

ID: 393220-LC:ch

7 October 2019

Social Policy Scrutiny Committee
GPO Box 3721
DARWIN NT 0801

SPSC@nt.gov.au

Dear Committee

City of Palmerston Submission – Draft Local Government Bill 2019

Thank you for the opportunity to provide comment on the draft Local Government Bill 2019.

During the consultation period, Council made a significant submission. Council acknowledges a number of matters raised during consultation have been addressed. The following submission summarises a number of outstanding concerns. Should the Committee not have access to Council's original submission to the Department, we would be happy to provide directly.

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 this legislation that enhances and grows the value of local government for the community and underpins the provision of services and infrastructure that the community values.

A summary of a number of outstanding issues is as follows, this should be read in conjunction with Council's original submission:

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 Local Government Association of the Northern Territory (LGANT) to work with councils to ensure that there are appropriate frameworks, including training and controls testing to ensure higher quality procurement, financial management and fraud protection outcomes.

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.

Allowances for members of council

The use of an Independent Remuneration Tribunal is supported. It is recommended that the Independent Remuneration Tribunal must review the allowances at least once each term of Council, and that allowances must at minimum include an annual increment increase.

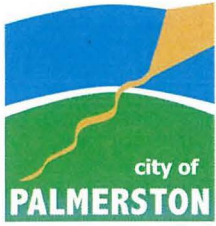
Telephone
(08) 8935 9922

Facsimile
(08) 8935 9900

Email
palmerston@palmerston.nt.gov.au

Civic Plaza
1 Chung Wah Terrace

www.palmerston.nt.gov.au



Telephone
(08) 8935 9922

Facsimile
(08) 8935 9900

Email
palmerston@palmerston.nt.gov.au

Civic Plaza
1 Chung Wah Terrace

www.palmerston.nt.gov.au

Local Government Representation Committee

The Bill proposes that the committee consists of various members including the Chief Executive Officer of the prescribed corporation. In the case of the Bill, this would be the Chief Executive Officer of the Local Government Association of the Northern Territory (LGANT).

It is proposed that this should be amended to a nominated representative of the prescribed corporation, thus allowing the corporation to nominate someone it considers most appropriate. This could include a member of their Executive Committee or a representative from a Council including an Elected Member.

Conflict of interest

We would like to see the definition of conflict of interest to be broader to reflect that of the Independent Commissioner Against Corruption (ICAC).

Council is further 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 ICAC.

In addition, the Bill proposes that a conflict need only be declared in a matter that has arisen or is about to arise before an audit committee, a council, a council committee or a local authority. City of Palmerston considers a conflict of interest should be declared if any actions or activities where a conflict exists may result in a financial or non-financial impact to the Council.

Financial controller

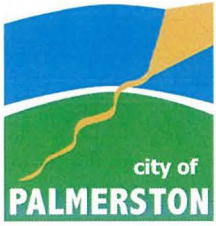
Council understands that appointment of a financial controller is intended to assist councils if possible, to avoid the need to appoint an official manager. The draft Bill states that the appointment of a financial controller can occur if the Council is not complying with the Act. This activity however appears to be limited to activities resulting in financial effects. The question remains in relation to the effectiveness of such a role when considering other breaches of the Act. The Act may require strengthening in this area.

Substantial temporary road closure

Council acknowledges the process of consulting with the relevant Minister. Council supports the need to consult the community, however we do not support the legislated requirement to consult the local Members of the Legislative Assembly (MLA) on a specific Council controlled and managed issue. MLA's like all community members may comment as part of any community consultation process. This inclusion in the Bill may lead to perceived political involvement.

Power of Minister

The draft Bill only provides the Minister with the power to intervene in a councils' affairs when there is serious financial irregularity. Council is recommending that the Minister has powers to intervene on matters unrelated to financial affairs. A general failure in the administration of a councils' affairs should be sufficient, without reliance on this being related to financial matters. Guidance on what constitutes a general failure in the administration of councils' affairs can be tied to ss 8-16 of the *Independent Commissioner Against Corruption Act*.



Telephone
(08) 8935 9922

Facsimile
(08) 8935 9900

Email
palmerston@palmerston.nt.gov.au

Civic Plaza
1 Chung Wah Terrace

www.palmerston.nt.gov.au

Other matters

It is acknowledged that the Bill has made provision for expenses and benefits. This is supported as it will assist in attracting more members of the community to seek becoming an elected member by easing any financial burdens. It would be of benefit if guidelines and/or definitions are developed to provide clarity. For example, would indirect costs such as a member requiring to pay for childcare to undertake official duties fall within the Bill.

The Mayor and I would appreciate the opportunity to present to the Social Policy Scrutiny Committee to further outline our original submission to the Department and this submission and to answer any questions.

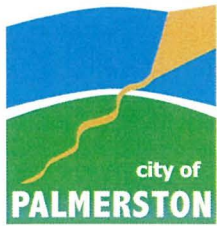
City of Palmerston would like to thank and acknowledge the work that the Department have undertaken, including the engagement with City of Palmerston and considerations of our concerns raised.

Should you have any queries, please contact me on (08) 8935 9902 or via email on Luccio.cercarelli@palmerston.nt.gov.au.

Regards

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

Luccio Cercarelli
Chief Executive Officer



ID: 393220-LC:ch

10 October 2019

Social Policy Scrutiny Committee
GPO Box 3721
DARWIN NT 0801

SPSC@nt.gov.au

Dear Committee

City of Palmerston Submission – Draft Local Government Bill 2019

Further to the City of Palmerston's submission dated 7 October 2019 additional comment has been made in relation to Elected Member Protections.

Elected Member Protections

Council acknowledges that provision of a code of conduct detailing and governing conduct of members and associated actions for any breaches.

However, it is considered that the Bill could provide for further protections and holding members to account. An example being that members are not considered employees and therefore are not covered by legislation relating to matters such as bullying, harassment, anti-discrimination and the criminal code.

The Mayor would appreciate the opportunity to meet with you to present and further outline the comments raised within this letter and Council's original submission.

Again, thank for providing the City of Palmerston with the opportunity to comment on the draft Local Government Bill 2019.

Should you have any queries or questions, please contact me on (08) 8935 9902 or via email on Luccio.cercarelli@palmerston.nt.gov.au.

Regards

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

Luccio Cercarelli
Chief Executive Officer

Telephone
(08) 8935 9922

Facsimile
(08) 8935 9900

Email
palmerston@palmerston.nt.gov.au

Civic Plaza
1 Chung Wah Terrace

www.palmerston.nt.gov.au