



## COUNCIL REPORT

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<b>Agenda Item Number:</b>	15.9
<b>Report Title:</b>	August 2020 Legislative Assembly Election
<b>Author &amp; Recommending Officer:</b>	Daniel Fletcher, Chief Executive Officer
<b>Report Number:</b>	20/0013
<b>Meeting Date:</b>	15/01/2020
<b>Attachments:</b>	Attachment A – Email – Executive Director – Local Government and Community Development Attachment B – Correspondence – Chief Executive Officer – Department of Local Government, Housing and Community Development Attachment C – Correspondence – Department of Local Government, Housing and Community Development Attachment D – Flow Chart – Department of Local Government, Housing and Community Development

### Executive Summary

This report presents for Council information advice received from the Department of Local Government, Housing and Community Development regarding the August 2020 Legislative Assembly Election.

### Recommendation

THAT Council receive and note the report August 2020 Legislative Assembly Election and advice received from the Department of Local Government, Housing and Community Development.

### Background

On 25 September 2019, Ms Maree De Lacey, Executive Director of Local Government and Community Development, emailed all council chief executive officers with advice on the process to follow if members nominate as candidates and they wish to be reappointed to council if they were unsuccessful. The email was forwarded to Councillors on 3 October 2019 (Attachment A).

On 30 October 2019, Mr Jamie Chalker, the former Chief Executive Officer of the department wrote to all chief executive officers with further advice and highlighted the importance of managing conflicts of interest (Attachment B).

The department have also captured the process in a flow chart (Attachment D).

On 20 December 2019, Mr Brett Beaton, Acting Executive Director wrote to all councils requesting that correspondence relating to the council members contesting in the August 2020 Legislative Assembly Elections be tabled at the next Council meeting (Attachment C).

### **Links with Strategic Plan**

A Well-Run Council - Good Governance

### **Legislative and Policy Implications**

Part 7.2 – Local Government Act 2008

### **Risks**

Nil.

### **Financial Implications**

Nil.

### **Community Engagement**

Nil.

**Debbie Branson**

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**From:** Maree De Lacey <Maree.DeLacey@nt.gov.au>  
**Sent:** Wednesday, September 25, 2019 12:29 PM  
**To:** robert.jennings@krc.nt.gov.au; Steve Moore; cathy.winsley@belyuen.nt.gov.au; Diane Hood; Scott Waters; luccio.cercarelli@palmerston.nt.gov.au; Chief Executive Officer; dale.keehne@eastarnhem.nt.gov.au; ceo@krc.nt.gov.au; Daniel Fletcher; Jeff MacLeod; Phillip Luck; valerie.rowland@tiwiislands.nt.gov.au; ceo@vicdaly.nt.gov.au; ceo@wagait.nt.gov.au; brian.hylands@westarnhem.nt.gov.au  
**Cc:** Tony Tapsell; Lee Williams  
**Subject:** Council members who may contest NT elections

Good afternoon CEOs

This email is to explain the local government rules for a council member wishing to nominate as a candidate in an election of the Legislative Assembly.

A person cannot nominate as a candidate in a Legislative Assembly election if the person is a council member - see section 21 of the Northern Territory (Self-Government) Act 1978 (Cth).

Section 39(6) of the *Local Government Act 2008* allows a member to resign to contest a Legislative Assembly election and be reinstated as a member of the council if he or she is not elected. The resignation must take effect no more than 28 days before the close of nominations for the legislative Assembly election.

The proposed nomination period for the 2020 LA election is, tentatively, to open on Thursday 30 July 2020 and close 12.00noon Thursday 6 August 2020. This has not been confirmed.

For example, provided the closing date of nominations does not change, a resignation to contest the Legislative Assembly election could take effect on 11 July 2020. The resignation should state that the purpose of the resignation is to be a candidate in the NT Legislative Assembly elections.

If a council member resigns to contest the election and is not elected, he or she must apply in writing to the council CEO to be reinstated within seven days of the declaration of the election.

Section 39(7) of the *Local Government Act 2008* provides that a reinstated member is not entitled to any member allowances for the period between resignation and reinstatement.

Clause 55 of the Local Government Bill 2019 contains the same rules for members resigning to contest elections as the current Act, meaning the above processes will remain the same if the new Act is passed.

If you have any queries please don't hesitate to contact me or Lee Williams, Senior Director Legislation and Policy.

Regards

**Maree De Lacey**  
 Executive Director  
 Local Government and Community Development  
**Department of Local Government, Housing and Community Development**  
 Northern Territory Government

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 GPO Box 4621, Darwin, NT 0800  
 p ... 08 8999 8573

m ... 0408 072 878  
e ... [Maree.DeLacey@nt.gov.au](mailto:Maree.DeLacey@nt.gov.au)  
w ... [dhcd.nt.gov.au](http://dhcd.nt.gov.au)

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 community profiles

 community events

 community contacts

 plus more!

# BUSHTEL

[bushtel.nt.gov.au](http://bushtel.nt.gov.au)



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Our Values: [Commitment to Service](#) | [Ethical Practice](#) | [Respect](#) | [Accountability](#) | [Impartiality](#) | [Diversity](#)

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Department of  
**LOCAL GOVERNMENT, HOUSING  
AND COMMUNITY DEVELOPMENT**

**Chief Executive Officer**  
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47 Mitchell Street, Darwin NT 0800

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File Ref: HCD2019/02052~102

Mr Daniel Fletcher  
Chief Executive Officer  
Litchfield Council  
PO Box 446  
HUMPTY DOO NT 0836

Dear Mr Fletcher

I am writing in relation to the preselection of candidates from within Local Government in advance of the 2020 Northern Territory General Election.

As you know, appointments in all spheres of government require the utmost integrity. The community must have confidence that all Territorians are treated without fear or favour by government, and that the resources of government are always employed in the public interest.

For publically elected officials, the integrity of decision making is paramount. As I am sure you are aware, the *Local Government Act 2008* specifies that a council member has a conflict of interest in a question arising for decision by the council if the member, or an associate of the member, has a personal or financial interest in how the question is decided.

The member must disclose the interest that gives rise to the conflict and must not engage in behaviour which may influence the outcome of the decision. The member must not participate in the consideration process or in the making of a decision in relation to the matter.

There are offences attached to the conflict of interest provisions in the *Local Government Act 2008*. There are also penalties for a finding of improper conduct by a public officer under the *Independent Commissioner Against Corruption Act 2017*.

The *Local Government Act 2008* does, however, allow a member to seek approval from the Minister for Local Government, Housing and Community Development to participate in a matter in which they have a conflict of interest. A member with a conflict of interest must ensure they have the Minister's approval in writing before participating in relevant discussions.

I am sure you will agree that the preselection of any council member may create circumstances where that individual might have to disclose conflicting interests. Where such conflicts are appropriately managed, it is possible to maintain the integrity of the member's tenure in office.

Should you require any guidance or assistance in relation to disclosures of conflict of interest, please contact the Sustainability and Compliance Branch of the Local Government and Community Development Division at [lg.compliance@nt.gov.au](mailto:lg.compliance@nt.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. Chalker', written in a cursive style.

Jamie Chalker APM  
Chief Executive Officer

30/10/2019

20 December 2019

Ms Maree Bredhauer  
Mayor  
Litchfield Council  
PO BOX 446  
HUMPTY DOO NT 0836

Dear Ms Bredhauer

Re: August 2020 Legislative Assembly Election

As we approach the upcoming August 2020 Legislative Assembly election, it is important that all members are reminded of the legal requirement to disclose a personal or financial interest that gives rise to a conflict of interest in a question before the council, council committee or local authority. A member must not participate in any decision on a question where they have a conflict of interest. Members are to be aware that conflicts of interest can arise from a member's relevant interest in connection with the pre-selection or nomination of candidates for elections. Further detail of these requirements are contained in Part 7.2 of the *Local Government Act 2008*.

On 25 September 2019, Ms Maree De Lacey, Executive Director of Local Government and Community Development, emailed all council chief executive officers with advice on the process to follow if members nominate as candidates and they wish to be reappointed to council or the local authority if they are unsuccessful.

On 30 October 2019, Mr Jamie Chalker, the former Chief Executive Officer of this Department, wrote to all chief executive officers with further advice and highlighted the importance of managing conflicts of interest.

As this is an important matter, I ask that you table this correspondence at your next council and local authority meetings so that all members are made aware of this advice. Please do not hesitate to contact me via [brett.beaton@nt.gov.au](mailto:brett.beaton@nt.gov.au) if you or your council require any clarification on this matter or if you would like more information.

Yours sincerely



Brett Beaton  
Acting Executive Director  
Local Government and Community Development  
20/12/2019

