

WEST DALY REGIONAL COUNCIL INITIAL IMPACT STATEMENT & SUBMISSION:

LOCAL GOVERNMENT LEGISLATION AMENDMENT BILL 2025

March 28, 2025
Legislative Scrutiny Committee
GPO Box 3721
DARWIN NT 0801
Email: LA.Committees@nt.gov.au.

Dear Secretary,

The West Daly Regional Council appreciates the opportunity to make a submission to the Legislative Scrutiny Committee to provide feedback on the Local Government Legislation Amendment Bill 2025 the “Bill”.

We understand the aim of Legislative Scrutiny Committee is to ensure fair and adequate review and report into bills referred to the assembly, and to ensure the bill has sufficient regard to the rights and liberties of individuals and the institution of Parliament. We appreciate the Committees investigation into whether the bill should be passed or amended.

PART 1. EXECUTIVE SUMMARY:

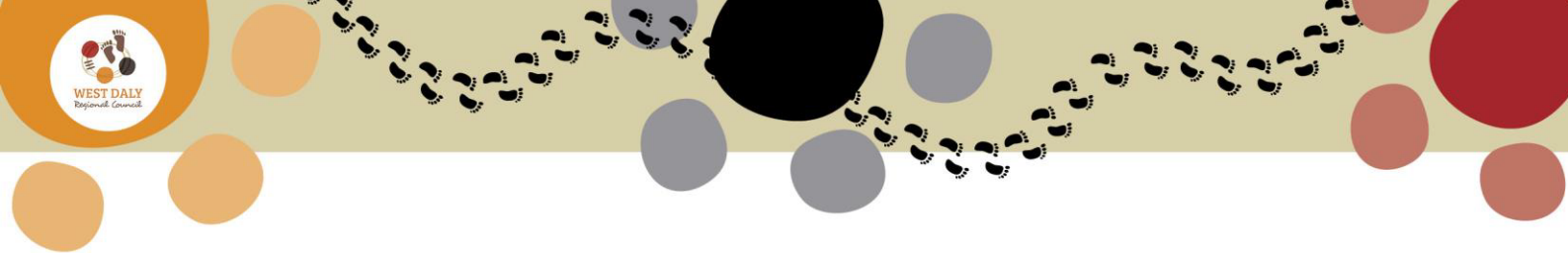
On 19th March 2025 Mr Edgington (Minister for Local Government) introduced an amendment bill to Parliament, this is to amend the *Local Government Act 2019* and the *Local Government (General) Regulations 2021*.

The Bill has been referred to the Legislative Scrutiny Committee. The purpose of this document is to identify the impacts of these changes for the West Daly Regional Council “WDRC” and provide a recommendation by way of submission to the Legislative Scrutiny Committee.

PART 2. BACKGROUND:

As part of the Local Government reforms in the Northern Territory, the West Daly Regional Council came into existence on 01 July 2014 through the de-amalgamation of the Victoria Daly Shire Council into the Victoria Daly Regional Council and West Daly Regional Council.

The fundamental role of Council is to represent the interests of their region. Elected, councillors are individually and collectively bound to carry out the functions and exercise the



statutory responsibilities and principles of local government in accordance with the Local Government Act. The vision of the West Daly Regional Council is to deliver quality services to communities and homelands, support development opportunities including local jobs for local people, and improve the quality of life for residents in the West Daly Region.

PART 3. KEY CHANGES:

3.1 The Bill removes the definition of public notices.

Additional amendments throughout the Bill make amendments to the notification requirements, namely removing the requirement to advertise by newspaper and public notice board, instead allowing for notification by website.

3.2 The Bill introduces a definition for a Prospective Council and significantly amends Section 19 regarding rights, liabilities and obligations for a prospective council and transitional arrangements.

3.3 The Bill changes the wording relating to the function of the Local Government Representation Committee in a number of sections from “determination” to “recommendation”.

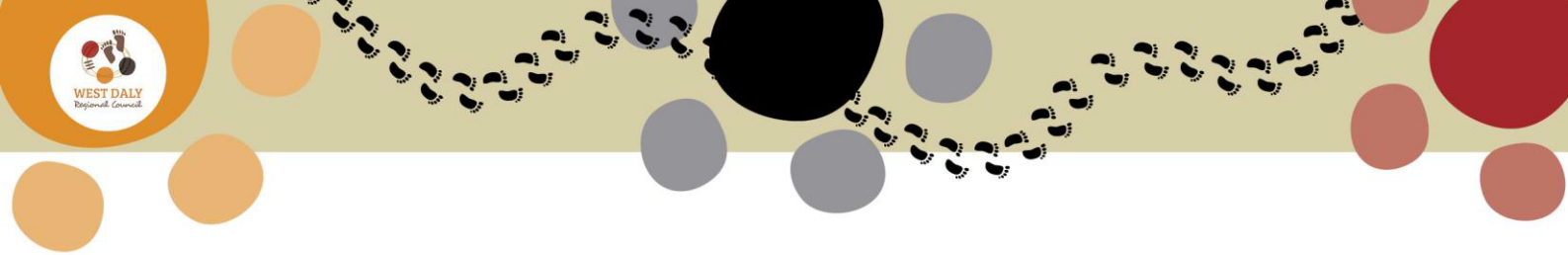
3.4 The Bill updates and clarifies the format by which Casual Vacancies are filled, requiring the council to pass a resolution to determine which method a vacancy will be filled; either by way of Bi-Election or by appointing a replacement member by a vote of existing members.

PART 4. WEST DALY REGIONAL COUNCIL RECOMMENDATION:

WDRC give the following recommendation on the basis of the Key Changes (identified in Part 3 of this document) contained in the Bill.

3.1 Public Notices

- a) The WDRC understands that many of the updates to the legislation are to remove outdated notification practices by way of notification by newspaper. The public notice by newspaper requirement impacted many processes within WDRC Governance Framework, from Budgets and Special Rate Policy to Tenders and Public Quotations.
- b) While the intention is to modernise, WDRC constituents may not have easy access to electronical devices which supports ease of access to information via the Website. Therefore, the reality could lead to reduced access to information in the community.
- c) Additionally, in the short term, these amendments would increase the administrative burden given the breadth of this requirement and since these changes would require policy updates across many of the Councils Governance policies.
- d) However, WDRC generally supports these amendments, since it removes a somewhat outdated practice, and considers that long term this could release some administrative and financial burden.



3.2 Prospective Councils

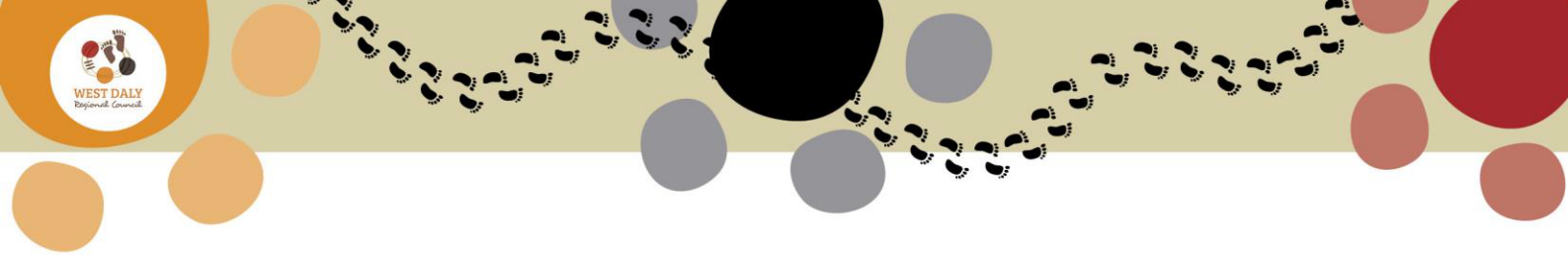
- a) WDRC considers that the substantive amendments to clarify the obligations of a prospective council place significant responsibility in the hands of the constituting member/CEO. The amendments also place significant responsibility onto the existing Local Council of a proposed prospective council area to continue to deliver services in a transitional arrangement.
- b) Section 19C provides the source of power for the Minister to merge or divide existing local government areas, and the power to abolish a local government area. However, this can be done without the requirement for consultation as a precondition of the exercise of the power.
- c) Section 19 C (3) sets out that a CEO must comply with an order made with respect to transitional matters. However, the amendment does not give any detail around non-compliance by the CEO with the order.
- d) WDRC acknowledge the potential future impact if there ever were a further de-amalgamation of the WDRC and are very concerned that there is no requirement for consultation prior to the exercising of the Ministers powers.
- e) WDRC request inclusion of wording which requires open and transparent stakeholder consultation as a precondition of the exercise of the Minister's power.
- f) WDRC also request that additional wording be added to outline noncompliance with these sections of the Act.

3.3 Local Government Representation Committee.

- a) WDRC would like to understand what the purpose of this amendment is, the explanatory statement does not allude to this at all. Additionally, there has been no prior consultation on this amendment, which would have significant impact on the council and its constituents.
- b) WDRC request that prior to making any decision that would significantly disempower the Local Government Representation Committee, it is essential to carry out a consultation process with Local Government.
- c) WDRC considers these amendments significantly dilute the power of the Local Government Representation Committee and without consultation on these amendments, do not support the amendments to Section 28 or Section 30.

3.4 Elections and Filing Vacancies

- a) The WDRC like all councils, experience and anticipate changes in circumstances over the course of an elected term. Providing further clarity into the process by which vacancies are filled by enforcing an additional requirement to pass a resolution regarding the format by which vacancies are filled, prior to filling the vacancy, is a positive outcome and WDRC generally support the amendments to Section 54.
- b) However, in WDRC interpretation the use of the wording "may" remains wishy-washy and open to interpretation. Section 54(2)(b), as it reads in Clause 9, if the council did neither vote for an appointment nor hold a by-election, the position would be vacant.
- c) Given this we propose the usage of the word "Must" in place of "May".



- d) WDRC recommend that the wording in section 54(2)(b) and (c) be amended to insert that the council ‘must, by vote of existing members...’; and at section 54(2)(b)(ii) and (c) omit ‘may’.
- e) The omission of ‘may, by vote of existing members’ in section 65(2)(b)(i) and the word ‘may in section 65(2)(b)(ii) neglects to give the council any duty with respect to the vacancy. We consider that this may be a drafting error but recommend that the obligation of council in this situation be made clear. Referring to section 65(2)(a) which is not amended, the word ‘must’ is used.

Furthermore, the WDRC would like it noted that they were generally not consulted regarding these amendments prior to the introduction of the Bill to Parliament.

WDRC refer the Committee to the Principles (section 4) of the Local Government Act 2019, that first and foremost local government is a distinct and essential sphere of government. The lack of consultation is a real risk to our ability to carry out important functions for the West Daly community. Section 4(2) places a requirement on anyone exercising a power or function under the Act to uphold the principles – the general tone of the amendments to the Act make it increasingly difficult for this to occur. We hope that in finalising these amendments, and throughout future amendments to the Act, this government will pay heed to the Principles and ensure that local government councils are supported to deliver their functions in a manner consistent with the Principles.

Additionally, the WDRC notes the very short timeframe available for public submissions to the Committee, WDRC are therefore unable to fully assess the potential impact of these changes.

WDRC urge the Scrutiny Committee to assess the additional clarification points related to Section 19 and put forward alternative wording. WDRC strongly request the Committee to reject the amendments to Section 28 and Section 30, given this dilutes the powers of the Local Government Representation Committee. WDRC also wants it noted that these amendments will result in the requirement for significant administrative updates to policies of the WDRC. This will require time and resources which are already limited within the council.

Yours faithfully

John Thomas
CHIEF EXECUTIVE OFFICER