CITY OF
DARWIN
ABN 11 503 313 301

23 October 2019

Ms Julia Knight
Committee Secretary
Social Policy Scrutiny Committee
GPO Box 3721
Darwin NT 0801

By email transmission: julia.knight@nt.gov.au

Dear Ms Knight

**City of Darwin Submission - Draft Local Government Bill 2019**

Thank you for the opportunity to provide comment on the *Local Government Bill 2019*, currently before the Social Policy Scrutiny Committee.

In addition to feedback provided on the Consultation Draft of The Bill, Council notes the following:

**Section 12 Council Policies**.  City of Darwin is of the view that policies should be consistent with the role, functions and objectives of local government as outlined in Part 2.3 of The Bill, as opposed to Code of Conduct which only applies to Elected Members.

**Section 15 Municipalities, Regions and Shires.**  City of Darwin in its submission recommended the inclusion of 'city' for classifying local government areas. Including the definition of 'city' further strengthens Council's position to gain national and international recognition as the strong competitive capital city and the only capital city in Northern Australia.
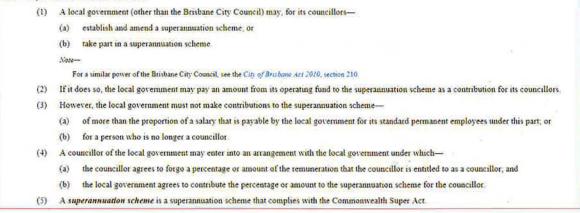
**Section 45 Professional Development of Elected Members.**  Council supports industry wide training for Elected Members and appreciates the Department and / or LGANT taking a lead role in providing training for newly elected members and post-election.  Council is of the view that this does not need to be a legislative requirement and a more effective clause would be for Council's to establish a policy position on Mandatory and Discretionary Professional Development.  We acknowledge that the Remuneration Tribunal will continue to establish a recommended allowance for professional development.  A number of states within Australia require Council's to adopt a policy for reimbursement of expenses and provision of facilities to Elected Members to perform their duties.  These policies

generally cover the requirements for mandatory and discretionary professional development. Council would like to understand how the professional development provisions in The Bill are going to be enforced.

**Part 7.1 Allowances and expenses.** Council strongly recommends that provision be made in The Bill to allow for local governments to contribute to a super scheme for elected members. City of Darwin refers the Committee to the following extract from the Queensland Government Act. Contributions to superannuation are by agreement and can be made as a percentage or amount of the remuneration that the elected member is entitled to or by contribution by the local government.

226 **Super scheme for councillors**

(1) A local government (other than the Brisbane City Council) may, for its councillors—

    (a) establish and amend a superannuation scheme; or

    (b) take part in a superannuation scheme.

    *Note—*

        For a similar power of the Brisbane City Council, see the *City of Brisbane Act 2010*, section 210.

(2) If it does so, the local government may pay an amount from its operating fund to the superannuation scheme as a contribution for its councillors.

(3) However, the local government must not make contributions to the superannuation scheme—

    (a) of more than the proportion of a salary that is payable by the local government for its standard permanent employees under this part; or

    (b) for a person who is no longer a councillor.

(4) A councillor of the local government may enter into an arrangement with the local government under which—

    (a) the councillor agrees to forgo a percentage or amount of the remuneration that the councillor is entitled to as a councillor; and

    (b) the local government agrees to contribute the percentage or amount to the superannuation scheme for the councillor.

(5) A *superannuation scheme* is a superannuation scheme that complies with the Commonwealth Super Act.

**Section 114 Conflict of Interest** Council remains of the opinion that Section 114 relating to conflict of interest requires further review. Council is however supportive of City of Palmerton's feedback to align this section with the provisions relating to conflict of interest as outlined the *Independent Commission Against Corruption Act.*

**Section 329 Commencement of legal proceedings on behalf of council.** Council objects to the requirement for a Council resolution for the commencement of legal proceedings and recommends in its place Council be required to adopt a policy on the commencement of legal proceedings. A policy position would then be further supported by Council's delegations to the Chief Executive Officer.

Council acknowledges the extensive work undertaken by the Department of Local Government, Housing and Community Development to modernise the existing Local Government Act and the draft Bill aims to strengthen governance and accountability requirements for local government in the Northern Territory.

The Lord Mayor and I appreciate the opportunity to present our comments to the Social Policy Scrutiny Committee and would welcome the opportunity to present our feedback in person to the Committee.

If you have any further queries please contact Council's Acting Chief Executive Officer, Melissa Reiter on 8930 0516 or melissa.reiter@darwin.nt.gov.au

Yours sincerely

**MELISSA REITER**
**ACTING CHIEF EXECUTIVE OFFICER**