consulted:

- Staff from the Department of Local Government, Housing and Community Development have provided briefings to Elected Members and staff
- Ward Keller

The Mayor and Chief Executive Officer have met with the Minister for Local Government, Housing and Community Development to provide initial feedback on the draft Bill.

A Council Workshop was also held on 10 July and feedback from Council was incorporated in this report.

POLICY IMPLICATIONS

The draft Bill will require Council to introduce a number of new policies within the first 12 months of operation of the new Act.

BUDGET AND RESOURCE IMPLICATIONS

Management has greater concerns about the reduced flexibility of Council as a result of compliance with the draft Bill as opposed to increased costs of compliance.

Council has incurred legal costs in the preparation of this report, and these will be met from within approved budget.

RISK, LEGAL AND LEGISLATIVE IMPLICATIONS

The risk, legal and legislative implications are as outlined in **Attachment B**.

ENVIRONMENT SUSTAINABILITY IMPLICATIONS

There are no environment sustainability implications for this report.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

ATTACHMENTS

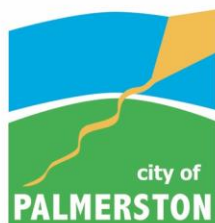
Attachment A: Draft Letter for Local Government Bill Submission

Attachment B: Response to Draft *Local Government Bill 2019*

Attachment C: Draft *Local Government Bill 2019*

Attachment D: Draft *Local Government Bill 2019* Factsheet

Attachment E: Draft *Local Government Bill 2019* FAQ's



ID: 123456 - LC:ck

11 July 2019

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Manager Legislation and Policy Projects
Local Government and Community Development Division
Department of Local Government, Housing and
Community Development
GPO Box 4621
DARWIN NT 0801

By email: LGLaw.DLGHCD@nt.gov.au

Dear Mr King

City of Palmerston Submission to the Draft *Local Government Bill 2019*

I am writing with reference to the Draft *Local Government Bill 2019* (draft Bill) which has been released for comment.

I would like to take this opportunity to thank staff from the Department, including yourself for the information and assistance provided during the consultation period.

Council considered its submission at the Second Ordinary Meeting on 16 July 2019. Council's submission consists of a summary of key issues covered in this letter, as well as detailed feedback provided on each section of the draft Bill contained in **Appendix A** to this letter. Please read both in conjunction as Council's submission.

The City of Palmerston is committed to growing local government as the third tier of government, with the closest connection to the community. Council is supportive of legislation that grows the value of local government for the community and underpins the provision of infrastructure and services that the community values. However, Council has some concerns with the proposed legislation, which is summarised below and captured in more detail in **Appendix A**.

General comments

The intent of local government legislation should be aspirational, namely it should work in conjunction with other legislation and Departmental leadership to raise the standards of governance in local government. This means that legislation should empower the Department and LGANT to work with councils to ensure that there are appropriate frameworks, including training and controls testing to ensure higher quality procurement, financial management, fraud protection outcomes. This draft Bill does not achieve this, rather it devalues local government by becoming more prescriptive, rather than developing local government by raising its quality.

Separate to the legislation, the Department should also play an increasing leadership role in model policy, procurement, financial management and governance by working with councils, particularly smaller councils to develop their skills and outcomes, and then using their intervention powers if compliance is not achieved.

Council expresses its disappointment at not receiving an extension to the consultation period, as Council believes the timeframe for providing comment on the draft Bill is not sufficient. The draft Bill proposes a number of changes to the administration of local

government as outlined below, and a body of new policy work. Providing local government less than two months, during the time normally dedicated to preparing budgets and end of year reporting to provide feedback on this complex legislation is not adequate consultation. Further resources and time should be provided, particularly for legislation existential to local government.

Relying on the initial consultation work undertaken in 2015/16 is also not appropriate. Since that time, a number of factors have changed including:

- several councils have been dismissed and investigations held;
- elections have resulted in a turnover of Elected Members;
- the economy and population trends have changed;
- community priorities have changed; and
- many councils have had changes in senior staff during that time.

Good consultation practice would be to reconsider this work prior to the drafting of the new Bill. To take over 3 years to draft the Bill and then provide local governments with less than 2 months to comment on a Bill that is based on feedback from three to four years ago is not good practice.

High Value Contracts

A council will not be able to enter any contract with a value more than what is allowed in the Regulations unless authorised by council resolution. It is anticipated that this value will be \$500,000 when the Regulations are drafted. It is unclear what the intention of this provision is meant to be. This is impractical for many councils, including regional councils who are service delivery agencies for Federal and Territory Government and reduces their flexibility.

City of Palmerston undertakes approximately 90% of its work by contract and employs specialist staff to execute and manage specialist contracts. The role of Council as a board is to ensure that there is an adequate framework in place to manage this process. It is not their role to award contracts where they have limited expertise. It devalues the maturity of the organisation and reduces the role of staff to an administrative level.

Further, it does not avoid the challenges currently faced by councils. There are numerous instances where councils with minimal procurement delegation made poor procurement decisions and lacked independence. Similarly, there are instances where staff have acted beyond existing authority. Neither of these challenges is addressed by the proposed legislation.

The legislation should require councils to have a robust procurement framework in place, which stands up to scrutiny from the Department and meets community and industry expectations of fairness, consistency and transparency. The Audit Committee now required under the draft Bill can also be required to regularly audit and test this framework. Any delegations should be then determined by councils, with consideration of local circumstances, including value of contracts and expertise of staff. The Department needs to develop the skills of local government, rather than diminish it by introducing additional rules that would not have prevented the challenges they are responding to.

Infringements

The draft Bill appears to have removed the power of councils to issue infringement notices and seek recovery for financial penalties. The issuing of infringements is a core regulatory function to ensure compliance with local laws concerning parking/traffic, animal management and appropriate uses of public places and community facilities

Removal of these powers poses a serious threat to the maintenance of local law in all local government areas. Council has been advised informally that these powers will be in regulations that have not yet been drafted. Provisions empowering the issuing of infringements and recovery of penalties need to be reinstated in the draft Bill or councils be provided a guarantee that other legislation will provide sufficient powers to councils that are beyond challenge.

An additional requirement has been added that legal proceedings (including for offences) can only be commenced by resolution of the council. This is an impractical requirement, as councils launch legal proceedings for by-law enforcement regularly, eg. animal offences. These are operational matters for the council, which have specialist staff to manage, and to require the consent of the council is not practical or reasonable. Council's role as the board of the organisation is to ensure that there are appropriate policies and procedures in place governing legal action. Council is seeking amendment that would allow legal proceedings in relation to offences to be brought by Council without resolution of the Council which is current practice.

Code of Conduct Complaints

Code of Conduct complaints should be removed as far away from council having to deal with complaints themselves and the process should remain completely independent. councils can be divisive and political and adding another avenue for disharmony to manifest within the chamber is not a good idea.

If the intent of having councils deal with complaints in the first instance is to remove the burden from the Disciplinary Tribunal, then independent mediation or facilitation should occur. If that is unsuccessful, then the matter should be referred to NTCAT for determination. Also, penalizing those that abuse the system should also be considered to reduce the number of complaints that are made. Council has suggested a system of penalties for person who make frivolous, vexatious or baseless claims to an independent arbitrator.

Conflict of Interest Provisions

Management considers that exclusions for not-for-profits is not acceptable. Many not-for-profits runs as substantial business operations with liquor and gambling licenses and should be treated as any other business. Furthermore, not-for profits are generally the subject of community benefit grants, and members stand to benefit through reduced membership fees and costs through any additional revenue or support.

When Department staff were questioned on this, they indicated that in some local government areas, it is possible that a large proportion of the council would be members of the same not-for-profit organisation, and therefore would not be able to reach quorum. If this were to be the case, then the new Annual Disclosures of Interests requirements would detect the organisations that have a large number of members. The Minister has the power to approve members participation in such scenarios and the council should be proactive in seeking this endorsement when and if it is required.

Council is furthering recommending that the provisions relating to Conflict of Interest be amended to align them with the considerations of ss 8-16 of the *Independent Commissioner Against Corruption Act*. This will ensure that when members are considering whether or not they are conflicted, they balance those considerations against the requirements of the Independent Commissioner Against Corruption.

Allowances for Elected Members

Management supports the transfer of determinations on remuneration to the Remuneration Tribunal to set allowances, however, is recommending that the draft Bill

be amended to remove the requirement for a council to determine the “maximum” allowances payable, following the Tribunal’s determination. Council receives enough scrutiny from the public as it is. Community feedback because a council has to determine their allowance annually is completely unhelpful to the reputation of local government. The Tribunal should set the allowances, and that should be final.

The draft Bill also makes no provision for a required timeline or regularly reviews of allowances to ensure they remain relevant and competitive. Council has suggested amendments to address these.

The process of remuneration should be similar to that for members of the Legislative Assembly, namely tax is withheld, and superannuation is paid in addition to allowances.

Expenses

Reimbursement of expenses to attend Council Business should require a council policy and not require a prior resolution of the council. There are occasions where it may be necessary for a member to travel and attend business on behalf of the council on short notice.

Provisions should be made that elected members are entitled to reimbursement for all out of pocket expenses, including childcare/family care, travel, accommodation when on council business.

Rates Concessions

Councils should not be able to make decisions to apply rates concessions for more than the balance of the current council term. Any decision to offer a concession requires councils to source that lost revenue from other ratepayers and councils should not bind future administrations in that manner.

Powers of the Minister

The draft Bill only provides the Minister with the power to intervene in council’s affairs when there is serious financial irregularity. Management is recommending that the Minister has powers to intervene on matters unrelated to financial affairs. A general failure in the administration of council’s affairs should be sufficient, without reliance on this being related to financial matters.

Donations

Direct election Mayoral candidates will be required to give details of all donations received during the campaign. This requirement does not extend to candidates who become Mayor by vote of Council or Alderman generally. In the case of where blocs or “tickets” arise on Council, as is common interstate, there is no disclosure of the alignment and funding support for those candidates. Management is recommending these rules should apply across all candidates or not all to ensure fairness and avoid unintended consequences.

Other Matters

In considering allowance and expenses, the legislation does not consider how to attract more members of the community to seek election to local government.

In line with LGANT’s position on family friendly measures to attract more candidates to seek election, remuneration determinations should consider family friendly allowances, such as childcare. The community would benefit as this will encourage those who would otherwise not be able to manage or afford to participate in council to become involved. Similar provisions allowing recovery of expenses for childcare and other costs should be considered as part of this legislation and consequential amendments to legislation governing the consideration of Elected Member entitlements.

Should you have any queries or concerns please contact Director of Governance and Regulatory Services, Chris Kelly on chris.kelly@palmerston.nt.gov.au or (08) 8935 9971.

Yours sincerely

Luccio Cercarelli
Chief Executive Officer

Appendix A: Response to Draft *Local Government Bill 2019*

DRAFT

RESPONSE TO DRAFT LOCAL GOVERNMENT BILL 2019

NOT SUPPORTED

CURRENT ACT SECTION	TITLE	BILL SECTION	AMENDMENT	COUNCIL RESPONSE	COUNCIL COMMENT
10A	By-laws	19	<ul style="list-style-type: none"> Previously, when there was a change to the local government area, by-laws in existence continued to apply and council were able to amend or repeal them as they saw fit. Under the draft Bill, the Administrator or the Minister determine which by-laws apply. 	Not Support	<ul style="list-style-type: none"> Council acknowledges that where two councils merge, by-laws will need to be reconciled, however this should be done by the person appointed to constitute the council and public consultation should be required. The section as drafted reduces the power of local government, as it now only empowers the Territory Administrator or Minister to set by-laws where the boundaries have changed or the classification of a local government area has changed and independent determination is required as the changes do not have an existential impact on the local government. <p>AMENDMENT: Where two councils merge, the person appointed to constitute the council should determine by-law application, after adequate consultation.</p> <p>AMENDMENT: Where council classification or council boundaries change, council should determine by-law application, not the Administrator or Minister.</p>
12	Functions of a council	21	<ul style="list-style-type: none"> Removal of power of council to establish or support organisations that benefit the council area. Minor title wording change and other minor wording changes. 	Not Support	<ul style="list-style-type: none"> Councils provide support for many organisations, often as a service provider for the Federal and Territory governments, to promote health and wellbeing, infrastructure delivery, cultural diversity, environmental sustainability and community events. Removal of this from council's stated functions puts these organisations at risk and create reputational risk for local government. <p>AMENDMENT: That the power of councils to support organisations that benefit the council area be retained.</p>
24A	Core services	35	<ul style="list-style-type: none"> This section has been amended to include the power for the Minister 	Not Support	<ul style="list-style-type: none"> Council is required to "provide services and facilities for the benefit of its area" and is accountable to its

			<p>to advise all councils as to the services that council should provide as a priority and that the relevant council must consider that advice when adopting and renewing its plan.</p> <ul style="list-style-type: none"> Previously, this section only applied to regional and shire councils. 		<p>community for the way it prioritises its resources to do so, responding to local needs and challenges.</p> <ul style="list-style-type: none"> It devalues local government and reduces its independence for the Minister to determine what constitutes a “priority”, particularly if the Minister has no connection to the community. Even though a council is only required to consider it, it can create reputational challenges for the council. There are other mechanisms in the draft Bill where a council can be held to account. Instead, if there is a failure to provide priority services, the Department should support the council with appropriate training and resources to improve its budgeting and resource allocation. The risk is that councils become a delivery agency for government, instead of retaining their role as the third tier of government, most closely connected to the community. <p>AMENDMENT: This section is removed.</p>
31	Abolition of local government subsidiary	72	On abolition of a local government subsidiary, the Minister may make directions in relation to the transfer of property, rights and liabilities.	Not Support	<ul style="list-style-type: none"> Councils are liable for the local government subsidiary, and to meet those liabilities, Councils should have assets and liabilities allocated according to the constitution. The Minister should not have the ability to circumvent the constitution, which may be disadvantageous to constituent councils. <p>AMENDMENT: Section 31(2) of the current LG Act should be retained.</p>
32	Delegation	39	A council can only delegate the powers and functions of a responsible entity relating to a cemetery to a local government subsidiary.	Not Support	<ul style="list-style-type: none"> This will ensure an adequate policy framework is in place so no inappropriate transactions occur. The effect of this subsection is that the operational decisions for a cemetery cannot be delegated to specialist council staff, like many other functions of council, and must be made either by council resolution or by delegation to local government subsidiary. TOPROC has made a submission to the Minister for an operating model that will sustain Thorak Regional

					<p>Cemetery, the only fully operating public cemetery in the Top End.</p> <ul style="list-style-type: none"> • This provision effectively stops that, and leaves Litchfield with the liability for the cemetery that is currently unsustainable, but services the entire region. • Depending on the content of the Burial and Cemeteries Act when it is adopted by Parliament, it may also make it more difficult for Litchfield Council to continue with tier current operating model. • This unnecessary exclusion of council staff limits restricts the flexibility of councils who are often required to operate cemeteries out of necessity rather than opportunity for profit. <p>AMENDMENT: Remove s 39(4).</p>
37	Disqualification	45	The restriction on people who are subject to a creditor's arrangement under the <i>Bankruptcy Act 1966</i> (Cth) has been removed, as has the stated exception from disqualification for people who are an employee of another council.	Not Support	<p>These changes are not supported as undischarged bankrupts are not suitable people to assume fiduciary-like responsibilities.</p> <p>AMENDMENT: Section 37(1)(b) of the current LG Act should be reinserted.</p> <p>AMENDEMNT: Section 37(2) of the current LG Act should be reinserted to avoid any uncertainty or future challenges.</p>
39	Casual vacancies	49	<ul style="list-style-type: none"> • This section relates to written notice given to the CEO, which used to take no effect no later than 14 days from date of notice. This timeframe has now been increased to 3 months. 	Not Support	<p>It is reasonable to expect resignation to take effect within 14 days of notice being given, not be 3 months.</p> <p>AMENDMENT: Section 39(3)(b) of the current Act be instated as s 49(b) of the LG Bill.</p>
39	Filling casual vacancy generally	51	<ul style="list-style-type: none"> • Currently if a casual vacancy (other than Principal Member) occurs within 18 months of an election, council may appoint a person and if it is more than 18 months, a by-election is held. • The draft bill proposes between 18 and six months council may appoint a person, but six months or 	Not Support	<ul style="list-style-type: none"> • The proposed section of the LG Bill (s 51) is poorly drafted as based on the wording, the casual vacancy between 18 and 6 months from an election does not require council to fill a vacancy, and within 6 months of an election, council is also not required to fill a vacancy, however it is worded two different ways. • It is further complicated by s 51(3) which says it should be in accordance with a council policy, but provides no requirement for the content of the policy.

			less they may appoint or leave it vacant, which effectively is the same outcome regardless of the time period. Greater than 18 months still requires a by-election.		<ul style="list-style-type: none"> Section 51 is also not in chronological order. <p>AMENDMENT: Section 51 should be redrafted so that council must, where a vacancy is less than 18 months, by resolution make a determination whether a position is left vacant, or a person is appointed.</p> <p>AMENDMENT: Section 51 should also be in chronological order for clarity.</p>
45	Appointment or election of principal member (and deputy)	59	<ul style="list-style-type: none"> There are minor wording changes, including to the title, of little impact. The significant change is that the current LG Act requires the appointment of a deputy principal member, whereas the LG Bill does not require it. 	Not Support	<ul style="list-style-type: none"> Council should always have a deputy principal member to act when the principal member is unavailable, on leave or absent on council business. Otherwise a council resolution is required to appoint a deputy principal member each time and this is not practical. <p>AMENDMENT: Section 59 be amended to replace “may” with “must” in relation to the appointment of a deputy principal member.</p>
46	Casual vacancies	63	<ul style="list-style-type: none"> Subsections 1 and 2 of section 46 are unchanged Casual vacancy for principal member and resignation are now dealt with in separate sections of the LG Bill. If a principal member is appointed and resigns, they may continue as an ordinary member, however if elected they cease to be a member of the council. The deputy principal member may resign and continue as an ordinary member. If an appointed principal member resigns more than 3 or more months prior to the election, then a new member must be appointed. If it is less than 3 months, the vacancy may be filled or left vacant. 	Not Support	<ul style="list-style-type: none"> The draft Bill gives council the option of not having a principal member for up to 18 months prior to the election. This is because the wording gives council the option to vote for a vacancy within three months of the election and does not require council to take action within 18 months of an election. <p>AMENDMENT: Section 63(3)(b) is amended to require council to do one of the options in subsection (b).</p> <ul style="list-style-type: none"> Council does not support having the office of principal member vacant for 3 months as explicitly allowed in s 63(3)(c). Council needs a principal member to chair meetings, undertake ceremonial duties and speak on behalf of the council. <p>AMENDMENT: Section 63(3)(c)(iii) be removed and s 63(3)(c) be amended to require council to do one of the options, namely vote in an existing member or hold a by-election.</p> <p>AMENDMENT: Section 51 should also be in chronological order for clarity.</p>

			<ul style="list-style-type: none"> • If the principal member was elected and resigns 18 months or more before the election, then a by-election must be held. • If it is between 18 and 3 months then they may decide for a member to fill the vacancy or hold a by-election. There is no requirement to do one of these. • Less than 3 months council can decide for a member to fill the vacancy, hold a by-election or leave it vacant. 		<ul style="list-style-type: none"> • The intention of s 63(4) is unclear. Assuming it means that a person who fills a casual vacancy caused by an elected principal member ceasing to hold office does not automatically become the principal member, it is supported, however it needs to be clarified.
71	Allowances	104, 106	<ul style="list-style-type: none"> • Maximum allowances will now be determined by the Remuneration Tribunal, however council will still need to determine what allowance is will provide. • Allowances must also be published on the website. • Other provisions remain the same 	Not Support	<ul style="list-style-type: none"> • Council still has to make the decision each year on allowances which is not appropriate. • The process of remuneration should align with that for MLAs in the Legislative Assembly, namely tax is withheld, and superannuation is paid as an additional allowance, consistent with other occupations. • In line with LGANT's position on family friendly measures to attract more candidates to seek election, remuneration should consider family friendly allowances, such as childcare. • The community would benefit as this will encourage those who would otherwise not be able to manage or afford to participate in council to become involved. <p>AMENDMENT: Remuneration Tribunal set the rates of allowances which bind all Elected Members, and councils have no ability to amend them.</p> <p>AMENDMENT: Superannuation should also be included in addition to allowances.</p> <p>AMENDMENT: Section 104(1) be amended to include consideration of family support allowances.</p> <p>AMENDMENT: Section 106 is combined with section 104.</p>
NEW	Allowance for members of local authority	105	Members of local authorities are to be an allowance as determined by	Not Support	<p>AMENDMENT: Section 105 be amended so that the Remuneration Tribunal sets the rates for local authorities, taking into account the factors raised above.</p>

			the council in accordance with any ministerial guidelines.		
72	Expenses	107	Minor wording changes to reflect the removal of local boards and the introduction of a requirement for a council resolution to approve expenses for attending to business of the council.	Not Support	<ul style="list-style-type: none"> • Council's role should be to ensure there is adequate policy and procedures in place to ensure that travel is appropriate and related to council business both for staff and Elected Members, not approve each individual travel item. • Due to meeting schedules, this is also not practical. <p>AMENDMENT: Remove the requirement in s 107(b) for a council resolution.</p>
73	Conflict of Interest	111	<ul style="list-style-type: none"> • The major changes to this section are that the types of conflict have been defined and the exception reduced, so a person may have a conflict of interest when involved in a charity or not for profit only if they are a director, manager, office holder or employee. The register of conflicts must also be published on council's website. 	Not Support	<ul style="list-style-type: none"> • The exception for not for profits should be removed completely. • Decisions made by councils may reduce membership fees and other costs for members and therefore, they are also conflicted. • Decisions could also significantly impact cashflow of these organisations and conflicts should be disclosed and acted upon. • This section should also be ensuring that it recognises conflicts that could give rise to matters to be considered under the <i>Independent Commissioner Against Corruption Act</i>. <p>AMENDMENT: Remove ss 111(2)(c) and (3). AMENDMENT: Include provisions aligning conflict of interest considerations with ss8-16 of the <i>Independent Commissioner Against Corruption Act</i>.</p>
79-82	Sections relating to disciplinary proceedings	118-129	<ul style="list-style-type: none"> • Under the current LG Act, complaints against an Elected Member are made to the agency and referred to a Disciplinary Committee appointed by the Minister for decision and action. • Under the LG Bill, the complaint will be made to the CEO of the council and it will be considered by council or a panel of Elected Members. 	Not Support	<ul style="list-style-type: none"> • Complaint resolution should be removed as far away from council having to deal with complaints themselves and the process should remain completely independent • Councils can be divisive and political. Adding another avenue for disharmony to manifest within the chamber is not recommended. <p>AMENDMENT: The following process is legislated:</p> <ol style="list-style-type: none"> 1. Complaints are made to the CEO; 2. CEO refers matter to a mediator or independent external party to broker a resolution.

			<ul style="list-style-type: none"> The LG Bill then outlines the procedure, appeal mechanism and consequences for failure to comply with an order. 		<p>3. Mediator to provide feedback and share outcomes with both parties</p> <p>4. If either party is not satisfied, then it can be referred to NTCAT for determination.</p> <ul style="list-style-type: none"> There have been numerous cases of bullying and harassment within councils. This can lead to frivolous, vexatious and baseless claims lodged. <p>AMENDMENT: LG Bill make provision for a system of penalties for a person who makes frivolous, vexatious or baseless claims to an independent arbitrator.</p>
NEW	Donation Disclosure	144-152	<p>This part of the act (ss 144-152) outline the requirement for principal member candidates to provide disclosure returns including:</p> <ul style="list-style-type: none"> period for disclosure; loans; contents of return; incomplete returns; amending returns; and offences. 	Not Support	<ul style="list-style-type: none"> Council supports donation disclosure. Direct election principal member candidates will be required to give details of all donations received during the campaign. This requirement does not extend to candidates who become principal member by vote of Council or Alderman generally. In the case of where blocs or "tickets" arise on Council, as is common interstate, there is no disclosure of the alignment and funding support for those candidates. <p>AMENDMENT: The proposed provisions should be amended to ensure that rules apply across all candidates to ensure fairness and avoid unintended consequences.</p>
97	Interference with proper conduct of election or poll	158	<ul style="list-style-type: none"> The offence of an election official influencing a vote has been removed. Minor wording changes that do not impact the intent or operation of this section 	Not Support	<p>AMENDMENT: The removal of the offence of an election official influencing a vote is not appropriate and should be reinstated.</p> <ul style="list-style-type: none"> Also, offences involving violence or intimidation have the same maximum penalty as those that don't. Usually violence is an aggravating factor that would increase the maximum penalty. <p>AMENDMENT: Increase the maximum for violence and intimidation in relation to voting.</p>
NEW	CEO to advise council of change in staff	167	CEO is required to table a document with council when there is a change in senior staff.	Not Support	<ul style="list-style-type: none"> Council has no objection to informing Elected Members as they have contact with senior staff, however there is no value in requiring a council report.

					AMENDMENT: Section 167 be amended to say that the CEO must inform the council of a change to senior staff, rather than table a document at the next ordinary council meeting.
NEW	Code of conduct for staff	171	Council by resolution must adopt a code of conduct for staff.	Not Support	<ul style="list-style-type: none"> • Section 163(b) of the LG Bill requires the CEO to manage Council staff. Council's role is to hold the CEO to account for staff conduct and discipline, and the CEO manages that in any way necessary. • Requiring council to resolve a code of conduct does not add any value and may restrict the ability of the CEO to undertake his/her duties. AMENDMENT: Section 17 to be removed, however include a provision that the staff Code of Conduct or equivalent document is publicly available on council's website.
NEW	Annual return of interests – staff	174	Council's and local government subsidiaries' CEO and senior staff are required to complete a declaration of interests and it is an offence to fail to do so.	Not Support	<ul style="list-style-type: none"> • Council would like to see this section amended whereby senior members complete a declaration of interests, provided to the CEO, and that the CEO's declaration be provided to the council. AMENDMENT: Amend s 174 whereby the CEO and senior staff complete a declaration of interests, and that the CEO's declaration be provided to the council.
110	Resignation to contest election	177	<ul style="list-style-type: none"> • The changes to this section are that the positions covered by the section are increased to local government subsidiaries. • However, if you resign to contest the council for which you are not employed by, or in the case of a local government subsidiary, not owned by, then you are not required to be re-employed should you be unsuccessful. 	Not Support	<ul style="list-style-type: none"> • Opportunity to seek election to council should be open to as cross-section of people as possible. • Dis-incentivising people who work for another local government from seeking election is unnecessary and can be counterproductive. • Recently in City of Palmerston, employees of Territory and local government have made a valued contribution and have not been conflicted in any way. AMENDMENT: Remove s 177(2).
NEW	Allocation of money not in budget	199	• This section says that a council may allocate money that is not provided in the budget if authorised by	Not Support	<ul style="list-style-type: none"> • This may be administratively difficult.

			<p>council, within the terms of the grant, or covered by an inflow.</p> <ul style="list-style-type: none"> • The allocation must be reported to the next ordinary meeting of council and form part of budget review. 		<ul style="list-style-type: none"> • It is an unreasonable administrative burden to have to report on changes of a few thousand dollars due to low value grants and the like. • The timing is very prescriptive and addressing it at the next budget review/amendment, which is current practice, is satisfactory. <p>AMENDMENT: Remove s 199</p>
NEW	High value contract	211	<p>A council must not enter a contract of a higher value than prescribed by regulation unless council approval has been given. This amount is likely to be set at \$500,000.</p>	Not Support	<ul style="list-style-type: none"> • It is unclear what the intent of limiting the value of the contracts is. • This is impractical for many Councils, including regional Councils who are service delivery agencies for Federal and Territory Government. • Councils employ specialist staff to execute and manage specialist contracts, and the role of Council as a board is to ensure that there is an adequate framework in place to manage this process. • It is not their role to award contracts where they have limited expertise. It reduces the role of staff to an administrative level. • Further, it does not avoid the challenges currently faced by Councils, because previously staff acted beyond existing authority and councils with minimal procurement delegation made poor procurement decisions. • Councils should be required to have a robust procurement framework in place, which stands up to scrutiny from department and meets community expectations of fairness, consistency and transparency. • It should also be required to be regularly reviewed and tested by the Audit Committee. • It should also consider local circumstances, including value of contracts and expertise of staff. • The Department needs to develop the skills of local government, rather than diminish it by introducing additional rules that would not have prevented the challenges they are responding to.

					AMENDMENT: Remove this section and replace it with a provision requiring a procurement plan to be prepared and adopted by council, with regular review requirements, including periodic review by the Audit Committee.
NEW	Council to enter into contracts according to principles	212	This section sets out the principles councils must consider when entering a contract.	Not Support	<ul style="list-style-type: none"> • Council does not believe that the legislation should prescribe the factors councils have to consider when assessing every contract. • It is simplistic and does not consider local and business factors. • The Department should be focused on raising the standard of procurement as outlined above. AMENDMENT: Remove s 212.
NEW	Shared services policy	213	Councils must have a shared services policy	Not Support	<ul style="list-style-type: none"> • This section does not define the problem that is trying to be solved, not provide any guidance on what the departments expectations of outcomes are. • Council believes that a shared services policy does not add any value, and if a council has concerns about shared services, it can withhold that delegation from the CEO or enquire of the CEO about a council's activities in that area. AMENDMENT: Remove s 213.
143	Urban farm land	218	Subsections requiring applicants for urban farm land status to provide information required by the council, and consequences for failing to provide that information have been removed.	Not Support	<ul style="list-style-type: none"> • It should be clear in the Act that councils have the right to request any information they require to satisfy themselves that the criteria are met for any rating classification as a reduction in rates places a greater rates burden on other property owners. AMENDMENT: Sections 143(3)-(5) are reinstated to avoid any future challenge and empower council to seek the information it needs. AMENDMENT: A consequential amendment to the Building Act be made to ensure that council can request any information it requires to make a rating determination.
NEW	Liability or entitlement to rates	233	This section says that if an assessment record changes and is retrospective:	Not Support	<ul style="list-style-type: none"> • Whilst there can be an administrative burden on proving who was at fault, particularly for historical entries,

			<ul style="list-style-type: none"> • if the ratepayer owes money, interest cannot be charged; • if the ratepayer is owed money, council owes interest. 		<p>interest should only be payable to the ratepayer where fault of the council can be demonstrated.</p> <ul style="list-style-type: none"> • Conversely, if it can be proven that the ratepayer is at fault, then the council should be owed interest. • Currently this section as constructed means that a ratepayer is entitled to interest even if at fault. Is not fair to other ratepayers who make up the shortfall. <p>AMENDMENT: Section 233 should be amended to include that where fault can be demonstrated by either party, the opposing party is entitled to interest.</p>
157	Imposition of charges	236	<p>Amendments to this section:</p> <ul style="list-style-type: none"> • the declaration of the charge does not cease to be effective because the occupier of the land does not accept the work or services; • the charge cannot exceed a reasonable expectation of the cost of the service; • a charge may only consist of payments that are compulsory in respect of an allotment and its improvements; and • must not consist of any payments for an optional service. 	Not Support	<ul style="list-style-type: none"> • Section (d) is unclear. • Waste is a compulsory service, however the level of service is optional in some instances. • Requiring Councils to reclassify some charges from annual charges (which they are) to “optional” user charges has significant consequences. • The collectability of this money decreases significantly. • It increases risk levels for local governments and will increase outstanding debts. • This will also annoy community members who will receive two bills, one being the rate notice including their annual waste charge and then a second invoice for waste service level adjustment. • It also essentially double the administration work required in these instances for generally no value to the community or Council (except for people who don't pay their debt). • Council does not receive significant complaints about the optional waste services, and therefore management recommends no change to the current classification of services. <p>AMENDMENT: Remove s 236(6)(c) and (d).</p>
NEW	Application of payments	249	Any money paid to council in respect of rates or charges is applied to the oldest debt first.	Not Support	<ul style="list-style-type: none"> • Under s 254 of the LG Bill, rates must be in arrears for at least three years before sale proceedings can commence.

					<ul style="list-style-type: none"> • If this provision is introduced, ratepayers can maintain a debt between 2 and 3 years old and council will have minimal leverage to decrease that debt. • This is unfair to other ratepayers who must make up the shortfall of unrecovered rates. <p>AMENDMENT: Section 249 be amended to apply payments against the latest debt first.</p>
NEW	Substantial temporary road closure	270	<ul style="list-style-type: none"> • This section outlines the public consultation requirements prior to closure of a road for a period of at least a month. • It does not apply if the road closure is a laneway or urgent for safety reasons. 	Not Support	<ul style="list-style-type: none"> • The consultation requirements specify that the local MLA must be consulted. • If specialist council have identified that a road needs to be closed for an operational purpose, community consultation should take place. • It should not be a requirement for local MLAs to be consulted as part of the process, as political considerations may influence their feedback on an operational decision. • MLA's are free to comment as part of the consultation process with the rest of the community. <p>AMENDMENT: Remove reference to local MLA's in s 270(1) and (2).</p> <ul style="list-style-type: none"> • Management believes that any request of the Minister should not be made without a resolution of council. <p>AMENDMENT: Any request for a Ministerial decision needs to be sought with approval by council resolution.</p>
199	Annual reports	285-286	<p>This section has been split into two new sections, namely the timeline and content requirements for the annual report.</p> <p>Additional content that must be contained in the annual report is:</p> <ul style="list-style-type: none"> • itemisation of shared services; • delegations and powers; • itemisation of the salary, allowances and other payments to the CEO; 	Not Supported	<ul style="list-style-type: none"> • Council has no objection to the disclosures except for the specific details of the CEO's remuneration. • This is confidential information about the personal circumstances of an employee which is confidential according to the regulations. • Had council CEOs known that this information was to be disclosed, this may have altered remuneration negotiations. • Council determines the salary of the CEO and are accountable to the community for his/her performance and remuneration. • City of Palmerston achieve this through a CEO Performance Appraisal committee which meets every 6

			<ul style="list-style-type: none"> • itemisation of fees and allowances to committee members; and • any other information required by regulation or guidelines. 		<p>months. This process has been endorsed by the Risk Management and Audit Committee and its independent members.</p> <ul style="list-style-type: none"> • Finally, if disclosure requirements are greater than in other jurisdictions, it reduces the competitiveness of the NT for quality local government executives. • A more appropriate way to disclose this would be to use salary bands, as it commonly used in other states such as Queensland. <p>AMENDMENT: Replace s 286(e) with a requirement to disclose the total remuneration level of the CEO in range amounts.</p>
208	Investigations	295	This section has been broadened from the Agency requiring reasonable grounds to suspect a material irregularity to simply being able to order an investigation at any time.	Not Support	<ul style="list-style-type: none"> • As with any investigation by regulatory or enforcement agencies, there needs to be some suspicion or reasonable grounds to believe something irregular has occurred to commence an investigation. • There appears to be nothing in the current Act preventing a council from requesting an independent investigation by the Agency or a third party if it suspects irregularity. <p>AMENDMENT: Section 208(1) of the current Act should be reinstated.</p>
212-214	Agency's power to remedy irregularity	301-302	<ul style="list-style-type: none"> • Under the current Act, the Agency can commence action on councils' behalf to recover loss and councils are indemnified against costs, or councils may impose a surcharge. • Under the proposed Bill, Council may apply to NTCAT for a surcharge, with no indemnity from the Agency. 	Not Support	<ul style="list-style-type: none"> • These provisions now reduce the avenues open to councils to seek recovery of ratepayer funds and increases the risk. <p>AMENDMENT: These provisions should revert back to the provisions in the current Act.</p>
NEW	Financial controller	311	This section empowers the CEO of the Agency to insert a financial controller if the local government is not performing its financial responsibilities or complying with the Act.	Not Support	<ul style="list-style-type: none"> • Both the current Act and the proposed Bill make provision for removal of the council and the placement of an Official Manager to address these issues. • A financial controller is an unnecessary and untenable step, as it does not replace the council, but is forced to

					<p>co-exist with the existing leadership team and Elected Members.</p> <ul style="list-style-type: none"> • This will likely create further disharmony and mismanagement within the council and result in confusion for staff. • If the management of the council requires a financial controller, then it requires an official manager. <p>AMENDMENT: Remove s 311.</p>
224	Official management of councils	312	This section has been amended to remove an election from the period of official management, give an investigator and official manager the power of an inspector, and limit the period of official management to 12 months.	Not Support	<ul style="list-style-type: none"> • Management supports the proposed changes, except for giving the official manager the powers of an inspector. • The role of the official manager as defined under s 315 of the LG Bill is to transact the business of the council and do anything the council could have done and is not designed to exercise any additional powers. • Therefore, it is inappropriate that the official manager has those powers, which the council does not normally have when in office. <p>AMENDMENT: Section 224 be amended to remove the power of inspector for the official manager.</p>
244	Commencement of legal proceedings on behalf of council	323	An additional requirement has been added that legal proceedings (including for offences) can only be commenced by resolution of the council.	Not Support	<ul style="list-style-type: none"> • This is an impractical requirement, as councils launch legal proceedings for by-law enforcement regularly, eg. animal offences. These are operational matters for the council, which have specialist staff to manage and to require the consent of the council is not practical or reasonable. • Council's role as the board of the organisation is to ensure that there are appropriate policies and procedures in place governing legal action. <p>AMENDMENT: Section 323(2) be amended to read "Legal proceedings in the name of the council may only be commenced by resolution of the council, except for legal proceedings for an offence."</p>
245-247	Infringement notices and penalties		<ul style="list-style-type: none"> • The LG Bill appears to have removed the power of councils to issue infringement notices and seek recovery for financial penalties. 	Not Support	<ul style="list-style-type: none"> • The issuing of infringements is a core regulatory function to ensure compliance with local laws concerning parking/traffic, animal management and appropriate uses of public places and community facilities

			<ul style="list-style-type: none"> Advice from the Department is that these powers will be in by-laws, which will commence at the same time as the new LG Act. 		<ul style="list-style-type: none"> Removal of these powers poses a serious threat to the maintenance of local law in all local government areas. AMENDMENT: Provisions empowering the issuing of infringements and recovery of penalties need to be reinstated or provided for in other legislation to provide sufficient powers to council and be beyond challenge.
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PARTIALLY SUPPORTED

CURRENT ACT SECTION	TITLE	BILL SECTION	AMENDMENT	COUNCIL RESPONSE	COUNCIL COMMENT
3	Definitions	7	New definitions to support additional provisions under the Bill.	Partially Support	Council supports new definitions where it supports the relevant provisions. Council does not support new definitions where they enable provisions not supported by Council as outlined in this table.
9	Power to establish local government etc	16	Addition of right to merge 2 or more local government areas. Minor wording and formatting changes of minimal impact.	Partially Support	Government should have the power to merge 2 or more local government areas, however Council reserves the right to not support such a decision. Adequate consultation should take place prior to any change under this section. AMENDMENT: Include a requirement for public consultation prior to any decision being made.
14	Operations outside area	24	<ul style="list-style-type: none"> Addition of requirement that regulatory powers can only be exercised outside a council area with consent by resolution of both councils or where there is no other council, Ministerial consent sought by resolution of council. 	Partially Support	Elected Members as the board of the organisation should approve the exercise of its powers beyond its council area. AMENDMENT: Section 24(1)(b) should be amended to read "if the powers are to be exercised outside council areas - with the Minister's consent" to ensure the intention that Ministerial approval is only required where

			<ul style="list-style-type: none"> • Council can still exercise power in another council without agreement if it arises from circumstances occurring in the council's area. 		in an unincorporated area is clear, otherwise it appears to duplicate subsection (a).
NEW	Definition	25	<ul style="list-style-type: none"> • Creates a definition for committee, namely Local Government Representation Committee 	Partially Support	Substantive comment is provided on the sections that refer to the Local Government Representation Committee.
NEW	Local Government Representation Committee	26	<ul style="list-style-type: none"> • Establishes and outlines membership of Local Government Representation Committee 	Partially Support	<ul style="list-style-type: none"> • The process of establishing and empowering a committee removes accountability and responsibility from the Minister. • There are no criteria for the person appointed by the Minister to determine eligibility or suitability. • It is also not clear in the draft Bill who can initiate a review. Currently councils may apply to Minister for a constitutional change. • There are no provisions for determination of total number of members where wards are not present. • Council supports the changes to the legislation with the following amendments:
NEW	Powers of committee	27	<ul style="list-style-type: none"> • Powers of committee allow it to create, amend or remove wards and make recommendations in relation to the local government area. 	Partially Support	
NEW	Procedures	28	<ul style="list-style-type: none"> • The Local Government Representation Committee may determine its own procedures 	Partially Support	
NEW	Considerations for determination	29	<ul style="list-style-type: none"> • This section outlines the process for determining wards 	Partially Support	AMENDMENTS: <ul style="list-style-type: none"> • Panel should make a recommendation to the Minister rather than decide
NEW	Assessment criteria for committee to use in determinations	30	<ul style="list-style-type: none"> • This section outlines the matters the Committee must consider in making a determination. 	Partially Support	<ul style="list-style-type: none"> • The LG Representation Committee include a person from the council being reviewed as determined by the council • If a boundary review is done, the process needs to be commenced not before 12 months after a general election and concluded at least 12 months before a general election • A review will only be undertaken by the panel at the request of the council
NEW	Assessment criteria in relation to division of wards	31	<ul style="list-style-type: none"> • This section outlines the specific criteria that the Committee should take into account if the committee makes a determination that wards should exist. 	Partially Support	<ul style="list-style-type: none"> • Adequate power to determine the number of Elected Members should be included.
32	Delegation	39	<p>The powers that cannot be delegated have increased, including:</p> <ul style="list-style-type: none"> • charges; 	Partially Support	<ul style="list-style-type: none"> • The inclusion of a requirement that any transaction at arm's length must be authorised by council resolution is

			<ul style="list-style-type: none"> • classify information as confidential; • enter into a transaction that is not at arm's length; and • decision that requires a council resolution. 		<p>impractical and would restrict council from donating assets to community organisations.</p> <p>AMENDMENT: delete s 39(3)(e) and insert a requirement that councils prepare a policy on disposal of assets, that deals with disposal according to class of assets and value of assets.</p>
37	Disqualification	45	<p>There are additional criteria for disqualification been added, including:</p> <ul style="list-style-type: none"> • staff member of a local government subsidiary of which the council is a constituent council; • disqualified from managing a corporation; • disqualified from being an officer of an incorporated association; • is a member of Federal Parliament; • is determined by NTCAT to be unfit; and • has been found guilty of an offence related to a local government election within the last two years. 	Partially Support	<ul style="list-style-type: none"> • As Elected Members effectively act as a board for the local government, including oversight of financial management, it is reasonable to place these restrictions. • The draft Bill only disqualifies a person who has been found guilty of a local government electoral offence, but if a person is found guilty of an electoral offence at any level, then they are unsuitable. <p>AMENDMENT: Disqualification should be expanded to include members of the NT Legislative Assembly, especially as they determine legislation and regulation pertaining to the local government.</p> <p>AMENDMENT: Section 45(1)(l) should be expanded to include any person convicted of any electoral offence at local, NT, state or Federal election within the last two years.</p>
43	Role of principal member (and deputy or acting principal member)	57	Other than some minor wording changes of little impact, including to the title, the only change to the role is the addition of a section to the role of the principal member that says "to liaise with the CEO about the performance of the council's and CEO's functions"	Partially Support	<ul style="list-style-type: none"> • Council has no objection to restructuring or minor changes to these sections. • Council notes the addition of "to liaise with the CEO about the performance of the council's and CEO's functions" to the role of the principal member, however, notes that any member is entitled to do this. <p>AMENDMENT: Section 57(1) should be removed and inserted into s 42(1).</p>

NEW	Offences for conflict of interest	71	<ul style="list-style-type: none"> This section outlines the rules for conflict of interest for staff in relation to a local government subsidiary. <p>There are two offences created, one for failing to disclose and the other for failing to disclose and then acting in a way that is conflicted.</p>	Partially Support	<p>Council supports this provision, however, notes that the maximum penalty for mere failure to disclose and acting when conflicted are the same.</p> <p>AMENDMENT: The offence in s 71(2) should have a greater</p> <ul style="list-style-type: none"> maximum penalty.
NEW	Audit committee	84	This section requires councils to have an audit committee which may consist of independent members and the Chair must be an independent member. Staff may also be members.	Partially Support	<ul style="list-style-type: none"> The existence of the audit committee reflects the current practice of many councils, including City of Palmerston, however it is not appropriate for members of staff to be on the committee as this creates a risk that staff will act in self-interest. <p>AMENDMENT: Remove approval for staff to be members of an audit committee.</p>
NEW	Nature of committee's functions	85	This new section says that the functions of the committee are to monitor compliance with financial management standards, legislation and the Australian Accounting Standards	Partially Support	<p>Council supports this requirement.</p> <ul style="list-style-type: none"> AMENDMENT: This be expanded to include broader functions of governance including risk, procurement, information and electronic security, fraud protection and whistleblowing.
59	Convening of meetings	89-91	<ul style="list-style-type: none"> This section has been divided into three sections dealing with the calling of a meeting, notice of a meeting, and publication of notice of the meeting. Subsections relating to calling a meeting are unchanged. Subsections relating to notice of the meeting are unchanged except for the requirement to include confidential items, which are exempt from publication but must be noted in the notice. Additional requirements for the publication of notice are that the notice period is aligned with the 	Partially Support	<ul style="list-style-type: none"> Council does not believe that the requirement to post the notice and/or business papers on the noticeboard is practical or necessary. Posting on the website is sufficient notice, especially as council libraries contain computers with internet that members of the public can access council papers on as easily as attending the council office. Also, councils will produce business papers on request. <p>AMENDMENT: Remove the requirement to post on a public notice board.</p>

			notice period for Elected Members, must be posted on a notice board and if different or additional business papers are considered at the meeting, they must be published at the same times as the minutes.		
63	Convening of meetings	95	Minor wording changes to reflect the requirement for audit committees and the removal of local boards	Partially Support	<ul style="list-style-type: none"> • Council does not believe that the requirement to post the notice and/or business papers on the noticeboard is practical or necessary. • Posting on the website is sufficient notice, especially as council libraries contain computers with internet that members of the public can access council papers on as easily as attending the council office. • Also, councils will produce business papers on request. <p>AMENDMENT: Remove the requirement to post on a public notice board.</p>
66	Postponement of meeting	98	This section has been amended to clarify who can postpone a meeting and how a meeting is postponed.	Partially Support	<ul style="list-style-type: none"> • Council does not believe that the requirement to post the notice and/or business papers on the noticeboard is practical or necessary. • Posting on the website is sufficient notice, especially as council libraries contain computers with internet that members of the public can access council papers on as easily as attending the council office. • Also, councils will produce business papers on request. <p>AMENDMENT: Remove the requirement to post on a public notice board.</p>
67	Minutes	99-100	<ul style="list-style-type: none"> • This section has been split into keeping of minutes and public access to minutes • There is also a requirement included that the minutes must be in writing • A requirement that the minutes be tabled at the next meeting of the council has also been included. • A subsection has been added that requires consideration of 	Partially Support	<ul style="list-style-type: none"> • Council supports most of the proposed subsections, however believes that several amendments for better operation of this section should be made. • In Council's experience, there is not always confidential business and based on the current construction of the LG act, councils have to hold a confidential meeting solely to consider confidential minutes which may only reflect the adoption of confidential minutes, creating an unnecessary loop.

			<p>confidential business to be noted on the minutes.</p> <ul style="list-style-type: none"> • Other sections remain essentially the same with minor wording changes. 		<p>AMENDMENT: Confidential minutes are adopted at the next required meeting.</p> <p>AMENDMENT: Section 99(4) should be amended to say that minutes must be tabled “at the next practical meeting of the council”, to clarify that committee meetings that occur within the notice period for council meetings do not have to go the next council meeting.</p> <p>AMENDMENT: Recommendations from council committee meetings cannot be considered by council until the committee's minutes are presented to the council</p>
74	Disclosure of interest	112-113	<ul style="list-style-type: none"> • This section has now been divided into two sections that discuss disclosing an interest and the register of interests. • Two offences have been created, one is failure to disclose an interest and other is a wilful defiance of a decision not to participate. • A member is also expressly prohibited from engaging in behaviour that may influence consideration of the issue. • There are also additional rules in relation to the content of the Register of Declared Conflicts. 	Partially Support	<p>Council supports the proposed amendments, however, notes that the maximum penalty for failure to disclose and a wilful defiance of a direction are the same.</p> <ul style="list-style-type: none"> • AMENDMENT: The offence in s112(5) should have a greater maximum penalty.
83	Removal of member from office	130	<ul style="list-style-type: none"> • The proposed section allows NTCAT to remove a person from office if they are convicted of an offence demonstrating that the member is unfit to remain in office and the criteria that must be considered. • NTCAT may also ban a person from being a member for up to 5 years. • The applicant must reside in the same local government area and be 	Partially Support	<ul style="list-style-type: none"> • Council has no objections to this power being transferred from the Minister to NTCAT. • The restriction on an applicant seems unnecessary, as a person outside the local government area can simply ask a person within the local government area to assist them to achieve the same outcome. <p>AMENDMENT: Remove requirement for applicant to reside and be registered to vote in local government area.</p>

			<p>registered to vote in that local government area.</p> <ul style="list-style-type: none"> • In the current LG Act, this power sat with the Minister. 		
100	Council's CEO	161-162	<ul style="list-style-type: none"> • Minor wording changes • Restriction on appointing a Deputy CEO for more than 2 years, however the appointment can be extended. • A section has also been added about eligibility for CEO and Deputy CEO, consistent with CEO for a local subsidiary. 	Partially Support	<ul style="list-style-type: none"> • Council has no objections to these sections, however the requirement to inform should be extended so that all members are aware of absences. • This information is not always passed on by a principal members for a variety of reasons. • The restriction on the appointment of a Deputy CEO seems unnecessary but as it can be extended it is of little impact. <p>AMENDMENT: Section 161 should be amended to include a requirement to notify the entire council of an instance in s 161(3)(b).</p>
NEW	Vacancy	165	Council must advertise a vacancy in the office of CEO within 28 days according to any regulation.	Partially Support	<ul style="list-style-type: none"> • Councils supports the intent of ensuring a CEO is in place as soon as possible. • This is not be a sufficient time period for councils, especially remote council to undertake all of the preparation work and meetings required to recruit a CEO. • Consistent with raising the standard of local government, it would be more appropriate for a council to be required to resolve a recruitment plan within a specified period. • The Department and the community can then hold the council to the recruitment plan. <p>AMENDMENT: Section 165 be amended to remove the 28 day requirement and replace with a requirement to have a recruitment plan in place within 90 days of being notified of the vacancy.</p>
NEW	Allowances and fringe benefits policy	170	Council must by resolution adopt a fringe benefits policy that covers allowances, vehicles and	Partially Support	<ul style="list-style-type: none"> • A council adopts the budget including the budget for any fringe benefits. • It should be the CEO's discretion as to how this budget is allocated and reasonable fringe benefits are

			accommodation and may cover other matters.		<p>provided, as it affects the attraction and retention of staff especially in remote locations.</p> <ul style="list-style-type: none"> • Fringe benefits of vehicles and accommodation are common throughout Territory and Australian local government. • Excessive limits to the CEO's ability through policy may result in reducing the attractiveness for these positions thereby reducing the quality of applicants. • AMENDMENT: Amend s 170 so that any fringe benefits beyond vehicles and accommodation are determined via council policy.
109	Portability of long service leave rights	176	Minor wording changes that do not impact on the intent and operation of this section.	Partially Support	<ul style="list-style-type: none"> • Management supports the continued portability of long service leave. • The word provision creates confusion for some councils' who interpret the legislation to refer to the accounting term 'provision' as required in Australian Accounting Standards. • The provision as required under the AASB (depending on the method used to account for it) is often less than what is actually owed to an employee. Consequently, there are often disputes between LG's as to who owes what in relation to accrued LSL. <p>AMENDMENT: Amend s 176(5)(ii) to remove the word "provision" and replace with "accrued".</p>
116	Power to enter land and premises	183	No change	Partially Support	<p>AMENDMENT: An authorised person should be given the authority to enter onto vacant land to exercise any power conferred on an authorised person under this Act or a by-law.</p> <ul style="list-style-type: none"> • This will assist in meeting community expectations in maintaining amenity and safety and it doesn't interfere with privacy or the rights of any occupiers.
120	Segregation of certain money	188	Minor wording changes to include reference to a local government subsidiary that do not impact on the intent and operation of this section	Partially Support	<p>CLARIFICATION: Please clarify whether this is an accounting sense not in a physical sense. Most jurisdictions have moved away from physically</p>

					separating cash as it provides little value and is administratively burdensome.
128	Adoption of budget or amendment	198	This section has minor wording changes and a subsection to the effect that if the budget is amended, the budget must remain as published with a notice that it has been amended.	Partially Support	<ul style="list-style-type: none"> Currently all budget amendments are required to be approved by Council, published on Council's website and in the newspaper. Requiring a notice on the Municipal Plan to reflect that there has been a budget amendment is an unnecessary administrative burden that adds little transparency or value. AMENDMENT: Remove s 198(5).
135	Annual audit	206	<p>Additional requirements have been added:</p> <ul style="list-style-type: none"> to report any evidence of contravention of laws or serious financial irregularity to ICAC; if the results provide for a disclaimer of opinion, provide the results to the Minister; Auditor's report must be tabled at the next meeting of the council; and CEO must prepare a report on response to recommendations 	Partially Support	<ul style="list-style-type: none"> This process excludes the audit committee from considering the results of the audit and providing further recommendations to council. This is an important step, as the external members of the audit committee are recruited for their expertise to assist council in meeting its obligations. AMENDMENT: Require the results of the audit and a report in response to recommendations to be considered at the next audit committee meeting, with the outcomes referred to council. <ul style="list-style-type: none"> This is current practice at City of Palmerston and makes best use of the audit committee which will now be a requirement under the new Act.
138	Power of minister to make a rectification order	209	Minor wording changes that do not impact on the intent and operation of this section	Partially Support	<ul style="list-style-type: none"> The Minister should be able to intervene where there is any irregularity in the administration of local government, not simply a financial one. This section should also be ensuring that the Minister is empowered to act prior to acts being committed that would give rise to offences under the <i>Independent Commissioner Against Corruption Act</i>. AMENDMENT: Section 209 should be expanded so the trigger for a rectification order is any irregularity, not just a financial one.

					AMENDMENT: Include provisions that empower the Minister to issue a rectification order if conduct that could lead to non-compliance with ss8-16 of the Independent Commissioner Against Corruption Act is identified.
148	Basis of rates	223	<ul style="list-style-type: none"> Terminology has been clarified by replacing the term charge with amount in this section with the term amount and to allow different rates for allotments within different parts of a local government area and different classes of allotments and providing a definition of unvalued. <p>An additional section has been added noting that council can only fix a valuation based amount on a valued property, and cannot fix rates based on the owner or occupier.</p>	Partially Support	<ul style="list-style-type: none"> These changes reflect and confirm interpretation of the current LG Act and are reasonable. The additional section is self-evident, and management support it. In council's experience, significant movement in valuations can have a disproportionate effect on individual ratepayers when compared to other ratepayers, therefore councils should have the ability to assist those ratepayers to mitigate significant and sudden increases in rates. AMENDMENT: Provisions to empower councils to introduce a mechanism whereby councils can determine a maximum rate increase to protect ratepayers with "rate shocks" due to valuation changes.
160	Discount for prompt payment	240	No change	Partially Support	<ul style="list-style-type: none"> Approximately 75% of Palmerston ratepayers pay by instalment, so an incentive for prompt payment could help reduce the level of defaulting ratepayers. <p>AMENDMENT: Amendment to section 240 which would allow councils the flexibility to provide a discount or some other form of concession for payment of instalments on time.</p>
164-167	Rate concessions	244-247	<ul style="list-style-type: none"> This Part has been amended to clarify that rate concessions can only be granted for hardship, anomalies or specified public benefit concessions and no general power to grant a concession exists. Councils are also required to have a policy on rate concessions. 	Partially Support	<ul style="list-style-type: none"> Council appreciates the clarification of the uncertainty caused by the current Act and has no objection to it as it reasonable that an unqualified power for concessions should not be granted. The requirement for a policy on rate concessions is reasonable and reflects current City of Palmerston practice.

					<ul style="list-style-type: none"> • Councils should not be able to make decisions to apply rates concessions for than the balance of the council term • Any decision to offer a concession requires councils to source that lost revenue from other ratepayers and councils should not bind future administrations in that manner. <p>AMENDMENT: Add an express prohibition on the offering of rates concessions over a period of greater than the balance of the council term.</p>
168	Extended meaning of rates in this Part	248	No change	Partially Support	<ul style="list-style-type: none"> • This section should also be expanded so that council can add costs it is seeking to recover from the enforcement of powers under the act or by-laws. • Currently, councils have to pursue these debts and cannot refer them to Fines Recovery Unit, charge interest or sell property to recover them. • This unfairly increases the costs to ratepayers who are compliant with requirements and jeopardises recovery. • The fact that not all debts will be owed by ratepayers should be a reason to not to use this expanded power. <p>AMENDMENT: Section 248 should include an additional item, namely costs incurred in the enforcement of a power under this Act or related by-law.</p>
186	Care control and management of roads	267	No change	Partially Support	<ul style="list-style-type: none"> • Intent remains unchanged in proposed Bill; however management believes that any request of the Minister should not be made without a resolution of council. <p>AMENDMENT: Any request for a Ministerial decision needs to be sought with approval by council resolution.</p>
187	Closing of roads	268	Minor wording changes that do not impact on the intent and operation of this section	Partially Support	<ul style="list-style-type: none"> • Intent remains unchanged in proposed Bill; however management believes that any request of the Minister should not be made without a resolution of council. <p>AMENDMENT: Any request for a Ministerial decision needs to be sought with approval by council resolution.</p>
230	Council's decision on recommendation	319	This section appears to create the requirement that council has 90 days to make a decision and the CEO has	Partially Support	<ul style="list-style-type: none"> • Assuming that this is the intention of this section, council supports it, however the wording needs to be clarified.

			to inform the applicant as soon as practicable.		AMENDMENT: It is suggested that “,” be inserted after “318(1)”, so it is clear that a decision notice be given as soon as practicable, and resolution of the whole matter must be within 90 days.
NEW	Repeals, Transitional Provisions and Consequential Amendments	337-360	<p>Transitional provisions in the LG Bill are provided to ensure continuity of:</p> <ul style="list-style-type: none"> • LGANT; • council and by-laws; • regional councils; • local government subsidiaries; • allowances and expenses; • conflict of interest related to allowances or expenses; • continuation of Nhulunbuy Corporation Limited; • municipal plans; • local authorities; • complaints; • CEO, Deputy CEO and CEO of local government subsidiaries; • Long Term Financial Plan; • rates exemptions; • Rates Declarations; • official management; and • Code of conduct 	Partially Support	<ul style="list-style-type: none"> • Allowances should be reviewed regularly to ensure they continue to be attractive for potential members, and indexation should not be linked to CPI, which traditionally sits below the Wage Price Index. • The Bill makes no provision for when reviews are undertaken, including the initial one. <p>AMENDMENT: Section 358(8)(c) is amendment to include a regular review of allowances to ensure they are competitive and attractive.</p> <p>AMENDMENT: Section 358 be amended to require the initial review to be completed by no later than 1 March 2020.</p>

SUPPORT

CURRENT ACT SECTION	TITLE	BILL SECTION	AMENDMENT	COUNCIL RESPONSE	COUNCIL COMMENT
1	Short Title	1	N/A	Support	Section is procedural
2	Commencement	2	N/A	Support	Section is procedural
NEW	Principles	4	Notes that local government is essential and needs to be flexible and accountable to the community. Principles must be upheld.	Support	Council supports the principles of the Bill, however the drafting of other sections within the Bill do not appear to align to this objective.
NEW	Rights and interests of Aboriginal traditional owners	5	Legislative rights and interests of Aboriginal traditional owners are to be recognised and the delivery of local government services must be in harmony with the legislation	Support	Council supports this section as we are a supportive and inclusive community that respects the rights and interest of Traditional Owners.
NEW	Overview	6	Outlines what the Act provides for including conferral of powers,	Support	Council supports this section as it enhances the understanding and purpose of local government.

			imposition of standards and encouragement of participation.		
NEW	Meaning of Aboriginal community living area	8	Definition is the same as current Act, however is now a stand alone section in the Draft Bill	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
4	Associates	9	No change	Support	Council supports the current definition.
NEW	Meaning of prescribed corporation	10	Definition of prescribed corporation	Support	This definition is to facilitate the transfer of LGANT from regulation under this Bill to another piece of legislation, to ensure that the Department and Act regulating it are not the same Department and Act it lobbies within.
4A	Public notice	11	Minor title, wording changes and structural changes that are of no impact	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
NEW	Council policies to be consistent with code of conduct	12	Council policies required by the Bill are required to be consistent with the Code of Conduct	Support	Management has no objection to this additional section.
DELETED (5)	Agency		Outlines that the agency is empowered to enforce the Act by Administrative Arrangements Order through its CEO	Support	This provision is captured by the impact of an Administrative Arrangement Order and is therefore not required as it duplicates.
6	Act to bind Territory etc	3	Wording changes which have minimal impact.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
6A	Application of Criminal Code	13	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
7	Local government system	14	Title change and minor wording amendment of minimal impact	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
8	Municipalities, regions and shires	15	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
10	Consequential adjustment of rights and liabilities	17	The Territory Administrator has been given the same powers as the Minister under this section and amendments have been included to reflect the right	Support	It is of little consequence to Council whether these decisions are made by the Territory Administrator or the Minister, however if the Territory Administrator has the power to establish and alter local government, then

			mentioned above to merge 2 or more local government areas.		he/she should also have the power to make consequential adjustments.
NEW	Prospective council	18	New section outlining basic legal provision for a prospective council, eg. common seal, body corporate, appointment of person to build the council and powers to do business.	Support	This section is required to provide basic powers to commence the creation of a new council.
11	Principal role of council	20	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
NEW	Power of council	22	A council may do all things necessary or convenient to be done for, or in relation to, the performance of the council's functions.	Support	This section empowers Council and management supports it, however it does not adequately mitigate the risk outlined immediately above in s 21 of the LG Bill.
13	Objectives of council	23	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
22	Municipal, regional or shire plans	32	Minor wording changes with minimal impact	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
23	Contents of municipal, regional or shire plan	33	Subsections relating to recent assessment of constitutional arrangements, opportunities and challenges, possible changes to the administrative and regulatory framework and cooperation have been removed.	Support	Council supports as the criteria appear to be reasonable and suitable.
24	Annual review of municipal, regional or shire plan	34	<ul style="list-style-type: none"> • Council is now required to adopt the Municipal Plan between 1 April and 30 June each year. This timeframe is now a month earlier than the current Local Government Act requires. • There are other minor wording changes of minimal impact. 	Support	<ul style="list-style-type: none"> • Council supports this change as it aligns the Municipal Plan to financial years. The Department should ensure that sufficient education, training and support is provided to councils who may struggle to meet this timeframe. • Council has no objection to the minor wording changes as they are of minimal impact.
25	Council to be body corporate etc	36	Terminology has been added to clarify the legal personality of councils.	Support	The additional terminology clarifies the legal status of council and reflects common practice.

26	How council acts in its corporate capacity	37	Terminology has been amended to reflect the removal of local boards, otherwise there are no changes to this section	Support	Council has no objection to this consequential amendment.
NEW	Formation, ownership or participation in other bodies corporate	38	A restriction on councils entering creating or joining entities that are not for the purpose of local government functions, unless approved by the Minister.	Support	Council has no objection to this restriction, which is effectively consistent with the power to enter into a body corporate to undertake council functions.
39	Casual Vacancies	48	<ul style="list-style-type: none"> • This large section has been broken up into smaller sections with some changes. • Subsections 1,2 and 2A are a separate section with amendments to reflect the requirement to have a principal place of residence in the council area and NTCAT determines whether a person is unfit to be a member, not the Minister. • Previously it was an offence not to inform the CEO that you were disqualified or ceased to be enrolled. Now that offence has an additional element that the member is also “reckless in relation to that circumstance”. 	Support	Council has no objections to these changes, however more clarity is needed as to what is “reckless in relation to that circumstance”, eg. is it continuing to act as a member in exercising voting rights and purporting to represent the community.
39	CEO's notifications of casual vacancy	50	The notification requirements for the CEO of council have been streamlined to require him/her only to notify the CEO of the agency. Previously there were different notification requirements depending on the reason for the vacancy.	Support	This streamlining of responsibility is simple and effective. Council and the Electoral Commissioner are notified after the CEO of the agency confirms the vacancy which is appropriate.
39	Reinstatement if member stands as candidate	52	This new section relates to members resigning to stand as a candidate in Federal or Territory elections. The	Support	Council has no objections to these reasonable additional provisions which simply provide clarification.

			effect of this section is the same, however additional subsections have been added to clarify periods of absence for principal and deputy principal member and timing if they are successful in being elected to other office.		
46	Terms of Office and resignations of principal and deputy principal member	60-62	Introduces a requirement that written notice of resignation includes whether member is resigning from council as well as additional role.	Support	Council has no objections to these reasonable additional provisions which simply provide clarification.
27	Local government subsidiary	65	This section has been amended to ensure that any subsidiary has to also comply any guidelines the Minister may make, but LGANT may not participate in a local government subsidiary.	Support	Council supports as the criteria appear to be reasonable and suitable.
28	Corporate identity and functions of local government subsidiary	66	<ul style="list-style-type: none"> • This section has been amended to mirror the changes to the terminology of the legal personality of councils. • There is also a new subsection that makes constituent councils jointly and severally liable for any liabilities of the local government subsidiary. • Previously, assuming liability was voluntary. 	Support	<ul style="list-style-type: none"> • Council supports these terminology changes as they are consistent with current practice. • This section clarifies the financial and legal liability for council subsidiaries. This carries risk for the constituent councils, however prior to entering into any agreement, councils should undertake a full assessment of risk, including insurance and legal advice on the extent of liability.
29	Constitution of local government subsidiary	67	<ul style="list-style-type: none"> • This section has been amended to reflect that constituent councils are liable. • Previously assuming liability was voluntary. 	Support	<ul style="list-style-type: none"> • This carries risk for the constituent councils, however prior to entering into any agreement, councils should undertake a full assessment of risk, including insurance and legal advice on the extent of liability. • The Minister must also approve the constitution, which should contain the objects of the organisation.
30	Reporting obligations	68	These obligations have been strengthened to require financial statements to be audited and clarified	Support	<ul style="list-style-type: none"> • Council supports the requirement for local government subsidiaries to have audited financial statements as this

			that each council is responsible for reporting obligations.		is a requirement for general local government financial statements. • The clarification that each council is responsible reflects the intent of the current LG Act and council has no objection to this requirement.
NEW	Chief Executive	69-70	A local government subsidiary must have a chief executive with the relevant eligibility criteria and delegations	Support	Council has no objection to this section.
33	Composition of council	40	No changes	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
34	Vacancy etc. in office of member	41	No changes	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
35	Role of members	42	No changes	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
NEW	Professional Development of Members	43	<ul style="list-style-type: none"> Elected Members must complete an approved training course within six months of election or 12 months if a casual vacancy. Elected Members may have further training. 	Support	<p>Council supports the intention of this section.</p> <p>AMENDMENT: Consequences for non-compliance and requirements for continuous training should be considered.</p>
36	Eligibility for membership	44	There has been an additional subsection added requiring a person's principal place of residence to be within the council's area, in addition to the requirement to be enrolled at an address in the council's area	Support	Council supports this requirement, however believes that there should be proactive enforcement of this requirement prior to the election.
38	Basic term of office	46	No changes	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
NEW	Disclosure requirements	47	An Elected Member is required to disclose conviction of any offence and failure to do so is an offence. The CEO is also required to notify the Agency.	Support	<ul style="list-style-type: none"> Council has no objections to this section which increases transparency and disclosure. It is likely that the conviction would be public information anyway.
40	Determination of eligibility for office	53-54	• This section has been split into two to sections, namely determination of eligibility by the CEO and by NTCAT	Support	• This is a consequential amendment to reflect the broader criteria for eligibility under s 45. The right of the CEO, returning officer or a member of the public

			<p>based on the new criteria for eligibility in the LG Bill.</p> <ul style="list-style-type: none"> • The CEO of the agency can make determination of eligibility on any criteria except s45(1)(f) indebtedness to the council, which is decided by NTCAT. • The CEO of the agency can refer any of these items to NTCAT. 		<p>to challenge has been retained and expanded (previously member of the public was local resident).</p> <p>AMENDMENT: The title of s53 of the LG Bill is amended to "Determination of eligibility for office by CEO of the agency", as he/she is the one making the determination, not the CEO of council and it would clear any confusion.</p>
41	Immunity from liability	55	Minor wording changes, but the intent and impact are still the same	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
42	Mayor or President	56	Minor wording changes, but the intent and impact are still the same	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
44	Election or appointment of principal member	58	<ul style="list-style-type: none"> • Two amendments have been made, namely the addition of a requirement to notify the Electoral Commissioner and the CEO of the agency if council changes the basis of electing the principal member and the timeframe for making this change is now between 18 months and 12 months prior to the end of the council's term. • Previously it was between 9 and 3 months. 	Support	<ul style="list-style-type: none"> • The addition of a notification requirement is reasonable. • Council has no objection to the change in timeframe, thought the restriction in doing it earlier in the council's term seems unnecessary, especially as a change can only be made once in a term.
47	Council office	64	Minor wording changes, but the intent and impact are still the same	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
48-53	Sections relating to local boards		Local boards will no longer be an option under the LG Bill	Support	Council has no objection to this change as local boards were not relevant to City of Palmerston.
53A	Object (Local Authorities)	73	No change	Support	Local Authorities are not relevant to City of Palmerston, but management supports this section.
53B	Establishment of local authorities	74	Minor wording changes that do not impact the intent and operation of this section.	Support	Local Authorities are not relevant to City of Palmerston, but management supports this section.
53C	Constitution of local authority	75	The membership of the local authority is no longer required to include members who represent the ward the	Support	Local Authorities are not relevant to City of Palmerston, but management supports this section as the council still has representation.

			local authority is located in and the principal member is no longer an ex officio member.		
53D	Functions of local authority	76	There is a consequential amendment to reflect the introduction of the Burial ad Cemetery Act 2019	Support	Local Authorities are not relevant to City of Palmerston, but management supports this section.
53E	Limits on functions of local authority	77	No change	Support	Local Authorities are not relevant to City of Palmerston, but management supports this section.
53F	Reporting	78	No change	Support	Local Authorities are not relevant to City of Palmerston, but management supports this section.
NEW	Council to work with local authority	79	This section requires councils to work constructively with local authorities and seek advice and recommendations from local authorities on budgeting and planning.	Support	Local Authorities are not relevant to City of Palmerston, but management supports this section.
54	Council committees	80	<ul style="list-style-type: none"> • Minor amendments to require council resolutions to establish, abolish or appoint people to committees. • Council must also follow ministerial guidelines in establishing or abolishing a committee. 	Support	This reflects current City of Palmerston practice and requirements.
55	Nature of committee's functions	81	An additional requirement has been added that a council committee must have terms of reference that outline its functions.	Support	This reflects City of Palmerston current practice and is good governance.
56	Control and direction by the council	82	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
57	Procedures	83	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
58	Nature and timing of council meetings	88	The section has been amended to increase the period for the first meeting after an election to 21 days, up from 14, and now requires a schedule for holding of ordinary	Support	Council has no objections to this section as the schedule may be amended at any time.

			meetings to be adopted at the first meeting of a council term. The schedule can be amended at any time.		
60	Business to be considered at a meeting	92	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
61	Procedure at meeting	93	Minor wording changes that do not impact the intent or operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
62	Timing of meetings of local authorities, local boards, and council committees	94	Minor wording changes to reflect the requirement for audit committees and the removal of local boards	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
64	Procedure at meeting	96	Minor wording changes to reflect the requirement for audit committees and the removal of local boards.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
65	Meetings to be open to the public	97	<ul style="list-style-type: none"> • Minor wording changes to reflect the requirement for audit committees and the removal of local boards. • Additional provision concerning the conduct of confidential meetings and audit committee meetings can be conducted in private. 	Support	The requirement to note confidential business reflects transparency, good governance and City of Palmerston practice.
68	Calling meeting of electors	101	A local authority can no longer call a meeting of electors and local boards no longer exist.	Support	Council has no objections to this section and believes that council should determine this, not a committee.
69	Procedure at meeting	102	Minor wording changes to reflect the removal of local boards.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
70	Effect of resolution passed at meeting of electors	103	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.

NEW	Annual return of interests	108-109	These sections create a requirement for Elected Members to submit an annual return of interests, as defined by regulation and for the CEO to keep a register and publish it on the council website.	Support	Council supports transparency and accountability, however this regulations will need to ensure that the interests declared are appropriate and relevant.
NEW	Relevant gifts and benefits	110	Councils must adopt a policy in relation to gifts and benefits and a member must disclose a gift or benefit as soon as practicable.	Support	Council supports this transparency and accountability.
NEW	Register of declared gifts and benefits	114-115	The CEO must keep a register of gifts and benefits which meets certain requirements and publish it on council's website.	Support	Council supports this section as it is a reasonable requirement.
75	Improper disclosure of information	329	Minor wording changes, including broadening this section to any person, from previously a member of council or a committee, that does not impact the intent or operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
76	Improper use of information	116	<ul style="list-style-type: none"> • This section has been redrafted to clearly reflect the elements of the offence, namely that a person obtains information, intentionally used it and the use was improper. The maximum penalty remains the same. • The examples of reasonable use have been removed. 	Support	<ul style="list-style-type: none"> • Council supports this section as it clearly establishes the offence and definitions. • Council takes its responsibility to use information appropriately and significant penalties should apply if this does not occur. • The removal of examples of reasonable use is supported as it was redundant replication of other legislative requirements or the use for which the information was intended.
77	Obligation to have a Code of Conduct	117	<ul style="list-style-type: none"> • These two sections have effectively been combined into one section that requires council to adhere to the Code of Conduct in Schedule 1 of the LG Bill and publish it on the website. 	Support	Council has no objections to this section as it is reasonable and consistent. Management also has no objections to the contents of the Code of Conduct.
78	Making or adoption of code of conduct				

84	Minister's power to call general election	131	Wording changes that remove potential examples of triggers for a new election. This is unlikely to have any impact as the examples weren't exhaustive.	Support	Council has no objection to these changes as they are reasonable powers for the Minister.
85	Periodic general elections	132	Amendments have been made to remove reference to the 2017 election and clarify that if there is an election called by the Minister or triggered by the dismissal of a council, the next election is back in cycle with the periodic elections held in late August.	Support	Council has no objection to these changes as they are reasonable provisions.
86	By-elections	133	Minor wording changes that do not impact the intent or operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
86A	Resolution for mandatory postal vote election	134	Minor wording changes that do not impact the intent or operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
87	Entitlement to vote	135	Minor wording changes that do not impact the intent or operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
88	Electoral rolls	136	Minor numbering changes that do not impact the intent or operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
88A	Use of electoral roll for by-election	137	Minor wording changes which increase the elements that have to be proven for an offence.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
89	Conduct of elections and polls	138	No change	Support	Council has no objections to this section. AMENDMENT: Typographical error that needs changing, namely the <i>Constitutional Convention (Election) Act 2001</i> should be read <i>Constitutional Convention (Election) Act 2011</i>.
90	Voting	139	Minor wording changes that do not impact the intent or operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.

91	Disputing validity of election or poll	140	Minor wording changes and confirmation that there is no extension of time to file a claim and no right of appeal.	Support	Council has no objections to this section as it reflects current practice and provides a finite timeframe to finalise disputed elections.
92	Service of application	141	Minor wording changes that do not impact the intent or operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
94	Powers of Civil and Administrative Tribunal	142	Minor wording changes, including to the title, and a section has been added that NTCAT can <i>"order that the votes for an ineligible candidate be distributed to the candidate next in order of the voter's preferences on the ballot paper"</i> .	Support	<ul style="list-style-type: none"> • Council supports this as the alternative is a by-election, which is a cost and inconvenience to ratepayers, especially in undivided councils. • Also, voters have indicated clearly indicated their intention and preferences as full preferential voting is required.
95	Exclusive method of challenge	143	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
96	Minister's powers in relation to election	156	Minor wording changes that do not impact the intent or operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
96A	Caretaker policy during general election	157	<ul style="list-style-type: none"> • This section has been amended to remove the requirement to be in accordance with Ministerial guidelines which is redundant as it is a requirement anyway. • The policy must also be published on the council's website. 	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
98	Secrecy of vote	159	Minor wording changes that do not impact the intent or operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
99	Offences relating to campaign material	153-155, 160	<ul style="list-style-type: none"> • Minor wording changes that do not impact the intent or operation of this section • The element of knowledge that material is misleading, deceptive or will interfere with a voter has been added. 	Support	Council supports the addition of the element of knowledge, because that means third party publishers who publish in good faith and have no reason to inquire into the content are not liable for consequences.

101	Role and function of CEO	163	<ul style="list-style-type: none"> Subsections have been added that require the CEO to manage expenditure to budget. 	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
102	Delegation by CEO	164	<ul style="list-style-type: none"> This section now qualifies the CEO's powers to delegate, only that he cannot delegate to the audit committee, a council committee, a local authority, a local government subsidiary or the power to authorise a staff member in relation to a conflict of interest. 	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
103	Other staff of the council	166	Terminology has changed so that appointment of council staff is in accordance with a staffing budget, not a staffing plan.	Support	Council has no objections, however, this change is of little practical impact, as an appropriate staffing plan should consist of an FTE maximum and an approved budget.
104	Principles of human resource management	168	Minor wording changes that do not impact the intent or operation of this section	Support	<ul style="list-style-type: none"> Council has no objections to this section as it is reasonable. It is noted that discrimination is also illegal under other legislation. <p>AMENDMENT: Typographical error in s 168(f)(i), namely it should read "potential member of the council's staff on the grounds of..."</p>
105	Statement of employment policies	169	Minor wording changes and a requirement that access to training and development policies are prepared.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
NEW	Application to local government subsidiary	172	This section has the effect of applying rules relating to council and a CEO in Chapter 9 Council Staff to a local government subsidiary, with the exception of sections relating to appointment and eligibility and empower local government subsidiaries to create policies.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
106	Standards to be observed by council staff	173	Minor wording changes to extend requirements to local government subsidiaries.	Support	Council supports this section, though it seems unnecessary in light of s 172(1) of the LG Bill.

107	Conflict of interest	175	This section has been amended to include an additional offence as failing to act as directed when having a conflict of interest.	Support	Council supports this change as there should be two separate offences to increase the consequence of non-compliance.
108	Disclosure of confidential information	329	This section has been moved to s 329 of the LG Bill and the intention is still the same.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
111	Immunity from personal liability	178	Minor wording changes to reflect local government subsidiaries.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
112	Appointment of authorised persons	179	This section has been amended with minor wording changes and a subsection added to clarify that the appointment is subject to the limitations and conditions specified in the instrument of appointment.	Support	Council has no objection to these changes as they are consistent with current practice.
113	Powers of authorised persons	180	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
114	Identity cards for authorised persons	181	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
115	Power to require statement of name and address	182	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
117	Assistance of police	184	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
118	Obstruction	185	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
119	Authorised deposit accounts	186-187	Minor wording changes to include reference to a local government subsidiary that do not impact on the intent and operation of this section	Support	Council has no objection to these changes. AMENDMENT: The acronym "ADI" should be expanded to Authorised Deposit Taking Institution as per the Banking Act (Cth) for clarity.

121	Investment	189	Wording changes to allow council to adopt a policy in relation to investment which it is required to follow, the restrictions if a council doesn't have a policy and to extend application of the section to local government subsidiaries.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
122	Meaning of borrowing	190-191	Minor wording changes to include reference to a local government subsidiary that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
123	Council's power to borrow	192	<ul style="list-style-type: none"> • Minor wording changes to include reference to a local government subsidiary that do not impact on the intent and operation of this section. • Sections have been added to require a council resolution, written authorisation from constituent councils and Minister's approval prior to borrowing. • A section has also been added outlining the requirements of the council resolution. 	Support	<ul style="list-style-type: none"> • Council has no objection to these changes, however s 192(3)(c) repeats s 192(1). <p>AMENDMENT: Section 192(5)(d) has a spelling error. "local" should be "loan".</p>
124	Security for borrowing	193	Minor wording changes to include reference to a local government subsidiary that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
125	Security over general revenue	194	Minor wording changes to include reference to a local government subsidiary that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
126	Long-term financial plan	195	The deadline for adoption is now 30 June in line with requirements for the municipal plan.	Support	This is consistent with the municipal plan and is it is good governance to have this plan adopted prior to the commencement of the financial year.

127	Annual budgets	196-197	Minor wording changes and the inclusion of a subsection requiring compliance with any guidelines or regulations.	Support	Council supports this section, however the new subsection is unnecessary as regulations and guidelines must be complied with anyway.
129	Accounting records	200	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
130	Availability of records for inspection	201	This section has been amended with minor wording changes and to include a local government subsidiary being required to adopt a privacy policy and how it is approved.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
131	Annual financial statement	202	This section has been amended to require compliance with accounting standards, regulations and guidelines, as opposed to specifying reporting requirements.	Support	Council has no objections to these changes as they are reasonable and align council's reporting requirements to pre-existing requirements. AMENDMENT: Section 202(2) has a spelling mistake, namely "confirm" should read "conform".
132	Reference of annual financial statement for audit	203	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
133	Auditor	204	No change	Support	Council supports this section, however s 204(4)(a) appears to be inconsistent with the restriction in <i>General Instruction Number 4 Procurement</i> that period contracts cannot be greater than three years without Ministerial approval. AMENDMENT: Align with General Instruction Number 4 or clarity needs to be provided that the General Instruction is subject to provisions in the LG Bill.
134	Appointment by the Minister	205	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
136	Other audits	207	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
137	Assistance to be provided to the auditor	208	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.

139	Non-compliance with order	210	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
140	Categorisation of land	214	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
141	Rateable land	215	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
142	Conditionally rateable land	216	<ul style="list-style-type: none"> • Minor wording changes of minimal consequence • The period for councils to make a submission on conditionally rateable land has been reduced by two months. 	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
NEW	Council to rate all rateable land	217	A council must rate all rateable and conditionally rateable land.	Support	Council has no objections to this section as it does not prescribe how it will be rated.
144	Exempt land	219	<ul style="list-style-type: none"> • This section has been expanded slightly to include vacant Crown land not subject to a lease, a medical clinic or health centre operated by the territory (as distinct from a hospital). • It has also been clarified that where there a mixture of commercial and non-commercial uses, residences for employees or contractors of the institution or charity are not exempt. 	Support	Council has no objections to these minor changes which are financially immaterial to City of Palmerston.
145	Special cases	220	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
146	Apportionment where land rateable for part only of a financial year	221	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
147	Allotments	222	Minor wording changes and clarification of a definition that do not impact on the intent and operation of this section.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.

149	Basis of assessed value	224	Definitions have been included for clarification.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
150	Joint and several liability	225	The wording has not changed, however a note has been removed, which was self-evident and of no consequence as it noted that joint liability didn't double the rates liability.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
151	Principal ratepayer for an allotment	226	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
152	Assessment record	227	Additional requirements have been added to this section, namely <ul style="list-style-type: none"> • Only a person with a sufficient interest may inspect the assessment record; • "sufficient interest" may be determined by council policy; • Council may charge a fee for inspection, however inspection of a record pertaining to land owned or neighbouring land must be free. • The CEO of the agency may inspect for free. 	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
153	Notifications to be given by ratepayers	228	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
NEW	Correction of record by council	229	Council may on its own initiative, change an entry in the assessment record, however it is required to notify the impacted person if it is significant.	Support	Council considers this to be a reasonable provision.
154	Correction of record	230	Minor amendments have been made to this section, namely: <ul style="list-style-type: none"> • Correction is free of charge; • Date of effect is noted as ground for correction; 	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.

			<ul style="list-style-type: none"> 90 day timeframe has been introduced; and a decision to not correct the record is no longer reviewable 		
NEW	Application for correction or review	231	This section clarifies that applications for decision or review do not prevent the ratepayer from paying rates.	Support	Council supports this section as it provides explicit statement of the obligation to continue to pay rates as parties in dispute with local government sometimes use the dispute as a reason not to pay rates.
NEW	Correction of record for misclassification	232	This section says that if a person makes application to change the assessment record due to misclassification of the allotment and it is changed so the rates are higher, rates liability is not retrospective.	Support	Council has no objection to this section as it is reasonable and fair.
155	General rates	234	<ul style="list-style-type: none"> Minor wording changes that do not impact on the intent and operation of this section The date for declaration of rates has moved to June 30, rather than 31 July. 	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
156	Special rates	235	<p>Amendments to this section are:</p> <ul style="list-style-type: none"> special rates can only be adopted on or prior to June 30 the financial year before; consultation requirements; special rates can only be adopted by special resolution 	Support	This changes to this section are reasonable.
NEW	Imposition of parking rate	237	A council may impose a parking rate on or prior to June 30.	Support	Councils require this power to manage parking within their local government area.
158	Public notice	238	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
159	Rates notice	239	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
161	Payment by instalment	241	This section has been amended to include provisions requiring the issue of instalment notices.	Support	This is a reasonable and fair requirement which reflects current practice by City of Palmerston.

162	Accrual of interest on overdue rates	242	This section has minor wording amendments but has also been amended to facilitate the interest rate being set by regulation.	Support	<ul style="list-style-type: none"> • Council supports these amendments as they are reasonable. • Council encourages any interest rate to be close to the ATO General Interest Charge to assist in reducing the amount of defaulters.
163	Remission of interest	243	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
169	Recovery by action	250	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
170	Overdue rates to be a charge on land	251	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
171	Registration of charge	252	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
172	Effect of registered charge	253	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
173	Power to sell land for non-payment of rates	254	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
174	Pre-conditions of sale	255	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
175	Sale of land	256	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
176	Proceeds of sale	257	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
177	Correction of errors	258	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
178	Acquisition of property	259	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
179	Assumption of care control and	260	Minor wording changes including to the title that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.

	management of land				
180	Power to develop and improve land	261	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
181	Power to act as trustee	262	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
182	Power to deal with and dispose of property	263	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
183	Reserves	264	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
184	Public cemeteries	265	This section has been amended to reduce councils' powers and responsibilities	Support	This amendment is necessary to reduce any conflict with the Burial and Cremation Act, which now outlines councils' powers and responsibilities.
185	Roads	266	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
NEW	Establishment of new road	269	This section outlines the public consultation requirements prior to the establishment of a new road.	Supported	This is a reasonable and fair section.
188	Power to make by-laws	271	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
189	Principles applying to by-laws	272	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
NEW	By-laws for animal management	273	This section empowers councils to make by-laws specifically for animal management.	Support	Given the general nature of s 271, it seems unnecessary but Council has no objection.
190	Making by-laws	274	<ul style="list-style-type: none"> • This section has been amended to clarify that a proposed by-law must be made available at least 28 days before adoption and open for submissions for at least 21 days. • There are also some minor wording changes of little impact, including 	Support	This is not an unreasonable requirement.

			that the requirement for a certificate from a legal practitioner has been replaced with a requirement for a certificate from the CEO of the agency.		
191	Model by-laws		This section is proposed to be deleted	Support	Council has no objection to this change, as there is still no reason why council cannot use by-laws from other jurisdictions as a guide to good practice.
192	Register of by-laws and certified copies	275-276	A subsection has been added that an extract or a copy of the register signed by the CEO is evidence of the details without requiring the register unless ordered by a court. An additional section has been added furthering clarifying this section in applications to animals.	Support	Council has no objection to this amendment.
NEW	Determinations to be published	277	If a council makes a determination of general application under a by-law, the council must publish the determination on its website.	Support	Council supports this section as it is not an unreasonable requirement.
193	Visual pollution	278	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
194	Mitigation of hazard or nuisance	279	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
195	Animals and activities involving animals	280	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
196	Review of orders	281	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
197	Time for carrying out work under regulatory order	282	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
198	Non-compliance with order	283	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.

NEW	Fees for services	284	This section empowers councils to charge fees for service.	Support	<ul style="list-style-type: none"> Council supports this section as it clarifies the power of the council to charge fees for service. AMENDMENT: Section 284(1) has a typographical error, namely it should read “impose a fee to be charged for a service”.
200-200A	Public access to information	287	This has been moved to Schedule 3 of the new Act, and minor wording changes have been made that do not impact the level of disclosure or timeframes.	Support	<ul style="list-style-type: none"> Council has no objection to these administrative changes. Council notes that election results are available to NTEC website already.
201	Suppression of certain information	288	Minor wording changes, including addition of email address that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
202	Inspectors	289	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
203	Identity cards for inspectors	290	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
204	Functions of an inspector	291	Minor wording changes, including addition of reference to local government subsidiaries.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
205	Program of compliance reviews	292	Minor wording changes, including addition of reference to local government subsidiaries.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
206	Carrying out of compliance review	292	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
207	Agency must report on results of compliance review	294	<p>This section has been expanded to include additional requirements:</p> <ul style="list-style-type: none"> Reference to local government subsidiaries; report may contain recommendations; and copies of the report must be provided to the CEO and then circulated to elected 	Support	<ul style="list-style-type: none"> Council supports these reasonable reporting requirements. AMENDMENT: There is a typographical error in s 294(1)(b), namely “on the” is duplicated on the third line.

			Members or constituent councils.		
209	Power of entry and access	296	This section has been amended with minor wording changes and the requirement that any request must be in writing.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
210	Power of formal questioning	297	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
NEW	Self-incrimination	298	This section says that a person is not excused from providing information because it may self-incriminate, however the information cannot be used as evidence in a civil or criminal proceeding unless it is false.	Support	Council supports this inclusion as it is a reasonable provision that is consistent with legal principles.
NEW	Confidential matters	299	This section says that a person is not excused from providing information because it is confidential, however legally privileged information is exempt from this section.	Support	Council supports this inclusion as it is a reasonable provision that is consistent with legal principles.
211	Inspector's report	300	This section has been amended to increase the coverage to local government subsidiaries and to require suspicion of irregularity to be reported to ICAC as well as the Minister.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
215	Establishment of commission of inquiry	303	Minor wording changes, to add references to local government subsidiaries.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
216	Commissioner's term of office	304	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
217	Conduct of enquiry	305	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
218	Evidentiary powers of commission	306	Minor wording changes that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.

219	Legal representation	307	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
220	Re-opening of inquiry	308	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
221	Report of commission of inquiry	309	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
222-223	Defaulting councils	310	<ul style="list-style-type: none"> • This section which empowered the Minister to recommend, rather than direct council to remedy irregularities, has been removed. • The requirement that the direction be put in writing has also been included. 	Support	<ul style="list-style-type: none"> • Council supports these changes. • It is logical that if irregularities have been identified that require a recommendation from the Minister, a council should be obliged to follow them. • Requiring directions in writing is also reasonable.
225	Official manager	315	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
226	Election after dismissal of members	313	<p>This section has been expanded to require the Minister to call an election:</p> <ul style="list-style-type: none"> • if the council is dismissed; • Council is reinstated and an election was scheduled; • Minister doesn't make a decision within 12 months; <p>There is also a provision for a subsequent election not being required if an election was held within one year of a scheduled election.</p>	Support	This is a reasonable and fair section.
NEW	Resignation of a suspended member	314	This section notes that if a suspended member resigns during the suspensions, the resignation is taken to be at the time of reinstatement or if the member is dismissed, has no effect.	Support	This is a reasonable and fair section.
227	Reviewable decisions	316	Minor wording changes and the removal of a decision not to correct the assessment record.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.

228	Right to apply for a review	317	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
229	Consideration of application by administrative review committee	318	This section has been amended with minor wording changes and the inclusion of a requirement to give notice of a summary rejection as soon as practicable.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
NEW	No decision by council	320	If the CEO does not give a decision notice to an applicant within 90 days, the applicant or council may refer the matter to NTCAT.	Support	Council supports this section. An applicant is entitled to a response, and if council is unwilling or unable to make decision, then a right of appeal/action is reasonable.
231-233	Review of decisions	321-322	The wording has changed, however the intent of this section remains, namely that a person may refer a decision to NTCAT and clarifies that review does not affect decisions and orders, unless so determined by NTCAT.	Support	<ul style="list-style-type: none"> Council supports the right of appeal, however s 321 in the draft bill refers to NTCAT reviewable decision in Schedule 3, however Schedule 3 does not outline what is a reviewable decision and who is eligible to apply for a review. CLARIFICATION: Please clarify the inaccurate reference to Schedule 3.
242	Continuance of the Local Government Association	339	LGANT will continue to operate, however it will eventually be incorporated under another act, so that the government department that it lobbies isn't responsible for administering it.	Support	This is a reasonable and fair section.
248	Service of documents on council	324	This section has been expanded to include local government subsidiaries and new methods of service.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
249	Service of documents by council	325	This section has been expanded to include local government subsidiaries.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
250	Judicial notice to be taken of certain facts	326	Minor wording changes to include regions.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
251	Certified copies of minutes	327	This section has been expanded to include government subsidiaries.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
252	Evidence of land ownership	328	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.

253	Misleading representations	330	Minor wording changes and this section has been expanded to clarify that information may be a document, that it is a defence to draw attention to the misleading information and expands who is a local government officer.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
254	Occupier entitled to carry out work on land	331	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
255	Owner entitled to re-enter land to carry out work	332	Minor wording changes, including to the title, that do not impact on the intent and operation of this section	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
256	Certificates	333	No change	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
257	Acquisition of property	334	Subsections relating body corporates being reconstituted to collect compensation have been simplified.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
258	Guidelines	335	This section has been amended to clarify that guidelines are not subordinate legislation.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.
259	Regulations	336	No change.	Support	Intent remains unchanged in proposed Bill and is considered to adequately address the matter.

Serial
Local Government Bill 2019
Mr McCarthy

A Bill for an Act to provide for, and regulate, local government and for related purposes

CONSULTATION DRAFT ONLY

**PREPARED FOR THE DEPARTMENT OF LOCAL GOVERNMENT,
HOUSING AND COMMUNITY DEVELOPMENT**

NORTHERN TERRITORY OF AUSTRALIA

LOCAL GOVERNMENT ACT 2019

 Act No. [] of 2019

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2019

An Act to provide for, and regulate, local government and for related purposes

[Assented to [] 2019]
[Introduced [] 2019]

The Legislative Assembly of the Northern Territory enacts as follows:

Chapter 1 Introduction

Part 1.1 Preliminary matters

1 Short title

This Act may be cited as the *Local Government Act 2019*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Act binds Crown

This Act binds the Crown in right of the Territory and, to the extent the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

Part 1.2 What this Act is about

4 Principles

(1) The underlying principles of this Act are as follows:

-
- (a) local government is a distinct and essential sphere of government;
 - (b) the system of local government:
 - (i) needs 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.
 - (2) Anyone exercising a power or performing a function under this Act must, as far as practicable, uphold the principles.
 - (3) However, the principles do not affect the operation of any law in force in the Territory.

5 Rights and interests of Aboriginal traditional owners

The rights and interests of Aboriginal traditional owners, as set out in the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) and the *Native Title Act 1993* (Cth), are to be recognised and the delivery of local government services must be in harmony with those Acts.

6 Overview

This Act provides for the following:

- (a) the establishment of a democratic and effective system of local government that recognises the diversity of communities in the Territory;
- (b) the conferral of wide powers on councils to act for the advancement, and in the best interests, of their local communities;
- (c) the enabling of councils to play a broad role in promoting the social, economic, environmental, and cultural well-being of their local communities;
- (d) the imposition of high standards of ethical conduct on council members;
- (e) the requirement on councils of high standards of governance, service delivery, asset management and financial accountability;

- (f) the requirement on councils to promote and assist constructive participation by their local communities in achieving effective local government for their areas.

Part 1.3 Interpretation

7 Definitions

In this Act:

Aboriginal community living area, see section 8.

Aboriginal community living area association means an incorporated association in which an Aboriginal community living area is vested.

acting in an official capacity, in relation to a person or officer, means the person or officer is exercising powers or performing functions under, or otherwise related to the administration of, this Act.

aggrieved person, for an NTCAT reviewable decision, see section 321(2).

allotment, see section 222.

annual return of interests:

- (a) for a council member – see section 108; or
- (b) for a staff member of a council or local government subsidiary – see section 174.

area, of a council, means the local government area for which the council is constituted.

assessed value, see section 224.

assessment record means the assessment record maintained under section 227.

associate, see section 9.

audit committee means an audit committee established and maintained by a council under section 84.

auditor, means the person appointed by a council as an auditor for the council under section 204.

Australian Accounting Standards means the following standards

in force from time to time and published by the Australian Accounting Standards Board:

- (a) Accounting Standards;
- (b) Statements of Accounting Concepts;
- (c) Interpretations;
- (d) Framework for the Preparation and Presentation of Financial Statements.

Australian Accounting Standards Board means the Office of the Australian Accounting Standards Board established by section 226 of the *Australian Securities and Investments Commission Act 2001* (Cth).

authorised deposit account, for Chapter 10, Part 10.1, see section 186.

authorised person means a person appointed to be an authorised person under section 179.

borrowing, for Chapter 10, Part 10.3, see section 190.

by-election means a by-election mentioned in section 133.

campaign donation return, for Chapter 8, Part 8.6, see section 144.

campaign material, for Chapter 8, Part 8.7, see section 154.

casual vacancy means a vacancy in the office of a member of a council under section 48.

cemetery plan, see section 16 of the *Burial and Cremation Act 2019*.

CEO, of a council, means the council's chief executive officer, who is in charge of day-to-day operations of the council.

CEO of the Agency means the Chief Executive Officer of the Agency.

chairperson, of a meeting of:

- (a) an audit committee – see section 96; or
- (b) a council – see section 93; or
- (c) a council committee – see section 96; or

(d) a local authority – see section 96.

chief executive, of a local government subsidiary, means the local government subsidiary's chief executive, who is in charge of day-to-day operations of the local government subsidiary.

close family relationship means:

- (a) the relationship between spouses or de facto partners; or
- (b) the relationship between a person and:
 - (i) the person's child or remoter lineal descendant; or
 - (ii) the child or a remoter lineal descendant of the person's spouse or de facto partner; or
- (c) the relationship between a person and:
 - (i) the person's parent or remoter lineal ascendant; or
 - (ii) the parent or a remoter lineal ascendant of the person's spouse or de facto partner; or
- (d) the relationship between brothers, sisters or brother and sister.

commissioner means a person appointed by the Minister under section 303.

commission of inquiry means a commission of inquiry established by the Minister under section 303.

committee, for Chapter 3, see section 25.

community cemetery, see section 5 of the *Burial and Cremation Act 2019*.

complaint panel, see section 127(2).

conclusion, in relation to an election, means the declaration of a poll, or if there is no poll, on declaration that the candidates for election are elected.

conditionally rateable, in relation to land, see section 216.

conflict of interest, in relation to a member of a council, see section 111.

constituent council means a council that forms a local government subsidiary under section 65(1).

council, for an area, means the local government council constituted for that area under section 14(b).

council area means the area for which the council is constituted under section 14(b).

council committee means a council committee established by a council under section 80.

council senior staff member means a council staff member:

- (a) employed in a position in the management level immediately beneath the CEO (of the council) in the council's organisational structure; and
- (b) directly reporting to the CEO (of the council).

Crown land, see the definition of **Crown lands** in section 3 of the *Crown Lands Act 1992*.

decision notice, for a decision, means a written notice setting out:

- (a) the decision and the reasons for it; and
- (b) any right the person to whom the notice is to be given has, under this Act or another Act, to apply for a review of, or to appeal, the decision.

deputy principal member, of a council, means the member appointed by the council to be the deputy principal member under section 59(3).

details, for Chapter 8, Part 8.6, see section 144.

disclosure period, for Chapter 8, Part 8.6, see section 144.

donation, for Chapter 8, Part 8.6, see section 144.

elector, for an area or ward means an elector for the Legislative Assembly who is enrolled in respect of a place of residence situated within the area or ward (as the case requires).

electoral matter, for Chapter 8, Part 8.7, see section 155.

general election means:

- (a) a general election mentioned in section 131 or 312; or
- (b) a periodic general election mentioned in section 132.

general rates, see section 234.

inspector means an inspector of local government appointed under section 289.

land includes:

- (a) for land held under a pastoral lease or other lease from the Crown – the leasehold interest; and
- (b) for land held under a lease from a Land Trust – the leasehold interest; and
- (c) for land within an Aboriginal community living area that is held under a lease – the leasehold interest; and
- (d) the land to which an interest in a mining tenement relates; and
- (e) for land held under lease from the council – the leasehold interest.

Land Council means an Aboriginal Land Council established under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

Land Trust means an Aboriginal Land Trust established under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

local authority means a local authority established by a council under section 74.

local government area, means an area that the Territory is divided into for the system of local government established by this Act.

local government council means the council constituted for a local government area and is responsible for the government and management of the area at the local level.

local government subsidiary, see section 65.

Lord Mayor, see section 56(2)(a).

Mayor, section 56(1) or (3).

member means (according to context) a member of an audit committee, a council, a council committee or a local authority.

minerals includes extractive minerals.

Examples for definition minerals

Sand, gravel, rocks or soil.

mining tenement means:

-
- (a) the following under the *Mineral Titles Act 2010*:
 - (i) an extractive mineral lease;
 - (ii) an extractive mineral permit;
 - (iii) a mineral lease;
 - (iv) a mineral authority that corresponds with a mineral lease, an extractive mineral lease or an extractive mineral permit;
 - (v) a mineral claim granted under the *Mining Act 1980* and continued under section 204 of the *Mineral Titles Act 2010* for which the Minister responsible for the administration of the *Mineral Titles Act 2010* has not taken an action under section 203 of the Act; and
 - (b) the following under the *Petroleum Act 1984*:
 - (i) a production licence;
 - (ii) a lease granted under the *Petroleum (Prospecting and Mining) Act 1954* and continued under section 119(2) of the *Petroleum Act 1984*.

municipality, means the local government area classified as a municipality under section 15.

municipal plan, see section 32(2)(a).

NTCAT reviewable decision, see section 321(1).

occupier, of land, means a person who is, either jointly or alone, in possession of the land to the substantial exclusion of others.

ordinary meeting, of a council, see section 88(1).

owner, of land, means:

- (a) the holder of an estate of fee simple in the land; or
- (b) if the land is held from the Territory or a Land Trust under a pastoral or other lease – the lessee; or
- (c) if the land is within an Aboriginal community living area and is held under lease – the lessee; or
- (d) if the land is subject to a mining tenement – the holder of the tenement.

prescribed corporation, see section 10.

President, section 56(2)(b) or (c).

principal member, of a council, means the member appointed or elected to be the principal member under section 58 or 59.

private company means a proprietary company as defined in the Corporations Act 2001 with fewer than 25 members.

public cemetery, see section 5 of the *Burial and Cremation Act 2019*.

public notice means notice published in accordance with section 11.

public office, of a council, means the office of the council that is open to the public during business hours.

publish includes publish or broadcast by radio, television, Internet, telephone or other means.

rateable, in relation to land, see section 215.

rate concession, see section 244.

ratepayer means a person who pays, or is liable to pay, rates or a charge imposed on land under Chapter 11.

rates, for Chapter 11, Part 11.9, see section 248.

region means Territory region.

regional plan, see section 32(2)(b).

register of annual returns of interests, see section 109.

register of declared conflicts, see section 113.

register of declared gifts and benefits, see section 114.

relevant returning officer, in relation to material that relates to an election, means the returning officer for an election that is:

- (a) after the election to which the material relates but not after the next periodic general election; and
- (b) for a ward or local government area affected by the election to which the material relates.

reserve, see section 76 of the *Crown Lands Act 1992*.

responsible entity, for a community cemetery or a public cemetery, see section 5 of the *Burial and Cremation Act 2019*.

returning officer, for an election:

- (a) if the election is a by-election – see section 133(9); or
- (b) otherwise – means the Electoral Commissioner.

reviewable decision, see section 316(1).

review panel, see section 122.

road, see section 266.

shire means the local government area classified as a shire under section 15.

shire plan, section 32(2)(c).

special meeting, of a council, see section 88(5).

special rates, see section 235.

special resolution means a resolution supported by the votes of at least three-quarters of the total number of members of the council.

Territory region means the local government area classified as a region under section 15.

urban farm land means land classified by a council as urban farm land under section 218.

valuation roll means the valuation roll prepared and maintained under the *Valuation of Land Act 1963*.

ward means a divided portion of a local government area.

zone means a zone constituted under the *Planning Act 1999*.

Note for section 7

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

8 Meaning of **Aboriginal community living area**

An **Aboriginal community living area** is:

- (a) an area granted as an Aboriginal community living area under Part 8 of the *Pastoral Land Act 1992* (or the corresponding previous legislative provisions); or

- (b) an area that the Minister designates, by *Gazette* notice, as an Aboriginal community living area.

9 **Meaning of *associate***

A person is an ***associate*** of another person if:

- (a) they are in a close family relationship; or
- (b) they are in partnership; or
- (c) one is a company and the other is a director or manager of the company; or
- (d) they are related companies; or
- (e) one is a private company and the other is a shareholder in the company; or
- (f) a chain of relationships can be traced between them under one or more of the above paragraphs.

10 **Meaning of *prescribed corporation***

The ***prescribed corporation*** is the corporate entity prescribed by regulation.

11 **Public notice for matters in relation to elections**

- (1) If this Act requires public notice to be given about a matter in relation to an election, notice about the matter must be published as follows:
 - (a) the returning officer for the election must publish information about the matter in a newspaper circulating in the relevant local government area;
 - (b) the returning officer for the election must direct the relevant council to make that information available on the council's website in accordance with section 287.
- (2) The council must comply with the direction under subsection (1)(b).
- (3) This section does not prevent the giving of notice about the matter in another way.

Examples for subsection (3)

Radio or television broadcast.

- (4) However, if under this Act, a specified period after a public notice is required or allowed for a matter, the period starts on the date the

notice is first published under subsection (1).

12 Council policies to be consistent with code of conduct

If this Act provides for a council to adopt a policy about a particular matter, the policy must be consistent with the council's code of conduct.

Part 1.4 Application of Criminal Code

13 Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Act.

Note for section 13

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

Chapter 2 System of local government

Part 2.1 Local government areas

14 Local government system

Under the system of local government established by this Act:

- (a) the Territory is divided into local government areas having regard to:
 - (i) geography and natural configuration; and
 - (ii) the nature and density of population; and
 - (iii) the viability, and appropriateness, of each area as a separate unit of local government administration; and
- (b) a local government council is constituted for each area to be responsible for the government and management of the area at the local level.

15 Municipalities, regions and shires

Local government areas are classified as municipalities, regions or shires according to their geographical size, the density of their population and their degree of urbanisation.

Part 2.2 Constitutive powers

16 Power to establish local government etc.

- (1) The Administrator may, by *Gazette* notice, exercise any one or more of the following powers:
 - (a) constitute a part of the Territory as a local government area or abolish a local government area;
 - (b) merge 2 or more local government areas;
 - (c) determine whether a local government area is a municipality, a region or a shire;
 - (d) change a municipality into a shire or a shire into a municipality;
 - (e) change a municipality into a region or a region into a municipality;
 - (f) change a region into a shire or a shire into a region;
 - (g) assign a name to a local government area or change the name of a local government area;
 - (h) assign a name to the council for a local government area or change the name of the council for a local government area;
 - (i) define or change the boundaries of a local government area;
 - (j) create or abolish wards;
 - (k) define or change the boundaries of a ward;
 - (l) assign a name to, or alter the name of, a ward;
 - (m) determine or change the number of members to be elected for a particular area or a ward within a particular area;
 - (n) correct an error or omission in an earlier notice under this section.
- (2) The Minister may also, by *Gazette* notice, exercise any of the powers conferred by subsection (1) except the power to constitute or abolish a local government area under subsection (1)(a).
- (3) If a *Gazette* notice under subsection (1) or (2) changes the name of a local government area, or of a local government council, any reference to the area or council is taken to be read as a reference to the area or council as changed by the notice.

- (4) A local government area may consist of 2 or more non-contiguous sections.

17 Consequential adjustment of rights and liabilities

- (1) The Administrator may, by *Gazette* notice, make any disposition of property or rights and liabilities in relation to a local government council that may be desirable as a consequence of:
- (a) the constitution or abolition of a local government area; or
 - (b) the merging of 2 or more local government areas; or
 - (c) a change to the boundaries of a local government area.
- (2) The Minister may also, by *Gazette* notice, exercise the power conferred by subsection (1).
- (3) On application for registration of a disposition of an interest in land made by the Administrator or the Minister under subsection (1), the Registrar-General must make appropriate entries in the land register.

18 Prospective council

- (1) This section applies if the Administrator intends to constitute a local government area under section 16(1)(a).
- (2) Before constituting the local government area, the Administrator may, by *Gazette* notice, establish a prospective council under the name to be assigned to the council for the local government area.
- (3) The prospective council:
- (a) is a body corporate with perpetual succession; and
 - (b) has a common seal; and
 - (c) is capable of acquiring, holding and disposing of real property (including leasehold) and personal property and of suing and being sued.
- (4) All courts, judges and persons acting judicially are to take judicial notice of the common seal of the prospective council affixed to a document and are to assume that it was duly affixed.
- (5) The prospective council is constituted by the person appointed under subsection (6) until the prospective council becomes the council or otherwise ceases to exist.
- (6) The Administrator or the Minister may, by *Gazette* notice, appoint a

person to constitute the prospective council.

- (7) A prospective council established under subsection (2) has full power to transact any business or do anything else as if:
- (a) the prospective council were the council for the local government area; and
 - (b) the local government area had been constituted under section 16(1)(a).
- (8) The prospective council becomes the council after the general election for the council for the local government area.

Note for section 18

The Minister must call a general election for an area if the area is newly constituted under section 131.

19 By-laws

- (1) This section applies in relation to by-laws that apply in a part of the Territory immediately before:
- (a) the constitution of a local government area; or
 - (b) the merging of 2 or more local government areas; or
 - (c) the boundaries of a local government area are changed; or
 - (d) there is a change in the classification of a local government area.
- (2) The Administrator or the Minister may, by *Gazette* notice, determine which by-laws apply to a local government area or part of a local government area.

Part 2.3 Role, functions and objectives of councils

20 Principal role of council

The role of a council is:

- (a) to act as a representative, informed and responsible decision maker in the interests of its constituency; and
- (b) to develop a strong and cohesive social life for its residents and allocate resources in a fair, socially inclusive and sustainable way; and
- (c) to provide and coordinate public facilities and services; and

- (d) to encourage and develop initiatives for improving quality of life; and
- (e) to represent the interests of its area to the wider community; and
- (f) to exercise and perform the powers and functions of local government assigned to the council under this Act or another Act.

21 Functions of council

- (1) The functions of a council include the following:
 - (a) to plan for the future requirements of its area for local government services;
 - (b) to provide services and facilities for the benefit of its area, its residents and visitors;
 - (c) to provide for the interests and well-being of individuals and groups within its area;
 - (d) to carry out measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;
 - (e) to manage and develop council facilities and services in its area in a sustainable way;
 - (f) to manage and develop for the benefit of its area all the resources available to the council;
 - (g) other functions assigned to the council under this Act or another Act.
- (2) The functions of a council may (if the council chooses to perform them) include the following:
 - (a) to promote its area as a location for appropriate industries or commerce or as an attractive tourist destination;
 - (b) to establish or support programs that benefit its area.

22 Powers of council

A council may do all things necessary or convenient to be done for, or in relation to, the performance of the council's functions.

23 Objectives of council

A council has the following objectives:

-
- (a) to provide open, responsive and accountable government at the local level;
 - (b) to be responsive to the needs, interests and aspirations of individuals and groups within its area;
 - (c) to cooperate with Territory and national governments in the delivery of services for the benefit of its area;
 - (d) to seek to ensure a proper emphasis on environmentally sustainable development within its area and a proper balance between economic, social, environmental and cultural considerations;
 - (e) to place a high value on the importance of service to the council's constituency;
 - (f) to seek to ensure that council resources are used fairly, effectively and efficiently;
 - (g) to seek to provide services, facilities and programs that are appropriate to the needs of its area and to ensure equitable access to its services, facilities and programs;
 - (h) generally to act at all times in the best interests of the community as a whole.

24 Operations outside area

- (1) A council may provide services outside its own area but cannot exercise its regulatory powers outside its own area except:
 - (a) by mutual agreement with the council in whose area the powers are to be exercised; or
 - (b) if the powers are to be exercised outside the council area – with the Minister's consent.
- (2) For subsection (1)(a), mutual agreement may only be established by resolution of each council to the agreement.
- (3) For subsection (1)(b), the council may only seek the Minister's consent by resolution of the council.
- (4) However, a council may exercise regulatory and other powers outside its own area without the agreement of another council or the Minister's consent (as the case requires), if the occasion for exercising the powers arises from circumstances occurring in the council's area.

Example for subsection (4)

A dangerous dog attacks a child in the area of council A and becomes liable to seizure and destruction under the by-laws of that council. The dog is removed to the area of council B. In this case, council A may (without the agreement of council B) have the dog seized and destroyed in the area of council B.

Chapter 3 Planning at the local level

Part 3.1 Definition

25 Definition

In this Chapter:

committee means the Local Government Representation Committee, established by section 26.

Part 3.2 Local Government Representation Committee

26 Local Government Representation Committee

- (1) There is a Local Government Representation Committee.
- (2) The committee consists of:
 - (a) the Electoral Commissioner; and
 - (b) the Surveyor-General; and
 - (c) the CEO of the prescribed corporation; and
 - (d) a person appointed by the Minister.
- (3) The chairperson of the committee is the person mentioned in subsection (2)(c).
- (4) The chairperson of the committee has a casting vote.

27 Powers of committee

- (1) The committee may determine:
 - (a) if a local government area is divided into wards:
 - (i) that the local government area remain divided into the same wards or be divided into different wards; or
 - (ii) that the local government area should not be divided into wards; or

-
- (b) if a local government area is not divided into wards:
 - (i) that the local government area remain that way; or
 - (ii) that the local government area should be divided into wards.
 - (2) If the committee makes a determination that a local government area be divided into wards or different wards, the committee must also determine:
 - (a) the number of wards for the local government area; and
 - (b) the boundaries of the wards for the local government area; and
 - (c) the number of council members for each ward.
 - (3) The committee may also make recommendations in relation to the local government area.

Example for subsection (3)

The committee may make a recommendation in relation to:

- (a) the names of the wards; or*
- (b) the external boundaries of the local government area.*

28 Procedures

Subject to this Act, the committee may determine its own procedures.

29 Considerations for determination

- (1) Before making a determination under section 27, the committee must:
 - (a) invite written submissions from the council for the local government area and the public no later than 10 months after the polling day of a general election for the council; and
 - (b) allow at least 60 days after the invitation to make submissions under paragraph (a) to receive submissions; and
 - (c) after receiving the submissions:
 - (i) consider the submissions; and
 - (ii) publish a preliminary report on its website proposing its determination or alternate determinations; and

- (iii) invite written submissions from the council and the public on the preliminary report; and
- (d) allow at least 60 days after the invitation to make submissions under paragraph (c)(iii) to receive submissions; and
- (e) after receiving the submissions:
 - (i) consider the submissions; and
 - (ii) publish a final report with its determination on its website.
- (2) The committee may, for subsection (1)(c), hold a public hearing or request further information from a person who made a submission.
- (3) The committee must provide its final report to the council and the Minister at least 18 months before the next periodic general election for the council.
- (4) The Minister must, by *Gazette* notice, notify the making of the determination.
- (5) The determination takes effect from the next general election for the council.

30 Assessment criteria for committee to use in determinations

In making a determination under section 27, the committee must consider the following matters:

- (a) community of interests in the local government area including economic, social and regional interests;
- (b) types of communication and travel in the local government area with special reference to disabilities arising out of remoteness or distance;
- (c) the trend of population changes in the local government area;
- (d) the density of population in the local government area;
- (e) the physical features of the local government area.

31 Assessment criteria in relation to division of wards

- (1) This section applies if the committee determines:
 - (a) if a local government area is divided into wards – that the local government area remain divided into the same wards or be divided into different wards; or

- (b) if a local government area is not divided into wards – that the local government area should be divided into wards.
- (2) In making the determination, the committee must consider the desirability of:
 - (a) the number of electors for each ward being as near to equal as practicable at the next general election; and
 - (b) keeping the area of each ward containing rural and remote areas as small as practicable; and
 - (c) keeping the demographic and geographic nature of each ward as uniform as practicable; and
 - (d) including an identifiable community wholly within one ward if practicable.

Part 3.3 Municipal, regional or shire plans

32 Municipal, regional or shire plans

- (1) Each council must have a plan for its area.
- (2) The plan for a council is:
 - (a) for a municipality – the ***municipal plan***; and
 - (b) for a region – the ***regional plan***; and
 - (c) for a shire – the ***shire plan***.
- (3) A council's municipal, regional or shire plan:
 - (a) must be accessible on the council's website; and
 - (b) must be available for inspection at the council's public office; and
 - (c) must be available for purchase from the council's public office at a fee fixed by the council.

33 Contents of municipal, regional or shire plan

- (1) A municipal, regional or shire plan:
 - (a) must include:
 - (i) a service delivery plan for the period to which the plan relates; and

- (ii) the council's budget and any amendment to the budget; and
 - (b) must include, or incorporate by reference:
 - (i) any long-term, community or strategic plan adopted by the council or a local authority and relevant to the period to which the plan relates; and
 - (ii) the council's long-term financial plan; and
 - (c) must define indicators for judging the standard of the council's performance.
- (2) A municipal, regional or shire plan incorporates a plan or assessment by reference if it refers to the plan or assessment and includes a link or reference to a webpage on which the plan or assessment is accessible.

34 Annual review of municipal, regional or shire plan

- (1) A council must adopt its municipal, regional or shire plan (or revisions to its municipal, regional or shire plan) between 1 March and 30 June in each year.
- (2) The council must give a copy of the plan (or the revised plan) to the Agency by the latter date mentioned in subsection (1).
- (3) Before the council adopts its municipal, regional or shire plan (or revisions to its municipal, regional or shire plan) for a particular year, the council must:
 - (a) prepare a draft of the plan (incorporating any proposed revisions); and
 - (b) make the draft plan accessible on the council's website and make copies available for public inspection at the council's public offices; and
 - (c) publish a notice on its website and in a newspaper circulating generally in the area inviting written submissions on the draft plan within a period (at least 21 days) from the date of the notice; and
 - (d) consider the submissions made in response to the invitation and make any revisions to the draft the council considers appropriate in the light of the submissions.
- (4) Although the council's budget forms part of its municipal, regional or shire plan, this section does not apply to the adoption of the budget

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or of amendments to it.

- (5) The adoption of a budget, or of amendments to it, operates to amend the municipal, regional or shire plan so that it conforms with the most recent text of the council's budget.

35 Core services

- (1) The Minister may, by *Gazette* notice, advise a council as to the services that, in the Minister's view, are services that the council should, as a priority, provide.
- (2) The council must consider the advice when adopting and renewing its plan.

Chapter 4 Council and its members

Part 4.1 Council as a body corporate

Division 1 Corporate nature, capacity and powers of council

36 Council as a body corporate

- (1) A council:
 - (a) is a body corporate with perpetual succession; and
 - (b) has a common seal; and
 - (c) is capable, in its corporate name, of acquiring, holding and disposing of real property (including leasehold) and personal property and of suing and being sued.
- (2) All courts, judges and persons acting judicially are to take judicial notice of the common seal of a council affixed to a document and are to assume that it was duly affixed.
- (3) A council has the name assigned to it under section 16(1)(h).
- (4) A council has the functions and powers conferred by this Act or another Act.

37 How council acts in its corporate capacity

- (1) A council acts:
 - (a) through local authorities, council committees, officers, staff and agents to whom the council has delegated powers or

authorised to act on its behalf; or

- (b) through officers or other persons authorised by this Act (or a by-law) to act on the council's behalf; or
- (c) under its common seal.

Note for subsection (1)

It follows that a contract is to be made by a council under its common seal or by an officer or other agent of the council with authority to act on its behalf.

(2) The affixing of the common seal to a document:

- (a) must be authorised or ratified by resolution of the council; and
- (b) must be attested by the signatures of the CEO and at least one member of the council.

38 Formation, ownership or participation in other bodies corporate

- (1) A council must not form, own (in full or in part) or otherwise participate in any type of corporation, partnership or other trading body, irrespective of whether such formation, ownership or participation is for the purposes of investment or otherwise.
- (2) However, the Minister, in consultation with the Treasurer, may approve a formation, ownership or participation, on any conditions the Minister thinks fit.

Division 2 Delegation

39 Delegation

- (1) A council may delegate its powers and functions.
- (2) A delegation may be made to:
 - (a) the CEO; or
 - (b) a council committee; or
 - (c) a local authority; or
 - (d) a local government subsidiary.
- (3) However:
 - (a) the power to impose rates and charges cannot be delegated; and

- (b) if power to incur financial liabilities is delegated – the council must fix reasonable limits on the delegate's authority; and
 - (c) a delegation cannot duplicate or derogate from the CEO's functions (including delegated functions); and
 - (d) a decision to classify information as confidential cannot be delegated; and
 - (e) a decision to enter into a transaction on conditions that are not arm's length conditions cannot be delegated; and
 - (f) a decision that requires a council resolution cannot be delegated.
- (4) A council, as the responsible entity of a public cemetery or a community cemetery, may only delegate the powers and functions of the responsible entity under the *Burial and Cremation Act 2019* to a local government subsidiary.
- (5) In this section:

arm's length conditions means are the conditions that might be expected to operate between commercial entities dealing wholly independently with one another in comparable circumstances.

Part 4.2 Council members

Division 1 Composition of councils

40 Composition of council

A council consists of the members elected or appointed to the council from time to time under this Act.

41 Vacancy etc. in office of member

The validity of a decision or act of a council is unaffected by:

- (a) a vacancy in the office of a member; or
- (b) a defect in the appointment or election of a member; or
- (c) the fact that a person has acted in the office of a member while disqualified from office.

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Division 2 Role of members

42 Role of members

- (1) The role of a member of a council is:
 - (a) to represent the interests of all residents and ratepayers of the council area; and
 - (b) to provide leadership and guidance; and
 - (c) to facilitate communication between the members of the council's constituency and the council; and
 - (d) to participate in the deliberations of the council and its community activities; and
 - (e) to ensure, as far as practicable, that the council acts honestly, efficiently and appropriately in carrying out its statutory responsibilities.
- (2) However, a member of the council has no power to direct or control staff, or to interfere with the management of staff.
- (3) A member of the council has a duty to act, at all times, in what the member genuinely believes to be the best interests of the council's constituency.

43 Professional development of members

- (1) The CEO of the Agency may approve training courses for members of a council.
- (2) A member of a council must complete an approved training course within 6 months of each general election.
- (3) If a member is elected in a by-election or appointed to fill a casual vacancy, the training must be undertaken within 12 months of the election or appointment, unless the election or appointment is less than 12 months before the next general election.

Division 3 Terms and conditions of membership

Subdivision 1 Term of membership and disqualification

44 Eligibility for membership

A person is, unless disqualified, eligible for election or appointment as a member of a council if:

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- (a) the person is enrolled as an elector in respect of a place of residence within the council's area; and
- (b) the person's principal place of residence is within the council's area.

45 Disqualification

- (1) A person is disqualified from office as a member of a council if the person:
 - (a) holds a judicial office (other than justice of the peace); or
 - (b) is bankrupt; or
 - (c) has been sentenced to a term of imprisonment (which has not expired) of 12 months or more; or
 - (d) is a staff member of the council; or
 - (e) is a staff member of the local government subsidiary of which the council is a constituent council of the local government subsidiary; or
 - (f) is indebted to the council and fails to discharge the debt within 6 months after the debt becomes due and payable in accordance with the regulations; or
 - (g) is certified mentally unfit to carry out the functions of a member; or
 - (h) is disqualified from managing a corporation under the Corporations Act 2001 or the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth); or
 - (i) is disqualified under section 40 of the *Associations Act 2003* from being an officer of an incorporated association; or
 - (j) is a member of the Commonwealth House of Representatives or the Senate; or
 - (k) is determined by NTCAT to be unfit to be a member under section 130; or
 - (l) for the period mentioned in that subsection – is incapable of holding a local government office under section 89(3) of the Criminal Code.
- (2) For subsection (1)(g), a person is certified mentally unfit to carry out the functions of a member if 2 medical practitioners have certified

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that the person is mentally unfit, and likely to remain unfit for the remainder of the person's term of office, to carry out the functions of a member.

46 Basic term of office

- (1) A council member is elected or appointed for a term of office ending at the conclusion of the next general election following the member's election or appointment.
- (2) If a member continues to be eligible for membership, the member is eligible for re-election for a successive term or terms.

47 Disclosure requirements

- (1) If a council member is convicted of any offence, the member must notify the CEO of the conviction.
- (2) The CEO must notify the Agency of the conviction no later than 14 days after the CEO has been notified by the member under subsection (1).
- (3) A member commits an offence if:
 - (a) the member is convicted of an offence; and
 - (b) does not notify the CEO of the conviction.

Maximum penalty: 100 penalty units.

- (4) An offence against subsection (3) is an offence of strict liability.

Note for section 47

If a member is convicted of an offence showing the member to be unfit to remain in office, NTCAT may determine the member to be unfit to be a member under section 130.

Subdivision 2 Casual vacancies

48 Casual vacancies

- (1) A person ceases to hold office as a member of a council if the person:
 - (a) dies; or
 - (b) is disqualified from office as a member of the council; or
 - (c) ceases to be enrolled as an elector in respect of a place of residence within the area; or

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- (d) ceases to have a principal place of residence within the area; or
 - (e) is absent, without permission of the council in accordance with the regulations, from 2 consecutive ordinary meetings of the council; or
 - (f) resigns by written notice given to the CEO; or
 - (g) is determined by NTCAT to be unfit to be a member under section 130.
- (2) A person commits an offence if:
- (a) the person is:
 - (i) disqualified from office as a member of the council; and
 - (ii) is reckless in relation to that circumstance; and
 - (b) the person fails to inform the CEO, as soon as practicable, of the vacancy in the office and the reason for it.

Maximum penalty: 100 penalty units.

- (3) A person commits an offence if:
- (a) the person:
 - (i) ceases to be enrolled as an elector in respect of a place of residence within the area; and
 - (ii) is reckless in relation to that circumstance; and
 - (b) the person fails to inform the CEO, as soon as practicable, of the vacancy in the office and the reason for it.

Maximum penalty: 100 penalty units.

- (4) Strict liability applies to subsections (2)(b) and (3)(b).

49 Notifying CEO of resignation

If a member resigns by written notice given to the CEO, the resignation:

- (a) cannot be withdrawn; and
- (b) takes effect on the date the notice is given to the CEO or on a date (not more than 3 months later) specified in the notice.

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50 CEO's notifications of casual vacancy

- (1) If a CEO believes on reasonable grounds that a member has ceased to hold office as a member of a council under section 48, the CEO must notify the Agency as soon as practicable.
- (2) After receiving a notification by the CEO, the CEO of the Agency must:
 - (a) confirm whether the member has ceased to hold office as a member of the council under section 48; and
 - (b) give the confirmation to the CEO.
- (3) If the CEO of the Agency confirms a casual vacancy, the CEO of the Agency must notify the Electoral Commissioner and the council as soon as practicable after confirming the casual vacancy.

51 Filling casual vacancy generally

- (1) This section applies if a casual vacancy occurs in the office of a member other than a principal member.
- (2) If a casual vacancy occurs:
 - (a) less than 18 months, but not less than 6 months, before the next general election – the council may, by vote of existing members, appoint a person to fill the vacancy until the next general election; or
 - (b) 6 months or less before the next general election – the council may, by vote of existing members:
 - (i) appoint a person to fill the vacancy until the next general election; or
 - (ii) may leave the office vacant; or
 - (c) 18 months or more before the next general election – the council must hold a by-election.
- (3) The council must fill a casual vacancy under subsection (2) in accordance with its policy for filling casual vacancies, adopted by resolution.

52 Reinstatement if member stands as candidate

- (1) Despite section 51, a person is reinstated as a member of the council if:
 - (a) the person resigns in order to stand as a candidate for election

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- to the Legislative Assembly, the Commonwealth House of Representatives or the Senate; and
- (b) the resignation takes effect not more than 28 days before the close of nominations for the relevant election; and
 - (c) the person is not elected; and
 - (d) the person applies to the CEO to be reinstated as a member of the council within 7 days after the result of the election is known.
- (2) A person reinstated to office under subsection (1) is not entitled to remuneration or allowances for the period between resignation and reinstatement.
- (3) If the person reinstated to office under subsection (1) is the principal member:
- (a) the vacancy is taken to be a period during which the member was absent from official duties; and
 - (b) the member is reinstated as the principal member.
- (4) If the member reinstated to office under subsection (1) is the deputy principal member:
- (a) if the member's term of office as the deputy principal member did not expire during the period between resignation and reinstatement – the member is reinstated as the deputy principal member; or
 - (b) if the member's term of office as the deputy principal member expired during the period between resignation and reinstatement – the member is reinstated as an ordinary member.
- (5) A member ceases to hold office as a member of the council under this section if the result of the election is declared and
- (a) the member has been elected; or
 - (b) the member has not been elected, the period for applying for reinstatement under subsection (1) has expired and the former member has not applied for reinstatement.

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Subdivision 3 Eligibility for office

53 Determination of eligibility for office by CEO

- (1) The CEO of the Agency may, on an application by the CEO, the returning officer or a member of the public, determine whether a member of a council is eligible to hold office.
- (2) Subsection (1) applies if the member may be disqualified under section 45(1)(a) to (e) or (h) to (l).
- (3) The CEO of the Agency must give the CEO and the member a decision notice for the determination within 14 days after receiving the application.
- (4) The CEO of the Agency may refer the application to NTCAT to determine the application.

54 Determination of eligibility for office by NTCAT

- (1) A council may apply to NTCAT to determine whether a member is eligible to hold office if the member may be disqualified under section 45(1)(f).
- (2) The CEO, the returning officer or a member of the public may apply to NTCAT to determine whether a member is eligible to hold office if the member may be disqualified under section 45(1)(g).

Subdivision 4 Immunity from liability

55 Immunity from personal liability

- (1) No civil or criminal liability attaches to a member of a council for an honest act or omission in the performance, or the purported performance, of official functions under this Act or another Act.
- (2) Any civil liability that would, but for this section, attach to a member of a council, attaches instead to the council.

Subdivision 5 Principal member

56 Mayor or President

- (1) The principal member of a municipal council is to have the title ***Mayor***.

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(2) However:

- (a) in the case of the council for the City of Darwin local government area – the principal member is to have the title **Lord Mayor**; and
 - (b) in the case of the Litchfield Council – the principal member may instead have, at the election of the council, the title **President**; and
 - (c) in the case of a council for a region or shire – the principal member may instead have, at the election of the council, the title **President**.
- (3) The principal member for the councils mentioned in subsection (2)(b) or (c) may, in the alternative, have the title **Mayor**.

57 Role of principal member and deputy or acting principal member

- (1) In addition to the role of a member mentioned in section 42, the principal member of a council has the following roles:
 - (a) to chair meetings of the council; and
 - (b) to speak on behalf of the council as the council's principal representative; and
 - (c) to carry out civic and ceremonial functions;
 - (d) to liaise with the CEO about the performance of the council's and CEO's functions.
- (2) In addition to the role of a member mentioned in section 42, the role of the deputy principal member of a council is to carry out any of the principal member's functions when the principal member:
 - (a) delegates the functions to the deputy; or
 - (b) is absent from official duties because of illness or for some other reason; or
 - (c) is on leave.
- (3) If the principal member is absent from official duties or on leave or for some other reason and there is no deputy principal member or the deputy is not available to act in the principal member's position, the council may, by resolution, appoint another member of the council to act in the principal member's position for a specified period or until the principal member resumes official duties.

Chapter 4	Council and its members
Part 4.2	Council members
Division 3	Terms and conditions of membership
Subdivision 5	Principal member

58 Election or appointment of principal member

- (1) The principal member of a council is to be elected or appointed to the office.
- (2) A council is taken to have chosen appointment as the basis of filling the office until the council changes the basis of filling the office under subsection (3).
- (3) A council may, by special resolution, change the basis of filling the office.
- (4) The council must, as soon as practicable, notify the Electoral Commissioner and the CEO of the Agency if the council changes the basis of filling the office under subsection (3).
- (5) However, a change to the basis of filling the office:
 - (a) may only be made once during a council's term; and
 - (b) must be made at least 12 months, but not more than 18 months, before the end of that term.
- (6) If a change is made to the basis of filling the office:
 - (a) the change does not take effect until the next general election; and
 - (b) for the next general election, the change takes effect as follows:
 - (i) if the change is that the office is to be filled by election – the number of members of the council is increased by one;
 - (ii) if the change is that the office is to be filled by appointment – the number of members of the council is decreased by one.
- (7) If there is a change in the classification of a local government area under section 16, the basis of filling the office of the principal member remains the same as it was before the change, until changed under this section.

59 Election or appointment of principal member and deputy principal member

- (1) If election is the basis of filling the office of the principal member, the office is to be filled at each general election.

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Part 4.2	Council members
Division 3	Terms and conditions of membership
Subdivision 5	Principal member

- (2) If appointment is the basis of filling the office of the principal member of a council, the council must, at the first meeting of a council after a general election, appoint one of its members to be the principal member.
- (3) The council may appoint another one of its members to be the deputy principal member of the council.

60 Term of office

- (1) The principal member is elected or appointed for a term of office ending at the conclusion of the next general election.
- (2) The deputy principal member is appointed for a term of office ending at the conclusion of the next general election or a lesser term fixed by the council when it makes the appointment.

61 Resignation of principal member

- (1) If appointment is the basis of filling the office of the principal member of a council, the principal member may resign as the principal member and continue the member's term of office as an ordinary member.
- (2) The resignation must include the following:
 - (a) a statement that the principal member is resigning from the office of principal member;
 - (b) a statement whether the principal member is also resigning from the office of ordinary member.
- (3) If the resignation does not include the statement mentioned in subsection (2)(b), the member is taken not to have resigned from the office of ordinary member.
- (4) If election is the basis of filling the office of the principal member, the member is not entitled to continue the member's term of office as an ordinary member.

Note for section 61

Section 49 provides that a resignation takes effect on the date the notice is given to the CEO or on a date (not more than 3 months later) specified in the notice.

62 Resignation of deputy principal member

- (1) The deputy principal member of a council may resign as the deputy principal member and continue the member's term of office as an ordinary member.

Chapter 4	Council and its members
Part 4.2	Council members
Division 3	Terms and conditions of membership
Subdivision 5	Principal member

- (2) The resignation must include the following:
 - (a) a statement that the deputy principal member is resigning from the office of deputy principal member;
 - (b) a statement whether the deputy principal member is also resigning from the office of ordinary member.
- (3) If the resignation does not include the statement mentioned in subsection (2)(b), the member is taken not to have resigned from the office of ordinary member.

Note for section 62

Section 49 provides that a resignation takes effect on the date the notice is given to the CEO or on a date (not more than 3 months later) specified in the notice.

63 Filling casual vacancies – principal member

- (1) This section applies if a casual vacancy occurs in the office of a principal member.
- (2) If appointment was the basis for filling the office of the principal member, and a casual vacancy in the office of the principal member occurs, the council:
 - (a) if the vacancy occurs 3 months or more before the next general election – must, by vote of existing members, appoint a member to fill the vacancy; or
 - (b) if the vacancy occurs less than 3 months before the next general election:
 - (i) may, by vote of existing members, appoint a member to fill the vacancy; or
 - (ii) may leave the office vacant.
- (3) If election was the basis for filling the office of the principal member, and a casual vacancy in the office of the principal member occurs, the council:
 - (a) if the vacancy occurs 18 months or more before the next general election – must hold a by-election; or
 - (b) if the vacancy occurs less than 18 months but more than 3 months before the next general election:
 - (i) may, by vote of existing members, decide for a member to fill the vacancy; or
 - (ii) may hold a by-election; or

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- (c) if the vacancy occurs 3 months or less before the next general election:
 - (i) may, by vote of existing members, decide for a member to fill the vacancy; or
 - (ii) may hold a by-election; or
 - (iii) may leave the office vacant.
 - (4) If a person is voted to fill a casual vacancy in the office of an elected principal member:
 - (a) the person is not (unless appointed by the council to be its principal member) to be the council's principal member; and
 - (b) the council may appoint any of its existing members to be its principal member for the remainder of the council's term; and
 - (c) if the council does not fill a casual vacancy in the office of an elected principal member – it may appoint any of its existing members to be its principal member for the remainder of its term.

Part 4.3 Council office

64 Council office

- (1) A council must have at least one public office.
- (2) A public office must be open to the public at reasonable times determined by the council.
- (3) If a council has more than one public office, a document to be displayed or available for inspection at the council's public office must be displayed or available for inspection at each of the public offices.

Part 4.4 Local government subsidiary

65 Local government subsidiary

- (1) If the Minister approves, a council or 2 or more councils acting together (the **constituent council or councils**) may form a body corporate (a **local government subsidiary**) to carry out functions related to local government on behalf of the constituent council or councils.

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- (2) The local government subsidiary and the constituent council or councils must comply with:
- (a) any conditions of the Minister's approval; and
 - (b) any guidelines that the Minister may make.

66 Corporate identity and functions of local government subsidiary

- (1) A local government subsidiary comes into existence as a body corporate on a date fixed by the Minister by *Gazette* notice.
- (2) A local government subsidiary:
 - (a) is a body corporate with perpetual succession; and
 - (b) has a common seal; and
 - (c) is capable, in its corporate name, of acquiring, holding and disposing of real property (including leasehold) and personal property and of suing and being sued.
- (3) All courts, judges and persons acting judicially are to take judicial notice of the common seal of a council affixed to a document and are to assume that it was duly affixed.
- (4) A local government subsidiary:
 - (a) has the name assigned in its constitution; and
 - (b) has the powers and functions conferred or assigned by its constitution.
- (5) A local government subsidiary acts:
 - (a) through officers or agents appointed for the purpose; or
 - (b) under its common seal.
- (6) The common seal of a local government subsidiary may only be affixed to a document as authorised by its constitution.
- (7) The constituent council or councils are jointly and severally liable for any liabilities of the local government subsidiary.

67 Constitution of local government subsidiary

- (1) The constitution of a local government subsidiary must be approved by the Minister.

- (2) The constitution must provide that any liabilities of the local government subsidiary are guaranteed by the constituent council or councils.
- (3) The constituent council or councils may, with the Minister's approval, vary the constitution of the local government subsidiary.
- (4) The approved constitution must be accessible on the Agency's website and on the website of the constituent council or councils.

68 Reporting obligations

- (1) Each constituent council for a local government subsidiary is responsible for ensuring that proper accounts are kept of the local government subsidiary's financial affairs.
- (2) Each constituent council's annual report is to contain, or to incorporate by reference, a report on the local government subsidiary's activities for the relevant financial year including audited financial statements for the relevant financial year.

69 Chief executive

- (1) A local government subsidiary must have a chief executive for the local government subsidiary.
- (2) The chief executive is the person in charge of day-to-day operations of the local government subsidiary.
- (3) The following persons are not eligible to be the chief executive:
 - (a) the person is disqualified from managing a corporation under the Corporations Act 2001 or the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth); or
 - (b) the person is disqualified under section 40 of the *Associations Act 2003*;
 - (c) the person is bankrupt.
- (4) However, a person mentioned in subsection (3) becomes eligible to be the chief executive if the circumstances in that subsection no longer apply to the person.

70 Delegation by chief executive

- (1) The chief executive may delegate a power or function under this Act or another Act to a person or committee.
- (2) However, the chief executive must not delegate a power or function

to any of the following:

- (a) an audit committee;
- (b) a council committee;
- (c) a local authority.

71 Offences for conflict of interest

(1) A person commits an offence if:

- (a) the person is a staff member; and
- (b) the staff member has a personal or financial interest in a matter in regard to which the member is required or authorised to act or give advice; and
- (c) the member does not disclose the interest:
 - (i) if the staff member is the chief executive – to the local government subsidiary; or
 - (ii) in any other case – to the chief executive.

Maximum penalty: 100 penalty units.

(2) A person commits an offence if:

- (a) the person is a staff member; and
- (b) the staff member has a personal or financial interest in a matter in regard to which the member is required or authorised to act or give advice; and
- (c) the staff member acts in the matter in a way other than as authorised by the chief executive or the local government subsidiary under subsection (5) (as the case requires).

Maximum penalty: 100 penalty units.

(3) An offence against subsection (1) or (2) is an offence of strict liability.

(4) It is a defence to a prosecution for an offence against subsection (1) or (2) if the defendant was unaware of the personal or financial interest.

(5) The local government subsidiary may:

- (a) provide authorisation, on any conditions it considers

appropriate, to a staff member; and

- (b) authorise the chief executive to provide authorisation, on any conditions the chief executive considers appropriate, to a staff member.
- (6) The local government subsidiary provides the authorisation under subsection (5):
- (a) for a local government subsidiary with one constituent council – by resolution of the constituent council; or
 - (b) for a local government subsidiary with more than one constituent council – by resolution of the local government subsidiary.
- (7) In this section:
- staff member** includes:
- (a) a person who is not an employee but works for, or provides services to, the local government subsidiary on a contract basis; or
 - (b) a person who works for the local government subsidiary under an arrangement with a labour hire agency; or
 - (c) a person acting under powers of the local government subsidiary conferred by delegation.

72 Abolition of local government subsidiary

- (1) The Minister may, by *Gazette* notice, abolish a local government subsidiary.
- (2) Irrespective of the constitution of the local government subsidiary, on abolition of a local government subsidiary, the Minister may make directions in relation to the transfer or vesting of its property, rights and liabilities.

Chapter 5 Local decision making

Part 5.1 Local authorities

73 Object

The object of this Part is to achieve effective integration and involvement of local communities in the system of local government

as it relates to regions.

74 Local authorities

- (1) The Minister may, by *Gazette* notice, identify a council for a region that must establish and maintain one or more local authorities.
- (2) A council identified in a *Gazette* notice mentioned in subsection (1) must establish and maintain the local authority in accordance with any guidelines that the Minister may make.
- (3) The Minister may, by *Gazette* notice, abolish a local authority.

75 Constitution of local authority

- (1) A local authority consists of:
 - (a) at least one member of the council appointed by the council by resolution; and
 - (b) such other members of the community or communities within the local authority's area as the council appoints as members of the local authority by resolution.

Note for subsection (1)

A member of the council's staff is eligible for appointment as a member of a local authority.

- (2) The member mentioned in subsection (1)(a) is not required to be a member of the ward in which the local authority is located and may be the principal member.
- (3) The council must appoint the members under subsection (1)(b) in accordance with any guidelines that the Minister may make.

76 Functions of local authority

The functions of a local authority are:

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

77 Limits on functions of local authority

- (1) A local authority must comply with any guidelines that the Minister may make.
- (2) A local authority is subject to control and direction by the council, subject to any guidelines that the Minister may make.

78 Reporting

The local authority and the council must provide each other with reports in accordance with any guidelines that the Minister may make.

79 Council to work with local authority

A council for a region that has established and maintained one or more local authorities must:

- (a) seek advice and recommendations from the local authority or local authorities in relation to the following:
 - (i) the council's budget;
 - (ii) the council's priorities for expenditure;
 - (iii) the council's service delivery;
 - (iv) the council's regional plans;
 - (v) the council's strategic directions;
 - (vi) the council's funding;

- (vii) cemeteries and cemetery plans for the cemeteries in the local government area; and
- (b) ensure its strategies and plans are informed by the vision and priorities of the local authority or local authorities; and
- (c) work with the local authority or local authorities to foster constructive working relationships between the council members and the residents and organisations of the region.

Part 5.2 Council committees

80 Council committees

- (1) A council may, by resolution, establish one or more council committees.
- (2) A council committee consists of the persons appointed, by resolution, by the council to be members of the committee.
- (3) The members of a council committee may consist of, or include, persons who are not members of the council.

Note for subsection (3)

A member of the council's staff is eligible for appointment as a member of a council committee (even though staff members are disqualified from membership of the council itself).

- (4) The terms and conditions on which a person holds office as a member of a council committee are to be as determined by the council.
- (5) The council may, by resolution, abolish a council committee.
- (6) The council must establish or abolish a council committee in accordance with any guidelines that the Minister may make.

81 Nature of committee's functions

- (1) A council committee has the functions assigned to the committee by the council.
- (2) The assigned functions may be of an executive or advisory nature.
- (3) A council committee carries out, on behalf of the council, functions delegated to it by the council.
- (4) A council committee must have terms of reference, approved by council resolution, that set out its functions.

82 Control and direction by the council

A council committee is subject to control and direction by the council.

83 Procedures

Subject to any direction by the council, a council committee may determine its own procedures.

Part 5.3 Audit committees

84 Audit committee

- (1) A council must, by resolution, establish and maintain an audit committee.
- (2) An audit committee consists of the persons appointed, by resolution, by the council to be members of the committee.
- (3) The members of an audit committee may consist of, or include, persons who are not members of the council.

Note for subsection (3)

A member of the council's staff is eligible for appointment as a member of an audit committee (even though staff members are disqualified from membership of the council itself).

- (4) However, the chairperson of an audit committee must not be a member of the council or a member of the council's staff.
- (5) The terms and conditions on which a person holds office as a member of an audit committee are to be as determined by the council.
- (6) The council may, by resolution, abolish an audit committee.
- (7) The council must establish or abolish an audit committee in accordance with any guidelines that the Minister may make.

85 Nature of committee's functions

An audit committee has the following functions:

- (a) to monitor compliance by the council with proper standards of financial management; and
- (b) to monitor compliance by the council with this Act or another Act and the Australian Accounting Standards.

86 Control and direction by the council

An audit committee is subject to control and direction by the council.

87 Procedures

Subject to any direction by the council, an audit committee may determine its own procedures.

Chapter 6 Meetings

Part 6.1 Council meetings

88 Nature and timing of council meetings

- (1) A council must hold a meeting of its members (an **ordinary meeting**) at least once in each successive period of 2 months.
- (2) Subject to this Act, a council may deal with business of any kind at an ordinary meeting.
- (3) The first ordinary meeting of a council to be held after a general election must:
 - (a) be held within 21 days after the conclusion of that general election; and
 - (b) set the schedule for holding of ordinary meetings for the term of the council.
- (4) The schedule for the holding of ordinary meetings may be altered at a subsequent meeting.
- (5) The council may hold a meeting to deal with a particular item of business (a **special meeting**) whenever circumstances require.

89 Convening of meetings

- (1) Meetings of a council are to be convened by the CEO.
- (2) The CEO must convene a special meeting of the council at a specified time and place to deal with specified business if:
 - (a) the principal member or 3 or more other members request the CEO in writing to convene the meeting; or
 - (b) the council resolves that the special meeting should be convened.

- (3) If the CEO fails to convene a meeting required under this Act, a meeting may be convened by any member of the council.

90 Notice for meeting

- (1) A notice convening a council meeting:
- (a) must be in writing; and
 - (b) must state the date, time, place and agenda (including any confidential business) for the meeting; and
 - (c) must include any business papers to be considered at the meeting (including any business papers for confidential business); and
 - (d) must be given to the members:
 - (i) in the case of an ordinary meeting – at least 3 business days before the date of the meeting; and
 - (ii) in the case of a special meeting – at least 4 hours before the time appointed for the meeting.
- (2) The notice may be given to a member personally, by post, by email, by facsimile or in any other way pre-arranged by the CEO with the member.

91 Publication of notice

- (1) The notice:
- (a) for an ordinary meeting:
 - (i) must be published on the council's website at least 3 business days before the date of the meeting; and
 - (ii) must be posted on a notice board at the council's public office at least 3 business days before the date of the meeting; and
 - (b) for a special meeting:
 - (i) must be published on the council's website at least 4 hours before the time of the meeting; and
 - (ii) must be posted on a notice board at the council's public office at least 4 hours before the time of the meeting.
- (2) If confidential business is to be considered at the meeting, the notice available to the public must contain a statement of that fact

and the provision under which the business is confidential.

- (3) If it is not practicable to do so, the business papers for the meeting may not be posted with the copy of the notice posted on the notice board, however the notice must contain information on how to otherwise access the business papers on the council's website.
- (4) If the business papers considered at the meeting are different to the business papers published and posted for the meeting under subsection (1), the business papers considered at the meeting must be published on the council's website at the same time the minutes of the meeting are published under section 100(2).
- (5) If any other papers or documents are considered at a meeting that have not been published and posted for the meeting under subsection (1), the papers or documents must be published on the council's website at the same time the minutes of the meeting are published under section 100(2).

Note for section 91

- 1 *Confidential matter may be suppressed from the material that is made publicly available under section 288.*
- 2 *The regulations prescribe the information that may be suppressed.*

92 Business to be considered at a meeting

An ordinary meeting may deal with business of any kind but a special meeting may deal only with the business for which the special meeting was convened unless all members are present at the special meeting and unanimously agree to deal with other business.

93 Procedure at meeting

- (1) The chairperson of a meeting of a council is:
 - (a) if the principal member is present – the principal member; or
 - (b) if the principal member is not present but the deputy principal member is present – the deputy principal member; or
 - (c) if neither the principal member nor the deputy principal member is present but an acting principal member is present – the acting principal member; or
 - (d) if neither the principal member nor the deputy principal member is present and there is no acting principal member or the acting principal member is not present – a member chosen by the members present at the meeting to chair the meeting.

- (2) A quorum at a meeting of a council consists of a majority of the council's members holding office at the time of the meeting.
- (3) A member who is not physically present at a meeting of a council is taken to be present at the meeting if:
 - (a) the member's attendance at the meeting by means of an audio or audiovisual conferencing system is authorised in accordance with a council resolution establishing a policy for attendance in such a manner; and
 - (b) communication is established by means of the conferencing system, at or around the commencement of the meeting, between the member and the members present at the place appointed for the meeting; and
 - (c) the member has the same or substantially the same opportunity to participate in debate, and to register an opinion, on questions arising for decision as if the member were physically present at the meeting.
- (4) Subject to this Act, a decision carried by a majority of the votes of the members present at a meeting of a council is a decision of the council.
- (5) Each member present at a meeting has and must exercise one vote on a question arising for decision at the meeting and, if the council has a policy allowing the chairperson to exercise a casting vote, the chairperson must exercise, in the event of an equality of votes, a second or casting vote.
- (6) A policy to allow the chairperson to exercise a casting vote:
 - (a) may only be established by resolution of the council passed at the first meeting of the council to be held after a general election; and
 - (b) cannot be altered or revoked during the term of the council; and
 - (c) lapses at the conclusion of the next general election.
- (7) Unless the council decides unanimously to take a vote by secret ballot, voting is to be by show of hands.
- (8) Subject to this Act, and any by-laws regulating the procedure at a meeting, a council may determine its own procedures.

Part 6.2 Meetings of audit committees, council committees and local authorities

94 Timing of meetings of audit committees, council committees and local authorities

- (1) Subject to direction by the council:
 - (a) an audit committee meets at times determined by the audit committee; and
 - (b) a council committee meets at times determined by the council committee.
- (2) Subject to any guidelines that the Minister may make, and to direction by the council, a local authority meets at times determined by the local authority.

95 Convening of meetings

- (1) Meetings of an audit committee, a council committee or a local authority are convened by the CEO.
- (2) The CEO may, at the request of the chairperson of an audit committee, a council committee or a local authority, convene a meeting of the audit committee, council committee or a local authority.
- (3) A notice convening a meeting:
 - (a) must be in writing; and
 - (b) must state the date, time, place and agenda for the meeting; and
 - (c) must be given to the members of the audit committee, council committee or local authority within a reasonable time before the time appointed for the meeting; and
 - (d) must be accessible on the council's website within a reasonable time before the time appointed for the meeting; and
 - (e) must be posted on a notice board at the council's public office.
- (4) The notice may be given to a member personally, by post, by email, by facsimile or in any other way pre-arranged by the CEO with the member.

96 Procedure at meeting

- (1) The chairperson of a meeting of an audit committee, council committee or local authority is:
 - (a) for an audit committee – a member appointed by the council; or
 - (b) for a council committee – a member appointed by the council as chairperson of the committee; or
 - (c) for a local authority – a member appointed by the local authority as its chairperson; or
 - (d) for an audit committee, council committee or local authority, if the chairperson is not present (or no-one currently holds the position of the chairperson) – a member chosen by the members present at the meeting to chair the meeting.
- (2) A quorum at a meeting of an audit committee, a council committee or a local authority consists of a majority of its members present at the meeting.
- (3) A member who is not physically present at a meeting is taken to be present at the meeting if:
 - (a) the member's attendance at the meeting by means of an audio or audiovisual conferencing system is authorised in accordance with a council resolution establishing a policy for attendance in such a manner; and
 - (b) communication is established by means of the conferencing system, at or around the commencement of the meeting, between the member and the members present at the place appointed for the meeting; and
 - (c) the member has the same or substantially the same opportunity to participate in debate, and to register an opinion, on questions arising for decision as if the member were physically present at the meeting.
- (4) A decision of an audit committee, a council committee or a local authority is to be by majority vote of the members present at a meeting.
- (5) Subject to this Act and any direction by the council, an audit committee, a council committee or a local authority may determine its own procedures.

Part 6.3 Provisions of general application to meetings of audit committees, councils, council committees and local authorities

97 Meetings to be open to the public

- (1) A meeting of a council, council committee or local authority must be open to the public.
- (2) However, the public may be excluded while business of a kind prescribed by regulation as confidential business is being considered.
- (3) If the council, council committee or local authority considers confidential business at a meeting, the agenda for the meeting must identify the type of matter that is to be considered at the meeting.
- (4) A meeting of an audit committee may be conducted in private.

98 Postponement of meeting

- (1) If a quorum is not present within 30 minutes of the start time for the meeting of an audit committee, a council, a council committee or a local authority, the following may postpone a meeting to a time later on the same day:
 - (a) the chairperson;
 - (b) if the chairperson is not present – the principal member;
 - (c) if the chairperson and the principal member are not present but 2 or more members are present – the majority of members present;
 - (d) if the chairperson and the principal member are not present and less than 2 members are present – the CEO or a person authorised by the CEO.
- (2) If it is impracticable for a meeting to be postponed to a time later on the same day under subsection (1), the CEO may postpone the meeting for up to 21 days.
- (3) The person who postpones a meeting under subsection (1) or (2) must ensure, as far as practicable, that each member receives notice of the postponement and of the time and place to which the meeting has been postponed.
- (4) If a meeting is postponed under subsection (2), the notice of the postponement and of the time and place to which the meeting has

been postponed must be published on the council's website.

- (5) The CEO must record, in writing, the fact that a meeting was postponed under subsection (1) or (2).
- (6) The record must be published:
 - (a) on the council's website; and
 - (b) at the council's public office.

99 Minutes

- (1) The CEO must ensure that proper minutes of meetings of an audit committee, a council, a council committee and a local authority are kept.
- (2) The minutes must be in writing and:
 - (a) must set out:
 - (i) the names of the members present at the meeting; and
 - (ii) the business transacted at the meeting; and
 - (iii) any confidential business that was considered at the meeting; and
 - (iv) any other information required by regulation; and
 - (b) must include references to any written reports or recommendations considered in the course of the meeting together with information about how to obtain access to the reports or recommendations.
- (3) The audit committee, council, council committee or local authority must, at its next meeting, or next ordinary meeting, confirm the minutes (with or without amendment), including any confidential business considered at the meeting, as a correct record of the meeting.
- (4) The minutes of an audit committee, a council committee or a local authority must be tabled at the next meeting of the council.

100 Public access to minutes

- (1) This section applies to the minutes of a council, council committee or local authority.
- (2) A copy of the minutes must, within 10 business days after the date

of the meeting to which they relate, be available to the public:

- (a) on the council's website; and
 - (b) at the council's public office.
- (3) If confidential business was considered at the meeting, the copy of the minutes available to the public must contain a statement of that fact and the provision under which the business is confidential.

Note for subsection (3)

1 Confidential matter may be suppressed from the material that is made publicly available under section 288.

2 The regulations prescribe the information that may be suppressed.

- (4) A member of the public:
- (a) may inspect without fee, at the council's public office, the copy of the minutes made available to the public; and
 - (b) may, on payment of any fee fixed by the council, obtain an identical copy of the minutes; and
 - (c) may, on payment of any fee fixed by the council, obtain from the CEO a certified copy of, or extract from, the minutes of a meeting.
- (5) However, until the council, council committee or local authority has confirmed the minutes as a correct record of the meeting:
- (a) the minutes, in the form in which they are made available to the public, must be marked with a warning to the effect that they have not been confirmed as a correct record of the meeting; and
 - (b) no certified copy of, or extract from, the minutes is to be issued.

Part 6.4 Meetings of electors

101 Calling meeting of electors

- (1) A council may call a meeting of the electors for its area or a ward within its area.
- (2) A meeting of electors is called by giving notice of the time and place of the meeting:
 - (a) on the council's website; and

- (b) by notice displayed at the council's public office; and
- (c) by notice published in a newspaper circulating generally in the area.

102 Procedure at meeting

- (1) The chairperson of a meeting of electors is to be a person nominated by the council or the local authority (as the case requires) to chair the meeting.
- (2) The procedure at the meeting is, subject to any direction by the council or the local authority, to be as determined by the chairperson.
- (3) Each elector is entitled to one vote on a question arising for decision at the meeting.
- (4) The chairperson may conclusively determine the qualification of a person present at the meeting to vote.
- (5) A question arising for decision at the meeting must be resolved by majority vote.

103 Effect of resolution passed at meeting of electors

A resolution passed at a meeting of electors does not bind the council.

Chapter 7 Rights and obligations of members

Part 7.1 Allowances and expenses

104 Allowance for members of council

- (1) A member of a council is entitled to be paid the following allowances, the maximum amount of which is determined by the Remuneration Tribunal under section 7B of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*:
 - (a) base allowance;
 - (b) electoral allowance;
 - (c) extra meeting allowance;
 - (d) professional development allowance.

- (2) The allowances payable under this section are to be paid by the council.
- (3) The council must publish the amounts of the allowances payable by the council on its website.
- (4) If there is no determination that applies to a council, the allowances are to be as determined by the Minister.

105 Allowance for members of local authority

- (1) A member of a local authority is to be paid an allowance by the council to the extent that any guidelines that the Minister may make and that apply in the relevant financial year that permit the allowance to be paid.
- (2) The allowance for a member of a local authority is to be fixed by the council in accordance with any guidelines that the Minister may make and that apply in the relevant financial year.

106 Allowances generally

- (1) Allowances for each financial year are to be fixed as part of the council's budget for the relevant financial year.
- (2) Allowances are to be paid as determined by the council or by the guidelines but are not to be paid in advance.

107 Expenses

A council member or member of a council committee or a local authority is (subject to conditions and limitations determined by the council) entitled to payment or reimbursement of reasonable expenses for travel and accommodation necessary for:

- (a) attending a meeting of the council, a council committee or a local authority for which the person is a member; or
- (b) attending to business of the council in accordance with a prior resolution of the council.

Part 7.2 Interests

108 Annual return of interests – members

- (1) A council member must submit an annual return to the CEO, setting out the interests prescribed by regulation (an ***annual return of interests***):

- (a) within 60 days of the council member's election; and
 - (b) by no later than 30 September each year for the duration of the council member's membership.
- (2) However, if a member has submitted an annual return of interests after 31 March in a calendar year, the member is not required to submit another return before 30 September in that year.
- (3) A member commits an offence if:
- (a) the member intentionally engages in conduct; and
 - (b) the conduct results in a failure to submit an annual return of interests in accordance with this section and the member is reckless in relation to the result.

Maximum penalty: 32 penalty units or imprisonment for 6 months.

109 Register of annual returns of interests

The CEO must keep a register of annual returns of interests of council members (***register of annual returns of interests***).

110 Relevant gifts and benefits

- (1) A council must, by resolution, adopt a policy in relation to relevant gifts or benefits received by council members.
- (2) The policy must:
 - (a) differentiate between what is given to a council member for the council and what is given to the member as a relevant gift or benefit; and
 - (b) be in accordance with any relevant guidelines the Minister may make.
- (3) A council member must notify the CEO as soon as practicable after the council member receives a relevant gift or benefit from another person.

111 Conflict of interest

- (1) A member has a ***conflict of interest*** in a question arising for decision by the council, local authority or council committee if the member or an associate of the member has a any of the following interests in how the question is decided:
 - (a) a direct interest;

- (b) a indirect financial interest;
 - (c) a indirect interest by close association;
 - (d) a indirect interest due to conflicting duties.
- (2) However, the following is not a conflict of interest:
- (a) an interest that the member or associate shares in common with the general public or a substantial section of the public;
 - (b) an interest as an elector or ratepayer that the member or associate shares in common with other electors or ratepayers;
 - (c) subject to subsection (3), an interest that the member or an associate has in a non-profit body or association;
 - (d) an interest so remote or insignificant that it could not reasonably be regarded as likely to influence a decision.
- (3) However, a member has a conflict of interest if the interest that the member or an associate has in a non-profit body or association is that the member or associate is or was a director, manager, office holder or employee of the non-profit body or association.
- (4) In this section:

direct interest means an interest that occurs when a member is likely to be directly affected if the matter is decided in a particular way.

*Example for definition **direct interest***

A company controlled by the member is tendering for a contract that is being discussed by the council.

indirect financial interest means an interest that occurs when a member is likely to receive a benefit or incur a loss because another person has an interest.

*Example for definition **indirect financial interest***

The member has shares in, or is employed by, a company that is tendering for a contract that is being discussed by the council.

indirect interest by close association means an interest that occurs when an associate of a member has a direct or indirect interest, or a resident of the member's household has a direct interest.

*Examples for definition **indirect interest by close association***

- 1 *The member's sibling is suing the council and the council is considering whether to settle the matter.*

- 2 *A resident of the member's household is tendering for a contract that is being discussed by the council.*

indirect interest due to conflicting duties means an interest that occurs when a member is a director, partner, agent, trustee, manager, office holder or employee of a person or entity, including a non-profit body or association, that has a direct interest.

Examples for definition indirect interest due to conflicting duties

- 1 *The member is a director of a non-profit body or association that is seeking a sponsorship or donation being discussed by the council.*
- 2 *The member is an employee of a non-profit body or association that is tendering for a contract being discussed by the council.*

112 Disclosure of interest

- (1) As soon as practicable after a member becomes aware of a conflict of interest in a question that has arisen or is about to arise before the council, local authority or council committee, the member must disclose the interest that gives rise to the conflict (the ***relevant interest***):
 - (a) at a meeting of the council, local authority or council committee; and
 - (b) to the CEO.
- (2) A member must not:
 - (a) be present at a meeting of the council, local authority or council committee while a question in which the member has a conflict of interest is under consideration; or
 - (b) participate in any decision on the question; or
 - (c) engage in behaviour that may influence the council, local authority or council committee's consideration of the question or any decision on the question.
- (3) The Minister may approve the following on any conditions the Minister considers appropriate:
 - (a) a member's participation in the consideration of a question in which the member has a conflict of interest;
 - (b) a member's participation in the decision on the question in which the member has a conflict of interest.
- (4) A member commits an offence if the member:
 - (a) intentionally engages in conduct; and

- (b) the conduct results in a failure to disclose an interest and the member is reckless in relation to the result.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

- (5) A member commits an offence if the member:

- (a) intentionally engages in conduct; and
- (b) the conduct results in a contravention of subsection (2) or a condition of an approval in subsection (3) and the member is reckless in relation to the result.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

- (6) If NTCAT finds that a member has participated in the decision of a council, a local authority or a council committee contrary to this section, NTCAT may, on application by an elector or ratepayer of the local government area, declare the decision void.

113 Register of declared conflicts

- (1) The CEO must keep a register (***register of declared conflicts***) setting out conflicts of interest disclosed by council members under section 112.
- (2) The register of declared conflicts must set out:
- (a) the name of the member making the disclosure of the conflict of interest; and
- (b) the nature of the interest that gives rise to the conflict of interest; and
- (c) the nature of the question on which the conflict of interest arises; and
- (d) any other matter prescribed by regulation.

114 Register of declared gifts and benefits

- (1) The CEO must keep a register (***register of declared gifts and benefits***) setting out the relevant gifts and benefits received by council members.
- (2) The register of declared gifts and benefits must set out:
- (a) the name of the member that received the relevant gift or benefit; and

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- (b) the details of the relevant gift or benefit, in accordance with the council's policy mentioned in section 110(1); and
- (c) any other matter prescribed by regulation.

115 Registers to be published

The register of annual returns of interests, the register of declared conflicts and the register of declared gifts and benefits must be published on the council's website.

Part 7.3 Confidential information

116 Improper use of information

- (1) A person commits an offence if:
 - (a) the person obtains information as a member of an audit committee, a council, a council committee or a local authority; and
 - (b) the person intentionally engages in conduct; and
 - (c) the conduct results in the improper use of the information and the person is reckless in relation to the result.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

- (2) Strict liability applies to subsection (1)(a).
- (3) A person makes improper use of information if the person uses it to gain some private benefit for the person or another person, or uses it to inflict harm on another person.

Part 7.4 Code of conduct

Division 1 Code of conduct to apply

117 Code of conduct to apply

- (1) The code of conduct set out in Schedule 1 governs the conduct of members of a council, local authority and council committee.
- (2) The code of conduct must be published on the council's website.

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Division 2 Contravention of code of conduct by council members

Subdivision 1 Complaint and review of decision about complaint

118 Complaints of contravention of code of conduct

- (1) A person (the ***complainant***) who believes that a council member has contravened a council's code of conduct may lodge a complaint with the CEO of the council:
 - (a) stating the name of the member alleged to have committed the contravention (the ***respondent***); and
 - (b) giving particulars of the alleged contravention.
- (2) The complaint:
 - (a) must be in the approved form; and
 - (b) must include a statutory declaration verifying the allegations of fact made against the respondent; and
 - (c) must be made within 4 months after the date of the alleged contravention.

119 Policy for contravention of code of conduct

A council must, by resolution, adopt a policy in relation to a contravention of the code of conduct.

120 Complaint referred to council or panel

- (1) As soon as practicable after receiving a complaint under section 118, the CEO must refer the complaint to:
 - (a) the council; or
 - (b) a panel established by the council consisting of least 3 council members.
- (2) The council or panel must decide, in accordance with the council's policy:
 - (a) whether the respondent contravened the council's code of conduct; and
 - (b) the action to be taken if the respondent contravened the code of conduct as follows:

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- (i) no action;
- (ii) issue a reprimand to the respondent;
- (iii) recommend that the complainant, respondent or any other person attend training, mediation or counselling by a specified date.

121 Notice of decision – council or panel

The council or panel must, within 90 days of the receipt of the complaint by the CEO, give a decision notice of the council or panel's decision under section 120(2) to the complainant and the respondent.

122 Review of complaint by prescribed corporation

- (1) A complainant or a respondent may, within 28 days of receiving the decision notice under section 121, apply to the prescribed corporation for a review of the decision of the council or panel under section 121(1).
- (2) On receipt of an application under subsection (1), the prescribed corporation must establish a panel of 2 nominees of the corporation (**review panel**) to review the decision.

123 Procedure of review panel

- (1) The review panel may summarily reject an application under section 122 without reviewing the decision if the review panel is satisfied that:
 - (a) the complaint would more appropriately form the subject matter of a criminal charge; or
 - (b) the complaint is frivolous, vexatious or lacking in substance.
- (2) If the review panel summarily rejects an application under subsection (2), the committee must give a decision notice to the complainant as soon as practicable after making the decision.
- (3) If the review panel decides to proceed to review the decision, the panel must give the complainant and the respondent an opportunity to make representations to the panel.
- (4) The review panel may obtain information in any way it considers appropriate and is not bound by the rules of evidence, however the rules of natural justice apply.

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- (5) Proceedings of the review panel are to be held in a place open to the public unless the panel considers it desirable, in the public interest, to hold the proceedings in private.

124 Decision of review panel

- (1) The review panel must make a decision as soon as practicable after the conclusion of the proceedings under section 123.
- (2) If the review panel is not satisfied, after hearing the parties, that the code of conduct has been contravened, it must reject the complaint.
- (3) If the review panel is satisfied, after hearing the parties, that the code of conduct has been contravened, the review panel must decide the action to be taken as follows:
 - (a) no action;
 - (b) issue a reprimand to the respondent;
 - (c) recommend that the complainant, respondent or any other person attend training, mediation or counselling by a specified date;
 - (d) any other recommendation the review panel considers appropriate.

125 Notice of decision – review panel

The review panel must, within 90 days of the receipt of the application, give a decision notice of the panel's decision under section 124 to the complainant and the respondent.

126 Failure to comply with review panel recommendation

- (1) If a person is subject to a recommendation of the review panel, and does not comply with the recommendation, the complainant or the respondent may apply to NTCAT to deal with the failure.
- (2) NTCAT, after determining the application, may:
 - (a) order that the complainant, respondent or any other person attend training, mediation or counselling by a specified date; or
 - (b) if NTCAT finds the respondent contravened the code of conduct – order that the respondent not subsequently contravene the code of conduct; or
 - (c) make any other order NTCAT considers appropriate.

Subdivision 2 No decision by council or prescribed corporation

127 No decision by council or panel

- (1) If the council or the panel established by the council does not give a decision notice in accordance with section 121, the complainant or respondent may refer the complaint to the prescribed corporation.
- (2) On receipt of a complaint under subsection (1), the prescribed corporation must establish a panel of 2 nominees (**complaint panel**) of the corporation to deal with the application.
- (3) Subject to subsection (4), the complaint panel must deal with the complaint in accordance with sections 120 and 121 as if it were the council or panel.
- (4) However, the complainant or respondent may apply to NTCAT for review of the decision of the complaint panel.

128 No decision by review panel

- (1) If the review panel does not give a decision notice in accordance with section 125, the complainant or respondent may refer the complaint to NTCAT.
- (2) NTCAT must deal with the complaint in accordance with sections 122 to 125 as if it were the review panel.

129 No decision by complaint panel

- (1) If the complaint panel does not give a decision notice in accordance with sections 121 and 127(3), the complainant or respondent may refer the complaint to NTCAT.
- (2) NTCAT must deal with the complaint in accordance with sections 120 and 121 as if it were the council or panel.

Part 7.5 Removal from office by NTCAT

130 Removal of member from office

- (1) If a member of a council is convicted of an offence under this Act or another Act demonstrating that the member to be unfit to remain in office, a person may apply to NTCAT to determine whether the member, once convicted, is unfit to remain in office.
- (2) The applicant must:
 - (a) reside in the same local government area as the member; and

-
- (b) be registered to vote in the local government area.
 - (3) NTCAT must consider the following in determining whether the member is unfit to remain in office:
 - (a) whether the nature and details of the offence makes the member unfit to remain in office;
 - (b) the member's role as a community representative;
 - (c) the member's position of influence and trust;
 - (d) the member's responsibility for managing public funds.
 - (4) If NTCAT finds the member has been convicted of an offence that demonstrates that the member is unfit to remain in office, NTCAT may dismiss the member from office.
 - (5) If NTCAT dismisses the member under subsection (4), NTCAT may disqualify the person from holding office as a council member for a period of up to 5 years.

Chapter 8 Elections and polls

Part 8.1 General elections

131 Minister's power to call general election

- (1) The Minister may call a general election for an area if:
 - (a) the area is newly constituted; or
 - (b) a substantial change is made affecting the electoral representation of the area; or
 - (c) a general election fails for any reason; or
 - (d) 2 or more areas are merged under section 16(1)(b).

Examples for subsection (1)(b)

1 The division of the area into wards.

2 Some substantial change to the boundaries of the area or to wards within the area.

- (2) The general election is called by *Gazette* notice fixing a date for the election.

132 Periodic general elections

- (1) A periodic general election is to be held on the 4th Saturday in August in the 4th year after the most recent previous periodic general election was held.
- (2) The Electoral Commissioner may, by *Gazette* notice, provide that a periodic general election be held on a date other than the date on which it is scheduled to be held under subsection (1) (the **nominal date**) if:
 - (a) the date for an election mentioned in section 394 of the *Commonwealth Electoral Act 1918* (Cth) is the same as the nominal date; or
 - (b) the date for a general election under the *Electoral Act 2004* is the same as the nominal date.
- (3) However, the new date on which the periodic general election is to be held under subsection (2) must not be:
 - (a) earlier than 2 months before the nominal date; or
 - (b) later than 2 months after the nominal date.
- (4) Subject to subsection (5), if a general election for an area is called by the Minister under section 131 or 313(1) and is held less than 1 year before the date for a periodic general election under this section:
 - (a) a further periodic general election for the area must not be held on the later date; and
 - (b) the next periodic general election for the area must be held on the date on which it is scheduled to be held under subsection (1), as if the general election for the area had not been called by the Minister and a periodic general election had been held in the ordinary course.
- (5) A general election for an area must not be called less than 3 months before a periodic general election.

Part 8.2 By-elections

133 By-elections

- (1) This section applies if a by-election must be held:
 - (a) under section 51(2)(c) or 63(3); or

-
- (b) as prescribed by regulation.
 - (2) If the member whose seat has become vacant represented a ward, the by-election is confined to the ward.
 - (3) A by-election is to be held on a date fixed by the returning officer.
 - (4) The date must fall within 4 months after the Electoral Commissioner is notified of the casual vacancy under section 50(3).
 - (5) Unless a person is appointed under subsection (6) to be the returning officer for a by-election, the by-election (including nomination of candidates and other related processes) is to be conducted as decided by the Electoral Commissioner.

Note for subsection (5)

Section 138 provides that regulations may provide for the conduct of elections, including by-elections for which the returning officer is appointed under subsection (6), and those by-elections must be conducted in accordance with the regulations.

- (6) The council may appoint the CEO or another person (other than the Electoral Commissioner) to be the returning officer for the by-election, by doing the following within 2 months after the Electoral Commissioner is notified of the casual vacancy under section 50(3):
 - (a) passing a resolution appointing the person;
 - (b) if the person is not the CEO – entering into a contract with the person for the performance of the functions of returning officer.
- (7) As soon as practicable after the council appoints a person to be the returning officer for a by-election under subsection (6), and in any event not later than 5 days after the appointment, the council must notify the Electoral Commissioner of the identity of the returning officer.
- (8) However, failure to notify the Electoral Commissioner under subsection (7) does not affect the validity of the appointment.
- (9) In this section:

returning officer, for a by-election, means:

 - (a) if a resolution is passed under subsection (6) in relation to the by-election – the person appointed by the resolution; or
 - (b) otherwise – the Electoral Commissioner.

134 Resolution for mandatory postal vote election

- (1) A council for a municipality may decide that the only way to vote in a by-election (a ***mandatory postal vote election***) is by postal vote.
- (2) If the council does so, the council must, within 2 months after it is notified of a casual vacancy under section 50(3), pass a resolution declaring the by-election to be a mandatory postal vote election.
- (3) As soon as practicable after the municipal council passes the resolution, and in any event not later than 5 days after the passage of the resolution, the council must notify the following persons that the resolution has been passed:
 - (a) if the returning officer is the Electoral Commissioner – the Electoral Commissioner;
 - (b) otherwise – the Electoral Commissioner and the returning officer.
- (4) Failure to notify a person as required by subsection (3) does not affect the validity of the resolution.

Part 8.3 Electors and electoral rolls

135 Entitlement to vote

A person is entitled to vote at an election, or poll of electors, if enrolled as an elector for the area or ward in which the election or poll is to be conducted on the date on which the electoral roll for the election or poll closes.

136 Electoral rolls

- (1) The Electoral Commission must prepare a new roll for an area or ward whenever it is necessary to do so in order to allow for the conduct of an election or poll of electors.
- (2) The roll must contain the same information about each elector required of a roll prepared under the *Electoral Act 2004*.

Note for subsection (2)

Section 11 of the Electoral Act 2004 specifies the information required of a roll prepared under that Act.

- (3) If the address of an elector is suppressed from a roll prepared under the *Electoral Act 2004*, it must also be suppressed from the roll prepared for this Act.

- (4) An electoral roll closes for an election or a poll of electors on a date determined in accordance with the regulations.
- (5) When an electoral roll closes, it must be available for public inspection until the conclusion of the election or poll at the Electoral Commission's public offices.
- (6) As soon as practicable after an electoral roll closes for a by-election, the Electoral Commissioner must give a copy of the roll to the returning officer (unless the Electoral Commissioner is the returning officer).
- (7) Access is to be permitted to the electoral roll for the area or ward on the same basis as access to a roll under the *Electoral Act 2004*.

137 Use of electoral roll for by-election

- (1) A returning officer for a by-election commits an offence if:
 - (a) the returning officer is given a copy of an electoral roll under section 136(6); and
 - (b) the returning officer intentionally engages in conduct; and
 - (c) the conduct results in the information obtained from the copy of the roll being used improperly and the returning officer is reckless in relation to the result.

Maximum penalty: 80 penalty units.

- (2) A person, other than the returning officer for a by-election, commits an offence if:
 - (a) the returning officer for the by-election is given a copy of an electoral roll under section 136(6); and
 - (b) the person intentionally engages in conduct; and
 - (c) the conduct results in the information obtained from the copy of the roll being used improperly and the person is reckless in relation to the result.

Maximum penalty: 50 penalty units.

- (3) Strict liability applies to subsections (1)(a) and (2)(a).
- (4) In this section:

improper, in relation to the use of the copy of the electoral roll, means that the copy of the roll is used otherwise than for a proper purpose connected with the by-election.

Part 8.4 Conduct of elections

138 Conduct of elections and polls

- (1) Subject to section 133(5), an election or poll of electors must be conducted in accordance with the regulations.
- (2) If a periodic general election under this Act is to be held on the polling day for the election under the *Constitutional Convention (Election) Act 2001*, the regulations may provide for any of the following:
 - (a) additional provisions to facilitate the holding of the election under that Act and the periodic general election on that day;
 - (b) modifications of specified provisions in this Chapter and the regulations to facilitate the holding of both elections on that day;
 - (c) a matter arising because of the holding of both elections on that day.

139 Voting

- (1) Voting is compulsory.
- (2) Subject to a resolution passed under section 134 and the regulations, an elector may vote:
 - (a) by returning a postal vote; or
 - (b) if the Minister approves – by voting electronically in a manner approved by the Minister; or
 - (c) by attending and voting at a voting centre; or
 - (d) in any other way authorised by regulation.
- (3) A person commits an offence if:
 - (a) the person is an elector; and
 - (b) the person fails to vote at an election or poll.

Maximum penalty: 1 penalty unit.
- (4) An offence against subsection (3) is an offence of strict liability.
- (5) It is a defence to a prosecution for an offence against subsection (3) if the defendant has a reasonable excuse.

Part 8.5 Electoral disputes

140 Disputing validity of election or poll

- (1) The returning officer or a person with a proper interest in the result of an election or poll may, by application to NTCAT, dispute the result of the election or poll.
- (2) A person has a proper interest in the result of an election or poll if the person:
 - (a) was a candidate for election or a prospective candidate whose nomination was rejected; or
 - (b) is an elector for the relevant area.
- (3) An application disputing the result of an election:
 - (a) must state the grounds on which the applicant seeks relief from NTCAT; and
 - (b) must state the nature of the remedy sought by the applicant.
- (4) An application must be filed with the Registrar of NTCAT within 21 days after the conclusion of the election to which it relates.
- (5) The period mentioned in subsection (4) cannot be extended.
- (6) Section 140 of the *Northern Territory Civil and Administrative Tribunal Act 2014* does not apply to a decision of NTCAT under this section.

141 Service of application

- (1) An application disputing the result of an election or poll must be served on:
 - (a) the returning officer; and
 - (b) any member or candidate for election whose position could be affected by the result of the application; and
 - (c) any person on whom the NTCAT directs service.
- (2) A person on whom an application is served is a respondent to the application.
- (3) A respondent may, within 7 days after service of the application or a longer period allowed by NTCAT, file in NTCAT a reply to the application.

- (4) A reply must be served on the applicant and any other respondents.

142 Powers of NTCAT

- (1) NTCAT has the following powers:
- (a) declare the election or poll void and order another election;
 - (b) declare a person who should have been declared elected to have been duly elected as a member of the council;
 - (c) declare a respondent to the application not to have been duly elected as a member of the council;
 - (d) order that the votes for an ineligible candidate be distributed to the candidate next in order of the voter's preferences on the ballot paper.
- (2) NTCAT must not disturb the result of an election on the ground of an error affecting the conduct of the election unless satisfied that the error is a material error that is likely to have affected the result of the election.
- (3) If, in the course of an inquiry under this Part, NTCAT finds that a person has committed an offence, the Registrar must, as soon as practicable, report the finding to the Minister.
- (4) NTCAT cannot inquire into the correctness of an electoral roll.

143 Exclusive method of challenge

The validity or result of an election or poll cannot be challenged except by proceedings under this Part.

Part 8.6 Donation disclosure

144 Definitions

In this Part:

campaign donation return means the return required to be given by a principal member candidate to the Electoral Commission under section 145.

details means:

- (a) for a donation or loan made on behalf of the members of an unincorporated association, other than a registered industrial organisation:
 - (i) the name of the association; and
 - (ii) the names and addresses of the members of the executive committee (however described) of the association; or
- (b) for a donation or loan out of a trust fund or the funds of a foundation:
 - (i) the names and addresses of the trustees of the fund or foundation; and
 - (ii) the name, title or description of the trust fund or foundation; or
- (c) for another donation or loan – the name and address of the person or entity that made the donation or loan.

disclosure period means the period mentioned in section 146.

donation means gifts totalling \$200 or more to the same candidate for the disclosure period and includes a gift:

- (a) made in a private capacity to a candidate for the candidate's personal use; and
- (b) that the candidate has not used, and will not use, solely or substantially for a purpose related to an election.

145 Campaign donation return

- (1) Each principal member candidate in a periodic general election, general election or by-election, must give a campaign donation return for the disclosure period to the Electoral Commission.
- (2) The return must be in the form approved by the Electoral Commission.
- (3) If a candidate is a principal member candidate and an ordinary member candidate, the candidate must provide information for the

loans and donations related to both candidacies.

146 Period for disclosure

- (1) The disclosure period begins:
 - (a) for a principal member candidate that was an elected member of the council (whether or not as a principal member) immediately prior to the election – on the day that the results of the previous election were declared; or
 - (b) for a principal member candidate that was an appointed member of the council (whether or not as a principal member) immediately prior to the election – on the day when the member was appointed; or
 - (c) for any other principal member candidate – the earlier of the following:
 - (i) on the day on which the candidate announced candidacy;
 - (ii) on the day on which the candidate was nominated as a candidate.
- (2) The disclosure period concludes on the day the results of the election are declared.

147 Candidate to know details for donation or loan

A principal member candidate must not accept a donation or loan from a person during the disclosure period unless the candidate knows the details for the campaign donation return for the donation or loan.

148 Contents of return

- (1) The campaign donation return must set out the following:
 - (a) the amounts or values of each donation made, directly or indirectly, to the principal member candidate;
 - (b) the dates each donation was made;
 - (c) the details of the donors;
 - (d) the amounts and terms of any loan to the principal member candidate;
 - (e) the details of the lenders of the loan.

- (2) If the principal member candidate did not receive any donations or loans during the disclosure period, the principal member candidate must give a return to that effect.
- (3) A copy of the return must be made available for public inspection by the Electoral Commissioner 30 days after the principal member candidate was required to give the return and for 4 years from that date.
- (4) The principal member candidate must keep and maintain records in relation to the donations or loans specified in the return for a period of 4 years.

149 Incomplete return

If a principal member candidate cannot complete a campaign donation return, the candidate may:

- (a) prepare the return to the extent possible; and
- (b) give the Electoral Commission a notice stating:
 - (i) the return is incomplete; and
 - (ii) the particulars the candidate cannot obtain; and
 - (iii) the reasons why the candidate cannot obtain the particulars; and
 - (iv) if the candidate believes on reasonable grounds that another person can give the particulars, the name and address of the person.

150 Permission to amend return

A principal member candidate may request permission from the Electoral Commission:

- (a) to personally amend a return to correct an omission or an error; or
- (b) for the Electoral Commission to amend a return to correct an omission or an error.

151 Offences

- (1) A principal member candidate commits an offence if:
 - (a) the candidate engages in conduct; and
 - (b) the conduct results in a failure to give the Electoral

Commission a return in the time required.

Maximum penalty: 100 penalty units.

- (2) A principal member candidate, except a candidate who complies with section 149, commits an offence if:
- (a) the candidate engages in conduct; and
 - (b) the conduct results in the giving of an incomplete return to the Electoral Commission.

Maximum penalty: 100 penalty units.

- (3) An offence against subsection (1) or (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against subsection (1) or (2) if the defendant has a reasonable excuse.
- (5) Despite section 52 of the *Local Court (Criminal Procedure) Act 1928*, a prosecution for an offence against a provision of this section may be started at any time within 3 years after commission of the offence.

152 Investigation by Electoral Commission

Sections 216 to 219 of the *Electoral Act 2004* apply to this Part.

Part 8.7 Miscellaneous matters

Division 1 Interpretation

153 Definitions

In this Part:

campaign material, see section 154.

electoral matter, see section 155.

154 Meaning of ***campaign material***

- (1) ***Campaign material*** is an advertisement, document or any other thing that is intended to promote the electoral prospect of a particular candidate or group of candidates for an election.
- (2) Without limiting subsection (1), campaign material includes the following:

- (a) an electoral advertisement;
 - (b) a printed document containing an electoral matter (for example, a handbill, pamphlet or how-to-vote card);
 - (c) a message containing an electoral matter that is sent by telephone or otherwise broadcast by electronic means;
 - (d) material containing an electoral matter that is published.
- (3) The returning officer for an election may, in writing, declare a thing mentioned in subsection (3) or (4) is not campaign material.
- (4) The returning officer may do so only if the returning officer is satisfied the declaration is warranted having regard to all of the following:
- (a) any information contained in the thing and the way in which the information is presented;
 - (b) the person for whom the thing is created;
 - (c) the way in which the thing is intended to be used or distributed;
 - (d) any other matters as the returning officer considers appropriate.

155 Meaning of *electoral matter*

- (1) ***Electoral matter*** is matter, in printed or electronic form, that is intended or likely to affect voting at an election.
- (2) Without limiting subsection (1), matter is taken to be intended or likely to affect voting at an election if it contains an express or implicit reference to or comment on:
- (a) the election; or
 - (b) a candidate for the election; or
 - (c) the performance of a member, or former member, of a council;
or
 - (d) an issue submitted to, or otherwise before, the electors in relation to the election.

Division 2 Miscellaneous matters

156 Minister's powers in relation to election

The Minister may, before or after the expiration of a relevant time limit, extend the time for holding an election, or for taking any step in relation to the holding of an election.

157 Caretaker policy during general election

- (1) A council must, by resolution, adopt a caretaker policy governing the conduct of the council and its staff during the period that:
 - (a) commences on the nomination day for a general election as prescribed by regulation; and
 - (b) ends when the result of the general election is declared in accordance with the regulations.
- (2) The caretaker policy must be published on the council's website.

158 Interference with proper conduct of election or poll

- (1) A person commits an offence if:
 - (a) the person intentionally engages in conduct; and
 - (b) the conduct results in the obstruction or interference with the proper conduct of an election or poll; and
 - (c) the person is reckless in relation to the result.

Maximum penalty: 400 penalty units or imprisonment for 2 years.
- (2) A person commits an offence if:
 - (a) the person intentionally engages in conduct; and
 - (b) the conduct is violence or intimidation; and
 - (c) the conduct results in the influence of the vote of an elector at an election or poll; and
 - (d) the person is reckless in relation to the result.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

- (3) Strict liability applies to subsection (2)(b).

159 Secrecy of vote

- (1) A person commits an offence if:
- (a) the person is acting in an official capacity in relation to an election or poll or is assisting a person to vote; and
 - (b) the person finds out how a voter voted; and
 - (c) the person intentionally engages in conduct; and
 - (d) the conduct results in the disclosure of the voter's vote and the person is reckless in relation to the result.

Maximum penalty: 200 penalty units or imprisonment for 12 months.

- (2) Strict liability applies to subsection (1)(a) and (b).

160 Offences relating to campaign material

- (1) A person commits an offence if:
- (a) the person intentionally engages in conduct; and
 - (b) the conduct results in the publication or distribution of campaign material and the person is reckless in relation to that result.

Maximum penalty: 100 penalty units.

- (2) Subsection (1) does not apply if:
- (a) the publication is the announcement by advertisement in a newspaper of the holding of a meeting; or
 - (b) the material:
 - (i) clearly states the name and address of the person authorising the publication or distribution; and
 - (ii) if the material is a printed document – includes the name and address of the printer who printed the document; and
 - (iii) if the material is intended to be viewed from 2 sides – includes the information mentioned in this paragraph and paragraph (a) on both sides.

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- (3) A person commits an offence if:
- (a) the person intentionally engages in conduct; and
 - (b) the conduct results in the publication or distribution of campaign material and the person is reckless in relation to that result; and
 - (c) the campaign material:
 - (i) is likely to mislead an elector casting a vote; or
 - (ii) is likely to deceive an elector casting a vote; or
 - (iii) is likely to improperly interfere with an elector casting a vote; or
 - (iv) contains an untrue or incorrect statement; and
 - (d) the person has knowledge of the circumstance mentioned in paragraph (c).

Maximum penalty: 100 penalty units.

Chapter 9 Council staff

Part 9.1 Council's CEO

161 CEO

- (1) A council must appoint a CEO.
- (2) The CEO may, in writing, appoint a Deputy CEO for the period (not exceeding 2 years) specified in the appointment, and is eligible for reappointment.
- (3) If the CEO is absent or unavailable to carry out official duties:
 - (a) if there is a Deputy CEO who is available to act – the Deputy CEO acts as CEO; and
 - (b) if there is no Deputy CEO, or the Deputy is absent or unavailable to act – a person nominated by the CEO to act in that situation acts as CEO.
- (4) The CEO must notify the principal member of the council of a nomination made by the CEO under subsection (3)(b).
- (5) Appointments to the office of CEO are to be made, as occasion

requires, by the council in accordance with:

- (a) the requirements prescribed by regulation; and
- (b) any relevant guidelines the Minister may make.

162 Eligibility for CEO and Deputy CEO

- (1) The following persons are not eligible to be the CEO or the Deputy CEO:
 - (a) the person is disqualified from managing a corporation under the Corporations Act 2001 or the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth); or
 - (b) the person is disqualified under section 40 of the *Associations Act 2003*;
 - (c) the person is bankrupt.
- (2) However, a person mentioned in subsection (1) becomes eligible to be the CEO or the Deputy CEO if the circumstances in that subsection no longer apply to the person.

163 Role and functions of CEO

The CEO is responsible to the council:

- (a) to ensure that the council's policies, plans and lawful decisions are implemented and to ensure council reviews council's policies, plans and decisions in a timely manner; and
- (b) to undertake the day-to-day management of the council's operations, including the management of the council's staff; and
- (c) to ensure that the appointment of the council's staff is properly managed within the budget allocated to staffing expenditure approved by the council; and
- (d) to ensure that the management of the council's operations are properly managed within the budget allocated to non-staffing expenditure approved by the council; and
- (e) to provide or obtain for the council the information and advice the council reasonably requires for effectively carrying out its functions; and
- (f) to ensure that the council's constituency is kept properly informed about council policies, programs and decisions and

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- to ensure that appropriate and prompt responses are given to specific requests for information; and
 - (g) to ensure that the council's assets and resources are properly managed and maintained; and
 - (h) to ensure that proper standards of financial management are maintained, including proper controls over revenue and expenditure; and
 - (i) to ensure that financial and other records are properly made and maintained; and
 - (j) to appoint, manage and, if necessary, terminate the appointment of the council's staff (other than the CEO); and
 - (k) to carry out other functions delegated to the CEO by the council or assigned to the CEO under this Act or another Act.

164 Delegation by CEO

- (1) The CEO may delegate a power or function under this Act or another Act to a person or committee, except the power to authorise a staff member in relation to a conflict of interest under section 175(6).
- (2) However, the CEO must not delegate a power or function to the following:
 - (a) an audit committee;
 - (b) a council committee;
 - (c) a local authority;
 - (d) a local government subsidiary.
- (3) The CEO:
 - (a) must not delegate the power to authorise a staff member in relation to a conflict of interest under section 175(6); and
 - (b) may only delegate a power or function under the *Burial and Cremation Act 2019* to a person.

165 Vacancy

If there is a vacancy in the office of the CEO, the council must advertise the vacancy:

- (a) within 28 days of the vacancy occurring; and

- (b) in accordance with the requirements prescribed by regulation.

Part 9.2 Other staff

166 Other staff of the council

The CEO is responsible for the appointment of the council's staff in accordance with a staffing budget approved by the council.

167 CEO to advise council of change in staff

If any of the following occur, the CEO must table a document at the next ordinary council meeting advising the council of that fact:

- (a) the CEO appoints a person to be a council senior staff member;
- (b) a council senior staff member resigns;
- (c) a council senior staff member's appointment is terminated;
- (d) a council senior staff member's contract expires and is not renewed.

Part 9.3 Principles and policies

168 Principles of human resource management

A council must ensure that its policies on human resource management give effect to the following principles:

- (a) selection processes for appointment or promotion:
 - (i) must be based on merit; and
 - (ii) must be fair and equitable;
- (b) the council's staff must have reasonable access to training and development and opportunities for advancement and promotion;
- (c) the council's staff must be treated fairly and consistently and must not be subjected to arbitrary or capricious decisions;
- (d) there must be suitable processes for dealing with employment-related grievances;
- (e) working conditions must be safe and healthy;

- (f) there must be:
 - (i) no unlawful discrimination against a member, or potential member of the council's on the ground of sex, sexuality, marital status, pregnancy, race, physical or intellectual impairment, age or any other ground; and
 - (ii) no other form of unreasonable or otherwise unjustifiable discrimination against a member or potential member of the council's staff.

169 Statement of employment policies

- (1) The CEO must maintain an up-to-date statement of the council's employment policies.
- (2) The statement of employment policies:
 - (a) must cover:
 - (i) recruitment; and
 - (ii) probation and performance assessment; and
 - (iii) opportunities for advancement that are based on merit and are fair and equitable; and
 - (iv) access to training and development; and
 - (v) access to employment-related benefits; and
 - (vi) resolution of employment-related grievances; and
 - (b) may cover other employment-related subjects.
- (3) The statement of employment policies must be consistent with the principles of human resource management specified in section 168.

170 Allowances and fringe benefits policy

- (1) The council must, by resolution, adopt a policy in relation to allowances and fringe benefits for the CEO and the council's staff.
- (2) The policy:
 - (a) must cover:
 - (i) allowances; and
 - (ii) vehicles; and

(iii) accommodation; and

(b) may cover other subjects related to allowances and fringe benefits.

171 Code of conduct for staff

The council must, by resolution, adopt a code of conduct for the CEO and the council's staff.

Part 9.4 Local government subsidiary

172 Application to local government subsidiary

- (1) This Chapter, except sections 161 and 162 and Part 9.7, apply to a local government subsidiary as if:
 - (a) a reference to a council were a reference to a local government subsidiary; and
 - (b) a reference to a CEO were a reference to a chief executive.
- (2) In relation to the application of Part 9.3, the local government subsidiary may:
 - (a) create its own policies or code of conduct; or
 - (b) adopt the policies or code of conduct of its constituent council or one of its constituent councils.
- (3) The policies and code of conduct of the local government subsidiary must be approved by the constituent council or councils.

Part 9.5 Staff obligations

173 Standards to be observed by council's staff and local government subsidiary's staff

The CEO and other members of a council's staff and the chief executive and other members of a local government subsidiary's staff must maintain proper standards of integrity, diligence and concern for the public interest.

174 Annual return of interests – staff

- (1) The following persons must submit an annual return to the council containing the details prescribed by regulation:
 - (a) a CEO;

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- (b) a council senior staff member.
 - (2) The following persons must submit an annual return to the constituent council or councils of a local government subsidiary containing the particulars prescribed by regulation:
 - (a) a chief executive;
 - (b) a local government subsidiary senior staff member.
 - (3) Each person mentioned in subsection (1) or (2) must submit the annual return:
 - (a) within 14 days of the commencement of the person's employment; and
 - (b) by no later than 30 September each year for the duration of person's employment.
 - (4) However, if the person has submitted a return after 31 March in a calendar year, the person is not required to submit another return before 30 September in that year.
 - (5) The council and the constituent council or councils of the local government subsidiary must keep a register of returns submitted under this section.
 - (6) A person commits an offence if:
 - (a) the person intentionally engages in conduct; and
 - (b) the conduct results in a failure to submit an annual return in accordance with this section and the member is reckless in relation to the result.

Maximum penalty: 32 penalty units or imprisonment for 6 months.

- (7) It is a defence to a prosecution for an offence against subsection (6) if the defendant has a reasonable excuse.
- (8) In this section:

local government subsidiary senior staff member means a member of staff of the local government subsidiary:

- (a) employed in a position in the management level immediately beneath the chief executive of the local government subsidiary in the local government subsidiary's organisational structure; and

- (b) directly reporting to the chief executive of the local government subsidiary.

175 Offences for conflict of interest

- (1) A person commits an offence if:
 - (a) the person is a staff member; and
 - (b) the staff member has a personal or financial interest in a matter in regard to which the member is required or authorised to act or give advice; and
 - (c) the member does not disclose the interest:
 - (i) if the staff member is the CEO – to the council; or
 - (ii) in any other case – to the CEO.

Maximum penalty: 100 penalty units.

- (2) A person commits an offence if:
 - (a) the person is a staff member; and
 - (b) the staff member has a personal or financial interest in a matter in regard to which the member is required or authorised to act or give advice; and
 - (c) the staff member acts in the matter in a way other than as authorised by the CEO or the council (as the case requires).

Maximum penalty: 100 penalty units.

- (3) An offence against subsection (1) or (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against subsection (1) or (2) if the defendant was unaware of the personal or financial interest.
- (5) The council may, by resolution, provide the authorisation mentioned in subsection (1)(b) to the CEO.
- (6) The CEO may, in writing, provide the authorisation mentioned in subsection (1)(b) to a staff member.
- (7) In this section:

staff member includes:

- (a) a person who is not an employee but works for, or provides services to, the council on a contract basis; or
- (b) a person who works for the council under an arrangement with a labour hire agency; or
- (c) a person (other than a member of the council, a council committee or a local authority) acting under powers of the council conferred by delegation.

Part 9.6 Rights and immunities of staff

176 Portability of long service leave rights

- (1) A person (the **applicant**), who leaves the employment of one employer to which this section applies (the **former employer**) and enters the employment of another employer to which this section also applies (the **later employer**) within 3 months, may elect, in accordance with this section, to transfer accrued and accruing rights to long service leave to the later employment.
- (2) An employer must, as soon as practicable after an employee enters into employment, require the employee to provide to the employer, not later than 28 days after the requirement, a written declaration stating:
 - (a) whether the employee was employed by another employer within the 3 months immediately preceding the entering into employment; and
 - (b) if the employee was employed by another employer within those 3 months – whether the employee elects to transfer accrued and accruing rights to long service leave to the later employment.
- (3) The requirement under subsection (2) is to be given to the employee not later than 5 days after the employee enters into employment, but failure to do so within those 5 days does not affect the validity of the requirement.
- (4) An employee who does not provide a declaration under subsection (2) is considered to have decided not to elect to transfer any accrued and accruing rights to long service leave to the later employment.
- (5) If the declaration under subsection (2) states that the employee elects to transfer accrued and accruing rights to long service leave to the later employment:

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- (a) the later employer must, not later than 3 months after the employee enters into employment, notify the former employer, in writing, that the employee has made an election under this section; and
 - (b) the former employer must, not later than 30 days after receiving a notification under paragraph (a):
 - (i) notify the later employer, in writing, of the applicant's accrued and accruing rights to long service leave as appear from the former employer's records; and
 - (ii) pay to the later employer the amount of the provision for long service leave in the former employer's accounts.
 - (6) An amount mentioned in subsection (5)(b)(ii) that remains unpaid after the 30 days may be recovered as a debt due to the later employer from the former employer by action in a court of competent jurisdiction.
 - (7) This section applies to the following employers:
 - (a) a council for an area within the Territory;
 - (b) a local government subsidiary formed with the Minister's approval under this Act;
 - (c) the prescribed corporation.

177 Resignation to contest election – staff members

- (1) This section applies if the following persons resign in order to stand as a candidate for election to a council, the Legislative Assembly, the Commonwealth House of Representatives or the Senate:
 - (a) a CEO;
 - (b) a chief executive;
 - (c) a staff member of a council;
 - (d) a staff member of a local government subsidiary.
- (2) However, this section does not apply if a person mentioned in subsection (1) resigns in order to stand as a candidate for election to a council that is not:
 - (a) in the case of a CEO or a staff member of a council – the council the CEO or staff member is employed by; or
 - (b) in the case of a chief executive or a staff member of a local

government subsidiary – the constituent council or councils for the local government subsidiary the chief executive or staff member is employed by.

- (3) The person must give the following written notice at the time of resignation that the person claims the benefit of this section:
 - (a) for a CEO – the principal member of the council;
 - (b) for a subsidiary chief executive – the constituent council or councils of the local government subsidiary;
 - (c) for a staff member of a council – the CEO of the council;
 - (d) for a staff member of a local government subsidiary – the subsidiary chief executive for the local government subsidiary.
- (4) The person's resignation must take effect not more than 28 days before the close of nominations for the relevant election.
- (5) If the person is not elected, and applies to the person mentioned in subsection (3) to be reinstated within 7 days after the result of the election is known, the person must be reinstated to the person's former position or an equivalent position.
- (6) A person reinstated under subsection (5) is to be treated as having been on unpaid leave between the date of resignation and the date of reinstatement.

178 Immunity from personal liability

- (1) No civil or criminal liability attaches to a staff member for an honest act or omission in the performance, or purported performance, of official functions under this Act or another Act.
- (2) Any civil liability that would, but for this section, attach to a staff member, attaches instead to the council or local government subsidiary.

Part 9.7 Authorised persons

Division 1 Appointment of authorised persons

179 Appointment of authorised persons

- (1) A council may appoint a person (other than a member of the council) to be an authorised person.
- (2) The council may, by notice to the authorised person:

- (a) add to, or vary, any limitations and conditions of appointment;
or
- (b) revoke the appointment.

180 Powers of authorised persons

An authorised person is, subject to any limitations and conditions of appointment, authorised to exercise the powers conferred on an authorised person by or under this Act.

181 Identity cards for authorised persons

- (1) The council must issue each authorised person with an identity card:
 - (a) containing the person's name and a photograph of the person;
and
 - (b) stating that the person is an authorised person.
- (2) The authorised person must, at the reasonable request of a person, produce the identity card for inspection.
- (3) A person commits an offence if:
 - (a) the person is an authorised person; and
 - (b) the person, on ceasing to be an authorised person, fails to return the identity card to the council.

Maximum penalty: 20 penalty units.

- (4) An offence against subsection (3) is an offence of strict liability.

Division 2 General powers of authorised person

182 Power to require statement of name and address

- (1) If an authorised person reasonably suspects a person of having committed an offence against this Act or the council's by-laws, the authorised person may require the person:
 - (a) to state the person's name and address; and
 - (b) if the authorised person considers further evidence of identity necessary – to provide further evidence of a specified kind of identity.

- (2) A person commits an offence if:
- (a) the person is required to comply with a requirement under subsection (1); and
 - (b) the person fails to comply with the requirement.

Maximum penalty: 20 penalty units.

- (3) An offence against subsection (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against subsection (2) if the defendant has a reasonable excuse.

183 Power to enter land or premises

- (1) An authorised person may, with the necessary authority, enter land or premises for an authorised purpose and remain on the land or premises for as long as may be necessary for that purpose.
- (2) The necessary authority is:
 - (a) the consent of the occupier; or
 - (b) a warrant issued by a justice of the peace; or
 - (c) in an emergency – the CEO's authorisation.
- (3) A justice of the peace may, if satisfied by information verified by oath, that there are reasonable grounds on which an authorised person should be authorised to enter land or premises to carry out an authorised purpose, issue a warrant accordingly.
- (4) An **authorised purpose** is any one or more of the following:
 - (a) investigating a suspected offence against this Act or a by-law;
 - (b) taking necessary action in an emergency:
 - (i) to protect the health of, or prevent injury to, a person or animal; or
 - (ii) to relieve the suffering of an animal; or
 - (iii) to seize or destroy a savage, diseased or injured animal;
 - (c) destroying a dog that has, within the preceding 24 hours, attacked and injured a person in a public place;
 - (d) exercising any other power conferred on an authorised person by this Act or a by-law.

184 Assistance of police

An authorised person may call a police officer for assistance in the exercise of powers under this Act or a by-law.

Division 3 Obstruction of authorised person

185 Obstruction of authorised person

- (1) A person commits an offence if:
 - (a) the person intentionally obstructs another person; and
 - (b) the other person is an authorised person; and
 - (c) the authorised person is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

- (2) Strict liability applies to subsection (1)(b).

- (3) In this section:

obstruct includes hinder and resist.

Chapter 10 Financial management

Part 10.1 Receipt and expenditure of money

186 Definition

In this Part:

authorised deposit account means an account with an ADI.

187 Authorised deposit accounts

- (1) A council or local government subsidiary may establish as many authorised deposit accounts as may be necessary for proper financial administration.
- (2) All money received by a council or local government subsidiary must be paid into an authorised deposit account.
- (3) All expenditure made by a council must be made from an authorised deposit account.

188 Segregation of certain money

- (1) Trust money must be kept separate from the general funds of the council but money subject to different trusts may be kept together in a common authorised deposit account (to be designated as a **trust account**).
- (2) If a council or local government subsidiary receives funds for a particular purpose, the funds must not be used for any other purpose unless the provider of the funds authorises use of the funds for another purpose.

Note for section 188

If money is given on trust, this provision is not intended to limit the power of the Supreme Court to vary the terms of trust (see section 262).

Part 10.2 Investment

189 Investment

- (1) A council or local government subsidiary may invest money not immediately required for the purposes of the council or local government subsidiary.
- (2) The Minister may, after consultation with the Treasurer, issue investment guidelines from time to time.
- (3) A council may, by resolution, adopt a policy for investing money that is consistent with this Act and the Minister's guidelines.
- (4) A local government subsidiary may adopt a policy for investing money, approved by the constituent council or councils, that is consistent with this Act and the Minister's guidelines.
- (5) An investment must be in accordance with the council's policy or the local government subsidiary's policy for investing money.
- (6) If the council or local government subsidiary do not have a policy for investing money, the council or local government subsidiary may only invest money by banking money in an interest bearing account with an ADI.

Part 10.3 Council or local government subsidiary borrowing

190 Definition

In this Part:

borrowing, see section 191.

191 Meaning of ***borrowing***

A council or local government subsidiary ***borrow***s money if the council or local government subsidiary obtains any form of financial accommodation.

Examples for section 190

- 1 *The financial accommodation might take the form of an overdraft or a loan of some other kind.*
- 2 *If a council or local government subsidiary acquires possession of goods under a hire-purchase agreement, a finance lease or an instalment purchase arrangement, the council or local government subsidiary is taken to borrow money equivalent to the present value of the future consideration to be paid by the council or local government subsidiary under the agreement, lease or arrangement.*

192 Council's or local government subsidiary's power to borrow

- (1) Subject to subsection (2), the Minister's approval, to be given after consultation with the Treasurer, is required before a council or local government subsidiary borrows money.
- (2) However, the Minister's approval is not required for the following:
 - (a) an advance on overdraft if:
 - (i) the term of the advance does not exceed 2 months; and
 - (ii) the amount of the advance does not exceed 2% of the council's total revenue income for the last financial year for which the council has an audited financial statement;
 - (b) a transaction classified as a minor transaction under guidelines issued by the Minister.
- (3) Subject to subsection (4), the council or local government subsidiary may borrow money if:
 - (a) for the council – council has, by resolution, sought the Minister's approval to borrow money; and
 - (b) for the local government subsidiary – the local government subsidiary has obtained written authorisation from each of its constituent councils to seek the Minister's approval to borrow money; and
 - (c) if the Minister's approval is required for the borrowing – the Minister has approved the borrowing of the money.

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- (4) If subsection (2) applies, the council or local government subsidiary may borrow money if:
 - (a) for the council – the council has, by resolution, decided to borrow money; and
 - (b) for the local government subsidiary – the local government subsidiary has obtained written authorisation from each of its constituent councils to borrow money.
 - (5) A council resolution or written authorisation under subsection (3)(a) or (b) or (4)(a) or (b) must specify the following:
 - (a) the amount to be borrowed;
 - (b) the lender or provider of financial accommodation;
 - (c) the purpose of the loan or financial accommodation;
 - (d) the terms of the local or financial accommodation.

193 Security for borrowing

- (1) A council or local government subsidiary may, with the Minister's approval, give security for a borrowing in the nature of a mortgage or charge over property of the council or local government subsidiary.
- (2) The property over which a security is granted may consist of or include (present and future) general revenue of the council or local government subsidiary.
- (3) The Minister must not approve a security over property if, in the Minister's opinion, it is essential that the property be retained in the ownership of the council or local government subsidiary.
- (4) The Minister must consult with the Treasurer before approving a security under this section.

194 Security over general revenue

- (1) If a council or local government subsidiary defaults on an obligation secured on the general revenue of the council or local government subsidiary, the Supreme Court may, on application by the holder of the security or a trustee for holders of the security:
 - (a) make one or both of the following orders:
 - (i) an order requiring the council or local government subsidiary to appropriate a specified portion of its

revenue to the satisfaction of its obligations;

- (ii) an order requiring the council or local government subsidiary to raise a specified amount by way of rates and directing that the amount raised be applied towards satisfaction of the council's or local government subsidiary's obligations; and
- (b) give incidental or ancillary directions.
- (2) The rights conferred by subsection (1) are in addition to other rights (if any) conferred by the security.

Part 10.4 Long-term financial plan

195 Long-term financial plan

- (1) A council must prepare and keep up-to-date a long-term financial plan.
- (2) A long-term financial plan must relate to a period of at least 4 financial years.
- (3) A long-term financial plan must contain:
 - (a) a statement of the major initiatives the council proposes to undertake during the period to which the plan relates; and
 - (b) projections of income and expenditure for each financial year of the period to which the plan relates; and
 - (c) the council's proposals for the repair, maintenance, management and development of infrastructure for each financial year of the period to which the plan relates; and
 - (d) any other matters prescribed by regulation.
- (4) The council must provide the Agency with a copy of its long-term financial plan by 30 June in the first financial year to which the plan relates.

Part 10.5 Annual budgets

196 Annual budgets

- (1) A council must prepare a budget for each financial year.

- (2) The budget for a particular financial year must:
- (a) outline:
 - (i) the council's objectives for the relevant financial year; and
 - (ii) the measures the council proposes to take, during the financial year, towards achieving those objectives; and
 - (iii) the indicators the council intends to use as a means of assessing its efficiency in achieving its objectives; and
 - (b) contain estimates of revenue and expenditure for the financial year, differentiating between operating and capital expenditure; and
 - (c) state the amount to be allocated to the development and maintenance of each class of infrastructure for the financial year; and
 - (d) state the amount the council proposes to raise by way of rates, and set out the rates structure, for the financial year; and
 - (e) include an assessment of the social and economic effects of its rating policies; and
 - (f) state the allowances for members of the council for the financial year and the amount budgeted to cover payment of those allowances; and
 - (g) include any other information required by any guidelines that the Minister may make or as prescribed by regulation; and
 - (h) be in a form required by any guidelines that the Minister may make or as prescribed by regulation.

197 Budget not to be for deficit

A council must not budget for a deficit except in accordance with the regulations.

198 Adoption of budget or amendment

- (1) A council must adopt its budget for a particular financial year on or before 30 June in the previous financial year.
- (2) Subject to subsection (3), a council may, after adopting its budget for a particular financial year, adopt an amendment to its budget.

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- (3) An amendment must not have the effect of:
 - (a) increasing the amount of an allowance for the financial year for the members of the council; or
 - (b) changing the amount of an allowance for the financial year for members of a local authority established by the council except in accordance with any guidelines made by the Minister.
 - (4) As soon as practicable after adopting its budget or an amendment to its budget for a particular financial year a council must:
 - (a) publish the budget or amendment as adopted on the council's website; and
 - (b) notify the Agency in writing of the adoption of the budget or amendment; and
 - (c) publish a notice in a newspaper circulating generally in the area informing the public that copies of the budget or amendment may be downloaded from the council's website or obtained from the council's public office.
 - (5) If an amendment to the council's budget is published on the council's website, the budget as adopted must remain published on the council's website clearly indicating that the budget has been superseded by an amendment.
 - (6) The council's budget and any amendment to the budget forms part of the council's municipal, regional or shire plan.

199 Allocation of money not in budget

- (1) A council must not allocate money unless provision for the allocation is made in the budget for the relevant financial year.
- (2) However, a council may allocate money that is not provided for in the budget if the allocation is:
 - (a) authorised by resolution of the council; or
 - (b) either:
 - (i) within the terms of a grant accepted by council; or
 - (ii) covered by an inflow of money that compensates the expenditure.

Example for subsection (2)(b)(ii)

The council enters a contract to provide civil works. The council purchases equipment and materials to perform the works. The cost of the equipment and

materials is within the amount the council is to be paid under the contract.

- (3) If a council allocates money under subsection (2)(b), the allocation must be reported to the next general ordinary meeting of the council.
- (4) An allocation of money under subsection (2) must be included in any subsequent amendment to the council's budget.

Part 10.6 Accounting records

200 Accounting records

- (1) A council must keep accounting records that give a true and fair view of:
 - (a) the council's revenue and expenditure; and
 - (b) the council's assets and liabilities.
- (2) The records must be kept in accordance with the Australian Accounting Standards and other requirements prescribed by regulation.

201 Availability of records for inspection

- (1) The accounting records must be available for inspection at any reasonable time by:
 - (a) the council's auditor; or
 - (b) an inspector.
- (2) Subject to the council's privacy policy, the accounting records must also be available for inspection at any reasonable time by a member of the council.
- (3) A council must, by resolution, adopt a privacy policy protecting members and staff of the council from undue intrusion into their private affairs.
- (4) A local government subsidiary must adopt a privacy policy protecting the local government subsidiary's staff from undue intrusion into their private affairs.

Example for subsection (4)

The privacy policy might limit the inspection of payroll records by members of a council.

- (5) The local government subsidiary adopts the policy:

- (a) for a local government subsidiary with one constituent council – by resolution of the council; or
- (b) for a local government subsidiary with more than one constituent council – by resolution of the local government subsidiary.

Part 10.7 Annual financial statement

202 Annual financial statement

- (1) A council must prepare a financial statement for each financial year.
- (2) The annual financial statement must confirm with:
 - (a) the Australian Accounting Standards; and
 - (b) any other requirements prescribed by regulation; and
 - (c) any guidelines that the Minister may make.

203 Reference of annual financial statement for audit

The annual financial statement must be prepared, and referred to the council's auditor for audit:

- (a) as soon as reasonably practicable after the end of the relevant financial year; and
- (b) in any event – in time to ensure that the audited statement is available no later than 15 November in the calendar year in which the financial year ends.

Part 10.8 Audit

Division 1 Auditor

204 Auditor

- (1) A council must appoint an auditor.
- (2) The auditor must be:
 - (a) the Auditor-General; or
 - (b) a registered company auditor or an authorised audit company; or

- (c) a firm whose members include a registered company auditor.
- (3) A person is not eligible to be the auditor if the person:
 - (a) is a member or a candidate for election as a member of the council; or
 - (b) holds any other office or position with the council.
- (4) The council must, in the auditor's appointment:
 - (a) fix the term of appointment, which must be between 2 and 5 years; and
 - (b) fix the basis of the auditor's remuneration.
- (5) The office of auditor becomes vacant if:
 - (a) the auditor dies; or
 - (b) the auditor resigns by written notice to the CEO; or
 - (c) the auditor becomes a candidate for election as a member of the council or accepts some other remunerated office or position with the council; or
 - (d) the auditor's term of office comes to an end and the auditor is not reappointed; or
 - (e) the auditor is removed from office by the council with the Minister's consent.
- (6) In this section:

authorised audit company, see section 9 of the Corporations Act 2001.

205 Appointment by the Minister

- (1) If a council fails to appoint an auditor, the Minister may make an appointment on behalf of the council.
- (2) An auditor appointed under subsection (1) is to be paid fees fixed by the Minister.

Division 2 Audit

206 Annual audit

- (1) The auditor must, as soon as practicable after the council's annual financial statement is referred to the auditor for audit:
 - (a) audit the statement; and
 - (b) report to the council on the results of the audit and, in particular, on any material irregularity in the council's accounting practices or the management of the council's financial affairs identified in the course of the audit; and
 - (c) report to the Minister and the ICAC on any evidence found in the course of the audit of a contravention of the law or serious financial irregularity; and
 - (d) if the results of the audit provide for a disclaimer of opinion – provide a copy of the report of the results of the audit to the Minister.
- (2) The audit is to be carried out in accordance with the Australian auditing standards and requirements prescribed by regulation.
- (3) The auditor's report mentioned in subsection (1)(b) must be tabled at the next meeting of the council.
- (4) The CEO must prepare a report on any action to be taken to implement any of the auditor's recommendations as a result of the audit and table the report at the next meeting of the council.
- (5) In this section:

Australian auditing standards means the auditing standards in force under section 336 of the Corporations Act 2001.

207 Other audits

The auditor must carry out any other audits of the council's financial affairs that may be required by regulation.

208 Assistance to be provided to the auditor

- (1) The auditor may ask the CEO or another member of the council's staff:
 - (a) to produce financial records; or
 - (b) to answer questions relevant to the council's financial affairs.

- (2) A person commits an offence if:
 - (a) the person is required to comply with a requirement under subsection (1); and
 - (b) the person fails to comply with the requirement.

Maximum penalty: 100 penalty units.
- (3) An offence against subsection (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against subsection (2) if the defendant has a reasonable excuse.

Part 10.9 Rectification orders

209 Power of Minister to make rectification order

- (1) If the Minister is of the opinion that an irregularity has occurred, or is occurring, in the administration of a council's financial affairs, the Minister may, by order (a **rectification order**) given in writing to the council, require the council to take specified action to correct the irregularity or to guard against the recurrence of irregularities (or both).
- (2) A rectification order must fix a date for compliance (the **compliance date**).
- (3) On application by the council, the Minister may postpone the compliance date from time to time.

210 Non-compliance with order

- (1) A person commits an offence if:
 - (a) the person is a member of a council; and
 - (b) the council fails to comply with a rectification order by the compliance date.

Maximum penalty: 100 penalty units.
- (2) An offence against subsection (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant acted with reasonable diligence to secure compliance by the council.

Part 10.10 Contracts

211 High value contract

A council must not enter a contract of a higher value than the amount prescribed by regulation unless the council has authorised the contract by resolution.

212 Council to enter into contracts according to principles

If a council enters into a contract, the council must have regard to the following principles:

- (a) support of local business and industry;
- (b) ethical behaviour and fair dealing;
- (c) value for money;
- (d) environmental protection;
- (e) open and effective competition.

213 Shared services policy

- (1) A council must, by resolution, adopt a shared services policy.
- (2) A shared services policy may deal with the following matters:
 - (a) sharing the delivery of a council service with another council;
 - (b) the council jointly procuring from a third party the delivery of a service with another council.

Chapter 11 Rates and charges

Part 11.1 Rateability

214 Categorisation of land

The land in a local government area is divided into 3 basic categories:

- (a) rateable land; and
- (b) conditionally rateable land; and
- (c) land (***exempt land***) that is exempt from rates.

215 Rateable land

All land within a local government area is **rateable** unless it is:

- (a) conditionally rateable land that is not within the ambit of a notice published under section 216 that is in force; or
- (b) exempt land.

216 Conditionally rateable land

- (1) The following land is **conditionally rateable**:
 - (a) land held under a pastoral lease;
 - (b) land occupied under a mining tenement;
 - (c) other land that is prescribed by regulation as conditionally rateable.
- (2) Conditionally rateable land is only rateable in accordance with a notice published by the Minister in the *Gazette* at least 2 months before the commencement of the financial year for which the rates are declared.
- (3) The council for the area may make submissions to the Minister in relation to conditionally rateable land.
- (4) Before publishing the notice, the Minister must:
 - (a) consider a submission made under subsection (3), if the submission is received by the Minister by 31 December in the year before the beginning of the relevant financial year; and
 - (b) consult with the Minister responsible for the administration of pastoral matters and the Minister responsible for the administration of mining matters.
- (5) As soon as practicable after the notice is published in the *Gazette*:
 - (a) the council must publish the notice on its website; and
 - (b) the Agency must publish the notice on the Agency's website.
- (6) In this section:

pastoral lease means a pastoral lease granted under the *Pastoral Land Act 1992*.

217 Council to rate all rateable land

A council must rate all rateable and conditionally rateable land in the council area.

218 Urban farm land

- (1) The owner or occupier of land within a council area may apply to the council for classification of the land as urban farm land.
- (2) Land is not eligible for classification as urban farm land unless:
 - (a) its area is more than 0.8 of a hectare; and
 - (b) it is used by the occupier for carrying on a prescribed business or industry; and
 - (c) the occupier derives a substantial part of the occupier's livelihood from carrying on that business or industry.

219 Exempt land

- (1) The following land is exempt from rates:
 - (a) Crown land that is:
 - (i) vacant and not the subject of a lease; or
 - (ii) occupied by the Territory for a public purpose (other than the provision of public housing);
 - (b) land of the council, other than such land leased for a purpose that does not give rise to an exemption under some other provision of this section;
 - (c) a public place consisting of:
 - (i) a park, garden or reserve; or
 - (ii) a playground or sports ground; or
 - (iii) a cemetery; or
 - (iv) a road;
 - (d) land belonging to a religious body consisting of:
 - (i) a church or other place of public worship; or
 - (ii) a place of residence for a minister of religion associated with a church or other place of public worship; or

- (iii) a place of residence for the official head in the Territory of the religious body; or
 - (iv) an institution for religious teaching or training;
 - (e) a hospital conducted by the Territory;
 - (f) a medical clinic or health centre conducted by the Territory;
 - (g) subject to subsections (3) and (4), land used for a non-commercial purpose by a public benevolent institution or a public charity that is registered with the Australian Charities and Not-for-profits Commission established under the *Australian Charities and Not-for-profits Commission Act 2012* (Cth);
 - (h) a kindergarten, Government school as defined in section 5 of the *Education Act 2015*, non-Government school registered under the *Education Act 2015*, or a university or other tertiary educational institution;
 - (i) land recognised by the council as a youth centre;
 - (j) a public library or public museum;
 - (k) the common property:
 - (i) in a units plan or building development plan registered under the *Real Property (Unit Titles) Act 1975*; or
 - (ii) of a scheme formed under the *Unit Title Schemes Act 2009*;
 - (l) land owned by a Land Trust or an Aboriginal community living area association except:
 - (i) land prescribed by regulation as rateable; or
 - (ii) land subject to a lease or a licence conferring a right of occupancy; or
 - (iii) land used for a commercial purpose;
 - (m) land exempted from rates by another Act.
- (2) If land is used for 2 or more different purposes, and one or more but not all the purposes are exempt, the land is not exempt from rates unless the non-exempt purpose is merely incidental to the exempt purpose.

Example for subsection (2)

An allotment consists of a public museum containing a cafeteria. The allotment is exempt from rates despite the existence of the cafeteria. However, if the allotment were a restaurant attracting customers in its own right, the allotment would not be exempt from rates.

- (3) Subject to subsection (4), in deciding whether land is used for a commercial or non-commercial purpose, the fact that the user is a public benevolent institution or a public charity is irrelevant and the question is to be decided according to the nature of the use and not the nature of the user.
- (4) However, a non-commercial purpose does not include the land being used for a residential purpose for employees or contractors of the institution or charity.

220 Special cases

- (1) Land of the Commonwealth is only rateable if the Commonwealth agrees and, in that event, it is rateable on conditions agreed by the Commonwealth.

Example for subsection (1)

The Commonwealth might agree that an occupier of land under a lease from the Commonwealth is to be liable for rates.

- (2) A Land Trust is not liable to rates but:
 - (a) an occupier of land owned by the Land Trust (other than the Trust itself) is liable to rates; and
 - (b) if land owned by the Trust is held under a lease from the Trust – the leasehold estate constitutes the rateable land for the purposes of this Act.

Note for subsection (2)

This subsection applies to land of a Land Trust that is not fully exempt from rates under section 219(1)(l).

- (3) An Aboriginal community living area association is not liable to rates but:
 - (a) an occupier of land owned by the association (other than the association itself) is liable to rates; and
 - (b) if land owned by the association is held under a lease from the association, the leasehold estate constitutes the rateable land for the purposes of this Act.

Note for subsection (3)

This subsection applies to land of an Aboriginal community living area that is not fully exempt from rates under section 219(1)(l).

- (4) Land owned by a Land Trust or an Aboriginal community living area association:
- (a) is not subject to the provisions of this Chapter under which overdue rates become a charge on the land to which they relate; and
 - (b) is not liable to be sold for non-payment of rates.

Note for subsection (4)

This subsection does not, however, protect a leasehold estate from such a charge or from being sold for non-payment of rates.

221 Apportionment if land rateable for part only of a financial year

- (1) If land becomes rateable during the course of a financial year, or ceases to be rateable during the course of a financial year:
 - (a) the land is liable to rates for the financial year; but
 - (b) the amount of the liability is reduced to a proportion of the rates that would have been payable if the land had been rateable for the whole of the financial year.
- (2) The proportion is the proportion between the period for which the land is rateable (expressed in days) and the number of days in the financial year.
- (3) A council must make any refund or remission of rates necessary to give effect to this section.

Part 11.2 Basis for assessment of rates

222 Allotments

- (1) An **allotment** is a parcel of land or part of a parcel of land for which a council proposes to make a separate assessment of rates.
- (2) A parcel of land includes the following:
 - (a) a unit or lot created by registration of a plan under the *Real Property (Unit Titles) Act 1975* or the *Unit Titles Act 1975*;
 - (b) a unit created by the registration of a unit title scheme under the *Unit Title Schemes Act 2009*.
- (3) A council may only divide a parcel of land that is subject to the same ownership into separate allotments if:
 - (a) the allotments are subject to separate occupation; or

- (b) the allotments fall within different zones; or
- (c) there is some other good reason for disaggregating the parcel into separate allotments.

Example for subsection (3)

If land consists of a block of flats in the same ownership but separately occupied, the council could either treat the block of flats as a single allotment and determine rates for the whole, or disaggregate it into the separate flats and determine rates for each flat.

- (4) In this section:

parcel of land, see section 4 of the *Valuation of Land Act 1963*.

223 Basis of rates

- (1) Rates may consist of:
 - (a) a fixed amount (a **fixed amount**) for each allotment; or
 - (b) an amount (a **valuation-based amount**) calculated as a proportion of the assessed value of each allotment; or
 - (c) a combination of a fixed amount and a valuation-based amount.
- (2) If rates consist of, or include, a valuation-based amount, the amount may be subject to a specified minimum (a **minimum amount**).

Example for subsection (2)

A valuation-based amount might be expressed as a specified proportion of assessed value or \$100 (whichever is the greater amount).

- (3) Different fixed amounts, different valuation-based amounts, and different minimum amounts may be fixed for:
 - (a) allotments within different parts of the local government area; or
 - (b) different classes of allotments; or
 - (c) a combination of both paragraphs (a) and (b).

Example for subsection (3)(a)

The rates for land within different planning zones might be based on different components.

Example for subsection (3)(b)

If land is divided into small allotments (such as self-storage units or marina

berths) because of a subdivision for the purposes of the Unit Titles Act 1975 or Unit Title Schemes Act 2009, and the council considers it inequitable to apply the minimum amount otherwise applicable to land within the area to the small allotments, the council could fix a different and lesser minimum for the small allotments.

(4) However:

- (a) a council may only impose a fixed amount on unvalued allotments and a valuation-based amount (or a combination of a fixed amount and a valuation-based amount) on valued allotments; and
- (b) different amounts must not be fixed on the basis of who the owner or occupier of the allotment is.

(5) If an allotment is divided into separate parts or units that are adapted for separate occupation or use, a minimum amount may consist of a fixed amount to be multiplied by the number of separate parts or units.

Example for subsection (5)

If an allotment consists of a block of flats in separate occupation, the minimum amount could consist of a fixed amount to be multiplied by the number of flats comprised in the complex.

(6) In this section:

unvalued, in relation to an allotment, means a valuation is not entered for the allotment on the valuation roll maintained under the *Valuation of Land Act 1963*.

224 Basis of assessed value

- (1) A council may adopt unimproved capital value, improved capital value, or annual value as the basis of the assessed value of allotments within its area or part of its area.
- (2) The ***assessed value*** of land is the unimproved capital value, the improved capital value or the annual value of the land (according to whichever basis of valuation has been adopted by the council for the land) as it appears from the valuation roll.
- (3) However:
 - (a) the unimproved value of a mining tenement is its assessed value; and
 - (b) the unimproved value is taken to be 20 times the annual rental payable under the tenement.

(4) In this section:

annual value, of land, see section 8A of the *Valuation of Land Act 1963*.

improved capital value, of land, see section 8 of the *Valuation of Land Act 1963*.

unimproved capital value, of land, see section 9 of the *Valuation of Land Act 1963*.

Part 11.3 Liability for rates

225 Joint and several liability

- (1) The owner and the occupier (if not the owner) of an allotment are jointly and severally liable for rates payable in respect of an allotment.
- (2) However, an occupier of an allotment (if not an owner) does not become liable for rates in respect of the allotment unless:
 - (a) the occupier's name is entered in the assessment record, on the occupier's own application, as the principal ratepayer for the allotment; or
 - (b) the council gives the occupier written notice that it proposes to seek recovery of rates from the occupier.
- (3) If notice is given under subsection (2)(b) in the course of a financial year, the occupier is only liable for a proportionate part of the rates for that financial year.

226 Principal ratepayer for an allotment

- (1) The owner of an allotment is the principal ratepayer for the allotment.
- (2) However, the occupier of the allotment is the principal ratepayer if the owner is not liable to rates for any reason.

Note for subsection (2)

In the case of an allotment owned by a Land Trust, the Trust itself is not liable to rates so the lessee (if there is a lessee) is treated under this Act as the owner and hence the principal ratepayer for the allotment. If there is no lessee, the occupier may be liable for rates (see section 225(2)) and, if so, would be the principal ratepayer for the allotment.

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- (3) Subsections (1) and (2) are subject to the following qualifications:
- (a) the CEO may, on the application of an occupier who would not be the principal ratepayer in accordance with subsection (2), designate the ratepayer in the assessment record as the principal ratepayer for an allotment;
 - (b) if 2 or more ratepayers would, in accordance with subsection (1) or (2), be the principal ratepayer for an allotment, the CEO may designate one or more of them in the assessment record as the principal ratepayer for the allotment.
- (4) A ratepayer designated under subsection (1) or (2) as the principal ratepayer for an allotment is the principal ratepayer to the exclusion of others.
- (5) If rates are paid by, or recovered from, a ratepayer who is not the principal ratepayer for an allotment, the ratepayer may, subject to any relevant agreement, recover the amount from the principal ratepayer or set the amount off against any liability owed to the principal ratepayer.

Part 11.4 Assessment record

227 Assessment record

- (1) The council must maintain an assessment record.
- (2) The assessment record must contain:
 - (a) a brief description of each allotment within the area and a statement of its assessed value; and
 - (b) if a charge is imposed on non-rateable land in the area – a brief description of the land; and
 - (c) the name and address of the owner of the land; and
 - (d) if the owner is not the principal ratepayer for the land – the name and address of the principal ratepayer; and
 - (e) if the land is subject to a different rate on the basis of its use – the land use; and
 - (f) other information the council directs to be included in the record.
- (3) The assessment record may be kept in an electronic form.

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- (4) A person with sufficient interest in the assessment record may inspect or copy the assessment record, at a fee fixed by the council, at the council's public office.
 - (5) A council policy, adopted by resolution, may provide for what constitutes a sufficient interest in the assessment record.
 - (6) However, the following may inspect or copy the assessment record free of charge:
 - (a) in relation to the part of the record for particular land – an owner, occupier or lessee of the land or the adjoining land or an agent of the owner, occupier or lessee of the land or the adjoining land;
 - (b) the CEO of an Agency.
 - (7) The CEO must, at the request of a person to whom an entry in the assessment record relates, suppress the person's contact details from the publicly accessible copy of the record.

228 Notifications to be given by ratepayers

- (1) A person commits an offence if:
 - (a) the person becomes the principal ratepayer for a particular allotment within a council area; and
 - (b) the person does not, within 28 days of doing so, give the CEO written notice of that fact and of the person's postal address.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if:
 - (a) the person is the principal ratepayer for a particular allotment within a council area; and
 - (b) the person's postal address changes; and
 - (c) the person does not, within 28 days of the change, give the CEO written notice of the new address.

Maximum penalty: 20 penalty units.

- (3) A person commits an offence if:
 - (a) the person ceases to be the principal ratepayer for a particular allotment within a council area; and
 - (b) the person does not, within 28 days of doing so, give the CEO

written notice of that fact.

Maximum penalty: 20 penalty units.

- (4) An offence against subsection (1), (2) or (3) is an offence of strict liability.

229 Correction of record by council

- (1) The council may, on its own initiative, change an entry in the assessment record.
- (2) If the council changes an entry under subsection (1), the council must give a decision notice to the person to whom the entry relates within 14 days of changing the entry.
- (3) Subsection (2) does not apply if the council changes the entry to correct a typographical error.

230 Correction of record by application

- (1) A person may apply to the council, free of charge, for the correction of an entry in the assessment record.
- (2) The application may be made on any one or more of the following grounds:
- (a) the entry wrongly classifies an allotment that is not rateable as rateable land;
 - (b) the entry should, but does not, classify an allotment as urban farm land;
 - (c) the entry wrongly records the use of an allotment;
 - (d) the entry contains some other relevant misclassification or misdescription of an allotment;
 - (e) the entry wrongly records ownership or occupation of an allotment;
 - (f) the entry wrongly designates the applicant as principal ratepayer for an allotment;
 - (g) the entry takes effect from the wrong date;
 - (h) the entry contains some other relevant error.
- (3) The application:
- (a) must be in writing; and

- (b) must state the applicant's interest in the allotment to which the application relates; and
 - (c) must state the nature of the amendment that should, in the applicant's opinion, be made, including when the effect of the amendment should take place.
- (4) If the application is uncontroversial, the CEO may decide the application on behalf of the council but, if it raises matters of possible controversy, the application is to be dealt with by the council or a council committee.
- (5) The CEO, council or council committee (the **decision maker**) may, as soon as practicable but no later than 90 days of receiving the application, request further information from the applicant in relation to the application.
- (6) The CEO must give the applicant a decision notice for the application and notify the applicant of the date the decision takes effect:
- (a) as soon as practicable but no later than 90 days after receiving the application; or
 - (b) if the decision maker has requested further information under subsection (5) – as soon as practicable but no later than 90 days after receiving the information or notification that the applicant cannot provide the information.

231 Application for correction or review

The lodging of the following does not prohibit a principal ratepayer for a particular allotment in a council area from paying rates:

- (a) an application for a correction of the assessment register under section 230(1);
- (b) an application for review of the decision under section 317;
- (c) an application for review of the decision by NTCAT under section 321;
- (d) any other review or appeal available to the principal ratepayer.

232 Correction of record for misclassification

- (1) This section applies if:
- (a) a person makes an application to the council for a correction to an entry in the assessment record on the grounds that the

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entry contains a misclassification of an allotment; and

- (b) the decision maker or NTCAT decides to correct the record.
- (2) The correction of the record must not take effect from a retrospective date if the correction results in the ratepayer for the allotment being liable for a higher amount of rates or charges.

233 Liability or entitlement to rates

- (1) This section applies if an entry on the assessment record is corrected and the correction takes effect from a retrospective date.
- (2) The person to whom the entry relates is, as a result of the correction:
 - (a) if the difference in rates amounts to a liability – liable for the difference in rates; or
 - (b) if the difference in rates amounts to an entitlement – entitled to the difference in rates.
- (3) If the person has an entitlement under subsection (2)(b), the person may be entitled to interest on the entitlement.
- (4) Any entitlement to interest:
 - (a) only applies to an amount that has already been paid by the person; and
 - (b) is subject to the interest rate charged by the council for each respective year of rates.
- (5) A person's entitlement, and any interest on the entitlement, may only be given to the person as a deduction of subsequent rates payable.
- (6) A council is not entitled to interest in relation to an amount owed to the council under subsection (2)(a).

Part 11.5 Imposition of rates, charges and parking rates

Division 1 General and special rates

234 General rates

- (1) A council must, on or before 30 June in the financial year preceding the financial year for which the rates are imposed, declare rates (**general rates**) on allotments throughout the area to raise the

amount the council intends to raise for general purposes for the financial year.

- (2) The council may, at the same time, raise an amount towards a special purpose.
- (3) The declaration must state:
 - (a) the amount:
 - (i) to be raised for general purposes; and
 - (ii) if an amount is to be raised for a special purpose – to be raised for the special purpose; and
 - (b) the basis or bases of the rates; and
 - (c) if the rates are to be payable in instalments – the number of instalments and when they are payable.

235 Special rates

- (1) Subject to this section, a council may, on or before 30 June in the financial year preceding the financial year for which the rates are imposed, declare rates for a particular purpose (***special rates***).
- (2) Before declaring special rates under this section, the council must, at least 30 days before the meeting in relation to the special rates:
 - (a) publish in a newspaper circulating generally throughout the Territory a notice specifying its intention to declare special rates; and
 - (b) give the principal ratepayer for each allotment to which the special rates are intended to be applied with a notice of intention to declare special rates; and
 - (c) at a council meeting after the time the making of submissions has expired, consider any submissions received.
- (3) The notices under subsection (2)(a) and (b) must contain the following particulars:
 - (a) the purpose for which the council proposes to apply the special rates;
 - (b) the total amount that is proposed to be raised by the special rates;
 - (c) the basis of the proposed special rates and the amount that the allotment would be liable for;

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- (d) whether the proposed special rates would be imposed on rateable property generally or on rateable property in a particular part of the council area and an identification of the particular part;
 - (e) that a person may make submissions to the council about the proposed special rates before the date of the meeting in relation to the special rates specified in the notice;
 - (f) how a person can obtain further information about the proposed special rates from the council.
- (4) After considering any submissions received, the council may:
 - (a) by special resolution:
 - (i) declare special rates that are consistent with the proposed special rates specified in the notices under subsection (2); or
 - (ii) declare special rates that are:
 - (A) consistent with the proposed special rates specified in the notices under subsection (2); or
 - (B) reduced for one or more of the allotments for which the special rates were proposed; or
 - (C) reduced for all of the allotments for which the special rates were proposed; or
 - (b) not declare special rates.
- (5) If special rates are imposed for the benefit of a particular part of the area, they may be limited to allotments within the relevant part of the area.
- (6) A declaration under this section must:
 - (a) state the purpose for which the special rates are imposed; and
 - (b) state the amount to be raised; and
 - (c) state the basis of the special rates; and
 - (d) state whether the special rates are imposed on rateable property generally, or on rateable property within a particular part of the area and, if they are limited to a particular part of the area, identify the relevant part.

Division 2 Charges

236 Imposition of charges

- (1) If a council carries out work, or provides services, for the benefit of land, or the occupiers of land, within its area, the council may declare a charge on the land.
- (2) The declaration of the charge does not cease to have effect only because the occupier of the land does not accept the work or services.
- (3) A declaration of a charge must:
 - (a) state the amount or basis of the charge; and
 - (b) identify the land to which the charge applies; and
 - (c) state the purpose of the charge.
- (4) The amount of a charge need not be limited to the cost of providing the service, however the amount of the charge must not exceed a reasonable expectation of the cost of service.
- (5) Subject to subsections (6) and (7), the provisions of this Chapter applicable to rates apply with necessary adaptations and modifications to charges imposed under this section.
- (6) A charge:
 - (a) may be imposed on land that is not liable to rates, including land that is exempt from rates; and
 - (b) may have a reasonable basis that differs from rates; and
 - (c) may only consist of payments that are compulsory in respect of an allotment and its improvements; and
 - (d) must not consist of any payments for an optional service.

Example for subsection (6)(b)

A charge to recover the cost of kerbing might consist of an amount per metre of the frontage of an allotment.

Examples for subsection (6)(c) and (d)

- 1 *A council that provides sewerage services to an allotment may impose a charge for this service, and may impose different charges with reference to the number of toilets installed at the allotment. However, if the council provided the service of connecting a toilet to a sewerage network, it could impose a fee for service but not a charge for the work.*
- 2 *A council may impose a charge for rubbish bin collection that provides for an*

allotment to a specified number of rubbish bin collections. However, if the council provided the service of additional rubbish bin collections, it could impose a fee for service but not a charge for the work.

- (7) The provisions for rate concessions do not apply to charges.

Division 3 Parking rate for council for municipality

237 Imposition of parking rate

- (1) A council for a municipality may, by resolution, impose a parking rate for the municipality (a **municipal parking rate**) in accordance with any requirements prescribed by regulation.
- (2) A municipal parking rate imposed is notified in a rates declaration on or before 30 June and applies for the next financial year.

Part 11.6 General and particular notice

238 Public notice

- (1) Within 21 days after declaring rates, the council must publish notice of the rates:
 - (a) on its website; and
 - (b) in a newspaper circulating generally in the council's area.
- (2) The notice must:
 - (a) give details of the rates; and
 - (b) state the date on which payment of the rates fall due and, if the council has resolved to allow payment by instalment, the date on which each instalment falls due for payment; and
 - (c) give details of any discount or other concession or benefit the council has resolved to allow for prompt payment of the rates in full.
- (3) Failure to publish the notice within the time limit fixed by subsection (1) does not invalidate the declaration.

239 Rates notice

- (1) At least 28 days before the payment of the rates (or the first instalment of the rates) falls due, the council must issue an account for the payment of rates (a **rates notice**) for each allotment.
- (2) The rates notice must be given if practicable to the principal

ratepayer for an allotment or, if it is not practicable to do so, to any other ratepayer for the allotment.

- (3) The rates notice must:
 - (a) state the due date for payment of the rates and, if payment by instalment is allowed, the due date for payment of the first instalment; and
 - (b) must be given at least 28 days before the due date for payment of the rates or the first instalment of the rates.
- (4) Non-compliance with subsection (3)(b) does not invalidate the rates notice.

240 Discount for prompt payment

- (1) A council may resolve to allow a discount, or some other form of concession or benefit, for prompt payment of rates in full.
- (2) If the council resolves to allow a discount for prompt payment of rates in full, the rate notice must:
 - (a) state the percentage discount; and
 - (b) the conditions on which it is to be allowed, and
 - (c) both the discounted and the undiscounted amount payable.

241 Payment by instalment

- (1) If a council allows payment of rates by instalment, it does so on condition that each instalment is paid by the due date.
- (2) If a ratepayer defaults in payment of an instalment by the due date, all remaining instalments become immediately due and payable.
- (3) A council may, however, relieve a ratepayer, or ratepayers generally, from the consequences of default to an extent decided by the council.
- (4) At least 28 days before the payment of the second and subsequent instalments falls due, the council must issue a notice for the payment of the instalment (a **reminder notice**), if practicable, to the principal ratepayer or, if it is not practicable to do so, to any other ratepayer for the allotment.
- (5) The reminder notice must:
 - (a) state the due date for payment of the instalment; and

- (b) be given at least 28 days before the due date for payment of the instalment.

Part 11.7 Interest on unpaid rates

242 Accrual of interest on overdue rates

- (1) If rates are not paid by the due date, interest accrues on the amount of the unpaid rates at the relevant interest rate.

Note for subsection (1)

If the ratepayer defaults in payment, all remaining instalments become due and payable. Interest therefore accrues on the total amount of the unpaid rates and not merely the amount of the instalment (see section 241(2)).

- (2) Interest is calculated on a daily basis on the amount in default (exclusive of interest) from the due date until the date of payment.
- (3) A council may:
- (a) fix a rate of interest as the relevant interest rate; or
 - (b) vary a rate of interest previously fixed as the relevant interest rate.
- (4) In this section:

relevant interest rate is a rate of interest:

- (a) prescribed by regulation; or
- (b) if the rate interest is not prescribed by regulation – fixed by the council.

243 Remission of interest

A council may remit interest wholly or in part.

Part 11.8 Rate concessions

244 Rate concessions

- (1) A **rate concession** is one or more of the following:
- (a) a waiver in whole or part of rates or a component of rates;
 - (b) a deferment in whole or part of an obligation to pay rates or a component of rates.

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- (2) A council must, by resolution, adopt a policy for rate concessions and publish the policy on its website.
 - (3) A council may grant a rate concession under section 245, 246 or 247:
 - (a) in accordance with this Part and the council's policy for rate concessions; and
 - (b) on any conditions the council considers appropriate.
 - (4) If a council grants a conditional rate concession under section 245, 246 or 247 and the ratepayer fails to comply with a condition, the council may by notice to the ratepayer:
 - (a) withdraw the concession; and
 - (b) require the ratepayer to pay an amount, on or before a date specified in the notice, to neutralise any benefit to the ratepayer of the rate concession.

245 Rate concession to alleviate financial hardship

- (1) A council may grant a rate concession to alleviate financial hardship.
- (2) A rate concession may be granted on application by a person who establishes to the council's satisfaction that the person will suffer financial hardship if the concession is not granted.

246 Correction of anomalies in operation of rating system

- (1) A council may grant a rate concession to a particular ratepayer or to ratepayers of a particular class if satisfied that it is necessary to do so in order to correct anomalies in the operation of the rating system.
- (2) A council may grant a rate concession under this section on:
 - (a) the council's own initiative; or
 - (b) application by an affected ratepayer.

247 Public benefit concessions

- (1) A council may grant a rate concession if satisfied that the concession would advance one or more of the following purposes:
 - (a) securing the proper development of its area;
 - (b) preserving buildings or places of historical interest;

- (c) protecting the environment;
 - (d) encouraging cultural activities;
 - (e) promoting community health or welfare;
 - (f) encouraging agriculture;
 - (g) providing recreation or amusement for the public.
- (2) A council may grant a rate concession under this section on:
- (a) the council's own initiative; or
 - (b) application by an affected ratepayer.

Part 11.9 Recovery of rates

Division 1 Application of this Part

248 Extended meaning of *rates* in this Part

In this Part:

rates includes:

- (a) a charge; and
- (b) if the rates (or charge) are overdue:
 - (i) accrued interest; and
 - (ii) costs reasonably incurred by the council in recovering, or attempting to recover, them.

Division 2 Application of payments

249 Application of payments

Any money paid to a council in respect of rates or charges is, despite a direction by the person paying the money, to be applied towards payment of those rates and charges in the order in which they became due.

Division 3 Recovery by action

250 Recovery by action

- (1) Rates may be recovered as a debt due to the council from the

principal ratepayer or any other ratepayer by action in a court of competent jurisdiction.

- (2) A proceeding may be commenced at any time within 6 years after the rates are imposed.

Division 4 Overriding statutory charge

251 Overdue rates to be a charge on land

- (1) Subject to subsection (2), if rates are not paid by the due date, the rates become a charge on the land to which they relate.
- (2) Rates do not become a charge over land:
- (a) unless the owner of the land is a ratepayer who is liable for the rates that are in arrears; or
 - (b) within an Aboriginal community living area.

252 Registration of charge

- (1) After rates have been in arrears for at least 6 months, the council may apply to the appropriate registration authority for registration of the charge over the land to which the charge relates.
- (2) The registration authority must, on payment of the appropriate fee by the council:
- (a) register the charge as an overriding statutory charge; and
 - (b) notify all persons with a registered interest in or over the land of the registration of the charge.
- (3) Failure to give notice of the registration of the charge under subsection (2)(b) does not invalidate the registration of the charge.
- (4) A registration authority must cancel registration of a charge if the council applies for the cancellation.
- (5) The council:
- (a) must apply for cancellation if the liability to which the charge relates is fully satisfied, and
 - (b) may apply for cancellation for any other reason.

253 Effect of registered charge

If a charge is registered as an overriding statutory charge under this

Division, it has priority over all other registered and unregistered mortgages, charges and encumbrances except a previously registered overriding statutory charge.

Division 5 Sale of land

254 Power to sell land for non-payment of rates

The council may sell the land if:

- (a) rates have been in arrears for at least 3 years, and
- (b) an overriding statutory charge securing liability for the rates has been registered for at least 6 months.

255 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 one month) after the date of the notice, the council intends to 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 not ascertained by the council after reasonable inquiries, 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.

256 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) Subject to subsection (3), the sale must be by public auction.
- (3) If the land is:
 - (a) 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; and
 - (b) a leasehold estate granted by a Land Trust, the sale must be made as approved by the relevant Land Council.
- (4) 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.
- (5) 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.
- (6) If an auction fails, the council may sell the land by private contract for the best price that it can reasonably obtain.
- (7) If a council sells land under this section, the council may execute a conveyance of the land under its common seal.
- (8) 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.

257 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) second – in the payment of all liabilities secured on the land (including the liability to the council) in the order of their priority;
 - (c) third – 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 1979*.

Part 11.10 Correction of errors

258 Correction of errors

- (1) The Minister may, by *Gazette* notice, declare that rates have been validly declared, or declared and levied, by a council despite a particular procedural non-compliance or some other irregularity or error of a minor or technical nature.
- (2) The declaration validates the rates from the date of their purported declaration.

Chapter 12 Council property

Part 12.1 Property generally

259 Acquisition of property

- (1) A council may acquire real or personal property (including intellectual property) by agreement.
- (2) The Minister administering the *Lands Acquisition Act 1978* may, by arrangement with a council, compulsorily acquire land for the council under that Act.
- (3) The council must reimburse the relevant Minister for compensation and other costs associated with the acquisition.

260 Assumption of care, control and management of land

- (1) A council may, at the request or with the consent of the interested persons, assume the care, control and management of land within its area.
- (2) However, if the land is subject to a trust, the consent of the trustee is required, but the consent of the equitable owners is not required.
- (3) The consent of the following is not required:

- (a) a person who cannot be found after reasonable inquiry; or
 - (b) a body that has become defunct.
- (4) When a council assumes the care, control and management of land, it must publish notice of that fact on its website.
- (5) In this section:

interested person is:

- (a) the owner;
- (b) a person (other than the owner) with a registered estate or interest in the land;
- (c) if a person claims an interest in the land and the interest is protected by a registered caveat – the caveator.

261 Power to develop and improve land

A council may develop and improve land in its ownership or under its care, control and management.

262 Power to act as trustee

- (1) A council may act as a trustee of land or other property.
- (2) However, a council cannot assume an obligation to promote a particular religion.
- (3) Subsection (2) does not prevent a council from accepting a gift on conditions requiring the council to maintain a particular part of a cemetery set apart for the members or adherents of a particular religious group or denomination.
- (4) A council may apply to the Supreme Court for an order varying the terms of a trust of which the council is a trustee.
- (5) Notice of an application describing the nature of the variation sought must be given:
 - (a) on the council's website; and
 - (b) by notice published in a newspaper circulating generally in the Territory; and
 - (c) in any other way directed by the Supreme Court.
- (6) If the Supreme Court is satisfied that it is not practicable for the council to give effect to the trust in its present form, the Court may

vary the terms of the trust.

- (7) The council must publish notice of the making and effect of the order on its website.

263 Power to deal with and dispose of property

- (1) Subject to the Minister's guidelines, a council may deal with or dispose of property of which the council is the owner.
- (2) This section does not authorise a council to act in contravention of trust or in contravention of conditions on which the property was accepted by the council.

Part 12.2 Reserves and cemeteries

264 Reserves

- (1) If a council agrees, the Minister may, by *Gazette* notice, place a reserve in the council's area under the care, control and management of the council.
- (2) The council has, in relation to the reserve, the powers and functions of trustees appointed under section 79 of the *Crown Lands Act 1992*.

265 Public and community cemeteries

A council is the responsible entity for a public or community cemetery if the cemetery is located in the council's area.

Part 12.3 Roads

266 Roads

- (1) A **road** is:
 - (a) land vested in a council at the commencement of this Act as a road or a road reserve; and
 - (b) land vested in, or placed under the care control and management of, a council as a road or a road reserve, after the commencement of this Act, under this or some other Act; and
 - (c) land reserved, dedicated or resumed, with the council's agreement, as a public street, road or thoroughfare; and

- (d) land transferred to the council in fee simple, and accepted by the council, as a public road; and
 - (e) land declared by the council, by *Gazette* notice, to be a road with the consent of the owner of the land; and
 - (f) land vested in the council, with the council's agreement, by notice under subsection (2).
- (2) If a council agrees, the Minister may, by *Gazette* notice, vest Crown land in, or place Crown land under the care, control and management of, the council as a road or a road reserve.
- (3) Land ceases to be a road if the road is permanently closed under this Act or another Act.

267 Care control and management of roads

- (1) Subject to this section, all roads within a council area are under the care, control and management of the council.
- (2) After consulting with a council, the Minister may, by *Gazette* notice, withdraw a road from the care, control and management of the council and place it under the care control and management of the Territory.
- (3) Subject to any contrary agreement between the council and the Minister, if a road is vested in the council, a notice under subsection (2) divests the road from the council and vests it in the Territory.
- (4) If a council has the care, control and management of a road that is vested in someone else, then, subject to any contrary agreement between the council and the owner, the powers of the council to control and manage the road are exclusive of those of the owner.
- (5) While a road remains under the care, control and management of a council, the following belongs to the council:
- (a) all vegetation growing on the road;
 - (b) anything erected on, or affixed to, the road except infrastructure or equipment belonging to the Commonwealth or the Territory or a statutory authority of the Commonwealth or the Territory.

268 Closing of roads

- (1) A council may temporarily or permanently close a road, or part of a road, under its care, control and management.

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- (2) However, a road or part of a road is not to be permanently closed under subsection (1) unless:
- (a) any relevant procedural requirements prescribed by regulation have been satisfied; and
 - (b) the following Ministers consent:
 - (i) the Minister; and
 - (ii) the Minister responsible for the administration of the *Control of Roads Act 1953*.
- (3) Subject to any contrary agreement between a council and the Minister, if a road under the care, control and management of a council is vested in the Territory and the road is permanently closed, the land comprising the road vests in the council in fee simple.

269 Establishment of new road

- (1) Before a council establishes a new road in its area, it must give public notice of the proposal to do so.
- (2) The proposal (which must include a plan delineating the proposed new road with reasonable accuracy and detail):
 - (a) must be accessible on the council's website; and
 - (b) must be available for inspection by interested members of the public at the council's public office.
- (3) The notice must include an invitation to any person who may object to the proposal to lodge a written objection to the proposal within a reasonable period (at least 28 days) stated in the notice.
- (4) The council must consider any written objections lodged in accordance with the invitation.
- (5) If, after publishing a notice under this section, the council substantially modifies its proposal, either as a result of objections or for some other reason, the council must publish a fresh notice under this section of the modified proposal.
- (6) This section does not apply to the establishment of a road on a temporary basis.

270 Substantial temporary road closure

- (1) If a council proposes to close a road temporarily but for a

substantial period (at least one month), the council must, before proceeding with its proposal, consult with the Minister (or the Minister's nominee) and the MLA for the electoral division in which the road is situated.

- (2) The council:
 - (a) must carefully consider written submissions made by the Minister (or the Minister's nominee) and the MLA in the course of the consultation; and
 - (b) must not proceed with the closure unless satisfied that the reasons for the closure justify the disruption to traffic resulting from the closure.
- (3) However, this section does not apply if:
 - (a) the road to be temporarily closed is a laneway; or
 - (b) the road closure is urgently necessary in the interests of safety.

Chapter 13 Regulatory powers

Part 13.1 By-laws

271 Power to make by-laws

- (1) Subject to this Part, a council may make by-laws for the good governance of its area.
- (2) The regulations may:
 - (a) prescribe the subject matter that falls within the ambit of a council's power to make by-laws; or
 - (b) excluding subject matter from the ambit of a council's power to make by-laws.
- (3) A by-law may be of general or limited application.
- (4) A by-law binds the Territory and all its instrumentalities.
- (5) A by-law may impose a penalty, not exceeding 100 penalty units for an individual or 500 penalty units for a body corporate, for contravention of the by-law.
- (6) A by-law may also provide for a daily penalty, not exceeding 5 penalty units for an individual or 25 penalty units for a body

corporate, for each day a contravention of the by-law continues.

272 Principles applying to by-laws

- (1) A by-law must conform with the following principles:
 - (a) a by-law must not exceed the power under which it is purportedly made;
 - (b) a by-law must not:
 - (i) operate retrospectively; or
 - (ii) impose a tax;
 - (c) a by-law must not shift the legal or evidential burden of proof to the accused in criminal proceedings unless:
 - (i) the offence is a parking offence or other minor traffic infringement; or
 - (ii) the shift of onus concerns only formal matters or matters peripheral to the substance of the offence; or
 - (iii) there is clear authority in the authorising legislation to shift the onus of proof to the accused;
 - (d) a by-law must not infringe personal rights in an unreasonable way or to an unreasonable extent.
- (2) A by-law should reflect the following principles:
 - (a) a by-law should not impose unreasonable burdens on the community;
 - (b) a by-law should not restrict competition unless the benefits of the restriction clearly outweigh the detriments;
 - (c) a by-law should be consistent with basic principles of justice and fairness;
 - (d) a by-law should be expressed in plain language as far as possible (and in gender neutral language).
- (3) If a by-law infringes one or more principles stated in subsection (2) it is not necessarily invalid on that ground, but a court, in considering whether the by-law represents a reasonable exercise of the power under which the by-law was made, must take the infringement into account.
- (4) A by-law should be consistent with other legislation applying in the

council's area.

- (5) A by-law should avoid duplication of, or overlap with, other legislation.
- (6) This section does not affect the validity of a by-law made before the commencement of this Act.

273 By-laws for animal management

Without limiting section 271, the power of a council to make by-laws extends to the making of by-laws providing for:

- (a) the seizure of an apparently diseased, injured, savage, destructive, stray or unregistered animal or an animal at large; and
- (b) the destruction of a diseased, injured, savage, destructive, unclaimed, unregistered or unwanted animal.

274 Making by-laws

- (1) Before a council makes a by-law:
 - (a) the council must, at least 28 days before the meeting at which the council proposes to make the by-law:
 - (i) publish the proposed by-law on its website; and
 - (ii) make copies of the proposed by-law available for public inspection, without charge, at the council's public office; and
 - (iii) give notice in a newspaper circulating in the area of the council of the availability of the by-law and of its general nature and effect; and
 - (b) the council must allow at least 21 days for members of the public to make written submissions to the council about the by-law;
 - (c) the council must consider the submissions; and
 - (d) the council must obtain a certificate from the CEO of the Agency, which specifies that the by-law is consistent with the principles in this Part.
- (2) A special resolution of the council is required for making a by-law.

Notes for section 274

- 1 *Section 63 of the Interpretation Act 1978 is relevant to the making of by-laws.*
- 2 *Section 63(2) provides that by-laws must be signed by a person authorised by the council to sign them and forwarded to the Minister.*
- 3 *Section 63(3) provides that, where by-laws are forwarded to the Minister, the Minister must cause them to be notified in the Gazette and must lay them before the Legislative Assembly within 3 sitting days after the Gazette notification. By-laws are then liable to disallowance by the Legislative Assembly under section 63(9).*

275 Register of by-laws and certified copies

- (1) A council must keep a register of all by-laws made or adopted by the council.
- (2) The register must include the text of each by-law and of any code, standard or other document referred to or incorporated in the by-law.
- (3) The register:
 - (a) must be accessible on the council's website; and
 - (b) must be available for inspection at the council's public office.
- (4) A person is entitled, on payment of a fee fixed by the council, to a certified copy of a by-law.
- (5) An extract from, or a copy of an entry in, the register signed by the CEO is evidence of the details contained in the entry without requiring the production of the register, unless a court otherwise orders.

276 Matters of evidence for entries in register

A statement signed by the CEO in relation to the details contained in an entry in a register established by a by-law, including the following, is evidence of those details without requiring production of the register, unless a court otherwise orders:

- (a) whether the name of a person was entered in a register in relation to an animal, matter or thing;
- (b) whether a licence or registration had been issued in relation to an animal or premises.

277 Determinations to be published

If a council makes a determination of general application under a by-law, the council must publish the determination on its website.

Part 13.2 Regulatory orders

Division 1 Categories of regulatory order

278 Visual pollution

- (1) If visual pollution exists on land and it detracts significantly from the amenity of the surrounding neighbourhood, a council may make an order (a **regulatory order**) requiring the owner or occupier of the land to take specified action to remove, or to reduce the impact of, the visual pollution.
- (2) **Visual pollution** exists on land if:
 - (a) the land itself is in an unsightly condition; or
 - (b) there is an unsightly structure or object on the land.

279 Mitigation of hazard or nuisance

A council may make an order (a **regulatory order**) requiring the owner or occupier of land to remove or mitigate a hazard or nuisance or potential hazard or nuisance.

Examples for section 279

- 1 The council may require the owner to construct drains to prevent water from the land draining across an adjoining road.
- 2 The council may require the owner or occupier to cut back overhanging vegetation.
- 3 The council may require the owner or occupier to fence the land to prevent animals from running out from the land across a road.
- 4 The council may require the owner or occupier to clear away objects or materials that could prove hazardous to neighbours during a cyclone.

280 Animals and activities involving animals

If an animal or an activity involving an animal is, or is likely to become, a hazard or nuisance, the council may make an order (a **regulatory order**) requiring the owner or occupier of the land on which the animal is kept or the activity is carried out, to take specified action to remove or mitigate the hazard or nuisance.

Examples for section 280

- 1 The council may require relocation of slaughtering activities to a place where they are less likely to cause offence or a risk to the health of others.
- 2 The council may require action to reduce the number of cats kept on a property.
- 3 The council may require action to reduce noise or odours.

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- 4 *The council may require the destruction of a dangerous animal that cannot be adequately controlled in its current location.*

Division 2 Regulatory orders generally

281 Review of orders

A regulatory order is reviewable.

282 Time for carrying out work under regulatory order

- (1) A regulatory order must fix a reasonable period for taking the action required by the order.
- (2) The council may, from time to time, extend the time for compliance with the order on application by the person required to comply.

283 Non-compliance with order

- (1) A person commits an offence if:
 - (a) the person is subject to a regulatory order; and
 - (b) the person fails to comply with the order.

Maximum penalty: 100 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.
- (4) If a person fails to comply with a regulatory order, a person authorised by the council may, after reasonable notice to the occupier of the land, enter the land and carry out work, or take other action, required under the order.
- (5) The council may recover the cost of the work, or other action, as unpaid rates.

Part 13.3 Fees for services

284 Fees for services

- (1) A council may, by resolution, impose a fee to be charged a service.
- (2) The amount of the fee may be fixed in revenue units, however the council must show the equivalent dollar value in any publication of the fee on its website.

- (3) Any service for which a fee is charged must be an optional service or a service provided on request.

Chapter 14 Reporting and public disclosure

Part 14.1 Annual reports

285 Annual reports

- (1) A council must, on or before 15 November in each year, report to the Minister on its work during the financial year ending on the preceding 30 June.
- (2) As soon as practicable after the report has been delivered to the Minister, the council must:
 - (a) publish the report on the council's website; and
 - (b) publish a notice in a newspaper circulating generally in the area informing the public that copies of the report may be downloaded from the council's website or obtained from the council's public office; and
 - (c) provide a copy of the report to the Agency.

286 Content of annual report

The annual report of a council must include:

- (a) a copy of the council's audited financial statement for the relevant financial year; and
- (b) an assessment of:
 - (i) the council's performance against the objectives stated in the relevant municipal, regional or shire plan adopted for the relevant financial year (applying indicators of performance set in the plan); and
 - (ii) for a council for a region – the activities of any local authority within the council's area; and
- (c) an itemisation of any shared services the council has been involved with for the relevant financial year; and
- (d) details in relation to any delegations of the council's functions and powers in force for the relevant financial year; and
- (e) an itemisation of the salary, allowances or any other payments

made to, or fringe benefits received by or on behalf of, the CEO; and

- (f) an itemisation of any amounts of fees or allowances made to committee members; and
- (g) any other information and be in the form prescribed by regulation or in accordance with guidelines made by the Minister.

Note for section 286

The annual report of a constituent council of a local government subsidiary has additional requirements mentioned in section 68(2).

Part 14.2 Public access to information

287 Information to be publicly available

The material specified in Schedule 3 is to be available on the council's website and at the council's public office, subject to the corresponding conditions specified in Schedule 3.

288 Suppression of certain information

- (1) The CEO must suppress from publicly available material information prescribed by regulation as confidential.
- (2) A person may request, in writing, the CEO to suppress from any publicly available material of the person's name, address, telephone number or email address or any other personal detail.
- (3) The CEO must comply with a request under subsection (2) unless there is good reason for not doing so.
- (4) The CEO must notify the person who made the request, in writing, of the result of the request.
- (5) A decision to refuse suppression is reviewable.
- (6) In this section:

publicly available material means an assessment record or other material (except an electoral roll) that is to be made publicly available under this Part or any other provision of this Act.

Chapter 15 Compliance reviews and investigations

Part 15.1 Inspectors

289 Inspectors

- (1) The Minister may appoint inspectors of local government.
- (2) An appointment may be made on terms and conditions specified in the instrument of appointment.
- (3) The terms and conditions of appointment may limit the circumstances in which the appointee may exercise powers as an inspector.

Example for subsection (3)

If an inspector's field of expertise lies in auditing financial records, the appointment could limit the inspector to that field.

290 Identity cards for inspectors

- (1) The Agency must issue each inspector with an identity card:
 - (a) stating the inspector's name and displaying a photograph of the inspector; and
 - (b) stating that the person whose name and photograph appear on the card is an inspector.
- (2) The inspector must, at the reasonable request of a person and before exercising a power under this Act, produce the inspector's identity card for inspection.
- (3) A person must commits an offence if:
 - (a) the person is an inspector; and
 - (b) the person, on ceasing to be an inspector, fails to return the identity card to the Agency.

Maximum penalty: 20 penalty units.

- (4) An offence against subsection (3) is an offence of strict liability.
- (5) It is a defence to a prosecution for an offence against subsection (3) if the defendant has a reasonable excuse.

291 Functions of an inspector

The functions of an inspector are:

- (a) to carry out compliance reviews; and
- (b) to investigate suspected irregularities in or affecting the conduct of a council's or local government subsidiary's affairs.

Part 15.2 Compliance review

292 Program of compliance reviews

- (1) The Agency must establish a program of compliance reviews for councils and local government subsidiaries.
- (2) The purpose of a compliance review is to ensure that councils and local government subsidiaries conduct their business lawfully.
- (3) A local government subsidiary may be subject to a separate compliance review to the compliance review of its constituent council or councils.

293 Carrying out of compliance review

A compliance review is to be carried out by one or more inspectors assigned to the review by the Agency.

294 Agency must report on results of compliance review

- (1) The Agency must:
 - (a) for a compliance review of a council – report to the council on the results of the compliance review; and
 - (b) for a compliance review of a local government subsidiary – report to the local government subsidiary and the constituent council or councils on the on the results of the compliance review.
- (2) The report may contain recommendations for administrative or regulatory change.
- (3) A copy of the report must be provided to the CEO of the council or the chief executive of a local government subsidiary.
- (4) As soon as practicable after receiving the report:
 - (a) the CEO must provide a copy of the report to all council members; and

- (b) the chief executive of the local government subsidiary must provide a copy of the report to each constituent council.

Part 15.3 Investigations

295 Investigations

- (1) The Agency may, at any time, direct an investigation into the affairs of a council or a local government subsidiary.
- (2) An investigation is to be carried out by an inspector, or 2 or more inspectors, assigned to the investigation by the Agency.

Part 15.4 Powers of inspector

296 Power of entry

- (1) For the purposes of a compliance review or an investigation, an inspector may:
 - (a) enter, examine and search land and premises of the council or local government subsidiary; and
 - (b) examine and take copies of any records or other documents of the council or local government subsidiary.
- (2) The CEO, chief executive, or any other member of the council's staff or local government subsidiary's staff must, at the request of an inspector, do the following:
 - (a) anything reasonably necessary to facilitate the exercise of powers under subsection (1);
 - (b) answer any question relevant to the compliance review or the investigation asked by the inspector;
 - (c) produce any specified record or documentary material relevant to the compliance review or the investigation;
 - (d) give any other assistance the inspector reasonably requires;
 - (e) any combination of the above.
- (3) A request under subsection (2) must be in writing.
- (4) A person commits an offence if the person contravenes a request under subsection (2).

Maximum penalty: 100 penalty units.

- (5) An offence against subsection (4) is an offence of strict liability.
- (6) It is a defence to a prosecution for an offence against subsection (4) if the defendant took reasonable steps to comply with the request.

297 Power of formal questioning

- (1) For the purposes of a compliance review or investigation, an inspector may, by notice, require a person:
 - (a) within the time allowed in the notice, to provide written answers to specified questions or other specified written information; or
 - (b) to attend before the inspector at a specified time and place for examination on a subject stated in the notice; or
 - (c) to produce specified records or documents or records or documents of a specified kind.
- (2) A person required under subsection (1)(a) to provide written answers to questions or other written information must verify the answers or information by statutory declaration.
- (3) A person who attends for examination before an inspector must:
 - (a) if the inspector so requires, take an oath to answer truthfully all questions put to the person by the inspector; and
 - (b) answer questions put to person at the examination.
- (4) A person commits an offence if the person contravenes a requirement under this section.

Maximum penalty: 100 penalty units.

- (5) An offence against subsection (4) is an offence of strict liability.
- (6) It is a defence to a prosecution for an offence against subsection (4) if the defendant took reasonable steps to comply with the requirement.

298 Self-incrimination

- (1) A person required to answer a question, give information or produce a document under this Act is not excused from doing so on the ground that the answer, information or document might tend to incriminate the person or make the person liable to a penalty.
- (2) However, the answer, information or document is not admissible in

evidence against the person in a civil or criminal proceeding except a proceeding for an offence in which the falsity or misleading nature of the answer, information or document is relevant.

299 Confidential matters

- (1) A person must not refuse to comply with a requirement under section 296 or 297 because the answer, information, record or document is confidential.
- (2) However, the person is not required to comply with the requirement if it requires the person to disclose legally privileged information.

300 Inspector's report

- (1) If an inspector finds evidence of an irregularity in the conduct of a council's or local government subsidiary's affairs, the inspector must report the matter to:
 - (a) the Agency; and
 - (b) the council or constituent council or councils.
- (2) If the irregularity appears to involve improper conduct the inspector must also report the matter to the Minister and the ICAC.
- (3) In this section:

improper conduct, see section 4 of the *Independent Commissioner Against Corruption Act 2017*.

Part 15.5 Agency's power to remedy irregularity

301 Power to impose surcharge

- (1) If a council has suffered loss as a result of dishonesty or serious illegality, the council may apply to NTCAT to impose a surcharge on a person whose dishonest or illegal act gave rise to the loss.
- (2) If NTCAT imposes a surcharge on a person, the amount of the surcharge must not exceed the total of the following amounts:
 - (a) the amount of the loss suffered by the council;
 - (b) the amount incurred by the council to recover the surcharge.
- (3) The surcharge is imposed by giving the person a decision notice.
- (4) Section 140 of the *Northern Territory Civil and Administrative Tribunal Act 2014* does not apply to a decision of NTCAT under this

section.

302 Recovery of surcharge

- (1) A surcharge may be recovered as a debt due to the council.
- (2) The council may set off against the amount of a surcharge the amount of any liability owed by the council to the person liable for the surcharge.

Chapter 16 Inquiries

Part 16.1 Establishment of commission

303 Establishment of commission of inquiry

- (1) The Minister may establish a commission of inquiry to inquire into:
 - (a) the affairs of a particular council; or
 - (b) the affairs of a particular local government subsidiary, either as part of an inquiry into its constituent council or councils or separately; or
 - (c) any other question relevant to local government in the Territory.
- (2) A commission of inquiry consists of one or more persons (**commissioners**) appointed by the Minister to constitute the commission of inquiry.
- (3) If the Minister establishes a commission of inquiry to inquire into the affairs of a particular council, the Minister must give notice to the relevant council of the reasons for and subject matter of the inquiry.

304 Commissioner's terms of office

- (1) The remuneration and other terms and conditions on which a commissioner holds office are determined by the Minister.
- (2) A Commissioner has the same privileges and immunities as a Supreme Court Judge in relation to the performance of official functions.

Part 16.2 Conduct of inquiry

305 Conduct of inquiry

- (1) A commission of inquiry must inquire diligently into the subject matter of the inquiry and report to the Minister on the results of the inquiry.
- (2) A commission of inquiry may gather information in any way it considers appropriate and is not bound by the rules of evidence.
- (3) Proceedings of a commission of inquiry are to be held in a place open to the public unless the commission considers it desirable, in the public interest, to hold the proceedings in private.
- (4) If a commission of inquiry is appointed to inquire into the affairs of a particular council, it must allow the council a reasonable opportunity to make submissions on the subject matter of the inquiry.

306 Evidentiary powers of commission

- (1) A commission of inquiry may exercise any of the following evidentiary powers:
 - (a) it may require a person to appear before it to give evidence;
 - (b) it may require a person to provide written answers to questions put to the person by the commission and to verify the answers by statutory declaration;
 - (c) it may require a person to produce documents or other evidentiary materials in the person's possession or control to the commission.
- (2) A requirement under subsection (1) is made by giving the person whose compliance is required a notice in writing:
 - (a) stating the subject matter of the inquiry; and
 - (b) setting out the terms of the requirement; and
 - (c) fixing or allowing a reasonable time for compliance with the requirement.
- (3) The commission may require a person appearing before it to give evidence on oath.
- (4) A person commits an offence if:
 - (a) the person is required to comply with a requirement under

subsection (1); and

- (b) the person intentionally engages in conduct; and
- (b) the conduct results in a failure to comply with the requirement and the person is reckless in relation to the result.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

(5) Strict liability applies to subsection (4)(a).

(6) A person commits an offence if:

- (a) the person intentionally engages in conduct; and
- (b) the conduct results in the person's failure or refusal to take an oath when required to do so by the commission and the person is reckless in relation to the result.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

(7) A person commits an offence if:

- (a) the person intentionally engages in conduct; and
- (b) the conduct results in the person's failure or refusal to answer a question relevant to the subject matter of the inquiry when required to do so by the commission.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

(8) It is a defence to a prosecution for an offence against subsection (4), (6) or (7) if the defendant has a reasonable excuse.

(9) A person who gives evidence to a commission of inquiry has the same privileges and immunities as a witness in proceedings before the Supreme Court.

307 Legal representation

A council or other person whose conduct is under investigation by a commission of inquiry is entitled to be represented by a legal practitioner in proceedings before the commission.

308 Re-opening of inquiry

The Minister may direct a commission of inquiry to re-open the inquiry if fresh evidence comes to light or it appears desirable for

some other reason to re-open the inquiry.

309 Report of commission of inquiry

- (1) Publication of a report of a commission of inquiry is absolutely privileged.
- (2) Publication of a fair report of proceedings or findings of a commission of inquiry is protected by qualified privilege.

Chapter 17 Defaulting councils

Part 17.1 Required remedial action

310 Minister may require action to remedy deficiencies

- (1) If the Minister is satisfied that deficiencies have been identified in the conduct of a council's affairs and that action must be taken to address them, the Minister may:
 - (a) require the council to take specified remedial action within a specified period; and
 - (b) require the council to report to the Minister, at the end of the specified period, on the action taken to give effect to the requirement.
- (2) The remedial action referred to in subsection (1) must be specified in writing and the notice must refer to the offence and maximum penalty in subsection (3).
- (3) A person commits an offence if:
 - (a) the person is a member of a council; and
 - (b) the council fails to comply with a requirement under this section.

Maximum penalty: 500 penalty units.

- (4) An offence against subsection (3) is an offence of strict liability.
- (5) It is a defence to a prosecution for an offence against subsection (2) if the defendant acted with reasonable diligence to secure compliance by the council.

Part 17.2 Financial controller

311 Financial controller

- (1) The CEO of the Agency may, by *Gazette* notice, appoint a financial controller for a council or a local government subsidiary if the CEO considers the council or local government subsidiary is not:
 - (a) performing its financial responsibilities appropriately; or
 - (b) complying with this Act.
- (2) A financial controller is responsible for:
 - (a) implementing financial controls as directed by the CEO of the Agency; and
 - (b) performing other related duties as directed by the CEO of the Agency.
- (3) The council or local government subsidiary must cooperate fully with the financial controller.
- (4) If a financial controller is appointed, the council or local government subsidiary must obtain the financial controller's authorisation before undertaking any of the following:
 - (a) a transaction from an account kept by the council or local government subsidiary with a financial institution;
 - (b) any other type of expenditure;
 - (c) any future financial commitments.
- (5) If the financial controller believes on reasonably grounds that a decision, resolution or order to make a payment is financially unsound, the financial controller must:
 - (a) refuse to make a payment; and
 - (b) advise the CEO of the Agency about why the decision, resolution or order is financially unsound.
- (6) In this section:

financially unsound, in relation to a decision, resolution or order, means the decision, resolution or order:

 - (a) may cause the council or local government subsidiary to become insolvent; or

- (b) would result in unlawful expenditure by the council or local government subsidiary; or
- (c) would result in a disbursement from a fund that is not provided for in the council's or local government subsidiary's budget; or
- (d) would result in expenditure from grant moneys for a purpose other than the purpose for which the grant was given.

Part 17.3 Official management

312 Official management of councils

- (1) If the Minister is satisfied that there are or there may be serious deficiencies identified in the conduct of a council's affairs, the Minister may, by *Gazette* notice, place the council under official management.
- (2) When the Minister places a council under official management:
 - (a) all members of the council are suspended from office; and
 - (b) despite section 132, if a periodic general election is scheduled to be held for the period of official management – the council does not participate in the election; and
 - (c) the Minister:
 - (i) must appoint a suitable person to manage the affairs of the council; and
 - (ii) must appoint a suitable person (who may – but need not – be the manager) to investigate and report back to the Minister, within a period allowed by the Minister, on the conduct of the suspended members and the affairs and financial position of the council.
- (3) The persons appointed under subsection (2)(c)(i) and (ii) have the powers of an inspector.
- (4) The Minister may from time to time extend the time allowed for the investigator's report.
- (5) When the Minister receives the investigator's report, the Minister must invite written submissions from the suspended members on the content of the report within a reasonable period (of at least 21 days) specified in the invitation.
- (6) No later than 12 months after placing the council under official

management, and after considering any submissions made in response to an invitation under subsection (5), the Minister must, by *Gazette* notice:

- (a) reinstate all of the suspended members; or
- (b) dismiss all of the suspended members from office.

313 General election for council under official management

- (1) The Minister must, by *Gazette* notice, immediately call a general election for the council if:
 - (a) the Minister dismisses all of the suspended members from office under section 312(6)(b); or
 - (b) both of the following apply:
 - (i) the Minister reinstates all of the suspended members under section 312(6)(a);
 - (ii) a periodic general election was scheduled to be held during the period of official management in which the council did not participate.
- (2) If the Minister does not make a decision mentioned in section 312(6) within 12 months after placing the council under official management, the Minister must, by *Gazette* notice, call a general election for the council within 90 days of the expiry of the 12 month period.
- (3) If a general election for a council is called by the Minister and is held within one year before the date for a periodic general election under section 132:
 - (a) no further periodic general election for the area is to be held on the later date; and
 - (b) the next periodic general election for the area is to be held on the date on which it is scheduled to be held under section 132(1), as if the general election for the council had not been called by the Minister and a periodic general election had been held in the ordinary course.

Note for section 313

Under section 88(3) the first ordinary meeting of a council must be held within 21 days after the conclusion of the general election.

314 **Resignation of suspended member**

If a suspended member resigns during the suspension, the resignation:

- (a) if the member is reinstated – takes effect at the time of the reinstatement; or
- (b) if the member is dismissed – has no effect.

315 **Official manager**

- (1) The manager has full power to transact any business of the council and to do anything else the council could have done but for the suspension or dismissal of its members.
- (2) The manager may act in the manager's own name, or in the name of the council, and may execute a document under the common seal of the council.
- (3) The manager's remuneration and terms and conditions of office are determined by the Minister.
- (4) The manager's remuneration is payable from the funds of the council.
- (5) If the members of the council are reinstated, the manager ceases to hold office.
- (6) If the members of the council are dismissed from office, the manager ceases to hold office at the conclusion of the next election of members of the council.

Chapter 18 **Review of decisions**

Part 18.1 **Internal review**

316 **Reviewable decisions**

- (1) A **reviewable decision** is a decision or order made by a council, or an officer of a council, that is designated as reviewable:
 - (a) by this Act (or a by-law under this Act); or
 - (b) by resolution of the council.

- (2) A list setting out each category of reviewable decisions must be accessible on a council's website.

Note for section 316

The following are designated by this Act as reviewable:

- (a) a regulatory order under section 281;
- (b) a decision in relation to suppressing a person's personal details in publicly available material under section 288(5).

317 Right to apply for review

- (1) A person who is adversely affected by a reviewable decision may, within 28 days after the date of the decision, apply to the CEO for a review of the decision.
- (2) The application must:
 - (a) be made in writing; and
 - (b) set out in detail the grounds on which the decision should, in the applicant's opinion, be re-considered.
- (3) The CEO may extend the period for making an application for review if the CEO is satisfied that there are exceptional circumstances justifying the extension.

318 Consideration of application by administrative review committee

- (1) The CEO must, on receiving an application for review, refer the application to an administrative review committee.
- (2) The administrative review committee may summarily reject an application for review if satisfied that the application is frivolous, vexatious or lacking in substance.
- (3) If the administrative review committee summarily rejects an application under subsection (2), the committee must give a decision notice to the applicant as soon as practicable after making the decision.
- (4) The administrative review committee:
 - (a) must, unless it rejects the application under subsection (2), inquire into the matters raised by the application; and
 - (b) must make a recommendation on the application to the council.
- (5) The recommendation may be:

- (a) to confirm the decision; or
- (b) to amend the decision; or
- (c) to revoke the decision; or
- (d) to make some further decision to mitigate the effect of the decision.

319 Council's decision on recommendation

- (1) After receiving a recommendation from an administrative review committee, the council must make a final decision on the application.
- (2) The decision need not be consistent with the administrative review committee's recommendation.
- (3) The CEO must give a decision notice to the applicant as soon as practicable but no later than 90 days after receiving the application for review under section 318(1) after the council makes a final decision on the application.

320 No decision by council

If the CEO does not give a decision notice to the applicant in accordance with section 319, the applicant or the respondent may refer the application to NTCAT.

Part 18.2 Jurisdiction of NTCAT

321 Review by NTCAT

- (1) NTCAT has jurisdiction to review a decision (an ***NTCAT reviewable decision***) specified in Schedule 3.
- (2) An ***affected person***, for an NTCAT reviewable decision, is a person specified in Schedule 3 for the decision.
- (3) An affected person for an NTCAT reviewable decision may apply to NTCAT for review of the decision.

Note for section 321

The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to the Tribunal for review and other relevant matters in relation to reviews.

322 Review does not affect decisions and orders

- (1) An application for review of an NTCAT reviewable decision to

NTCAT does not suspend the operation of the decision.

- (2) However, NTCAT may make an order suspending an obligation arising from a decision to which a review relates, or prohibiting action to give effect to the decision, until NTCAT makes its decision on the matter.
- (3) Section 44(2) of the *Northern Territory Civil and Administrative Tribunal Act 2014* does not apply to a review of a decision made under this Act.

Chapter 19 Miscellaneous

Part 19.1 Legal proceedings

323 Commencement of legal proceedings on behalf of council

- (1) Legal proceedings (including proceedings for an offence) may be commenced in the name of a council by the CEO or some other person authorised by the council to bring the proceedings on its behalf.
- (2) Legal proceedings in the name of the council may only be commenced by resolution of the council.
- (3) Proceedings for an offence against this Act may be commenced at any time within 3 years after the date on which the offence is alleged to have been committed.

Part 19.2 Service of documents

324 Service of documents on council or local government subsidiary

A document may be served on a council or a local government subsidiary:

- (a) by handing it to the CEO or chief executive personally; or
- (b) by emailing it to the CEO or chief executive; or
- (c) by leaving it at the council office or local government subsidiary office with a member of the council's staff or local government subsidiary's staff; or
- (d) by posting it to the council's postal address or local government subsidiary's postal address; or

- (e) by serving the document in any other way notified on the council's website or local government subsidiary's website as a permissible way to serve the document.

325 Service of documents by council or local government subsidiary

- (1) A notice, order or other document the council or local government subsidiary is required or permitted to serve under this Act, may be served:
 - (a) personally on the person to whom it is addressed; or
 - (b) by leaving it for the person at the person's place of residence, employment or business; or
 - (c) by posting it, addressed to the person, at the person's last known place of residence, employment or business.
- (2) If a council or local government subsidiary serves a notice, order or other document on a person in the person's capacity as owner or occupier of land, it binds successors in title or successive occupiers (as the case requires).

Part 19.3 Evidence

326 Judicial notice to be taken of certain facts

A court is to take judicial notice of the following:

- (a) the existence of a municipality, shire or region and its boundaries;
- (b) the division of a municipality, shire or region into wards and the boundaries of each ward;
- (c) the existence and membership of the council for each municipality, shire or region;
- (d) the election of members of the council;
- (e) the appointment and signature of the CEO.

327 Certified copies of minutes

The following extracts are admissible in legal proceedings as evidence of proceedings and decisions to which the extract relates:

- (a) an extract from the minutes of a council or council committee certified by the CEO;

- (b) an extract from the minutes of a local government subsidiary certified by the chief executive.

328 Evidence of land ownership

A certificate signed by the Registrar-General is admissible in legal proceedings as evidence of the ownership of an estate in fee simple, or a leasehold estate, in land to which the certificate relates.

Part 19.4 Offences for unauthorised disclosure and misleading information

329 Offence to disclose certain information

- (1) A person commits an offence if:
- (a) the person obtains information in the course of performing a function connected with the administration of this Act or exercising a power under this Act; and
 - (b) the information is confidential and the person is reckless in relation to that circumstance; and
 - (c) the person intentionally engages in conduct; and
 - (d) the conduct results in the disclosure of the information and the disclosure is not:
 - (i) for a purpose connected with the administration of this Act, including a legal proceeding arising out of the operation of this Act; or
 - (ii) to a person who is otherwise entitled to the information; and
 - (e) the person is reckless in relation to the result and circumstance mentioned in paragraph (d).

Maximum penalty: 400 penalty units or imprisonment for 2 years.

- (2) Strict liability applies to subsection (1)(a).
- (3) If the information mentioned in subsection (1) relates to a person, it is a defence to a prosecution for an offence against that subsection if the person has consented to the disclosure of the information.

Note for section 329

In addition to the circumstances mentioned in this section, a person who

discloses information mentioned in this section will not be criminally responsible for an offence if the disclosure is justified or excused by or under a law (see section 43BE of the Criminal Code).

330 **Misleading information**

(1) A person commits an offence if:

- (a) the person intentionally gives information to another person (the **local government officer**); and
- (b) the information is misleading and the person has knowledge of that circumstance; and
- (c) the local government officer is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

(2) A person commits an offence if:

- (a) the person intentionally gives a document to the local government officer; and
- (b) the document contains misleading information and the person has knowledge of that circumstance; and
- (c) the local government officer is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

(3) It is a defence to a prosecution for an offence against subsection (2) if the person, when giving the document:

- (a) draws the misleading aspect of the document to the local government officer's attention; and
- (b) to the extent to which the person can reasonably do so – gives the local government officer the information necessary to remedy the misleading aspect of the document.

(4) In this section:

local government officer means:

- (a) a member of an audit committee, a council, a council committee or a local authority; or

- (b) a staff member of a council or a local government subsidiary;
or
- (c) a CEO or a chief executive; or
- (d) an inspector; or
- (e) an official manager or investigator; or
- (f) an authorised officer; or
- (g) a financial controller.

misleading information means information that is misleading in a material particular or because of the omission of a material particular.

staff member includes:

- (a) a person who is not an member of the staff but works for, or provides services to, the council or local government subsidiary on a contract basis; or
- (b) a person who works for the council under an arrangement with a labour hire agency; or
- (c) a person (other than a member of the council, a local authority or a council committee) acting under powers of the council conferred by delegation.

Part 19.5 Carrying out work on land

331 Occupier entitled to carry out work on land

- (1) If an owner of land fails to carry out work on land that the owner is required under this Act to carry out, the occupier of the land may do so instead.
- (2) If the occupier of land carries out work under subsection (1), the occupier may recover the reasonable cost of doing so from the owner as a debt, or set off the amount against liabilities owed to the owner.

332 Owner entitled to enter land to carry out work

- (1) An owner may, after reasonable notice to the occupier, enter land to carry out the work if:
 - (a) the owner of land is required under this Act to carry out work on land; and

- (b) the owner is not in occupation of the land.
- (2) A person commits an offence if:
 - (a) the person is an occupier of the land; and
 - (b) the occupier intentionally engages in conduct; and
 - (c) the conduct results in the owner being obstructed from entering the land to carry out work required under this Act and the person is reckless in relation to the result.

Maximum penalty: 100 penalty units.

- (3) Strict liability applies to subsection (2)(a).

Part 19.6 Certificates of liabilities

333 Certificates

- (1) A council must, on application by a person with a proper interest in land within the council's area, issue a certificate containing:
 - (a) details of outstanding rates and charges due to the council in relation to the land; and
 - (b) details of statutory notices and orders issued by the council in relation to the land.
- (2) If a person, acting on faith in the certificate, purchases land or lends money on mortgage over the land, the council is estopped as against that person from disputing the correctness of the certificate.
- (3) For this section, a person has a proper interest in land if the person is:
 - (a) an owner or occupier of the land; or
 - (b) a purchaser or prospective purchaser of the land; or
 - (c) a mortgagee or prospective mortgagee of the land; or
 - (d) a person acting for any of the above.

Part 19.7 Acquisition on just terms

334 Acquisition on just terms

If the operation of this Act would, apart from this section, result in

an acquisition of property from a person otherwise than on just terms:

- (a) the person is entitled to receive from the Territory the compensation necessary to ensure the acquisition is on just terms; and
- (b) a court of competent jurisdiction may decide the amount of compensation or make the orders it considers necessary to ensure the acquisition is on just terms.

Part 19.8 Guidelines and regulations

335 Guidelines

- (1) The Minister may make, amend or revoke guidelines for the purposes of this Act.
- (2) The guidelines must be published on the Agency's website.
- (3) The Minister must table guidelines in the Legislative Assembly within 6 sitting days after making them.
- (4) The guidelines are not subordinate legislation.

336 Regulations

The Administrator may make regulations under this Act.

Chapter 20 Repeals

337 Acts repealed

The Acts specified in Schedule 4 are repealed.

Chapter 21 Transitional matters for Local Government Act 2019

338 Definitions

In this Chapter:

commencement means the commencement of the new Act.

LGANT means the Local Government Association of the Northern Territory, continued under section 339.

new Act means the *Local Government Act 2019*.

former Act means the *Local Government Act 2008*, as in force immediately before the commencement.

repealed, in relation to a section, means the section of the former Act as in force immediately before the commencement.

339 Continuation of LGANT

The Local Government Association of the Northern Territory, continues under the new Act as if section 242 of the former Act had not been repealed:

- (a) for 12 months from the commencement; or
- (b) for the period prescribed in the regulations.

340 LGANT in formation of local government subsidiary

- (1) Subsection (2) applies if LGANT participated with a council or 2 or more councils in the formation of a local government subsidiary under repealed section 27(3) before the commencement.
- (2) LGANT continues to participate with the council or councils to form the local government subsidiary after the commencement, and a reference in the new Act to a council or constituent council extends to LGANT.
- (3) The prescribed corporation is to participate with the council or councils to form the local government subsidiary after the expiry of the period in section 339 of the new Act, and a reference in the new Act to a council or constituent council extends to the prescribed corporation.
- (4) The prescribed corporation's participation under subsection (3) ceases in accordance with the regulations.

341 Continuation of existing councils and by-laws

- (1) The councils and local government areas for municipalities and shires are continued, as constituted immediately before the commencement.
- (2) The members of the council in office immediately before the commencement continue in office until the next general election for the council.
- (3) The by-laws of a council that continues under this section continue in force subject to variation or revocation by by-laws made under this Act.

Note for subsection (3)

This subsection applies to the by-laws made under the by the Jabiru Town Council that became by-laws of the Western Arnhem Shire Council under section 34 of the Jabiru Town Development Act 1978.

- (4) Anything done by a council after the enactment but before the commencement of this Act, and in accordance with its provisions, is validly done despite any conflict with the provisions of the former Act.

342 Regional councils taken to be local government councils

- (1) A regional council constituted for a region under repealed section 8 before the commencement is taken to be a local government council constituted for a region under section 15 of the new Act.
- (2) The name of a council mentioned in subsection (1) immediately before the commencement is the same immediately after commencement.
- (3) The members of the council in office immediately before the commencement continue in office until the next general election for the council.
- (4) The by-laws of a council that continues under this section continue in force subject to variation or revocation by by-laws made under this Act.
- (5) Anything done by a council after the enactment but before the commencement of this Act, and in accordance with its provisions, is validly done despite any conflict with the provisions of the former Act.
- (6) Subsection (2) does not prevent the Administrator or the Minister from changing the name of a council under section 16(1)(h) of the new Act.

343 Formation, ownership or participation in other bodies corporate before the commencement

- (1) Subsection (2) applies if, before the commencement, a council formed or otherwise participated in a corporation, partnership or other trading body under the former Act.
- (2) After the commencement, the council is taken to form or otherwise participate in that corporation, partnership or other trading body as if it had approval from the Minister under section 38 of the new Act.

344 Continuation of allowances and expenses

Repealed sections 71 and 72, and the guidelines made under repealed section 71(2), continue in force after the commencement

until the Remuneration Tribunal makes a determination under section 7B of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*.

345 Conflict of interest if interest relates to allowances or expenses

- (1) Subsection (2) applies if, after the commencement:
 - (a) a member has a conflict of interest in a question arising for decision by the council; and
 - (b) the interest is an interest in a question about the level of allowances or expenses to be set for members; and
 - (c) the Remuneration Tribunal has not made a determination under section 7B of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006* in relation to the members of the council.
- (2) Repealed section 73(2)(a) continues to apply to the interest until the Remuneration Tribunal makes the determination.

346 Preservation of local government functions of Nhulunbuy Corporation Limited

- (1) Subject to this section:
 - (a) the Nhulunbuy Corporation Limited continues to have the same local government functions as it had under the former Act immediately before the date of transition; and
 - (b) the *Nhulunbuy (Animal Control) By-laws 1998* continue in force (subject to amendment or revocation under this Act) as by-laws under this Act; and
 - (c) this Act applies to the Nhulunbuy Corporation Limited, in relation to its performance of local government functions as if it were a council for a shire constituted under this Act.
- (2) The Nhulunbuy Corporation Limited has the same functions as that of a council under the new Act.
- (3) The Minister may, by *Gazette* notice:
 - (a) withdraw functions from, or add to or modify the local government functions of, the Nhulunbuy Corporation Limited continued under this section; or
 - (b) modify the operation of this Act in its application to the

Nhulunbuy Corporation Limited.

347 Annual review of plans

- (1) This section applies in relation to a council's municipal, regional or shire plan.
- (2) Repealed section 24 applies to the plan for the financial year in which the new Act commences.
- (3) Section 24 of the new Act applies to the plan for the financial year after the commencement.

348 Local authorities

- (1) This section applies to the members of a regional council and the principal member of the council that constitute a local authority under repealed section 53C(1)(a) and (2) before the commencement.
- (2) The members of the local government council and the principal member of the council are taken to be appointed members of the local authority under section 75(1)(b) of the new Act after the commencement.

349 Complaints of contravention of code of conduct

- (1) This section applies if a person lodged a complaint under repealed section 79 before the commencement.
- (2) Chapter 7, Part 7.4, Division 2 of the former Act continues to apply in relation to the complaint.
- (3) The new Act applies if a person lodges a complaint under section 118 of the new Act after the commencement.
- (4) Subsection (3) applies irrespective of whether the alleged contravention of the code of conduct that is the subject of the complaint occurred before or after the commencement.

350 Eligibility requirements for CEO, Deputy CEO and chief executive

- (1) This section applies if a CEO, Deputy CEO or chief executive was appointed and entered into a contract of employment before the commencement.
- (2) Section 162 of the new Act does not apply to the CEO or Deputy CEO during the term of the CEO or Deputy CEO's contract of employment.

-
- (3) Section 69 of the new Act does not apply to the chief executive during the term of the chief executive's contract of employment.
 - (4) However:
 - (a) section 162 of the new Act applies to the CEO or Deputy CEO if the CEO or Deputy CEO is reappointed and enter into a renewal of the CEO or Deputy CEO's contract of employment after the commencement; and
 - (b) section 69 of the new Act applies to the chief executive if the chief executive is reappointed and enters into a renewal of the chief executive's contract of employment after the commencement.

351 Long-term financial plan

- (1) This section applies in relation to a council's long-term financial plan.
- (2) Repealed section 126 continues to apply to the plan for the financial year in which the new Act commences.
- (3) Section 195 of the new Act applies to the plan for and from the financial year after the commencement.

352 Land exempt from rates

- (1) This section applies if, before the commencement, land was exempt from rates under repealed section 144(1)(f).
- (2) Subject to subsection (3), the land continues to be exempt from rates under section 219 of the new Act after the commencement irrespective of whether the public benevolent institution or public charity is registered with the Australian Charities and Not-for-profits Commission established under the *Australian Charities and Not-for-profits Commission Act 2012* (Cth).
- (3) Subsection (2) only applies to the first declaration of rates made for the land in the local government area under Chapter 11, Part 11.5, Division 1 of the new Act after the commencement.

353 Declaration of general rates

- (1) This section applies in relation to a council's declaration of general rates.
- (2) Repealed section 155 continues to apply to the declaration of general rates for the financial year preceding the financial year in which the new Act commences.

- (3) Section 234 of the new Act applies to the declaration of general rates for the financial year in which the new Act commences.

354 Official management of councils

- (1) Subsection (2) applies if a council is under official management under repealed section 224 before the commencement.
- (2) The new Act applies to the official management of the council after the commencement and, for section 312(6) of the new Act, the 12 month period is taken to start from the date of the commencement.

355 Adoption of code of conduct and policies by councils

- (1) Subject to this section, a council must adopt the following under the new Act not later than 12 months after the commencement:
- (a) a policy for gifts and benefits under section 110(1);
 - (b) a policy for contravention of the code of conduct under section 118;
 - (c) policies for human resource management under section 168;
 - (d) a policy for allowances and fringe benefits under section 170;
 - (e) a code of conduct for CEO and staff under section 171;
 - (f) a policy for investment under section 189(3);
 - (g) a policy for the availability of accounting records under section 201(3);
 - (h) a policy for shared services under section 213;
 - (i) a policy for the assessment record under section 227(5);
 - (j) a policy for rates concessions under section 244(2).
- (2) However, if the council is required to act in accordance with a policy within the period mentioned in subsection (1), the council must adopt the policy before taking the action.
- (3) On the commencement, a council that adopted a policy under a repealed section specified in the Table to this section before the commencement is taken to have adopted the policy under the corresponding section of the new Act if the policy has been adopted in accordance with the requirements of the new Act.
- (4) On the commencement, a council that adopted a policy mentioned

in subsection (1) before the commencement is taken to have adopted the policy under the section of the new Act specified if the policy has been adopted in accordance with the new Act.

Table

	Repealed section	Section of new Act
1	Policy for co-opting a person to fill a casual vacancy under section 39(5)	Policy for filling a casual vacancy under section 51(2)
2	Policy for authorising a council member's attendance at a meeting by means of an audio or audiovisual conferencing system under section 61(4)	Policy for authorising a member's attendance at a meeting by means of an audio or audiovisual conferencing system under section 93(3)
3	Policy allowing the Chair of a council meeting to exercise a casting vote under section 61(6)	Policy allowing the chairperson of a meeting to exercise a casting vote under section 93(5)
4	Policy for authorising a local authority or council committee member's attendance at a meeting by means of an audio or audiovisual conferencing system under section 64(4)	Policy for authorising a local authority or council committee member's attendance at a meeting by means of an audio or audiovisual conferencing system under section 96(3)
5	Caretaker policy under section 96A	Caretaker policy under section 157
13	Privacy policy under section 130(3)	Privacy policy under section 201(3)

356 Adoption of code of conduct and policies by local government subsidiaries

A local government subsidiary must adopt the following under the new Act not later than 12 months after the commencement:

- (a) policies for human resource management under section 168;
- (b) a policy for allowances and fringe benefits under section 170;
- (c) a code of conduct for the chief executive and staff under section 171;
- (d) a policy for investment under section 189(4);
- (e) a policy for the availability of accounting records under section 201(4).

Chapter 22 Consequential amendments

Part 22.1 Amendments to Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006

357 Act amended

This Part amends the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*.

358 Part 3, Division 1A inserted

After section 7

insert

Division 1A Members of local government council

7A Application

This Division applies to members of local government councils.

7B Allowances

- (1) The Tribunal must, on the Administrator's request, inquire into and determine the following allowances:
 - (a) the maximum amount of the base allowance, electoral allowance and professional development allowance for a principal member of a local government council;
 - (b) the maximum amount of the base allowance, electoral allowance and professional development allowance for a deputy principal member of a local government council;
 - (c) the maximum amount of the base allowance, electoral allowance, extra meeting allowance and professional development allowance for a member of a local government council other than a principal member or a deputy principal member.
- (2) The Tribunal may determine different amounts of allowances for the members of different local government councils.
- (3) The Tribunal must prepare a report for each inquiry conducted under subsection (1).

- (4) The report must include a determination of the entitlements.
- (5) The Tribunal must give the following a copy of the report as soon as practicable after the report is made:
 - (a) the Administrator;
 - (b) the Minister responsible for the administration of the *Local Government Act 2019*;
 - (c) the CEO of the Agency responsible for the administration of the *Local Government Act 2019*.
- (6) The Minister responsible for the administration of the *Local Government Act 2019* must table a copy of the report in the Assembly within 6 sitting days after receiving it.
- (7) The CEO of the Agency responsible for the administration of the *Local Government Act 2019* must give a copy of the report to the local government council as soon as practicable after the CEO receives the copy under subsection (5).
- (8) The allowances determined under subsection (1) apply as follows:
 - (a) if the report is made before 1 February – from the next financial year;
 - (b) if the report is made after 1 February – from the financial year after the next financial year;
 - (c) for subsequent financial years after the financial year specified under paragraph (a) or (b) – as adjusted with reference to the CPI figure for Darwin in the December quarter for the previous financial year.

Examples for subsection (8)

If a report is made on 1 February 2019, the allowances apply from 1 July 2019.

If a report is made on 2 February 2019, the allowances apply from 1 July 2020.

- (9) In this section:

CPI figure for Darwin means the Consumer Price Index: All Groups Index Number for Darwin published by the Australian Statistician under the authority of the *Census and Statistics Act 1905* (Cth).

deputy principal member, see section 7 of the *Local Government Act 2019*.

principal member, see section 7 of the *Local Government Act 2019*.

Part 22.2 Other legislation amended

359 Legislation amended

Schedule 5 amends the legislation mentioned in it.

Part 22.3 Repeal of Chapter

360 Repeal of Chapter

This Chapter is repealed on the day after it commences.

Schedule 1 Code of conduct

section 117

1 Honesty and integrity

A member must act honestly and with integrity in performing official functions.

2 Care and diligence

A member must act with reasonable care and diligence in performing official functions.

3 Courtesy

A member must act with courtesy towards other members, council staff, electors and members of the public.

4 Conduct towards council staff

A member must not direct, reprimand, or interfere in the management of, council staff.

5 Respect for cultural diversity

A member must respect cultural diversity and must not therefore discriminate against others, or the opinions of others, on the ground of their cultural background.

6 Conflict of interest

6.1 A member must avoid any conflict of interest, whether actual or perceived, when undertaking official functions and responsibilities.

6.2 If a conflict of interest exists, the member must comply with any statutory obligations of disclosure.

7 Respect for confidences

7.1 A member must respect the confidentiality of information obtained in confidence in the member's official capacity.

7.2 A member must not make improper use of confidential information obtained in an official capacity to gain a private benefit or to cause harm to another.

8 Gifts

8.1 A member must not solicit, encourage or accept gifts or private

benefits from any person who might have an interest in obtaining a benefit from the council.

- 8.2 A member must not accept a gift from a person that is given in relation to the person's interest in obtaining a benefit from the council.

9 Accountability

A member must be prepared at all times to account for the member's performance as a member and the member's use of council resources.

10 Interests of municipality, region or shire to be paramount

- 10.1 A member must act in what the member genuinely believes to be the best interests of the municipality, region or shire.
- 10.2 In particular, a member must seek to ensure that the member's decisions and actions are based on an honest, reasonable and properly informed judgment about what best advances the best interests of the municipality, region or shire.

11 Training

A member must undertake relevant training in good faith.

Schedule 2 NTCAT reviewable decisions and affected persons

section 321

	NTCAT reviewable decision	Affected person
1	A determination in relation to a person's eligibility to hold office under section 53(3)	The CEO and the member of council mentioned in section 53(1)
2	A decision of a review panel to summarily reject an application under section 123(2)	The complainant mentioned in section 118(1)
3	A decision of a review panel in relation to a contravention of the code of conduct under section 125	The complainant and the respondent mentioned in section 118(1)
4	A decision of a complaint panel in relation to a contravention of the code of conduct under section 127	The complainant and the respondent mentioned in section 118(1)
5	A decision of a council to change an entry in the assessment record under section 229(1), unless the decision is to correct a typographical error	The person to whom the decision notice is given under section 229(2)
6	A decision of a council to summarily reject an application in whole or in part to correct the assessment record under section 230(6)	The applicant mentioned in section 230(1)
7	A decision of an administrative review committee to summarily reject an application under section 318(2)	A person adversely affected by the reviewable decision mentioned in section 317(1)
8	A decision from the review of a reviewable decision made by an administrative review committee under section 319(1)	A person adversely affected by the reviewable decision mentioned in section 317(1)

Schedule 2 NTCAT reviewable decisions and affected persons

9	A reviewable decision under section 320	A person adversely affected by the reviewable decision mentioned in section 317(1)
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Schedule 3 Information to be publicly available

section 287

	Material	Conditions
1	The council's draft and final municipal, regional or shire plans (section 33(2)).	<p>A draft plan must be available on the website until the final plan is made available on the website.</p> <p>A final plan need not be available on the website after 3 years from the last day of the period to which the plan relates.</p>
2	The constitution of a local government subsidiary for which the council is a constituent council (section 67).	<p>The constitution need not be available if:</p> <p>(a) 3 years have elapsed since the day on which the subsidiary ceased to exist; and</p> <p>(b) during the 3 years when the material was available on the website after the subsidiary ceased to exist, the material was accompanied by a note indicating the day on which the subsidiary ceased to exist.</p>
3	The notices, minutes of meetings of the council, local authorities, council committees and electors (sections 91(1), 95(3), 99(4) and 101(2)).	The material need not be available after 3 years from the day on which the meeting was scheduled, or if later, was held.
4	The amounts of allowances payable by the council to its members and a statement of the expenses to be paid to members under this Act (sections 104(3) and 107).	The material need not be available after 3 years from the last day of the relevant financial year.

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| 5 | The register of annual returns of interest and the register of declared conflicts and gifts (section 115). | The material need not be available after 3 years from the conclusion of the next general election after the entry was made. |
| 6 | The council's code of conduct (section 117(2)). | |
| 7 | The council's budget and any amendment to the council's budget (section 198(4) and (5)). | The material need not be available after 3 years from the last day of the financial year for which the budget or amendment was adopted. |
| 8 | An approved rating proposal or a notice in relation to conditionally rateable land (section 216(5)). | The material need not be available after 3 years from the last day of the financial year during which the approved rating proposal or notice was published. |
| 9 | Notice of the declaration of rates (and charges) for the current financial year (section 238(1)). | The material need not be available after 3 years from the last day of the financial year during which the notice was published. |
| 10 | Notice of the council's intention to sell land, by auction, for non-payment of rates (section 256(4)). | The material need not be available if the land has been sold or the sale has been called off. |
| 11 | Notice of the council's assumption of the care, control and management of land (section 260(5)). | The material need not be available after 3 years from the last day of the financial year during which the council published the notice on the website. |
| 12 | Notice of an application by the council to the Supreme Court for variation of a trust (see section 262(5)) and notice of an order made on such an application (section 262(6)). | If an order has been made, the material need not be available after 3 years from the last day of the financial year during which the order was made. |
| 13 | Notice of a proposed by-law the council intends to make (section 274(1)). | The material need not be available after the by-law is made or the proposed by-law is defeated. |

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| 14 | The register of by-laws (section 275(3)). | |
| 15 | The council's annual reports (section 285(2)). | The material need not be available after 3 years from the last day of the relevant financial year. |
| 16 | A list setting out each category of reviewable decisions (section 316(2)). | |
| 17 | An invitation notice for nominations of candidates for an election (any other material prescribed by regulation). | <p>The material:</p> <ul style="list-style-type: none"> (a) need not be available after the day that is 6 months before the polling day for the periodic general election next following the election to which the material relates (see any other material prescribed by regulation); and (b) must be removed as soon as practicable after the relevant returning officer directs the council to remove the material. |
| 18 | A declaration of the results of an election (any other material prescribed by regulation). | <p>The material:</p> <ul style="list-style-type: none"> (a) need not be available after the day that is 6 months before the polling day for the periodic general election next following the election to which the material relates (see any other material prescribed by regulation); and (b) must be removed as soon as practicable after the relevant returning officer directs the council to remove the material. |

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| 19 | A declaration of the names of the duly nominated candidates for an election (any other material prescribed by regulation). | The material: <ul style="list-style-type: none">(a) need not be available after the day on which the results of the election are declared; and(b) must be removed as soon as practicable after the relevant returning officer directs the council to remove the material. |
| | | |
| 20 | A public notice of early voting centres, absentee voting centres, mobile polling places and other polling places for an election (any other material prescribed by regulation). | The material: <ul style="list-style-type: none">(a) need not be available after the day on which the results of the election are declared; and(b) must be removed as soon as practicable after the relevant returning officer directs the council to remove the material. |
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Schedule 4 Repealed Acts

section 337

<i>Local Government Act 2008</i>	Act No. 12 of 2008
<i>Local Government (Consequential Amendments) Act 2008</i>	Act No. 28 of 2008
<i>Local Government Amendment Act 2013</i>	Act No. 28 of 2013
<i>Local Government Amendment (Restructuring) Act 2013</i>	Act No. 34 of 2013
<i>Local Government Amendment Act 2014</i>	Act No. 19 of 2014
<i>Local Government Legislation Amendment Act 2015</i>	Act No. 8 of 2015

Schedule 5 Other legislation amended

section 359

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<i>Alice Springs (Public Library) By-laws 2009</i>		
by-law 3, definition officer , paragraph (b)	appointed and acting under Part 9.6 of the <i>Local Government Act 2008</i>	as defined in section 7 of the <i>Local Government Act 2019</i>
<i>Associations Act 2003</i>		
section 6(3)(c)(iii)	2008	2019
<i>AustralAsia Railway (Special Provisions) Act 1999</i>		
section 11(2)	2008	2019
<i>Borroloola Community Government Council (Control of Dogs) By-laws 1992</i>		
Schedule 2	2008	2019
<i>Children's Commissioner Act 2013</i>		
section 6, definition public authority , paragraph (c)	constituted under the <i>Local Government Act 2008</i>	
<i>Commercial Passenger (Road) Transport Act 1991</i>		
section 3(1), definition road	whole definition	road , see section 266 of the <i>Local Government Act 2019</i>
<i>Constitutional Convention (Election) Act 2011</i>		
sections 28(2) and 195(3)	2008 (all references)	2019
<i>Consumer Affairs and Fair Trading Act 1990</i>		
section 9(1)	2008	2019

Consumer Affairs and Fair Trading (Pawnbrokers and Second-Hand Dealers) Regulations 1998

Schedule, item 4	2008	2019
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Control of Roads Act 1953

section 7	2008	2019
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Criminal Code

section 1, definition owner	local authority	local government council
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section 79(7)(s)	section 3 of the <i>Local Government Act 2018</i>	section 7 of the <i>Local Government Act 2019</i>
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section 79(7)(t)	mentioned in section 42 of the <i>Local Government Act 2008</i>	defined in section 7 of the <i>Local Government Act 2019</i>
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Crown Lands Act 1992

sections 24(4), 31, 74 and 75(2)	2008 (all references)	2019
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Dangerous Goods Regulations 1985

regulation 138(4), definition municipality	2008	2019
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Darwin City Council By-laws 1994

by-law 121(2)(d)	within the meaning of the <i>Local Government Act 2008</i>	as defined in section 7 of the <i>Local Government Act 2019</i>
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by-law 184(1), definition authorised person	whole definition	authorised person , see section 7 of the <i>Local Government Act 2019</i> .
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Darwin Waterfront Corporation Act 2006

section 15(5)	2008	2019
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section 52(3), definition relevant interest rate	section 162(4) of the <i>Local Government Act 2008</i>	section 242(4) of the <i>Local Government Act 2019</i>
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Darwin Waterfront Corporation By-laws 2010

by-law 3, definition council , paragraph (b)	2008	2019
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by-law 89(3)(a)	within the meaning of the <i>Local Government Act 2008</i>	as defined in section 7 of the <i>Local Government Act 2019</i>
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Electoral Act 2004

sections 19(3)(a)(ii) and 140(2)(g)(ii)	2008	2019
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Emergency Management Act 2013

section 8, definitions local government area and local government council	whole definition	
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Fines and Penalties (Recovery) Regulations 2001

Schedule 1	<i>Local Government Act 2008</i>	<i>Local Government Act 2019</i>
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Firearms Act 1997

section 78(1), definition local government area	whole definition	
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Housing Act 1982

section 32(1)	2008	2019
	section 141 of the <i>Local Government Act 2008</i>	section 215 of the <i>Local Government Act 2019</i>

Interpretation Act 1978

section 17, definitions local government area and local government council	section 3 of the <i>Local Government Act 2008</i>	section 7 of the <i>Local Government Act 2019</i>
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Jabiru Town Development (Control of Dogs) By-laws 1992

by-law 3(1), definition authorised person	section 82 of the <i>Local Government Act 2008</i>	section 179 of the <i>Local Government Act 2019</i>
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Juries Regulations 1983

regulation 5(2), definition <i>municipality</i>	section 8 of the <i>Local Government Act 2008</i>	section 15 of the <i>Local Government Act 2019</i>
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Katherine Town Council By-laws 1998

Schedule 2	2008	2019
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Kava Management Act 1998

section 53, definition <i>area</i> , paragraph (a)	within the meaning of the <i>Local Government Act 2008</i>	as defined in section 7 of the <i>Local Government Act 2019</i>
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section 53, definitions <i>regional council</i> and <i>shire council</i>	whole definition	
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section 53		<i>council</i> means a council for a Territory region or a shire under the <i>Local Government Act 2019</i> .
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sections 54(1A) and 58D(1)	shire council or regional	
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Lands Acquisition Act 1978

Schedule 2, clause 8(a)(ii)	2008	2019
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Law of Property Act 2000

Schedule 2, Covenants, item 3, column 2	2008	2019
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Liquor Act 1978

section 4(1), definition <i>municipality</i>	within the meaning ascribed to that term in the <i>Local Government Act 2008</i>	as defined in section 7 of the <i>Local Government Act 2019</i>
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section 4(1), definition <i>region</i>	local government area constituted as a region under the <i>Local Government Act 2008</i>	Territory region as defined in section 7 of the <i>Local Government Act 2019</i>
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section 4(1), definition shire	local government area constituted as a shire under the <i>Local Government Act 2008</i>	shire as defined in section 7 of the <i>Local Government Act 2019</i>
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section 6(2)(g)(i)	<i>2008</i>	<i>2019</i>
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Litter Act 1972

section 3, definition CEO	see section 3 <i>Local Government Act 2008</i>	see section 7 of the <i>Local Government Act 2019</i>
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Local Government Grants Commission Act 1986

section 5(2)(a)	municipal councils (within the meaning of the <i>Local Government Act 2008</i>)	councils for municipalities (as defined in section 7 of the <i>Local Government Act 2019</i>)
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section 5(2)(b)	shire councils or regional councils (within the meaning of the <i>Local Government Act 2008</i>)	councils for shires or regions (as defined in section 7 of the <i>Local Government Act 2019</i>)
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Mataranka Community Government Council (Control of Dogs) By-laws 1992

Schedule 2	<i>2008</i>	<i>2019</i>
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Mineral Titles Act 2010

section 8, definition Aboriginal community living area	section 3 of the <i>Local Government Act 2008</i>	section 7 of the <i>Local Government Act 2019</i>
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section 88(c)	<i>2008</i>	<i>2019</i>
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Motor Vehicles Act 1949

section 5(1), definition public street , paragraph (b)	<i>2008</i>	<i>2019</i>
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Nhulunbuy (Animal Control) By-laws 1998

by-law 2(1), note	<i>by section 270(1)(b) of the Local Government Act 2008 (Act No. 12 of 2008).</i>	by: (a) <i>section 270(1)(b) of the Local Government Act 2008 (Act No. 12 of 2008); and</i> (b) <i>section 346(1)(b) of the Local Government Act 2019.</i>
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by-law 4(1), definition authorised person	within the meaning of the <i>Local Government Act 2008</i>	as defined in section 7 of the <i>Local Government Act 2019</i>
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Northern Territory Civil and Administrative Tribunal Regulations 2014

Schedule, Part 2	<i>Local Government Act 2008</i>	<i>Local Government Act 2019</i>
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Northern Territory Rates Act 1971

section 3, definitions Aboriginal community living area, Aboriginal community living area association and mining tenement	section 3 of the <i>Local Government Act 2008</i>	section 7 of the <i>Local Government Act 2019</i>
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Pine Creek (Control of Dogs) By-laws 1992

Schedule 2	<i>2008</i>	<i>2019</i>
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Payroll Tax Act 2009

section 3, definition local governing body , paragraph (a)	<i>2008</i>	<i>2019</i>
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Planning Act 1999

section 3(1), definition consolidation , paragraph (d)	local authority under section 187(3) of the <i>Local Government Act 2008</i>	local government council
	the local authority	the local government council
section 3(1), definition council area	<i>2008</i>	<i>2019</i>

section 3(1), definition <i>development</i> , paragraph (c)(iv)(A)	local authority	local government council
section 3(1), definitions <i>local authority</i> and <i>Local Government Association</i>	whole definition	
section 3(1), definitions <i>service authority</i> and <i>statutory corporation</i>	local authority	local government council
section 3(1)		<i>prescribed corporation</i> means the corporation prescribed under section 9 of the <i>Local Government Act 2019</i> .
section 5(2)(a)(ii)	<i>2008</i>	<i>2019</i>
section 5(2)(a)(iii)	local authority under section 187(3) of the <i>Local Government Act 2008</i>	local government council
section 19, heading	local authority	local government council
section 19(1) and (2)	local authority	local government council
section 30H, heading	local authority	local government council
sections 30H(1), 30X(2)(b) and (4), 30Y(2)(b) and (4), and 30Z(2)(b) and (4)	local authority (<i>all references</i>)	local government council
section 48, heading	local authority	local government council
sections 48(1), 49(3), 50(2), 53A(2)(b) and (4), 53B(2)(b) and (4), 53C(1)(b) and (3) and 60(1)(e)	local authority (<i>all references</i>)	local government council

section 64(3)	<i>2008</i>	<i>2019</i>
section 68(2)	local authority (<i>all references</i>)	local government council
section 69(2)	local authority	local government council
	local authority's	local government council's
section 72(a)(ii)	local authority – an authorised deposit account within the meaning of the <i>Local Government Act 2008</i>	local government council – an authorised deposit account as defined in section 7 of the <i>Local Government Act 2019</i>
section 73(2)(b)(ii)	local authority	local government council
	<i>2008</i>	<i>2019</i>
sections 74(b) and 83(3)	local authority	local government council
section 81F(1)(e) and (3)	Local Government Association	prescribed corporation
section 81H(1)(c)	Local Government Association	prescribed corporation
	the Association	the corporation
section 89(2) to (5)	local authority	local government council
section 91, heading	local authority	local government council
sections 91(2) to (4) and 92(2)	local authority (<i>all references</i>)	local government council
section 98, heading	local authority	local government council
section 98(1)	<i>local authority</i>	<i>local government council</i>

	local authority	local government council
sections 98(2) to (4), 100(3)(a) and (b), 107(e)(i) and 117(1AA) to (3)	local authority (<i>all references</i>)	local government council
<i>Ports Management Act 2015</i>		
section 149(5), definition <i>local government rates</i>	2008	2019
<i>Pounds Act 1930</i>		
section 5(b)	local authority	local government council
<i>Power Generation Corporation Act 2014</i>		
section 13(4), definition <i>local government rates</i>	2008	2019
<i>Power Retail Corporation Act 2014</i>		
section 13(4), definition <i>local government rates</i>	2008	2019
<i>Special Purposes Leases Act 1953</i>		
section 3, definition <i>municipality</i>	2008	2019
<i>Summary Offences Act 1923</i>		
section 75A(1)	within the meaning of the <i>Local Government Act 2008</i>	as defined in section 7 of the <i>Local Government Act 2019</i>
<i>Tennant Creek (Control of Dogs) By-laws 1992</i>		
Schedule, Forms 1 to 7	2008	2019
<i>Timber Creek Community Government Council By-laws 1992</i>		
Schedule 2	2008	2019

Traffic Act 1987

section 3(1), definition public street , paragraph (a)	2008	2019
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Traffic Regulations 1999

regulation 52(1)	within the meaning of the <i>Local Government Act 2008</i>	as defined in section 7 of the <i>Local Government Act 2019</i>
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Unit Title Schemes Act 2009

section 106(1) and (2)	2008	2019
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Unit Titles Act 1975

section 108	2008	2019
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Volatile Substance Abuse Prevention Act 2005

section 42(1), definition community council , paragraph (a)	whole paragraph	(a) a council for a Territory region or a shire under the <i>Local Government Act 2019</i> ; or
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Volatile Substance Abuse Prevention Regulations 2006

regulation 3, definition local authority	section 53B of the <i>Local Government Act 2008</i>	section 74 of the <i>Local Government Act 2019</i>
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regulation 3, definition local board	whole definition	
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regulation 8(2)	or a local board or local board	
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Water Act 1992

section 4(1), definition public authority , paragraph (b)	2008	2019
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Work Health and Safety (National Uniform Legislation) Regulations 2011

regulation 5, definition <i>local authority</i>	local authority for the local authority area	local government council for the local government council area
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Draft Local Government Bill - Summary of information sheet

Disclaimer: this information sheet is not legal advice and does not cover all of the requirements proposed under the draft Local Government Bill. It is intended only as a quick reference for some main provisions. The full Bill should be read for a complete picture.

Allowances for council members

Council members' allowances will be set by the independent remuneration tribunal established under the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*.

Annual plan requirements

A council will be required to adopt its plan (including budget) by 30 June each year, rather than 31 July.

Annual report requirements

Under the proposed legislation, the annual report of a council will have to contain:

- a copy of the council's audited financial statement for the relevant financial year
- an assessment of council's performance against the objectives stated in the relevant council plan adopted for the relevant year
- if the council has local authorities, an assessment of the activities of each local authority within the council's area
- a report of the council's involvement in any shared services
- all delegations of the council's functions and powers in force for the relevant financial year
- the salary, allowances and any other payments made to, or fringe benefits received by or on behalf of, the council's CEO, and
- details of all fees and allowances paid to committee members.

Casual vacancies

In the event that a casual vacancy occurs within six months of the next general election, a council will have the option to not fill the vacancy.

Conflict of interest definition expansion

The exceptions that apply to conflict of interests are narrowed in new act, particularly to non-profit entities.

To provide clearer guidance on what constitutes a conflict of interest, the following categories of interest will be used to determine what interests should be declared by members of councils, local authorities, council committees or local boards.

Direct interest

Direct interest occurs when the member is likely to be directly affected if the matter is decided in a particular way.

Example: a company controlled by the member is tendering for a contract being discussed by council.

Indirect financial interest

Indirect financial interest occurs if the member is likely to receive a benefit or incur a loss because another person has an interest.

Example: the member has shares in a company that is tendering for a contract being discussed by council.

Indirect interest by close association

Indirect interest by close association occurs if an associate of the member has a direct or indirect interest, or a resident of the member's household has a direct interest.

Example: the member's sibling is suing council and council is considering whether to settle the matter.

Example: a resident of the member's household is tendering for a contract being discussed by council.

Indirect interest because of conflicting duties

Indirect interest because of conflicting duties occurs if the member is a director, partner, agent, trustee or employee of a person or entity (including a non-profit) that has a direct interest.

Example: the member is a director of a non-profit entity that is seeking a sponsorship or donation being discussed by council.

Council delegations

Council will be able to delegate powers and functions except for the following:

- the powers to impose rates and charges
- a decision to classify information as confidential
- the ability to enter into a transaction where the conditions of the transaction are not arm's length conditions, and
- a decision that requires a council resolution.

In addition:

- if the power to incur financial liabilities is delegated, the council must fix reasonable limits on the delegate's authority
- a delegation cannot duplicate or derogate from the CEO's functions (including delegated functions), and
- Council's function as the responsible entity for a public or community cemetery can only be delegated to a local government subsidiary.

Council member eligibility

For a person to be eligible for election or appointment as a member of a council, they must be enrolled as an elector in respect of a place of residence within the council area and their principal place of residence must be within the council's area.

A person will be disqualified from being a council member if they:

- hold a judicial office (other than justice of peace)
- are bankrupt
- have been sentenced to a term of imprisonment (which has not expired) of 12 months or more
- are a staff member of the council
- are a staff member of the local government subsidiary of which the council is a constituent council of the local government subsidiary
- are indebted to the council and fail to discharge the debt within six months after the debt becomes due and payable in accordance with the regulations
- are certified as mentally unfit to carry out the functions of a member
- are disqualified from managing a corporation under the *Corporations Act 2001* or the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*
- are disqualified under the *Northern Territory's Associations Act 2003* from being an officer of an incorporated association
- are a member of the Federal House of Representatives or Senate
- are determined by Northern Territory Civil and Administrative Tribunal (NTCAT) to be unfit to be a member, or
- are incapable of holding a local government office under section 89(3) of the Criminal Code due to a finding of guilt for corrupt practices.

A resident of a council will be able to object to their member being in office, if the member has been convicted of an offence that could make the member unfit to remain in office. These proceedings will go through a formal process at the Northern Territory Civil and Administrative Tribunal (NTCAT), rather than through the Minister. NTCAT can make a decision to remove the member and impose a time period of disqualification.

Disciplinary proceedings

Breaches of the code of conduct by council members must first be dealt with internally. The council will seek to resolve the matter according to council policy. The council may:

- take no action
- reprimand a person, or
- recommend that a person attend training, mediation or counselling.

A party to the complaint can appeal a decision of council to Local Government Association of the Northern Territory (LGANT).

LGANT will have a panel constituted by two representatives of LGANT and one from the Department of Local Government, Housing and Community Development. The LGANT panel may:

- take no action
- reprimand a person
- recommend a person to attend training, mediation or counselling, and
- make any other recommendation the LGANT panel considers appropriate.

A party to the complaint can appeal a decision of the LGANT panel to NTCAT, which will be able to make any order that could be made by the LGANT panel, order the member not to breach the code of conduct again or make any other order NTCAT considers appropriate.

Donation disclosure requirements (elected principal members)

Principal member (mayor or president) candidates in local government elections will be required to give the Northern Territory Electoral Commission details of all the donations they received in their campaign. This will only apply where the principal member is elected or voted in by the public, not where the principal member is appointed or chosen at the first council meeting.

Elected members appointments to Local Authorities

A council will have to appoint at least one elected member (but no more than two elected members) to a local authority. Appointments will not be automatic, regardless of the ward that the local authority is in or if the person is a principal member.

Financial controller appointment

A financial controller will be able to be appointed for a local government council if the council is not performing its financial responsibilities appropriately or not complying with the Act. A financial controller will be responsible for implementing financial controls, including authorising all payments.

First council meeting

After a general election, a council meeting will have to be held within 21 days, rather than the current timeframe of 14 days.

High value contract

A council will not be able to enter any contract with a value more than what is allowed in the Regulations unless authorised by council resolution. It is anticipated that this value will be \$500 000.

LGANT incorporation

LGANT will not be continued as a statutory body under the Act. It is going to become incorporated under another Act. This will mean that the Government department that it lobbies on behalf of its members is not also responsible for regulating it.

Local boards

Will no longer be an option under the Act.

Meeting postponement

If the minimum number of council or local authority members required for a meeting are not present for a council, council committee or local authority meeting within 30 minutes of the scheduled start time, the meeting will be able to be postponed to a time later that day by:

- the Chair
- if the Chair is not present, the majority of members present
- if less than two members are present, the CEO or someone authorised by the CEO.

Reasonable efforts will have to be made to notify all members of the new meeting time. If a meeting is not held later that day, existing requirements will apply and the CEO is responsible for postponing the meeting to a time within the next 21 days. The main purpose of the provision is to reduce the number of meetings that do not meet quorum due to late arrivals.

Member resignation

Currently, a council member may only give up to 14 days' written notice of resignation. The new Act will allow for up to three months' written notice.

New CEO eligibility requirements

A person who is disqualified from managing a corporation under the *Corporations Act 2001* (Cth) or the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) or disqualified under the Northern Territory's *Associations Act 2003* from being an officer of an incorporated association will be ineligible to be a council CEO. A person who is bankrupt will also not be eligible to be a council CEO.

New independent representation review panel

Under the new Act, reviews about the existence of and boundaries for wards will be made by a panel consisting of the Chief Executive Officer of the Local Government Association of the Northern Territory (LGANT), the Electoral Commissioner, the Surveyor-General and a person appointed by the Minister.

Offence for misleading information

It will be an offence for a person to provide misleading information to:

- a member of an audit committee, council, council committee or local authority
- staff member of a council or local government subsidiary
- council CEO or chief executive of a local government subsidiary
- an inspector appointed under the Act
- an investigator or official manager
- an authorised officer, or
- financial controller.

This will include giving any of those persons or entities a document that is misleading. The concept of misleading includes any omissions and misinformation.

Official management of council

The Minister will be required to make a decision to either reinstate or dismiss suspended members within a maximum of 12 months after a council has been placed under official management. Where a period of official management overlaps with a scheduled general election, the general election for that council area will be postponed until after the Minister has either reinstated or dismissed the members.

Prescribed Code of Conduct

The new Act will prescribe a code of conduct that applies to elected members of all councils. This code cannot be changed by councils. The prescribed code will be similar to the existing code in schedule 2 of the current Act.

Professional development of members

Council members will complete specified training within six months after each general election. For a member who is elected through a by-election or appointed to fill a casual vacancy, the training will be undertaken within 12 months of election or appointment.

Rateability of land

A public benevolent institution or charity will have to be registered with the Australian Charities and Not-for-profits Commission for land it occupies for a non-commercial purpose to be exempt from rates.

The 'non-commercial purpose' exemption for land used by a public benevolent institution or charity will not include land used as residential accommodation by staff employed or contracted by the public benevolent institution or charity.

Crown land will not be rateable except where it has been leased or is used to provide public housing.

Register of annual returns of interests

As well as members having to declare conflicts of interest, council CEOs will keep a register of council members' interests. Members will be required to complete an annual return. The return will include matters such as properties owned, businesses owned and employers.

Shared services policy

Councils will be required to have a 'shared services' policy and report on shared services in its annual reports.

Special rates

Before declaring special rates, a council will be required to serve the ratepayer with a notice of intention to declare special rates. The notice must give the ratepayer at least 30 days to make submissions about the proposal. Council must consider any submissions received regarding the proposed special rates at a council meeting.

Strengthening local decision making

In order to strengthen local decision making, a council will seek advice and recommendations from local authorities, regarding the council's:

- budget
- priorities for expenditure
- service delivery
- plans
- strategic direction
- funding, and
- cemeteries and cemetery plans.

A council will also have to ensure that its strategies and plans are informed by the vision and priorities of the local authorities.

In addition, a council will have to work with local authorities to create strong relationships between council members, local residents and local organisations.

Frequently asked questions - draft Local Government Bill

Will the new Act mean that councils have to have new elections?

No, the next general elections are scheduled for August 2021 and this will not change.

What will be done to strengthen local decision making?

A council with local authorities will be required to seek advice and recommendations from its local authorities in relation to the following:

- the council's budget;
- the council's priorities for expenditure;
- the council's service delivery;
- the council's regional plans;
- the council's strategic directions;
- the council's funding; and
- cemeteries and cemetery plans for the cemeteries in the local government area.

A council will also ensure that its strategies and plans are informed by the vision and priorities of the local authorities.

In addition, a council will work with local authorities to create strong relationships between council members, local residents and local organisations.

Who will decide what the ward boundaries are for councils?

Reviews about whether or not a council should have wards and the boundaries of such wards will be made by an independent panel consisting of the Chief Executive Officer of the Local Government Association of the Northern Territory (LGANT), the Electoral Commissioner, the Surveyor-General and a person appointed by the Minister

Who can be a council member?

For a person to be eligible for election or appointment as a member of a council, they must be enrolled as an elector in respect of a place of residence within the council area and their principal place of residence must be within the council's area.

A person will be disqualified from being a council member if they:

- hold a judicial office (other than justice of peace);
- are bankrupt;
- have been sentenced to a term of imprisonment (which has not expired) of 12 months or more;
- are a staff member of the council;

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- are a staff member of the local government subsidiary of which the council is a constituent council of the local government subsidiary;
- are indebted to the council and fail to discharge the debt within 6 months after the debt becomes due and payable in accordance with the regulations;
- are certified as mentally unfit to carry put the functions of a member;
- are disqualified from managing a corporation under the Corporations Act 2001 (Cth) or the Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth);
- are disqualified under the Northern Territory's *Associations Act 2003* from being an officer of an incorporated association;
- are a member of the Federal House of Representatives or Senate;
- are determined by NTCAT to be unfit to be a member; or
- are incapable of holding a local government office under section 89(3) of the *Criminal Code Act 1983* due to a finding of guilt for corrupt practices.

A resident of a council will be able to object to their member being in office, if the member has been convicted of an offence that could make the member unfit to remain in office. These proceedings will go through a formal process at the Northern Territory Civil and Administrative Tribunal (NTCAT), rather than through the Minister. NTCAT can make a decision to remove the member and impose a time period of disqualification.

As a council member, what interests must I declare?

In addition to declaring conflicts of interest, a council member will be required to complete an annual return of interests. The return will include matters such as properties owned, businesses owned and employers.

A council member must submit an annual return of interests to the Council CEO:

- within 60 days of election to council; or
- by no later than 30 September each year unless the member submitted an annual return after 31 March.

A council member must also notify the council CEO when they receive a gift or benefit from a person.

What are the new donation disclosure requirements?

A candidate for the position of mayor or president will be required to give the Northern Territory Electoral Commission details of the donations they receive in relation to their electoral campaign. This will only apply where the mayor or president is elected or voted in by the public, not where they are appointed or chosen at the first council meeting.

Will there be any change to the process for code of conduct complaints?

Yes, a complaint of breach of code of conduct must be made within 4 months after the date of the alleged breach.

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Complaints of breach of code of conduct by a council member will go to the council in the first instance, to be dealt with internally. The council will seek to resolve the matter according to council policy within 90 days. The council may:

- take no action;
- reprimand a person; or
- recommend that a person attend training, mediation or counselling.

A party to the complaint can appeal a decision of council to the Local Government Association of the Northern Territory (LGANT). In addition, if the council does not make a decision within 90 days after receiving the complaint, a party to the complaint can appeal to LGANT.

LGANT will have a panel constituted by two representatives of LGANT and one from the Department of Local Government, Housing and Community Development. The LGANT panel may, within 90 days of receiving the complaint:

- take no action;
- reprimand a person;
- recommend a person attend training, mediation or counselling; and
- make any other recommendation the LGANT panel considers appropriate.

A party to the complaint can appeal a decision of the LGANT panel to the Northern Territory Civil and Administrative Tribunal (NTCAT). In addition, if the LGANT panel does not make a decision within 90 days after receiving the complaint, a party to the complaint can appeal to NTCAT. Furthermore, a party to the complaint can complain to NTCAT if the LGANT panel's recommendations are not followed.

NTCAT can make any order it deems fit for an appeal decision. However, if a party to a complaint brings an application to NTCAT where the LGANT panel's recommendations have not been followed, NTCAT can:

- order that the complainant, respondent or any other person attend training, mediation or counselling by a specified date;
- if NTCAT finds the respondent contravened the code of conduct – order that the respondent not subsequently contravene the code of conduct; (this creates an offence); and
- make any other order NTCAT considers appropriate.

Will the code of conduct for each council remain the same?

The new Act will prescribe a code of conduct that applies to elected members of all councils. This code cannot be changed by councils. The prescribed code will be similar to the existing code in schedule 2 of the current Act.

Are there any changes to the exemption from Council rates?

Yes, a public benevolent institution or charity will have to be registered with the Australian Charities and Not-for-profits Commission for land it occupies for a non-commercial purpose to be exempt from rates. The 'non-commercial purpose' exemption for land used

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by a public benevolent institution or charity will not include land used as residential accommodation by staff employed or contracted by the public benevolent institution or charity.

In addition, Crown land will not be rateable except where it has been leased or is used to provide public housing.

What are the eligibility criteria for a council CEO?

A person will not be eligible to be a council CEO if they are:

- disqualified from managing a corporation under the Corporations Act 2001 (Cth) or the Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth);
- disqualified under the Northern Territory's *Associations Act 2003* from being an officer of an incorporated association; or
- bankrupt.

What is the role of a finance controller?

A financial controller will be able to be appointed for a local government council if the council is not performing its financial responsibilities appropriately or not complying with the Act. A financial controller will be responsible for implementing financial controls, including authorising all payments.

What changes have been made to the offence of misleading information?

Currently, the offence for making a misleading representation is restricted to where a person makes the misleading representation to a council, local board, council committee, or an officer or staff member of a council to obtain some advantage for him/herself or another or to cause detriment to another.

Under the new Act, it will be offence for a person to knowingly provide misleading information to the following persons when they are acting in their official capacity:

- a member of an audit committee, council, council committee or local authority;
- staff member of a council or local government subsidiary;
- council CEO or chief executive of a local government subsidiary;
- an inspector appointed under the Act;
- an investigator or official manager;
- an authorised officer or;
- finance controller.

The maximum penalty for providing misleading information is 200 penalty units (equivalent to \$31,000 as at the date of publishing this paper) or 2 years imprisonment.

It will be an offence for a person to knowingly provide a document which contains misleading information to the persons mentioned above when they are acting in their official capacity, unless the person draws attention to the misleading aspect of the

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document and to the extent to which the person can reasonably do so, give information necessary to remedy the misleading aspect of the document. The penalty for providing a document which contains misleading information is 400 penalty units (equivalent to \$62,000 as at the date of publishing this paper) or 2 years imprisonment.

The concept of misleading includes any omissions and misinformation.

When is the closing date to make a submission on the draft Bill?

18 July 2019.

14 INFORMATION AND CORRESPONDENCE

15 REPORT OF DELEGATES

16 QUESTIONS BY MEMBERS

17 GENERAL BUSINESS

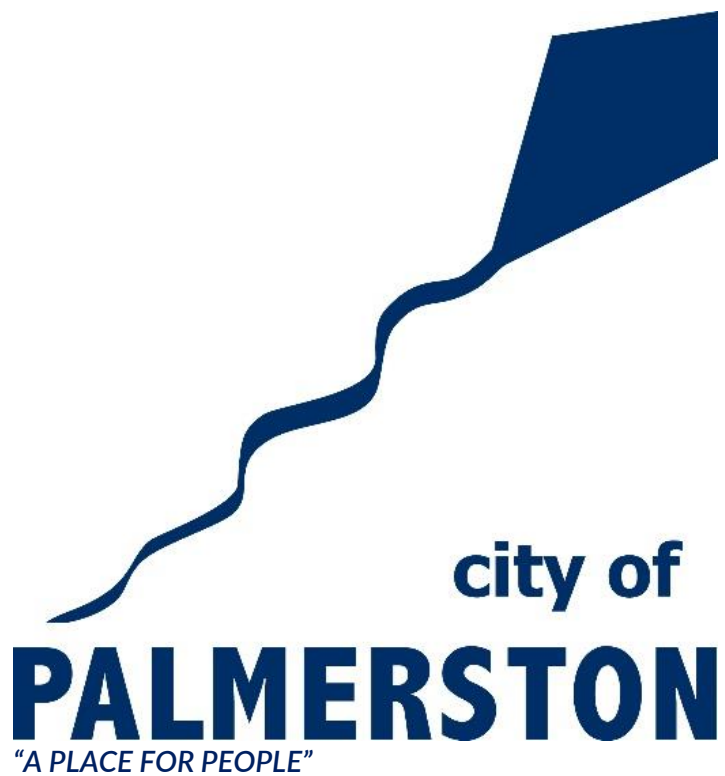
18 NEXT ORDINARY COUNCIL MEETING

THAT the next Ordinary Meeting of Council be held on Tuesday 6 August 2019 at 5.30pm in the Palmerston Swimming and Fitness Centre, 31 Tilston Avenue, Moulden.

19 CLOSURE OF MEETING TO PUBLIC

THAT pursuant to Section 65(2) of the *Local Government Act* and Regulation 8 of the *Local Government (Administration) Regulations*, the meeting be closed to the public to consider the Confidential item of the Agenda.

20 ADJOURNMENT OF MEETING AND MEDIA LIAISON



**COUNCIL MEETING
MINUTES
TUESDAY, 2 JULY 2019**

CITY OF PALMERSTON

Minutes of Council Meeting
held in Council Chambers
Civic Plaza, 1 Chung Wah Terrace, Palmerston
on Tuesday 2 July 2019 at 5:30pm.

ELECTED MEMBERS

Mayor Athina Pascoe-Bell
Deputy Mayor Sarah Henderson
Alderman Amber Garden
Alderman Benjamin Giesecke
Alderman Damian Hale
Alderman Mick Spick

STAFF

Chief Executive Officer, Luccio Cercarelli
Director City Growth and Operations, Kathy Jarrett
Director Governance and Regulatory Services, Chris Kelly
Acting Director Lifestyle and Community, Amelia Vellar
Executive Manager Finance, Shane Nankivell
Acting Executive Manager Organisational Services, Richard Iap
Communications Officer, Brigitte Brown
Minute Secretary, Alexandra Briley

GALLERY

Kate Ashton, ABC

1 ACKNOWLEDGEMENT OF COUNTRY

I respectfully acknowledge the traditional owners of the land on which we are meeting – the Larrakia People – and pay my respects to their elders, past, present and future.

2 OPENING OF MEETING

The Mayor declared the meeting open at 5:30pm.

Initials: _____

3 APOLOGIES AND LEAVE OF ABSENCE

3.1 Apologies

Nil.

3.2 Leave of Absence Previously Granted

THAT the leave of absence received from Alderman Buhr for 28 June to 12 July 2019 inclusive be received and noted.

CARRIED 9/0426 – 29/01/2019

THAT the leave of absence received from Alderman Lewis for 30 June 2019 to 21 July 2019 inclusive be received and noted.

CARRIED 9/0641 – 04/06/2019

3.3 Leave of Absence Request

Moved: Alderman Spick
Seconded: Alderman Garden

1. THAT Council notes Mayor Pascoe-Bell will be absent on Council business on 17 July 2019.
2. THAT the leave of absence received from Mayor Pascoe-Bell for 26 July to 28 July 2019 inclusive be received and noted.
3. THAT the leave of absence received from Mayor Pascoe-Bell for 28 September to 14 October 2019 inclusive be received and noted.
4. THAT Council notes Alderman Hale will be absent on Council business on 17 July 2019.
5. THAT the leave of absence received from Alderman Giesecke for 3 August to 11 August 2019 inclusive be received and noted.
6. THAT the leave of absence received from Alderman Garden for 13 October to 21 October 2019 inclusive be received and noted.

CARRIED 9/0701 – 02/07/2019

Initials: _____

4 REQUEST FOR TELECONFERENCING

Moved: Mayor Pascoe-Bell
Seconded: Deputy Mayor Henderson

1. THAT the request for teleconferencing received from Mayor Pascoe-Bell for the meeting to be held on 16 July 2019 be granted.
2. THAT the request for teleconferencing received from Alderman Hale for the meeting to be held on 16 July 2019 be granted.

CARRIED 9/0702 – 02/07/2019

5 DECLARATION OF INTEREST

5.1 Elected Members

Nil.

5.2 Staff

Nil.

6 CONFIRMATION OF MINUTES

6.1 Confirmation of Minutes

Moved: Alderman Hale
Seconded: Deputy Mayor Henderson

THAT the minutes of the Council Meeting held on Tuesday, 18 June 2019 pages 9799 to 9813, be confirmed.

CARRIED 9/0703 – 02/07/2019

6.2 Business Arising from Previous Meeting

Nil.

Initials: _____

7 MAYORAL REPORT

7.1 Mayoral Update Report - June 2019 M9/012

Moved: Mayor Pascoe-Bell
Seconded: Alderman Garden

1. THAT Report Number M9/012 entitled Mayoral Update Report – June 2019 be received and noted.
2. THAT the Council approves interstate travel by the Mayor in late July or early August 2019, to meet with Australian Government representatives to advocate for funding partnerships to deliver Community infrastructure for Palmerston.

CARRIED 9/0704 – 02/07/2019

8 DEPUTATIONS AND PRESENTATIONS

Nil.

9 PUBLIC QUESTIONS (WRITTEN SUBMISSIONS)

Nil.

10 CONFIDENTIAL ITEMS

10.1 Moving Confidential Items into Open

Nil.

10.2 Moving Open Items into Confidential

Nil.

Initials: _____

10.3 Confidential Items

Moved: Alderman Spick
Seconded: Alderman Garden

THAT pursuant to Section 65(2) of the *Local Government Act* and Regulation 8 of the *Local Government (Administration) Regulations* the meeting be closed to the public to consider the following confidential items:

ITEM	REGULATION	REASON
25.1.1	8(c)(iv)	This item is considered 'Confidential' pursuant to <i>Section 65(2)</i> of the <i>Local Government Act</i> and 8(c)(iv) of the <i>Local Government (Administration) Regulations</i> , which states municipal council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person is discussed.
25.2.1	8(a)	This item is considered 'Confidential' pursuant to <i>Section 65(2)</i> of the <i>Local Government Act</i> and 8(a) of the <i>Local Government (Administration) Regulations</i> , which states municipal council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual.
	8(c)(iii)	This item is considered 'Confidential' pursuant to <i>Section 65(2)</i> of the <i>Local Government Act</i> and 8(c)(iii) of the <i>Local Government (Administration) Regulations</i> , which states municipal council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information that would, if publicly disclosed, be likely to prejudice the security of the council, its members or staff.

CARRIED 9/0705 – 02/07/2019

11 PETITIONS

Nil.

Initials: _____

12 NOTICES OF MOTION

Nil.

13 OFFICERS REPORTS

13.1 Receive and Note Reports

13.1.1 Roads to Recovery Funding 9/0253

Moved: Alderman Garden
Seconded: Alderman Hale

THAT Report Number 9/0253 entitled Roads to Recovery Funding be received and noted.

CARRIED 9/0706 – 02/07/2019

13.1.2 Organisational Services and Finance Departments Quarterly Report April – June 2019 9/0257

Moved: Deputy Mayor Henderson
Seconded: Alderman Hale

THAT Report Number 9/0257 entitled Organisational Services and Finance Departments Quarterly Report April – June 2019 be received and noted.

CARRIED 9/0707 – 02/07/2019

13.1.3 City Growth and Operations Quarterly Report April – June 2019 9/0258

Moved: Alderman Garden
Seconded: Alderman Spick

THAT Report Number 9/0258 entitled City Growth and Operations Quarterly Report April – June 2019 be received and noted.

CARRIED 9/0708 – 02/07/2019

Initials: _____

13.2 Action Reports

13.2.1 Risk Management and Audit Committee Meeting Minutes - 25 June 2019

9/0261

Moved: Alderman Garden
Seconded: Alderman Giesecke

1. THAT Report Number 9/0261 entitled Risk Management and Audit Committee Meeting Minutes – 25 June 2019 be received and noted.
2. THAT Council receive and note the Unconfirmed Risk Management and Audit Committee Minutes being **Attachment A** to Report Number 9/0261 entitled Risk Management and Audit Committee Meeting Minutes – 25 June 2019.
3. THAT Council endorse the recommendations from the Risk Management and Audit Committee Meeting held on 25 June 2019:
 - a. The following items from Report Number 9RMA/013:
 - (i) THAT Report Number 9RMA/013 entitled Additional Member of the Risk Management and Audit Committee be received and noted.
 - (ii) THAT Council seek Expressions of Interest for an additional member of the Risk Management and Audit Committee.
 - b. The following items from Report Number 9RMA/012:
 - (i) THAT Report Number 9RMA/012 entitled Update on the Independent Investigator's Report be received and noted.
 - (ii) THAT Council note that actions and initiatives have been implemented to improve Council's corporate governance as outlined in **Attachment A** to Report Number 9RMA/012 entitled Update on the Independent Investigator's Report.
 - (iii) THAT based on the Committee's enquiry of management, Council endorse Management's Responses to the Independent Investigator's Report as outlined in **Attachment A** to Report Number 9RMA/012 entitled Update on the Independent Investigator's Report.

CARRIED 9/0709 – 02/07/2019

Initials: _____

13.2.2 Palmerston Animal Management Advisory Committee Meeting
Minutes – June 2019

9/0263

Moved: Alderman Garden
Seconded: Deputy Mayor Henderson

1. THAT Report Number 9/0263 entitled Palmerston Animal Management Advisory Committee Meeting Minutes – June 2019 be received and noted.
2. THAT Council receive and note the Unconfirmed Palmerston Animal Management Advisory Committee Minutes being **Attachment A** to Report Number 9/0263 entitled Palmerston Animal Management Advisory Committee Meeting Minutes – June 2019.
3. THAT Council endorse the following recommendations from the Palmerston Animal Management Advisory Committee, namely:
 - a. Existing external members of the Palmerston Animal Management Advisory Committee continue in their roles until 30 June 2020 at which time their membership will be declared vacant.
 - b. Any external member of the Palmerston Animal Management Advisory Committee who fills a casual vacancy will do so for the balance of the term remaining only.
 - c. Council write to existing members to inform them of the term limits.

CARRIED 9/0710 – 02/07/2019

14 INFORMATION AND CORRESPONDENCE

14.1 Information

14.1.1 LGANT Draft Executive Minutes – 24 June 2019

Moved: Alderman Garden
Seconded: Deputy Mayor Henderson

THAT Council receive and note Item 14.1.1 entitled LGANT Draft Executive Minutes – 24 June 2019.

CARRIED 9/0711 – 02/07/2019

Initials: _____

14.2 Correspondence

Nil.

15 REPORT OF DELEGATES

Nil.

16 QUESTIONS BY MEMBERS

16.1 Development of E-Sports in Palmerston

Moved: Alderman Spick
Seconded: Alderman Garden

THAT the question asked by Alderman Spick regarding the feasibility of the development of E-Sports in Palmerston, and the response provided by the Chief Executive Officer be received and noted.

CARRIED 9/0712 – 02/07/2019

16.2 Pathway Connectivity Program

Moved: Alderman Spick
Seconded: Deputy Mayor Henderson

THAT the question asked by Alderman Spick regarding a pathway connectivity program in Palmerston, and the response provided by the Chief Executive Officer be received and noted.

CARRIED 9/0713– 02/07/2019

17 GENERAL BUSINESS

17.1 Parking Fees and Charges 2019/2020

Moved: Mayor Pascoe-Bell
Seconded: Alderman Spick

THAT Council endorse the following minor amendments to the Fees and Charges 2019/2020 descriptions as adopted by Council on 18 June 2019, to reflect Council's intent and the adopted Palmerston City Centre Parking Study: Parking Strategy and Palmerston City Centre Parking Study: Implementation Plan:

Initials: _____

17.1 Parking Fees and Charges 2019/2020 (continued)

- Where there is reference to 'Zone B', this be replaced with 'Zone E'
- Where there is reference to 'Zone A', this be replaced with 'Zone A, B, C, D'
- Remove reference to '(max. 2hrs)' in the unit of measure against Zone A.

CARRIED 9/0714 - 02/07/2019

18 NEXT COUNCIL MEETING

Moved: Alderman Spick
Seconded: Alderman Garden

THAT the next Ordinary Meeting of Council be held on Tuesday, 16 July 2019 at 5:30pm in the Council Chambers, First Floor, Civic Plaza, 1 Chung Wah Terrace Palmerston.

CARRIED 9/0715 - 02/07/2019

19 CLOSURE OF MEETING TO PUBLIC

Moved: Alderman Hale
Seconded: Alderman Garden

THAT pursuant to Section 65(2) of the *Local Government Act* and Regulation 9 of the *Local Government (Administration) Regulations* the meeting be closed to the public to consider the Confidential Items of the Agenda.

CARRIED 9/0716 - 02/07/2019

20 ADJOURNMENT OF MEETING AND MEDIA LIAISON

Moved: Alderman Spick
Seconded: Deputy Mayor Henderson

THAT the meeting be adjourned for 10 minutes for media liaison.

CARRIED 9/0717 - 02/07/2019

The meeting adjourned at 6:06pm.



Athina Pascoe-Bell
MAYOR

Date: