

2025 – Amendments to the Local Government Act 2019

Discussion Paper - Part C

Document title	2025 - Amendments to the Local Government Act 2019
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Approved by	Brent Warren, Deputy CEO DHLGCD
Date approved	14 April 2025
Document review	N/A
TRM number	N/A

Acronyms	Full form
“The Department”	Department of Housing, Local Government and Community Development
LGA “The Act”	<i>Local Government Act 2019</i>
LGANT	Local Government Association of the Northern Territory
LGCDU	Local Government and Community Development Unit
MCoC	Model Code of Conduct
NT	Northern Territory
NTEC	Northern Territory Electoral Commission
SGCC	Standing Governance and Code Committee

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Foreword

The *Local Government Act 2019* provides the legal foundation for how councils operate and make decisions in the Northern Territory. Following ongoing feedback and experience in applying the Act, several areas for improvement have been identified.

In particular, the *Local Government (General) Regulations 2021* and the *Local Government (Electoral) Regulations 2021* have presented challenges that need to be addressed. This paper forms part of a staged approach to strengthen the overall framework, and it represents the second set of proposed amendments.

These proposals aim to improve how councils function and support greater transparency, accountability, and fairness in local government decision-making. The paper invites feedback and input from councils, elected members, stakeholders, and the community.

The key topics covered include:

- **Chapter 1** – Delegations
- **Chapter 2** – Miscellaneous Amendments to the Local Government Act 2019
- **Chapter 3** – Tenders by council or local government subsidiary & procurement exemptions
- **Chapter 4** – Amendments to Local Government (Electoral) Regulations 2021
- **Chapter 5** – Superannuation Payments for Elected Members
- **Chapter 6** – Conditional Rating and Rates Exemptions for social and affordable housing
- **Chapter 7** – Appointment of principal member of council
- **Chapter 8** – Code of Conduct

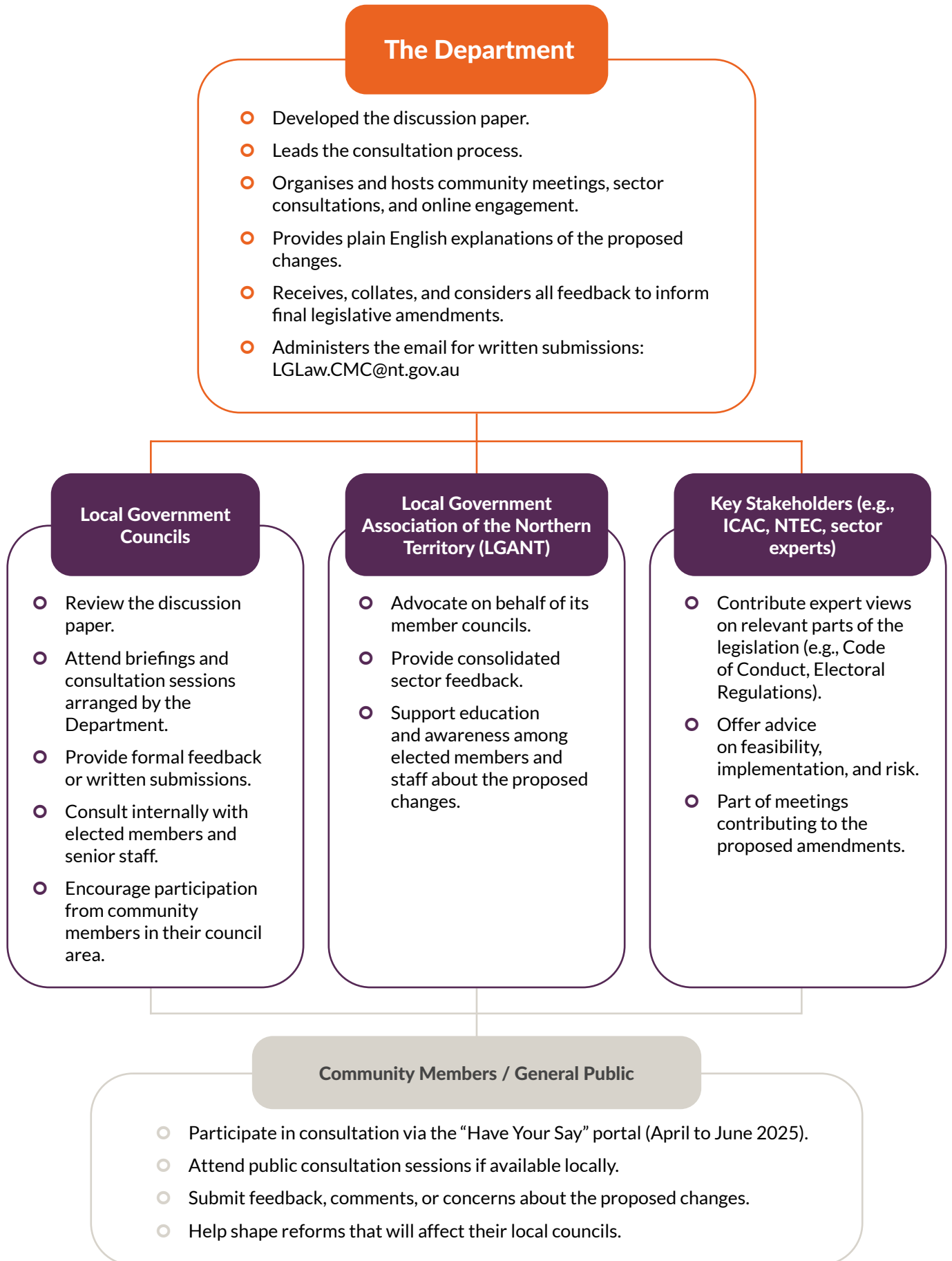
To facilitate focused consultation and ensure stakeholders have adequate time to consider and respond to the proposed changes, the amendments will be released across three parts. This structured release recognises the breadth of topics and their varying levels of complexity and significance to councils, elected members, and the broader community.

- **Part A** covers Chapters 1, 2, 3, and 4, which focus on practical amendments to delegations, procurement, and regulatory improvements.
- **Part B** includes Chapters 5, 6 and 7, which deals with superannuation payments, rating frameworks and principal member appointment, requiring more in-depth policy consideration.
- **Part C** will be dedicated to Chapter 8, which addresses the Code of Conduct. Given the foundational role this chapter plays in shaping the integrity and behaviour of elected members, it will be released separately to allow for more detailed feedback and discussion.



We welcome your comments on the issues raised and encourage suggestions that will help improve the legislation and support strong, responsive local government across the Northern Territory.

Roles and Responsibilities



How to use this paper

The structure of the discussion paper is summarised here. The discussion paper can be read as a whole, or for readers who have a particular interest each chapter largely stands alone.

Chapters reflect the key topics for discussion and review. Each chapter is structured in the following way.

Current Arrangements

The current provisions of the Act are described

Key Issues

An analysis of key issues raised by current arrangements.

Background

This section provides reference to any research, consultation findings, observations and outlines possible ideas from other jurisdictions. These are options for people to think about and discuss. They are not final decisions. They do not reflect the government's position, they are open for debate.

To Consider

Each chapter includes this section to help guide discussion. These proposals encourage readers to think about possible solutions.

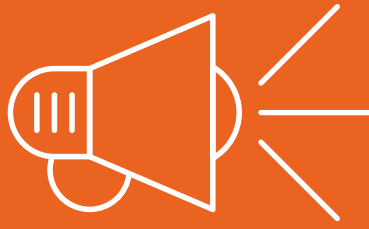
The aim is to hear from councils, stakeholders, and community members to collectively resolve these issues.

Next Steps

The consultation timeline articulates the broad range of activities scheduled to follow the release of this paper. Please check the Department web pages for further information.

Consultation Timeline

Key Action	Anticipated date of delivery	Lead Party	Comments
Release of Discussion paper Part C	14 April 2025	Department	The discussion paper sent to all local government councils, LGANT, as well as any identified key stakeholders.
Website information update	14 April 2025	Department	The Discussion Paper is available on the Department website including information about why the changes are beneficial to the sector.
Information Session – Part C	28 April 2025	Department	Covers Chapter 1 – Code of Conduct. Introductory workshop to explain changes.
“Have Your Say” commences	28 April – 20 June 2025	Community/ Stakeholders	A “Have your say” questionnaire on Department website for direct feedback on the proposed amendments to the Act. The discussion paper will be available to download on the website.
Sector consultation	21 April – 20 June 2025	Department & Councils	Sector consultation will be conducted concurrently with the online “Have Your Say” consultation. Sector consultation will take the form of a “road-show.” The Department will arrange to visit all local government councils in the first instance, where possible. An online consultation will be arranged where an in-person visit is not feasible. Elected members and council officials will have an opportunity to ask any questions to clarify matters that are unclear, as well as to provide feedback on the amendments.
Collation of feedback	20-30 June 2025	Department	Collation of all feedback from the consultation process to inform the drafting of the final amendments.



How to Have Your Say

Your input on the proposed amendments to the LGA can be provided to:

 LGLaw.CMC@nt.gov.au

Please check the Department web pages for further information about online information sessions and consultations.

All feedback, written submissions and community consultation will be completed by **30 June 2025**.



CHAPTER 8



The Local Government and Community Development team delivering professional development training to West Arnhem Regional Council elected members.

Conduct framework for local government councillors in the Northern Territory

The Code of Conduct (the Code) guides behaviour of the council and decision-making on behalf of the community. The Code lets the community know what standards they can expect from council members. The Department supports councils with advice, guidance, templates, policies and training to promote good governance.

Councillors are first and foremost representatives of their community. The governance role comes with many responsibilities that councillors may not have encountered before.

Current Arrangements

The Code was established in recognition that local government as an independent sphere of government answerable to their electorate, placing responsibility on councils to manage behavioural issues in the first instance and to ensure that punitive penalties were not weaponised in personal disputes between councillors.

The current framework is designed to require councils to manage behavioural issues in the first instance, with an escalation to the Panels available and, where relevant, there are appeal mechanisms to Northern Territory Civil and Administration Tribunal (NTCAT).

The current conduct provisions within Part 7.4 of the *Local Government Act 2019* were developed as part of a suite of amendments to the now repealed *Local Government Act 2008*.

Key Issues

The local government sector has advocated for reform, including through the Local Government Association of the Northern Territory (LGANT).

The legislation governing elected member behaviour, including the Code of Conduct, has been identified as inadequate and led to several councils experiencing complex personality-based issues.

Presently, the remedies for a breach of the Code of Conduct are forward-looking improvement actions such as mediation or training but it is evident from the history of such complaints that this is not sufficient for those situations where a council member repeatedly breaches the Code of Conduct.

Background

This section outlines the sector feedback and jurisdictional observations that informed the development of possible improvements to the current conduct framework. It highlights areas where councils and stakeholders have identified the need for greater clarity, stronger support, and earlier intervention.

The material is provided to assist councils in understanding the basis for the proposed changes and to support consideration of how different approaches might address similar challenges.

The Local Government Association of the Northern Territory (LGANT) assumed responsibility for the prescribed corporation, including the establishment of the Local Government Code of Conduct Panel, on 1 January 2023, pursuant to section 346(2) of the *Local Government Act 2019*. This transition formalised LGANT's role in administering the complaints process relating to councillor conduct.

Consultations with the sector in 2024 identified the following areas for improvement:

- Development of Prevention and Early Intervention strategies including a range of education and support resources;
- Greater clarity of roles and responsibilities and emphasis on the council as a collective entity;
- Developing a Model Code of Conduct that is clearer and less generic as a guide to standards expected;
- Establishing a single point of contact for advice on conduct issues;
- Designing a consistent approach to conducting internal council-based assessments;
- Dealing with interpersonal complaints early and establishing and resourcing an escalation process inclusive of an Independent Arbitrator that has the power to apply penalties; and
- Identifying required legislative and policy change.

It is important that the framework balances self-regulation by councils, as a distinct and separate sphere of government, with strengthened support for the prevention and management of issues that are unlawful, unethical or significantly impede the council in governing for the benefit of the community it serves. The focus on prevention, education, and structured governance support is strongly aligned with contemporary approaches to improving councillor conduct.

This discussion paper provides an overview of proposed elements for a new code of conduct framework reflecting national trends. It incorporates early intervention and clear escalation processes to support better council functioning, equip councils to manage their own affairs to avoid escalation of matters unless warranted, and provide an independent process for review and decision.

Review findings

Following extensive consultation and independent review, a series of recommendations have been made to strengthen how elected member conduct is managed across the sector. These findings reflect national trends, Northern Territory-specific experiences, and suggestions from key stakeholders. Councils are invited to reflect on these findings and contribute additional insights or alternative proposals that may assist in shaping a more practical and effective framework.

The Department of Housing, Local Government and Community Development (the Department) engaged Management Consulting Alliance (MCA) to conduct a review and recommend changes to the current conduct framework. A reference group with representation from the local government sector,

Local Government Association of the Northern Territory (LGANT), and the Office of the Independent Commissioner Against Corruption (ICAC) provided input into the consultation process undertaken by MCA.

In September 2024, MCA provided a final report 'Review of Code of Conduct Framework', which makes the following 12 recommendations:

1. Assess code of conduct systems in other jurisdictions for suitability for the Northern Territory (NT)
2. Design the code of conduct system and associated processes
3. Recognise the Local Government and Community Development Unit (LGCDU) as the support agency for the code of conduct system
4. Establish a single point of contact for code of conduct advice
5. Develop a model code of conduct
6. Develop prevention and early intervention strategies
7. Design a consistent approach to conducting internal council-based assessments

1 <https://www.dlgsc.wa.gov.au/department/news/news-article/2025/01/31/new-provisions-for-council-member-superannuation-payments>; see also "Superannuation for council members" fact sheet, Department of Local Government, Sport and Cultural Industries (WA) accessed at <https://www.dlgsc.wa.gov.au/department/publications/publication/superannuation-for-council-members>.

8. Establish an escalation process including of an independent arbitrator for the code of conduct system
9. Establish a range of penalties proportional to the seriousness of the breach
10. Develop and range of education and support resources
11. Identify required legislative and policy change
12. Enable protection of complainants and respondents

The MCA report also recommends the development of guidance in relation to:

- foundation principles
- roles and responsibilities
- expected standards of behaviour
- criteria for the assessment of complaints
- preventive and early intervention techniques
- conflict of interest and acceptance of gifts, use of social media
- separation of duties
- meeting protocols and procedures
- a range of penalties proportional to seriousness of breaches
- statutory timeframes
- links to additional support and resources
- monitoring for continuous improvement
- a more comprehensive model code of conduct.

A desirable outcome of a revised Code framework is to support the maintenance of council relationships and council integrity and minimise the propensity for individuals to lodge a formal complaint. This would require a focus on prevention, early intervention and a restorative approach.

Proposed Code of Conduct Framework

Based on the issues raised and recommendations made, the following framework presents a possible way forward for managing conduct consistently across councils in the Northern Territory. It is designed to strengthen council governance through a structured approach that supports early intervention, internal resolution of complaints where appropriate, and a clear escalation process for more serious matters.

The proposed framework incorporates prevention, education and enforceable mechanisms to improve conduct outcomes across the sector. It recognises the need for flexibility in implementation while ensuring consistency in expectations and decision-making.

Key components of the proposed framework include:

- Raising awareness of councillor roles and responsibilities
- Structured induction and professional development training
- Targeted training for the Chair and Deputy Chair
- Regular council health checks
- Establishment of a Standing Council Governance and Code Committee (SGCC)
- Introduction of an Independent Assessor
- Establishment of a Code of Conduct Panel
- Enforceable penalties for serious breaches of the Code

In addition to these core elements, a range of further measures are proposed to support implementation and address systemic or contributing factors. These include provisions relating to vexatious complaints, cost recovery, elected mayor arrangements, and council media protocols.

***Note on clarification questions:** Each section of this chapter includes a short block of clarification questions (Options 1, 2 or 3) to guide your thinking. These are designed to support your feedback and assist in designing the core elements of the framework. Please refer to the Prompting Questions for Feedback on Proposed Amendments on page 23 when responding.*

Clarification Question	Option 1	Option 2	Option 3
<i>What is the proposed structure or nature of the Code of Conduct framework?</i>	<i>A mandatory framework with core components legislated, supported by departmental guidance and templates.</i>	<i>A structured model with required outcomes but flexible implementation pathways for councils.</i>	<i>A suggested framework only – councils can adopt, adapt, or propose alternative models that meet intent.</i>
<i>How does the framework support culturally safe and place-based approaches?</i>	<i>Councils may adapt education, awareness, and training tools to suit local needs.</i>	<i>The Department will co-design guidance and tools with Aboriginal councils and leaders.</i>	<i>Regionally specific resources will be developed to support remote implementation.</i>
<i>How does this framework align with what other jurisdictions are doing?</i>	<i>It reflects national practice and incorporates best practice from states like Victoria and NSW.</i>	<i>It borrows key elements from other jurisdictions but is tailored to NT needs.</i>	<i>It serves as a reference model but allows for NT-specific flexibility and diversity.</i>

1.1. Raising awareness of councillor roles and responsibilities

This section presents a suggested approach to promoting awareness of councillor roles and responsibilities, aimed at supporting stronger candidate participation and clearer understanding of governance expectations. The intent is to promote a culture of collective leadership. Councils may wish to propose other methods or locally appropriate adaptations that would achieve similar outcomes.

A lack of candidates nominating for elections has been a consistent issue in the Northern Territory. This is due to several factors, such as language and cultural barriers, problems with travelling great distances to meetings, a small pool of people who often occupy several leadership, board and council positions, and limited awareness of the role of local government councils.

Recommendation six of the MCA report is for the development of prevention and early intervention strategies, such as engaging in targeted activities to attract suitable candidates to stand as councillors at council elections, promoting/educating on the role and responsibilities of a councillor, a consistent approach to explaining the expectations of the code of conduct within council's induction processes, and ensuring the signed agreement of every elected member to adhere to the Code.

The Department will support councils to engage with potential candidates. This support will involve the further development of tools and resources for potential candidates, with a key focus on the council operating as an entity, rather than a collection of individuals, and the importance of the elected members setting the culture and standards for the organisation to enhance community confidence in council and underpin productive outcomes.

1.2. Councillor induction, professional development training and commitment to the Code

A consistent approach to induction and training helps set clear expectations and improve councillor conduct over the term. This section presents a possible model for structured induction and ongoing development. It is acknowledged that councils may wish to propose different methods for delivering or sequencing this support, based on their experience and context.

Professional development training which emphasises the need for councillors to work together in the interests of the whole council area should be commenced early in the term. Of note, the first round of professional development training following the August 2021 general elections was delivered face-to-face, to enable councillors to develop relationships and work together outside the formality of a council meeting.

It is proposed by the sector that face-to-face group training be the default method of delivery for the required foundational training in the Act. Regional councils will need to be adequately resourced to offset the significant additional costs they face to provide training for their members.

A structured induction program enabling initial interaction, for councillors to get to know each other and to develop working relationships is important. This would include councillors signing an agreement to represent all the people in the council area and to uphold the values, culture and standards of conduct of the council and its community.

1.3. Required training for the Chair and Deputy Chair

The proposal for mandatory training for the Chair and Deputy Chair draws on similar requirements in Victoria and New South Wales, where leadership roles are recognised as key to managing conduct and maintaining effective meetings. The proposed content and delivery reflect those models, though councils may identify other ways to achieve the same outcome, particularly in regional or remote contexts.

It is the Chairperson’s role to lead the meeting and promote high professional standards, monitor boardroom behaviours, ensure that everyone is heard and respectful to each other, and to bring everyone together to facilitate decision-making. Ineffective chairing, particularly an inability to manage tensions

and conflict, is one of the key facilitators of disruptive behaviour. Support and skills development for the Chair is fundamental to managing issues that may develop into code of conduct matters.

The MCA report notes the importance of Mayors/ Presidents applying behaviour management skills to identify and promptly address any non-complying behaviours by elected members.

Victoriaⁱ and NSWⁱⁱ have compulsory Chair training. It is proposed that the NT also introduces a compulsory course that includes the importance of leadership, working as a team, managing difficult behaviours, inclusive chairing and continuous evaluation. In relation to specific issues, the Department will provide support to the Chair, where appropriate, or identify additional training or mentors to provide guidance.

Clarification Question	Option 1	Option 2	Option 3
<i>Who is best placed to deliver induction, professional development and mandatory training?</i>	<i>The Department delivers consistent training focused on leadership and conduct.</i>	<i>A shared model where the Department accredits regional trainers or peer mentors.</i>	<i>LGANT or councils lead with Department-approved materials.</i>
<i>What happens if the Chair or Deputy Chair does not complete the training?</i>	<i>The Department may take compliance action and recommend removal from the role.</i>	<i>The councillor is ineligible to act as Chair until the training is completed.</i>	<i>The Minister may intervene if non-compliance persists.</i>

See the Prompting Question tool on page 23 to explain your response to these options



1.4. Council Governance Checks

Many councils already undertake performance assessments or informal reviews. This section proposes a minimum expectation of twice-per-year structured governance checks, with flexibility in how those reviews are conducted. Councils may suggest different review tools or mechanisms, provided they support reflection, continuous improvement, and identification of governance risks.

Elected councils are evaluated at the ballot box. However, it is important within their term of office, to assess how the council is progressing, whether it is achieving its strategic priorities and if the members are working together to make good decisions. Many boards, committees and councils assess their performance regularly. This may be in the form of a quick debrief after the meeting, or a structured evaluation that all councillors are required to complete.

This gives council members the opportunity to identify impediments to their effectiveness and to work together on what might be done better. It also gives an early indication of concerns that councillors may have. The framework could include a requirement for councils to assess their performance in a way that suits them at least two times a year.

Recommendation ten of the MCA report is for the development of a range of education and support resources to enhance the effectiveness of the Code framework across the local government sector. This includes ensuring the code is a key element of councillor induction, that regular discussions are held to enforce expectations of behaviour, specific training is provided for Mayors/Presidents in effective chairing, and provision of ongoing professional development for elected members in topics such as conflict of interest, separation of powers, strategic versus operational decisions, use of media and confidentiality.

Clarification Question	Option 1	Option 2	Option 3
<i>Are governance checks mandatory or optional?</i>	<i>Mandatory twice per year.</i>	<i>Required but with flexible tools and timing.</i>	<i>Voluntary but may be directed where governance issues exist.</i>
<i>Who is best placed to conduct the governance check?</i>	<i>Independent reviewers appointed by the council.</i>	<i>The council uses a Department-approved self-assessment tool.</i>	<i>The Department appoints reviewers in high-risk cases.</i>

See the Prompting Question tool on page 23 to explain your response to these options

1.5. Early intervention - Standing Council Governance and Code Committee

The Standing Governance and Code Committee (SGCC) is proposed as an internal mechanism to support early intervention and complaint management. A minimum structure is outlined, including independent membership. Councils may propose alternative arrangements—particularly where council size or governance structure differs—so long as the intended oversight and functions are preserved.

Recommendation seven of the MCA report is for a consistent approach to councils’ internal assessment process for Code complaints, supported using a risk matrix to guide decisions as to how to best process each complaint.

A council’s internal handling of issues as they arise is fundamental to its effectiveness. It is proposed that councils establish and maintain a SGCC, with a mandatory membership of at least two to three members of the council and an independent Chair. The functions of this committee would include oversight of councillors’ professional development, council governance checks, and the management of complaints as required.

The SGCC would have the authority to determine the outcome of the complaint, such as taking no action, referral to a more appropriate body for consideration

(such as the Independent Commissioner Against Corruption (ICAC)), dismissal of a complaint deemed vexatious or frivolous, or recommend remediation measures such as mediation or training. If these measures are not carried out – for example if a respondent refused to engage in mediation or did not attend training – the SGCC will have the authority to escalate the complaint to an Independent Assessor.

Mediation/conciliation is an important step for consideration by councils prior to the determining of the matter by an Independent Assessor. A panel of independent mediators/conciliators would be maintained by the Department to provide these services. The cost of these mediations/ conciliators would be borne by the council.

If a complaint is deemed vexatious or frivolous, the SGCC may ask the complainant to withdraw the complaint. If the complaint is not withdrawn this will be a relevant issue for consideration in the determining of costs and/or penalties at the point of escalation.

In other jurisdictions, repeated complaints of a vexatious nature have been identified as causing unnecessary drain on council resources, particularly if a council has already provided a substantial response. It is proposed that the SGCC be empowered to reject any further complaints once a decision is made that they are unreasonable. The complainant will be entitled to have this decision reviewed by the Independent Assessor.

Clarification Question	Option 1	Option 2	Option 3
<i>Is the SGCC mandatory for all councils?</i>	<i>Yes, all councils must establish one.</i>	<i>Mandatory but flexible in structure for small councils.</i>	<i>Optional for low-risk councils; Department steps in otherwise.</i>
<i>How will councils source independent members or Chairs?</i>	<i>Department maintains a vetted panel.</i>	<i>Councils nominate and vet own candidates.</i>	<i>Councils join regional pools to share members.</i>

See the Prompting Question tool on page 23 to explain your response to these options

1.6. Independent Assessor

The Independent Assessor is presented as a consistent triage point for escalated conduct complaints. This reflects external review mechanisms used in several other jurisdictions. While the core functions are intended to be standardised, this section invites feedback on how the role might operate in practice, including potential arrangements or alternate implementation pathways.

Recommendation eight of the MCA report is to establish an escalation process inclusive of an independent arbitrator.

If prevention and internal intervention strategies have been unsuccessful in resolving a matter by the SGCC, a formal complaint alleging a breach of the Code may be lodged in the approved form to an Independent Assessor. A list of qualified Independent

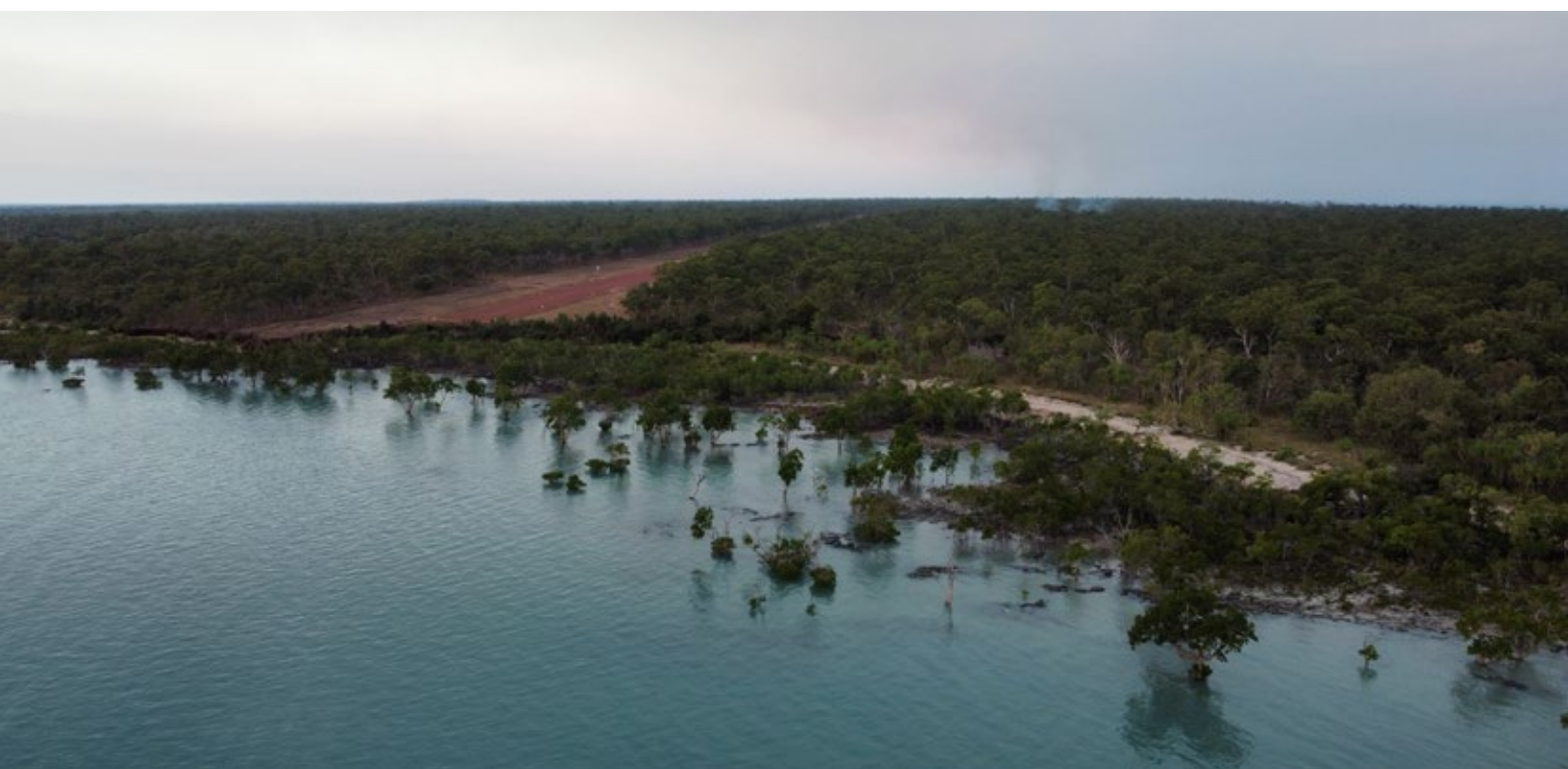
Assessors would be maintained by the Department to provide these services. The referring council would be responsible for the costs of the assessment.

The Independent Assessor would have the role of providing an external triage for complaints. The assessor may resolve that no action is taken, refer parties to training or mediation, refer back to the council if complaint management and resolution options have not been exhausted, dismiss the complaint (including review of vexatious complaints), refer to a more appropriate agency, or schedule for a code of conduct panel review.

If the Independent Assessor is vested with additional powers to apply penalties, such as suspension, withholding of allowance or disqualification from running for council then a merits review process will be required. This will be either to NTCAT or a Code of Conduct Panel.

Clarification Question	Option 1	Option 2	Option 3
<i>How should Independent Assessors be engaged?</i>	<i>Council uses a Department-endorsed panel.</i>	<i>Shared regional model with pooled assessors.</i>	<i>Councils nominate assessors with vetting.</i>
<i>When should an Independent Assessor be engaged?</i>	<i>Councils must work through early intervention strategies before escalating</i>	<i>Only serious matters to be referred; less serious matters can progress if early intervention strategies are unsuccessful</i>	<i>All complaints go to the Assessor for triage.</i>
<i>Do councils with strong governance teams need to use external assessors for low-level matters?</i>	<i>No, SGCC can manage low-level issues internally.</i>	<i>Only serious matters must be referred.</i>	<i>All complaints go to the Assessor for triage.</i>

See the Prompting Question tool on page 23 to explain your response to these options



1.7. Escalation to Code of Conduct Panel

The proposed Panel structure is based on models in place in New South Wales, South Australia and Victoria, where serious breaches are determined by an independent body. The structure and thresholds for referral are outlined in this section, but councils are encouraged to consider how such a panel could be composed or supported to ensure regional representation and procedural fairness.

A Code of Conduct Panel (Code Panel) would assess and decide only those complaints referred to it from the Independent Assessor. It is proposed that only those complaints judged to be of a substantial, more serious nature be escalated to a Code Panel.

Panel membership could include independent members with appropriate expertise and/or understanding of the sector. As a comparison, a similarly styled conduct panel in New South Walesⁱⁱⁱ is proposed to include senior councillors/mayors from councils separate to the council member who is the respondent to a complaint. Other jurisdictions have panels comprised of legal, governance and sector experts.

Penalties should be available to the Code Panel as part of the decision-making process and costs may be awarded in the case of vexatious or frivolous complaints.

A number of other jurisdictions provide powers to suspend or dismiss a councillor for a serious breach of their Code. The use of such power is required to meet a high threshold, as councillors are elected officials chosen by their communities.

It is proposed that powers to suspend or dismiss an individual be reserved for use by the Minister for Housing, Local Government and Community Development on recommendation of the Code Panel. Powers could be used for serious and repeated breaches of the Code, including failure to adhere to previous penalties applied by a Code Panel.

It is proposed that if the Code Panel is vested with the power to provide a merit review process, there would be no further administrative appeal of the decision from the Code Panel.

Decisions may be appealed to the Supreme Court on a point of law, as in Victoria.^{iv}

Clarification Question	Option 1	Option 2	Option 3
<i>Who appoints members to the Panel?</i>	<i>Department appoints based on expertise of members relevant to the complaint.</i>	<i>Councils nominate to a central pool.</i>	<i>Regional appointment model via joint agreement.</i>
<i>How are decisions enforced?</i>	<i>Council implements with Department oversight.</i>	<i>Non-compliance triggers regulatory action.</i>	<i>Department steps in for high-level penalties.</i>

See the Prompting Question tool on page 23 to explain your response to these options

1.7.1. Code of Conduct Panel Findings Implemented

Managing persistent or frivolous complaints is essential to maintaining council function and integrity. This section outlines powers for the SGCC and Independent Assessor to reject such complaints, in line with approaches used in other jurisdictions. Councils may propose alternative internal mechanisms to identify or respond to these complaints while supporting the principles of procedural fairness.

The penalties outlined in this section are based on escalating consequences, consistent with frameworks in other states. These include reprimands, suspensions, disqualification, and withholding allowances. Councils

may consider how these penalties could be applied in their own context, and whether any adjustments would assist in managing compliance or enforcement locally.

To provide rigour and accountability to the revised Code, any penalties applied must be implemented or be enforceable. Strengthened penalty provisions should align with subsequent implementation, including options for a Code Panel should the applied penalty not be settled. For example, if a councillor refuses to pay a fine, money may be taken from the councillor's basic allowance. To maintain community confidence in their council and a productive working environment amongst council members, it is important that penalties be enforceable and effective.

Escalation in Available Sanctions

Standing Governance and Code Committee (SGCC)	Independent Assessor (IA)	Code of Conduct Panel
Decision (one or more of)	Decision (one or more of)	Decision (one or more of)
Dismiss complaint	Dismiss complaint	Dismiss complaint
Take no action	Take no action	Take no action
Reprimand	Reprimand	Reprimand
Request apology from elected member	Request apology from elected member	Request apology from elected member
Remedial orders under the Act: <ul style="list-style-type: none"> ○ Recommend training or counselling ○ Recommend mediation/ conciliation 	Remedial orders under the Act: <ul style="list-style-type: none"> ○ Training or counselling ○ Mediation/conciliation 	Remedial orders under the Act: <ul style="list-style-type: none"> ○ Training or counselling ○ Mediation/conciliation
Request Governance Controller	Appoint a Governance Controller Removal from position as council representative/Chair of delegated committee Ineligible to hold office of Mayor/ Deputy Mayor for up to 12 months Suspension Disqualification from running for council Withhold allowance <i>(Would require merit review)</i>	Appoint a Governance Controller Removal from position as council representative/Chair of delegated committee Ineligible to hold office of Mayor/ Deputy Mayor for remainder of term Disqualification from running for council Withhold allowance
<i>(If councillor does not follow direction – escalated to Independent Assessor)</i>	<i>(Refer back to Council (if Council has not exhausted resolution options))</i>	Impose fine Recommend to Minister for suspension of individual Award costs (if complaint deemed vexatious/frivolous)

1.8. Resourcing and Costs

The proposed framework includes a general model for cost recovery, involving councils, complainants, and the Department. This mirrors cost-sharing arrangements in use elsewhere in Australia. Councils may suggest modifications based on their own administrative capacity or propose shared service models to improve feasibility and equity.

LGANT is currently responsible for administering the Local Government Prescribed Corporations Panel (PCP) to address complaints of alleged contraventions of the Code. The LGANT Board recoups some of its costs under a fee for service model.

Under the proposed Code framework, the relevant council would be responsible for the costs of the assessor and the sitting costs of the Code Panel. The complainant would be required to pay an application fee to lodge a formal complaint to assist with defraying

the administrative costs. Where a party is successful in defending a complaint, the responsible council or panel may award costs to that party. The Department would resource the administration of the Independent Assessor and the Code Panel.

An important part of the Code framework is investing in support and prevention. The sector is requesting that the NT Government invests considerably more resources to governance and integrity training for elected members as a preventive measure, which is aligned with the best practice Local Government Regulatory Framework.

Additional resources would enable future delivery of the required training under the *Local Government Act 2019*, development of further guidance, tools and sample policies, provision of Code advice, a new early intervention Governance Controller role and secretariat support for the Code Panels, and system monitoring and evaluation.

Clarification Question	Option 1	Option 2	Option 3
Who funds the complaint handling process?	Councils fund SGCC and Independent Assessor; Department funds Panel.	Cost-sharing with pooled regional funds.	Grants provided for small or remote councils.
Can complainants be charged in vexatious cases?	Yes, with safeguards in place.	Only if determined by the Panel.	No, to protect access to complaints process.
Who decides when a Controller is appointed?	Department initiates based on criteria.	Councils may request one.	Minister appoints based on referral.
What powers does the Controller have?	Advisory only.	Access and reporting powers, not decision-making.	Escalating powers based on council response.

See the Prompting Question tool on page 23 to explain your response to these options

1.9. Elected Mayors

Councillors individually have no powers outside the council as a whole. Councils act as one to make decisions, not individual councillors, and so it is unusual that the Act allows for election of a Principal member. Once elected, councillors come together to make decisions collectively on behalf of all the people in the council area.

An elected Mayor cannot be removed from the role by the council during the term, and so a council may be trapped with a chair that is not modelling good behaviour or showing leadership and building consensus.

Most of New South Wales^v relies on internal appointment by councillors, and in Victoria^{vi} the only elected mayor is the Lord Mayor of Melbourne, with all other mayors elected by the council and serving a one-year term only.

This issue is considered further in Chapter 5.

1.10. Media Policy

The proposed media approach draws on standard practices in other jurisdictions, where councils limit public comment to an authorised spokesperson to reduce conduct risks. This section outlines a suggested model, but councils may recommend other approaches that balance transparency, collective responsibility, and consistency in public messaging.

Media commentary has often fuelled conduct issues. Unfortunately, for those councils that enable all councillors to engage with the media, it is often used as an opportunity to promote individual views and re-prosecute their position. Consideration should be given to mandating a one spokesperson policy and agreeing to a communique at the end of each meeting.

A council's media policy should be clear about who should comment to the media on council business, and

the circumstances and the content of commentary. Media training should be compulsory for any councillor who is authorised to speak to the media. Most councils have one spokesperson and that is the Principal Member.

This makes sense because the Principal Member/Chair is responsible for summing up discussions at council, ensuring all views have been heard and considered, and ensuring the council is clear about the decision made. The Principal Member/Chair is also responsible for ensuring that decisions and relevant considerations are recorded in the minutes; in other words, that there is a clear council position.

Where all councillors have freedom to speak to the media, the Chair has an important role in ensuring that decisions are well-framed and that councillors are promoting the agreed position, even if they do not personally agree.

Clarification Question	Option 1	Option 2	Option 3
<i>Is a single-spokesperson policy mandatory?</i>	<i>Yes, for consistency and risk mitigation.</i>	<i>Mandatory media policy, flexible in approach.</i>	<i>Council decides under broad guidelines.</i>
<i>Will media training be required?</i>	<i>Strongly encouraged for all members.</i>	<i>Mandatory for Mayor and Chair only.</i>	<i>Optional and left to councils.</i>

See the Prompting Question tool on page 23 to explain your response to these options

1.11. Eligibility/Disqualification

This section outlines possible changes to the eligibility and disqualification criteria for elected members. The proposed approach draws on examples from other jurisdictions such as Victoria and Queensland, where a broader range of disqualifying behaviours is considered. Councils may wish to comment on the suitability of these criteria for the Northern Territory and suggest alternative thresholds or safeguards that support integrity while accounting for local context.

Criteria for eligibility or disqualification of elected members should be reviewed and may be extended to those found to have committed, or been disciplined under the Code of Conduct Framework for behaviours of bullying/harassment/discrimination, or psychosocial offences, or to those who have been suspended or dismissed from a board or council (see Victoria and Queensland legislation for examples). A fit-and-proper person set of requirements (police check, ochre card) would need to consider barriers to acquiring these certifications.

Clarification Question	Option 1	Option 2	Option 3
<i>What behaviours trigger disqualification?</i>	<i>Serious misconduct or repeated breaches.</i>	<i>Code Panel or Minister recommendation.</i>	<i>Criminal findings aligned with thresholds.</i>
<i>Will fairness and cultural factors be considered?</i>	<i>Yes, via process and input from community.</i>	<i>Panel may request cultural context.</i>	<i>Local references may inform decisions.</i>

See the Prompting Question tool on page 23 to explain your response to these options

1.12. Defining Levels of Complaints

Clear categorisation of complaint types can assist in managing behavioural issues proportionately and consistently. This section explores the use of defined levels of complaint, based on the model used in South Australia, which distinguishes between misbehaviour, repeated misbehaviour, and serious misconduct. Councils may wish to consider whether such a tiered structure would be workable in their setting or propose alternative classification systems that better support complaint handling and resolution.

Communities expect that councillors will act in an appropriate and ethical way, including observing workplace health and safety, environment and criminal laws. If there is an offence or complaint under these other laws, redress should be sought from the appropriate regulator, including ICAC and NT WorkSafe.

Defining separate levels of behaviour may provide additional clarity for the management of complaints.

For example, in South Australia^{vii}, councils manage poor behaviour of council members; however, repeated and serious misbehaviour is dealt with by the Behavioural Standards Panel. South Australia has three tiers for complaints:

- Misbehaviour – A complaint alleging misbehaviour by a council member is that the member has not complied with a council’s efforts to resolve a behavioural matter that the council has dealt with as a breach of either the Behavioural Standards or the council’s own behavioural support policy
- Repeated misbehaviour – A second or subsequent failure by a member to comply with the Behavioural Standards or a council’s adopted behavioural support policy.
- Serious misbehaviour – A complaint alleging a council member has failed to comply with the health and safety duties under section 75G of the South Australian legislation¹.

Clarification Question	Option 1	Option 2	Option 3
<i>Who determines complaint classification?</i>	<i>Independent Assessor.</i>	<i>SGCC advises; Assessor confirms.</i>	<i>Joint tool with shared criteria.</i>
<i>Can councils customise complaint levels?</i>	<i>No – standard model must be used.</i>	<i>Minor variation allowed with approval.</i>	<i>Local use allowed, but decisions follow NT-wide system.</i>

See the Prompting Question tool on page 23 to explain your response to these options

¹ Section 75G of the *Local Government Act 1999 (SA)* requires all council members to take reasonable care to ensure the members acts or commission do not adversely affect the health and safety of other council members or council staff.

To Consider

The elements outlined above represent one possible model for improving councillor conduct and strengthening governance. While this framework has been informed by feedback, jurisdictional comparisons, and sector input, it is not intended to be prescriptive.

Councils are encouraged to consider how these proposals may apply in their context and are invited to suggest alternative approaches that achieve the same underlying objectives:

- **Awareness and Early Intervention:** Promote understanding of councillor roles and responsibilities, including targeted education campaigns and candidate resources to increase awareness of governance expectations and obligations.
- **Structured Induction and Professional Development:** Require councils to deliver a structured induction for newly elected members, with signed commitment to the Code, and mandate foundational training with face-to-face delivery as the default method.
- **Chair and Deputy Chair Training:** Introduce compulsory training for principal members focused on leadership, managing difficult behaviour, chairing inclusive meetings, and setting council culture.
- **Council Health Checks:** Include a requirement for regular council performance assessments, to support early identification of governance issues and promote continuous improvement.
- **Standing Governance and Code Committee (SGCC):** Require each council to establish a SGCC with elected members and an independent chair, responsible for overseeing conduct complaints, recommending remedial actions, and escalating matters as needed.
- **Independent Assessor:** Establish an external Independent Assessor to triage complaints, refer matters for alternative resolution, and recommend escalation to a Code of Conduct Panel where warranted.
- **Code of Conduct Panel:** Create a formal Code Panel to hear serious or repeated breaches referred by the Assessor, apply penalties, and provide procedural fairness.
- **Enforceable Penalties:** Introduce a framework of enforceable sanctions including fines, suspension, disqualification, withholding allowances, removal from roles, and Ministerial powers for serious breaches.

Additionally, feedback is sought on the following supporting measures that aim to strengthen the effectiveness of the framework:

- **Managing Vexatious Complaints:** Provide SGCCs and the Assessor with the power to reject complaints deemed vexatious or frivolous and introduce cost orders for malicious complaints.
- **Resourcing and Cost Recovery:** Clarify responsibility for costs associated with complaints, including application fees for formal complaints and council responsibility for SGCC, mediation, and panel costs. The Department would support the operation and coordination of panels and assessors.
- **Governance Controller Role:** Introduce a legislative mechanism enabling early appointment of a Governance Controller to support struggling councils and avoid escalation to dismissal or suspension.
- **Media Policy and Training:** Mandate media protocols and training for spokespersons, recognising that media commentary can inflame council conduct issues.

Prompting Questions for Feedback on Proposed Amendments

For each proposal outlined in the Discussion Paper, please respond to the following questions to help inform the final amendments. Your feedback is essential in shaping a fair and effective local government framework.

1. Do you support the proposed change?

- Keep as is (no change required)
- Agree with proposed change
- Other (please specify below)

2. Please explain your selection.

If you selected 'Keep as is', what is your reason for maintaining the current provision?

If you selected 'Agree with proposed change', what aspect do you believe improves the current framework?

If you selected 'Other', please outline your alternative suggestion or concerns.

3. How do you think this proposal will impact your council or community in practice? (Open-ended response)

4. Are there any unintended consequences or practical implementation issues you foresee with this change? (Open-ended response)

**5. Do you have any additional comments or examples to support your feedback?
(Optional – open-ended response)**

5. What elements from the above do you want in the Code of Conduct Framework?

i Local Government Act 2020. S27A. Sourced from <https://content.legislation.vic.gov.au/sites/default/files/2025-02/20-9aa024-authorized.pdf> 18 February 2025

ii NSW Office of Local Government, Councillor Induction and Professional Development Guidelines. 2018 Sourced from <https://olg.nsw.gov.au/wp-content/uploads/Councillor-Induction-and-Professional-Development-Guidelines-2018.pdf> 21 February 2025

iii NSW Office of Local Government. Councillor conduct and meeting practices: a new framework. Sourced from <https://www.olg.nsw.gov.au/wp-content/uploads/2024/09/Councillor-Conduct-and-Meeting-Practices-Discussion-Paper.pdf> 20 February 2025

iv Local Government Act 2020, Victoria. Sourced from <https://content.legislation.vic.gov.au/sites/default/files/2025-02/20-9aa024-authorized.pdf> 20 February 2025

v Office of Local Government NSW. Fact Sheet: Election of Mayor and Deputy Mayor by Councillors. Sourced from <https://www.olg.nsw.gov.au/wp-content/uploads/2024/09/Mayoral-elections-Fact-Sheet-.pdf> 24 February 2025

vi Victoria Electoral Commission. Local council elections. Sourced from <https://www.vec.vic.gov.au/voting/types-of-elections/local-council-elections> 21 February 2025

vii S. 262E of Local Government Act 1999. South Australia. Sourced from https://www.legislation.sa.gov.au/_/legislation/lz/c/a/local%20government%20act%201999/current/1999.62.auth.pdf 21 February 2025



