



Northern
Territory
Government

DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITY SERVICES

Council Member Allowances

General Instruction No. 2

Issued on behalf of the Department of Local Government and Community Services by

Mike Chiodo

Chief Executive

Signed

A handwritten signature in black ink, appearing to read "M. Chiodo".

Date 24 / 2 / 15

This is a general instruction pursuant to Regulation 7 of the *Local Government (Accounting) Regulations*. Failure of a council to comply with a general instruction is an offence of strict liability with a maximum penalty of 50 penalty units.

Purpose of Direction

The purpose of this direction is to clarify certain issues concerning the setting of levels of council member allowances.

Legislation

Section 71 of the *Local Government Act* (the Act), in conjunction with Guideline 2, provides for the setting of council member allowances. Guideline 2 sets specific rules about the level of allowances and provides for maximum amounts.

Allowances are set as part of developing the budget each financial year. Different allowance levels apply in a tiered structure to the principal member, the deputy principal member and other members of a council. Guideline 8 specifically sets the allowances in respect of local authorities.

The effect of section 128 of the Act provides is that a council may not increase the allowances for members after the budget is set.

Direction

When councils are setting allowances for council members, differential levels of allowance may not be set within the same category. Further, the tier structure of categories must remain similar to that prescribed in the guidelines. The tier structure begins at ordinary members, then steps up to deputy principal member, then the principal member.

Explanation

For the purposes of this Direction, the categories are:

- a. Ordinary member
- b. Deputy principal member
- c. Principal member

A member of any category must be paid at the same level as any other member in that category. This means that all council members, apart from the deputy and principal members, are entitled to be paid the same amount. Differentiation within a category is not permitted.

While councils may decrease allowances through the year, they may not increase them. This provision allows councils facing financial hardship to decrease their allowances as an austerity measure. If this occurs, the decrease must occur for each category as a whole. Individual council members in the same category may not be singled out for differential allowances.

Further, the tiered relationship between the categories must remain substantially the same as set in the current maximum allowance guidelines. This means that the Deputy Principal member must always be paid proportionately more than the ordinary members, in a similar way to the existing guidelines. Similarly, the Principal member must always be paid proportionately more than the Deputy Principal member, in a similar way to the guidelines.

Individual sacrifice of allowance

Nothing in the above prevents a council from having an arrangement for council members to donate their allowances, or part of their allowances, back to the council or to some other cause. Donation must be a voluntary decision of any council member and may not be imposed.