

Serial 41

Local Government Legislation Amendment (Remuneration) Bill 2022

Mr Paech

*A Bill for an Act to amend the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*, the *Local Government Act 2019* and the *Local Government (General) Regulations 2021**

**Part 4 Amendment of Local Government
(General) Regulations 2021**

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2022

An Act to amend the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*, the *Local Government Act 2019* and the *Local Government (General) Regulations 2021*

[Assented to [] 2022]
[Introduced [] 2022]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Local Government Legislation Amendment (Remuneration) Act 2022*.

2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

Part 2 Amendment of Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006

3 Act amended

This Part amends the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*.

4 Section 2 amended (Definitions)

Section 2

insert

local authority, for Part 3, Division 1B, see section 7C.

5 Section 7B amended (Allowances)

(1) Section 7B(1)

omit, insert

(1) The Tribunal must, on the Administrator's request, inquire into and determine the allowance or allowances payable to a member of a local government council.

(1A) Without limiting subsection (1), the Tribunal may, under the request, inquire into and determine any of the following:

- (a) differential allowances for principal members, deputy principal members and other members of a local government council;
- (b) a fixed amount, a minimum amount or a maximum amount of an allowance;
- (c) different categories of allowances;
- (d) whether an allowance should be indexed and, if so, the basis of, and method for, indexation;
- (e) any rules that apply to eligibility for, or payment or application of, an allowance.

(1B) If the Tribunal determines a minimum amount of an allowance under subsection (1A)(b), it must also determine a maximum amount of that allowance.

(2) Section 7B(7)(b)

omit

next financial year;

insert

next financial year.

(3) Section 7B(7)(c)

omit

(4) After section 7B(7)

insert

(7A) If the Tribunal is requested to inquire into and determine the allowance or allowances payable to a member of a local government council affected by the exercise of a power under section 16(1)(a), (b), (c), (j) or (n) of the *Local Government Act 2019*, the Administrator may:

(a) specify the date by which the report under subsection (3) must be completed by the Tribunal; and

(b) despite subsection (7), specify the financial year from which the determined allowances apply.

(5) Section 7B(8), definition ***CPI figure for Darwin***

omit

6 Part 3, Division 1B inserted

After section 7B

insert

Division 1B Members of a local authority

7C Meaning of *local authority*

In this Division:

local authority, see section 7 of the *Local Government Act 2019*.

7D Application

This Division applies to members of a local authority.

7E Allowances

(1) The Tribunal must, on the Administrator's request, inquire into and determine the allowance or allowances payable to a member of a local authority.

(2) An allowance determined under subsection (1) must be a fixed amount.

- (3) Without limiting subsection (1), the Tribunal may, under the request, inquire into and determine any of the following:
- (a) differential allowances for the chairperson and other members of a local authority;
 - (b) different categories of allowances;
 - (c) whether an allowance should be indexed and, if so, the basis of, and method for, indexation;
 - (d) any rules that apply to eligibility for, or payment or application of, an allowance.
- (4) The Tribunal may determine different amounts of allowances for the members of different local authorities.
- (5) The Tribunal must prepare a report for each inquiry conducted under subsection (1).
- (6) The report must include a determination of the allowances.
- (7) 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.
- (8) The Minister must table a copy of the report in the Assembly within 6 sitting days after receiving it.
- (9) The allowances determined under subsection (1) apply as follows:
- (a) if the report is made on or 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.

Examples for subsection (9)

- 1 *If a report is made on 1 February 2023, the allowances apply from 1 July 2023.*
- 2 *If a report is made on 2 February 2023, the allowances apply from 1 July 2024.*

Part 3 Amendment of Local Government Act 2019

7 Act amended

This Part amends the *Local Government Act 2019*.

8 Section 7 amended (Definitions)

Section 7

insert

Remuneration Tribunal means the Tribunal as defined in section 2 of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*.

9 Section 56 amended (Determination of eligibility for office by NTCAT)

Section 56(7)

omit

(2)

insert

(6)

10 Section 106 amended (Allowance for members of council)

(1) Section 106(1)

omit, insert

(1) A member of a council is entitled to be paid the allowance or allowances determined by the Remuneration Tribunal under section 7B of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*.

(2) Section 106(5)

omit, insert

(5) For subsection (4), the Minister may determine any of the following:

- (a) differential allowances for principal members, deputy principal members and other members of a local government council;
- (b) a fixed amount, a minimum amount or a maximum amount of an allowance;

- (c) different categories of allowances;
 - (d) that an allowance should be indexed and the basis of, and method for, indexation;
 - (e) any rules that apply to eligibility for, or payment or application of, an allowance.
- (6) If the Minister determines a minimum amount of an allowance under subsection (5)(b), the Minister must also determine a maximum amount of that allowance.
- (7) If the Remuneration Tribunal or the Minister determines an allowance for members of a council that is not a fixed amount, the council may fix the amount of that allowance payable to members in respect of each financial year as part of the council's budget.
- (8) Subject to a determination referred to in subsection (1) or under subsection (5), the allowances fixed by a council for a financial year under subsection (7):
- (a) must not be increased during the financial year; and
 - (b) may be decreased during the financial year.
- (9) If a council fixes an allowance at a rate less than the maximum amount in a determination referred to in subsection (1) or under subsection (5), the allowance payable must be proportionate for all council members.

11 Sections 107 and 108 replaced

Sections 107 and 108

repeal, insert

107 Allowance for members of local authority

- (1) A member of a local authority is entitled to be paid the allowance or allowances determined by the Remuneration Tribunal under section 7E of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*.
- (2) The allowances payable under this section are to be paid by the council.
- (3) The council must publish on its website the amounts of the allowances payable by the council.

- (4) If there is no determination that applies to a local authority, the allowances must be determined by the council in accordance with any guidelines that the Minister may make and that apply in the relevant financial year.

12 Chapter 21 heading replaced

Chapter 21, heading

omit, insert

Chapter 21 Transitional matters**Part 1 Transitional matters for Local Government Act 2019****13 Chapter 21, Part 2 inserted**

After section 367

insert

Part 2 Transitional matters for Local Government Legislation Amendment (Remuneration) Act 2022**368 Local authority guidelines**

A guideline referred to in section 107 in force immediately before the commencement of section 11 of the *Local Government Legislation Amendment (Remuneration) Act 2022* continues in force as if it had been made under section 107(4) as in force after that commencement.

Part 4 Amendment of Local Government (General) Regulations 2021**14 Regulations amended**

This Part amends the *Local Government (General) Regulations 2021*.

15 Part 3, Division 6 repealed (Allowances)

Part 3, Division 6

repeal

Part 5 Repeal

16 Repeal of Act

This Act is repealed on the day after it commences.