

# Proposed amendments to Local Government Act 2019 (NT)

Consultation Feedback Paper

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Acronyms	Full form
CEO	Chief Executive Office of a local government council
DHLGCD, The Department	Department of Housing, Local Government and Community Development
LGANT	Local Government Association of the Northern Territory
NTEC	Northern Territory Electoral Commission

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# 1. Introduction

From April to July 2025, the Department of Housing, Local Government and Community Development (the Department) conducted public consultations on proposed amendments to the *Local Government Act 2019*. This consultation involved:

- The release of three Discussion Papers (A, B, & C) detailing the proposed amendments;
- An Online “Have Your Say” survey to gather public input on the proposed amendments;
- Face to face consultation sessions across the Territory; and
- Receipt of written submissions from stakeholders.

This consultation feedback report summarises the key themes and issues raised during the consultation process. The Department is currently finalising its policy position on proposed amendments, which will be communicated in due course.

## 2. Overview of Consultation

### 2.1. Face to face consultations

Sixteen face-to-face presentations and consultation sessions were held throughout June 2025 in Darwin, Alice Springs, Katherine, Tennant Creek, Nhulunbuy, Groote Eylandt and the Tiwi Islands to local government councils, private sector stakeholders, non-government organisations, Aboriginal Corporations, and the public.

### 2.2. Online Have Your Say Survey

The Department used the online Have Your Say platform to conduct surveys about each of the Discussion Papers (A, B, & C). A total of 16 surveys were completed:

- 4 in response to Discussion Paper A
- 9 in response to Discussion Paper B, and
- 3 in response to Discussion Paper C.

While completion rates were modest, the survey pages attracted broader interest with:

- 51 visitors to Discussion Paper A
- 18 visitors to Discussion Paper B, and
- 16 visitors to Discussion Paper C.

### 2.3. Written Submissions

A total of 16 written submissions were received comprising of 178 pages of sector feedback. The written submissions were posted on the Department’s webpage and can be viewed here: <https://dhlgcd.nt.gov.au/local-government/legislative-amendments-to-the-local-government-act-2019>

## 3. Summary of Feedback

Stakeholder feedback throughout this report has been categorised by theme.

### 3.1. Delegations

#### 3.1.1. Delegations to the Chief Executive Officer

Feedback on delegating powers to the Chief Executive Officer (CEOs) of local government councils reflected a mix of support and concern. Many councils, along with the Local Government Association of the Northern Territory (LGANT), supported the delegation of tender and procurement decisions to CEOs, provided that clear financial thresholds and robust reporting requirements are in place.

Submissions highlighted inconsistencies and confusion in the application of procurement rules, underscoring the need for clearer guidance. There was a strong call for improved transparency in how CEOs report back to councils on decisions made under delegated authority, with stakeholders emphasising the importance of maintaining appropriate oversight.

Concerns were also raised about managing conflict of interest, particularly the potential for misuse of insider information by elected members with business interests in procurement processes. Several submissions advocated for stronger safeguards to uphold integrity and public trust.

Some councils expressed caution about over-regulation, noting that excessive reporting requirements could place additional strain on already limited resources.

#### 3.1.2. Delegations to Council Committees

There was broad support for delegating certain powers and functions to council committees comprised solely of elected members. This model was seen to preserve democratic accountability while enabling more timely decision-making, particularly in relation to financial matters when full council meetings are infrequent.

However, some councils raised concerns that committee structures could be used to marginalise the views of other elected members. Stakeholders emphasised the importance of ensuring that committee processes remain inclusive and transparent.

There was also strong support for the involvement of non-elected members in an advisory capacity. While their contributions were recognised as valuable, there was consensus that any decision-making authority should remain with elected representatives.

### 3.2. Miscellaneous amendments to the *Local Government Act 2019*

#### 3.2.1. Offences for conflicts of interest

There was overwhelming support for the proposed amendment to clarify that the offence under section 73 of the Act includes a staff member of a local government subsidiary. No stakeholder raised concerns or objections to this change.

#### 3.2.2. Ordinary and Special Meetings

Most councils did not support the proposal to require the inclusion of the date and time of issue on published meeting notices. This proposal was viewed as unnecessary red tape. Several councils noted that their

website systems log publication dates and times through back-end metadata when notices are published on council websites.

### 3.2.3. Holding of Elections

There was strong support for increasing flexibility about how election-related notices are published. Stakeholders generally agreed that the method of publication should be in the way most appropriate to each local government area. While this might include publication in a newspaper, this is not necessarily the only or most appropriate way. Councils expressed interest in being able to publish notices in local languages using formats that are meaningful to the local community.

Feedback expressed a need for Guidelines to be developed for culturally and linguistically appropriate communications, particularly in remote areas.

There was sector support to allow the Returning Officer to change an election date in the case of an emergency (natural disaster, health crisis etc). This was seen as a pragmatic measure to ensure continuity of democratic processes under exceptional circumstances.

However, there was limited support for councils assuming responsibility for pursuing non-voters after a periodic general election. Most stakeholders preferred for this responsibility to remain with the Northern Territory Electoral Commission. Some councils advocated for stricter pre-selection screening of candidates to ensure fitness for public office. Suggestions included mandatory candidate training, criminal history checks, and consideration of previous code of conduct outcomes.

## 3.3. Amendments to the Local Government (Electoral) Regulations 2021

Many councils expressed concern about the potential misuse of postal votes, with several submissions suggesting the creation of an online voting portal with secure authentication. There was a mixed response to the proposal to remove the requirement to match signatures before admitting a postal vote to scrutiny.

There was broad support for allowing postal vote applications from 1 January in a periodic general election year, and from the time the NTEC is notified of a casual vacancy for a by-election. This change was seen as beneficial to give voters more time to apply for a postal vote, particularly in remote areas where postal delays are common.

The NTEC also recommended a lengthening of the cut-off date for her office to receive overseas postal vote applications:

- For domestic voters, to 5pm eight days before election day
- For overseas voters, to 5pm twelve days before election day.

The NTEC also recommended that authorised officers from the NTEC be permitted to issue a replacement ballot if, after the cut-off date (whether international or domestic) an elector who applied for a postal vote within time has not received or has spoiled any of the postal vote material.

The NTEC also recommended changes to prohibition zones and to allow the returning officer or an authorised officer a discretion to set alternative prohibition zones based on the physical location of the voting centre.

The NTEC recommended a further delegating power to enable the Electoral Commissioner to delegate the powers of the Returning Officer to another person.

There was strong sector support for enabling the NTEC to publish candidate statements and photographs on its website, with councils also expressing interest in publishing this information locally. This was viewed as a way to improve transparency and access to information, especially for voters without social media or

personal websites. Stakeholders emphasised the importance of allowing publication in local languages and formats that are meaningful to the community.

There was general concern observed about councils being further burdened with additional costs of running elections and managing non-voters. Councils do not wish to incur non-voter enforcement costs, and there is a clear preference for the NTEC to manage this issue.

### 3.4. Superannuation Payments for Elected Members

There was widespread support for allowing superannuation payments to be made to elected members, including by way of a mandatory provision in legislation. Several stakeholders raised concerns about the financial impact on smaller councils, noting that additional support may be required to implement such changes. Overall, councils and LGANT preferred an 'opt-in' mechanism, with the preference being for individual members to make the decision, rather than the council resolving to pay superannuation to all elected members.

The Department acknowledges council concerns about potential legal and taxation implications of this proposal for elected members who may not wish to receive a superannuation payment in addition to their allowance.

### 3.5. Conditional Rating

Stakeholder views on proposed amendments to Chapter 11 of the *Local Government Act 2019* were strongly divided. Local government stakeholders generally supported the reforms, citing the need for greater autonomy in rate-setting and frustration with the limitations of the current system. Concerns were raised about fiscal sustainability and the desire to broaden the rating base, though some councils noted that additional support would be needed to take on full responsibility for rate-setting.

In contrast, industry stakeholders expressed opposition to increased council control over rating decisions. Key concerns included the sector's perceived lack of understanding of business cycles, the existing financial contributions made to the Northern Territory Government, and the limited return on infrastructure investment—particularly in remote areas where industries often provide their own services.

Regarding new approaches to rating pastoral leases and mining tenements, local government stakeholders tended to support a hybrid approach based on activity and scale, with stronger council input into rate-setting. Industry stakeholders preferred to retain the current flat-rate model and continue direct engagement with the Minister.

### 3.6. Rates Exemptions for social and affordable housing

Many submissions expressed strong opposition to rate exemptions for social and affordable housing. The predominant concern was the financial strain already faced by councils, with stakeholders arguing that exemptions shift the burden of rate payments from housing providers to ordinary ratepayers—many of whom may also be experiencing financial hardship.

Councils questioned the fairness and sustainability of allowing exemptions for institutions that may have the capacity to contribute to local government revenue. The feedback reflected a broader concern about maintaining equitable and financially viable rating systems across the sector.

### 3.7. Appointment of Principal Member

The proposal to amend the process for appointing a principal member was not supported. Most councils indicated that existing arrangements work well and allow for timely commencement of council business

following elections. Overall, there was no clear support from councils who appoint a principal member that they need more time to get to know one another before they can choose someone who is most appropriate to be the principal member. While there was general support for the proposition as being a 'good idea', councils were mindful that they needed to get on with conducting the business of the council. In this respect, time was considered to be of the essence.

### 3.8. Eligibility and disqualification from standing for local council

Many councils indicated support for disqualifying and/or rendering persons ineligible to stand for council if the person had previously been found to have committed a serious breach of the code of conduct or has made repeated, frivolous, or baseless complaints.

Most councils and LGANT only wished to see the potential for disqualification enlivened as a consequence of the most serious breaches of the Code of Conduct or serious criminal conduct. The following circumstances were identified as potential areas for disqualification:

- A person has been found to have engaged in bullying, harassing, or discriminatory conduct while serving as a councillor. Examples included repeated breaches where the individual had not undertaken remedial action as required, or where a complaint of bullying had been substantiated.
- A person has been suspended or dismissed from a council or board.

Examples involving criminal activity included where a nominee or elected member had served a sentence of imprisonment or had been convicted of an offence punishable by imprisonment.

Councils were anxious to ensure the code of conduct framework clearly distinguished between non-serious or trivial breaches, and serious or repeated breaches.

There was also support for requiring candidates to provide a national police criminal history check and an Ochre Card (Working with Children Clearance) prior to the close of nominations for a periodic general election or by-election.

### 3.9. Media Policy

Most councils already have a media policy in place, and there was general support for making it mandatory for all councils to adopt one. The main idea is that councils should clearly define who is allowed to speak publicly on behalf of the council—usually the Mayor or Principal Member, or the CEO. However, there was also recognition that other elected members may need to speak in certain situations, such as when the mayor is unavailable or has a conflict of interest.

There was strong support for councils having flexibility in how they implement their media policy, rather than enforcing a strict "single spokesperson" rule. Councils also want the ability to tailor their policy to suit their local context and community expectations.

There was broad agreement that media training should be encouraged for all elected members, especially given the rise in Code of Conduct issues related to social media and public comments.

### 3.10. Appointment of a Governance Controller

This proposal received mixed responses from councils, with many not immediately identifying the purpose of this role forming part of a code of conduct framework. Other stakeholders disliked the title, describing it as a 'devastating term' and 'devaluing' of councils. These observations are accepted by the Department and a new title will be developed.

During the consultation process, it became clear that stakeholders viewed governance support as falling into two distinct categories. First, there was support for an early-stage assistance role focused on guidance, capacity-building, and improving council processes before issues escalate. Second, some stakeholders acknowledged the need for a more formal mechanism to assist councils when governance challenges have become acute and are impacting council performance or compliance.

Councils that supported the introduction of the role saw its primary purpose as providing advice and support in situations where elected member behaviour may be affecting governance or increasing the risk of Code of Conduct breaches. The role was seen as one that could observe council dynamics, identify compliance risks, and suggest process improvements.

Other councils emphasised the importance of maintaining a clear distinction between governance matters and behavioural oversight, arguing that the two should not be conflated. There was broad agreement that such a role should not have enforcement powers or the ability to impose penalties, and that its authority should not override council autonomy.

The feedback highlighted the importance of framing any governance support role as collaborative, trust-building, and tailored to the needs of councils—rather than directive or punitive.

## 3.11. Code of Conduct Framework

### 3.11.1. The Code of Conduct

The current Code of Conduct is found at Schedule 1 of the Act, where it sets out a broad range of requirements for elected members to follow with respect to conduct whilst performing functions as an elected member. Many stakeholders recommended changes to the Code of Conduct itself, expanding it to include factors not presently considered, such as integration with ICAC, or the Code better replicating the NT Public Sector Code of Conduct.

The use of the term “courtesy” was not popular, and many councils recommended using a different word, or providing more definitions and examples of what might be considered discourteous conduct.

Many submissions observed that breaches of the code of conduct should focus very much on individual councillors, rather than the council. Stakeholders noted that individual misconduct can damage the reputation of the entire council, and that clearer accountability mechanisms are needed. Confusion around roles—particularly between elected members and council staff—was also highlighted, especially in relation to conflicts of interest. The feedback noted that councillors sometimes think that they are staff of the council, and sometimes, council staff think they are part of the elected members. People get confused with conflicts of interest at times.

There was a strong support for a clearly defined escalation pathway for code of conduct issues. Allowing flexibility was not generally viewed positively, as it tends to place responsibilities back on individual councils to develop suitable models, policies and guidance documents to respond to later stage issues, particularly those which a council has been unable to resolve in the early stage, hence its escalation along the pathway.

### 3.11.2. Raising awareness of councillor roles and responsibilities

Many councils observed that a lack of governance, or a lack of awareness of governance processes by elected members often contributed to breaches of the code of conduct. Councils observed that it should form part of the code of conduct that elected members should have to follow council policies and resolutions, and failure to do so may constitute a breach of the code of conduct. Competency based training on this issue, where elected members are required to demonstrate understanding of the need for good governance will improve accountability of individual members, and councils. It will also reduce the number

of frivolous complaints as members gain a greater understanding of expectations once they are elected to council, and what they can expect if they breach the code of conduct.

Stakeholders were favourable of all elected members to council completing mandatory training (which is prescribed) within 12 months of election to council. Additionally, most councils requested an introduction of the imposition of a penalty if the training is not completed within the prescribed time. Feedback was also supportive of members who have been re-elected may apply for a recognition of prior learning, although refresher training is still mandatory. Additionally, feedback was supportive of refresher training of certain prescribed subjects (governance, financial management, code of conduct) will be required every 2 years.

In line with the above, there was support for the position that if an elected member fails to complete mandatory or refresher training within two years, this may constitute grounds for their removal from council.

### **3.11.3. Councillor induction, professional training and development training and commitment to the Code**

There was a strong support from councils and LGANT for mandatory training by all nominees for council, in addition to the other training presently provided by the Department to elected members. This pre-election training should focus on responsibilities of elected members, the commitment to the community and the code of conduct. There were some suggestions that candidates should have to pay for this training themselves, to really highlight how serious it was to run for council. However, other submissions suggested this component of training could be provided on-line, noting there was a strong desire for all other training of elected members to be conducted in person.

The sector suggested there should be consequences for failure to complete required training (whether pre-nomination or elected member) within a specific timeframe, including the imposition of penalties.

Some councils suggested that re-elected members be exempt from repeating basic training, although others stated there was benefit in re-elected members repeating the training, as it consolidated their knowledge of good governance processes, assisted to develop relationships and to bring together a newly elected council as a leadership group. At the very least, re-elected members should have to participate in a refresher course, although a recognition of prior learning was generally viewed favourably. There was general support for refresher courses to be provided throughout the term of a council, particularly in areas such as governance and the code of conduct. Some councils suggested that code of conduct training be mandated every year, with some others suggesting every 2 years.

### **3.11.4. Required training for the Principal and Deputy Principal**

Stakeholders supported additional training for Principal and Deputy Principal Members, beyond the mandatory training already required for all elected members. Many councils recommended that this training be completed within six months of appointment, with some suggesting that outsourcing to private providers could ensure timely delivery and consistency across councils. Standardised content was viewed as important to ensure all councils receive the same foundational guidance.

### **3.11.5. Council Governance Checks**

This proposal received mixed responses from councils. Whilst most were supportive of conducting a governance check, as frequently as after every council meeting, there was little support for this being a mandatory requirement contained in legislation. The main reasons provided were the cost of doing so, and the fact that the Department already performs compliance checks on councils, which would be a more appropriate occasion to review internal governance processes.

### **3.11.6. Standing Council Governance and Code Committee**

This proposal was presented as follows:

- **Mandatory Committee:** All councils must establish a Standing Governance and Code Committee (SGCC) with 2–3 councillors and an independent Chair.
- **Core Functions:** Oversee councillor training, conduct council performance reviews, and manage complaints.
- **Complaint Handling:** SGCC can dismiss, refer, or resolve complaints through mediation or training.
- **Escalation Power:** If recommendations are ignored, SGCC can escalate matters to an Independent Assessor.
- **Vexatious Complaints:** SGCC can reject repeated unreasonable complaints; decisions can be reviewed.
- **Election Consequences:** Elected members making repeated vexatious complaints may be disqualified from future elections.

The proposal to establish a mandatory SGCC within each council received minimal support. Councils expressed concerns about the clarity, efficiency, and potential duplication of the proposed structure. The SGCC was viewed as an unclear mechanism for managing early-stage Code of Conduct matters, with stakeholders preferring more streamlined and independent processes.

### 3.11.7. Independent Assessor

Councils and LGANT generally supported the creation of this position, but recommended it be separate and distinct from the local government sector and the Department to avoid any conflicts of interest. There were mixed views about the range of powers to be afforded to an independent assessor, with some councils recommending the independent assessor conduct full investigations, hearings, and impose penalties to cut down on time taken to resolve complaints.

Other councils recommended that the independent assessor make recommendations only, with the entire complaint then to be referred onto the Code of Conduct panel for final decision.

### 3.11.8. Code of Conduct Panel

Councils and LGANT supported the establishment of a Code of Conduct panel, and particularly its independence from both the Department and local government councils.

### 3.11.9. Sanctions

Stakeholders broadly supported the introduction of clearer and more structured sanctions within the proposed Code of Conduct framework, recognising the need for a more consistent and enforceable approach to councillor conduct. There was strong endorsement for a tiered system of consequences, ranging from reprimands and training orders to suspension and disqualification, with emphasis on proportionality and procedural fairness. Many submissions advocated for sanctions to be applied only after independent investigation and recommended that serious penalties—such as removal from office or disqualification—remain the responsibility of the Minister, following recommendations from an independent panel. Concerns were raised about the potential misuse of sanctions, particularly in smaller councils, and the importance of safeguards to prevent politicisation or bias. There was also support for enabling councils to manage low-level issues internally, provided appropriate checks and balances are in place. Overall, stakeholders called for sanctions to be embedded within a transparent, independent, and culturally sensitive framework that upholds democratic principles while ensuring accountability and respectful conduct.

There was very strong support for any members of a Code of Conduct panel to be independent and legally qualified, to avoid the politicisation or misuse of internal council mechanisms.

### 3.11.10. Tiered complaint process

While generally supportive of the imposition of a tiered complaint process, stakeholders wished to see the imposition of a process that was fair, proportionate and effective. In addition, LGANT recommended a scale of seriousness based on the allegation and whether the complaint against a particular member was being made for the first time or was a repeat complaint.

The identified tiers for the management of complaints about code of conduct matters are as follows:

- Tier 1: Early Intervention/ Informal Resolution

A key feature of this tier is that it contemplates and relies on voluntary participation by councils to resolve issues internally. Many councils expressed confidence in their ability to resolve breaches of the code of conduct without resorting to external providers. This capability is considered highly desirable by the Department as it promotes a restorative approach and encourages council members to come together to resolve their own problems. Nevertheless, this tier does also contemplate the possibility of Departmental support, particularly if a council requests assistance to facilitate a mediation, conciliation or formal discussion about alleged breaches of the code of conduct.

Given the Department received feedback from some councils having successfully dealt with quite serious breaches of the code of conduct through engaging in a Tier 1 process, it is not proposed there be any restriction on the types of matters that can be dealt with by using informal dispute resolution processes, provided all parties agree to voluntarily participate in the process.

Low level sanctions can be imposed at Tier 1. Review is permissible of any decision made by referral to an Independent Assessor.

- Tier 2: Early Intervention/ Formal Resolution

This tier is very similar to Tier 1 however the key difference is that Tier 2 contemplates situations where external intervention is deemed desirable by a council. Whilst councils will continue to be encouraged to resolve issues themselves, this tier contemplates mediation or formal discussion involving an external stakeholder. This may be viewed as more desirable if a code of conduct complaint is alleged against a Principal Member, or if a complaint is deemed to be frivolous or vexatious.

Low level sanctions can be imposed at Tier 1. Review is permissible of any decision made by referral to an Independent Assessor.

- Tier 3: Independent Assessment

This tier introduces the new Independent Assessors. It applies to more serious complaints (to be defined), where parties have declined to participate in informal or formal resolution.

While there will be no compulsion to immediately escalate a complaint alleging psychosocial harm and/or work health and safety risks to an independent assessor, this is an identified breach that can justify parties to the complaint, or the council referring the matter, to be immediately considered as a Tier 3 resolution.

Immediate escalation triggers to Tier 3 include a repeated breach of the code of conduct by an elected member within the same term of a council.

Any party to a decision of the Independent Assessor may apply for review on a question of law to the Code of Conduct Panel.

- Tier 4: Code of Conduct Panel

Matters may be escalated to a panel from the Independent Assessor if, after having conducted an assessment, the Independent Assessor forms the view that the alleged breach or breaches of the code of conduct are so serious that sanction such as suspension from council, the withholding of allowance, and possibly ineligibility or disqualification may be warranted. It is not contemplated that any review of this decision will be permitted, as it is not a final decision.

The Code of Conduct Panel will be able to hear reviews from a decision of the Independent Assessor on errors of law only. Following such a review, the Panel will be able to confirm amend or quash the decision of the Independent Assessor or council. The Panel can apply the same sanctions as the council and Independent Assessor but can also make a recommendation to the Minister for the suspension or dismissal of a single elected member.

- Tier 5: Ministerial action

This tier is reserved for the most serious matters and can only be accessed following completion of an investigation and formal finding by an independent Code of Conduct Panel. The Panel will make recommendations to the Minister to impose the highest-level sanctions, such as removal from council, or disqualification from standing for election or re-election.

## 3.12. Resourcing and Costs

Throughout the consultation, stakeholders raised a range of views about the potential costs associated with the proposed legislative changes. While many supported reforms aimed at improving transparency, governance, and accountability, concerns were expressed about the financial impact on councils—particularly smaller and regional ones.

Proposals such as mandatory superannuation for elected members, expanded reporting obligations, and increased training requirements were seen as potentially adding pressure to ratepayers and council budgets. Some stakeholders called for shared funding models or for Northern Territory Government support to help councils manage these changes.

LGANT strongly advocated that as the regulator, the Department should pay for all costs of training, including additional training for the Principal and Deputy Principal members. To require councils to pay for mandatory training, particularly if there are time limitations by which training must be completed, will take funds away from the broader service provision by councils to their communities.

Alternatively, LGANT recommended that regional councils be adequately resourced to off-set the financial impact of delivering face-to-face training to elected members. Ensuring equitable access to training across councils, regardless of size or location, was identified as a key priority.

There was support for cost recovery mechanisms to be included in the Code of Conduct framework, provided they included safeguards to prevent unnecessary escalation of complaints. Overall, stakeholders emphasised the need to balance reform with financial sustainability and called for greater clarity around implementation costs and funding responsibilities.

## 4. Next Steps

The Department is preparing materials for consideration by the Cabinet and other stakeholders within the Northern Territory government.