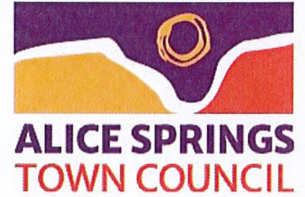


23 June 2025



Via email: LGLaw.CMC@nt.gov.au

To the Department of Housing, Local Government and Community

Legislative Amendments to the *Local Government Act 2019* – call for feedback

Thank you for the opportunity to make a submission regarding the proposed legislative amendments to the *Local Government Act 2019*.

Alice Springs Town Council (ASTC) has developed its submission through engagement with Elected Members, Council Officers, and the Local Government Association of the Northern Territory (LGANT) to ensure appropriate input into its submission. The submission was also presented at ASTC's 17 June 2025 Ordinary Council meeting, where a resolution supporting the submission was passed unanimously.

Attached is ASTC's feedback on the proposed amendments, including potential financial impacts, as well as feedback on the Code of Conduct itself, which has not been included by the Department as part of this consultation, despite much of the proposed amendments being in relation to the framework around the Code.

ASTC also recommends a more comprehensive review of the Act for other potential improvements and clarifications, including for contract variations and requests for quotes, definitions (i.e. place of residence), modernising of prescribed meeting processes (i.e. removing requirement for hands up voting when more councils are using meeting software), and better consideration of how best practice public art commissioning processes can be managed through the Act.

Thank you for your consideration of our feedback, and we are available to answer any clarifying questions that may be had.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Andrew Wilsmore".

Andrew Wilsmore
Chief Executive Officer

Sustainability of local government in the NT

Alice Springs Town Council, like many NT councils, is experiencing increasing difficulties in balancing its current budget with inflation, community expectation, and a growing reliance on local government in sustaining local services.

Some of the commonly identified major factors threatening the financial sustainability of councils nationally, as identified through the Local Government Association (NSW), include:

- Cost shifting
- The decline in Financial Assistance Grants as a proportion of total Commonwealth Taxation Revenue
- The inadequacy of Special Purpose Grants from the Federal and Territory Governments
- Regulation and constraints on council fees and charges
- Inflation
- Increasing community demands and expectations on the role of local government
- Natural disasters
- The inadequacy of development contributions.
- 'Outsourcing' of community services to local government.

This is relevant to this submission, as several of the proposed amendments to the NT LGA2019 include cost shifting or additional costs for councils in managing these potential new processes, such as independent auditors, superannuation, and training.

It is therefore important that the financial implications of these proposed amendments on NT councils are also considered in this review.

Legislative Amendments to the Local Government Act 2019 submission

Chapter 1 – Delegations

i. Members of Council Committees

✓ ASTC supports the proposal that committees should be advisory, not decision-making bodies.

X ASTC does not support the proposal to restrict the ability of councils to appoint non-members to committees.

The paper proposes to either remove or restrict the ability of councils to delegate their powers and functions to a council committee and restrict the ability of councils to appoint non-members to committees.

An identified concern stems from the requirement in regulation 19 of the *Local Government (General) Regulations 2021* that if a council does not have an Ordinary Council Meeting at least once a month, the council must delegate the powers to carry out financial functions to a council committee for the months when there is no ordinary council meeting. This is said to be a concern if the council committee has members who are not Elected Members.

ASTC submits that the problem that is trying to be solved is created by the requirement for Elected Members to have monthly oversight of financials. Consideration should be given to modifying this requirement. Consideration also needs to be given to the need for many councils to have access to external financial expertise as many elected members do not have this skill set or capability to interrogate financial information.

ASTC considers the proposed change unnecessarily restricts the ability of councils to appoint people with different areas of expertise to committees. The current provisions allow more flexibility for other committees that can be set up for a variety of reasons, for example a public art committee or sports facilities committee, which can benefit from having non-elected members who are experts in the subject matter. It should also be noted that the Act requires the audit committee to be chaired by someone who is not a member of the council or a council staff member, reflecting the value of independence in this area.

ii. Delegations to CEO

✓ ASTC agrees that changes are required to remove the inconsistency between section 40(4) and requirements in the LGA that these decisions be by resolution.

Section 40(4) allows the Council to delegate to the CEO the power to enter into transactions that are not at arms' length if the transaction will provide community benefit, and to waive a fee for service if the waiver will provide a community benefit.

The problem with this section is that the Act requires these decisions to be made by resolution, which requires a Council decision, so they are inconsistent.

The paper does not propose how resolving this inconsistency would be achieved. ASTC supports a solution that allows the CEO to be delegated to make these decisions. Requiring a Council resolution could hamper the ability of Council to assist the community.

iii. Delegations to CEO – Tenders

✗ ASTC does not support this proposal.

The paper notes a concern that when a council delegates the power to consider tenders to the CEO, there is no certainty about the information that the CEO provides to council to keep them informed about financial matters. The paper suggests that the CEO should be required to provide the tender report to council after making any delegated decisions about tenders.

The level of detail in a tender report is unduly onerous and not required for council to maintain oversight of financial matters. It should be clear that the role of council when the CEO has considered a tender is not to review the decision of the CEO, as this was made under a delegated power. ASTC considers that the regulations should specify that the CEO provide a summary setting out the nature of the procurement and the decision.

Chapter 2 – Miscellaneous Amendments

i. Offences for conflicts of interest

✓ ASTC agrees with the proposed change as it helps to clarify this section.

The paper proposes making a minor amendment to section 73(1)(c)(i) of the Act to add the word 'staff'.

ii. Ordinary and Special Meetings

X ASTC does not support this proposed change as this is adding additional, unnecessary administration for councils.

The paper proposes to amend Section 93 of the Act to include a requirement for a date and time of issue to be included on published notices.

Evidence can be provided by councils, upon request by the Department or community, via their website back-end system, which log the time and date new entries are created, and updated. It is also best practice for websites to be clean and clear, and this would add additional information not needed for the general user.

iii. Holding elections

✓ ASTC agrees with the proposed change to not require the use of newspapers in publishing public notices related to the election.

✓ ASTC agrees with the NTEC proposal to introduce a provision to allow the returning officer to make changes to the election day in an emergency.

The paper proposes removing the requirement to provide public notice for matters in relation to elections to not require publication in a circulating newspaper, and provision to allow changes to election day in an emergency.

Chapter 3 – Tenders by council – exemptions

X ASTC does not support the provision of quarterly reports when council elects not to seek quotation or go to tender as this is operational and councils have existing methods to manage, and where relevant, report on these.

Acquisition of insurance, for example, is reported through ASTC's Risk Management and Audit Committee. Some of these exemptions, such as legal services, will also have confidentiality components. This requirement would add an additional administration requirement on council officers and members.

Chapter 4 – Amendments to LG (Electoral) Regulations 2021

✓ ASTC supports the proposed amendment in Regulation 87 that the costs of managing non-voters should not be considered as part of the conduct of an election, and therefore a not part of costs passed on to a council.

X ASTC doesn't have a position on changes to Regulation 26(1)(a), Regulation 26(1)(b), Regulation 35, and Regulation 65, as although these form part of the *Local Government Act 2019*, they are NTEC responsibilities.

The paper proposes a range of changes to the LG (Electoral Regulations) 2021, the most relevant to councils being the need to better clarify the costs of managing people who fail to vote in council elections and by-elections.

The other proposed amendments are relevant to and deliverable by the Northern Territory Electoral Commission (NTEC), and not councils, so ASTC is not providing a position on these. ASTC, however, does question the proposed change to Regulation 65 to remove the requirement to match signatures, which will then no longer align with the AEC's current postal vote practice. It is proposed that NTEC enact these proposals through the next Territory election, before amending the Act, to ensure there are not detrimental impacts on local government elections.

Chapter 5 – Superannuation Payments for Elected Members

✓ ASTC supports an amendment to the LGA to state that superannuation should be paid to Elected Members.

However, further consideration should be given to how to support smaller councils to be able to pay superannuation to Elected Members to ensure Elected Members representing a smaller council are not financially penalised compared to their cohorts in larger councils.

ASTC is already providing superannuation payments to Elected Members. Superannuation is paid on the Mayoral allowance, Deputy Mayoral allowance, and Council's allowance, including extra meeting allowance, but not on Travel Allowance, Professional Development or Vehicle Allowance where these allowances are reimbursement for expenses.

There are a range of issues in superannuation and Elected Member space that need addressing more broadly, including the varying definitions of Elected Members at the Territory and Federal levels.

An opt-in provision means that there will continue to be a lack of consistency across NT councils, where some Elected Members in the NT will be receiving superannuation and others not. However, it is also understood that some councils would currently struggle to pay superannuation to their Elected Members. This highlights the ongoing issues of financial sustainability for NT councils, where a council's decision not to pay superannuation may be related to financial inability to do so.

Chapter 6 – Conditional rating and rates exemptions

ASTC has negligible land that is affected by the conditional rating provisions, and does not make any submissions on this issue.

There are a large number of lots within the ASTC municipal boundary that are currently exempt from paying rates. ASTC is concerned to ensure that its rate base is maintained to assist with financial viability.

ASTC submits that land used as public housing should be rateable regardless of the entity that owns or manages the service. Changes to the way the NT Government delivers its social housing program should not impact on the rate base of councils. The provision of adequate funding for social housing should take into consideration the requirement to pay rates for social housing

properties. These properties and their occupants require council services just as other residents do. Councils are not in a financial position to provide subsidised services for social housing properties.

ASTC considers that it is the intent of the Act that when charitable entities conduct commercial activities on land, the land is not exempt from rates. Any amendments to the Act should preserve the principle that any land held by a PBI or charity is only exempt if the activity conducted on the land is not commercial, and that land used for public housing is intended to be rateable.

ASTC considers that a clear definition of non-commercial purpose should be included in the Act, and clarify that charging for the provision of services or goods is a commercial use of the property, regardless of whether the fee equates to market rates. Including factors such as market rates in the definition of non-commercial, would increase the difficulty for councils in determining applications for exemption when the factor may have little impact on the ability of the property owner to pay rates.

ASTC considers that section 222(2) provides sufficient flexibility to ensure that some minor commercial activities can be conducted, but there is a balance so that land is rateable in appropriate circumstances. Section 222(2) provides that where land is used for more than one purpose and one of those purposes is not exempt, for example a commercial use, the land will be exempt if the commercial use is merely incidental to the exempt purpose.

Consideration could be given to specifically defining the provision of public or community housing as a commercial activity.

ASTC submits that as many charities and Public Benevolent Institutions receive substantial revenue streams through various means – in many cases Government grants or funding agreements –and have revenue positive outcomes, it is no longer appropriate for charities and PBIs to be automatically exempt from the payment of rates. A more practical resolution is for entities that are unable to pay rates to apply for concessions under section 248 of the Act. This would be fairer and contribute to the financial viability of councils in the NT where there is a high percentage of properties owned by charities and PBIs.

Chapter 7 – Appointment of Principal Member of Council

X ASTC does not support removing the option to directly elect principal members. Each local government area in the NT is very different, with unique challenges and strengths. It should be up to each council to determine which election model best suits the needs and expectations of their community.

X ATSC does not support giving councils until the fourth Ordinary Council Meeting after a general election to appoint a Principal Member, where Principal Members are appointed. Depending on the council, this could be four or eight months, and it wouldn't be beneficial for either the council or community to go without a Principal Member representing and advocating for the area for that period of time, especially with a newly elected Council.

X ATSC does not support giving councils the option to re-appoint or re-elect their Principal Member mid-way through a term, where Principal Members are appointed. This doesn't support stability or long-term vision for the council, and if there are behaviour or performance issues, this should be managed through the Code of Conduct.

The discussion paper argues that requiring NT councils to appoint their Principal Member would align the NT with most other jurisdictions. However, two states directly elect (Queensland and Tasmania), three use mixed models, and only Victoria relies on internal appointments, and the Victoria Government currently has a discussion paper aimed at changing this.

There are a range of positives related to the direct election of Principal Members, including supporting:

- a greater legitimacy for the Principal Member with the public
- stronger community and civic leadership
- transparency, through candidates' ability to campaign on a clear mandate for the community
- less likelihood to have a faction with the Principal Member and certain Councillors
- democratic practice at the community level.

There are negatives too, such as personality politics potentially throwing up unsuitable or inexperienced candidates, or candidates with the financial ability to 'buy' an election. However, it is ASTC's belief that the positives outweigh the negatives, and having the existing ability to choose either option is a progressive approach that allows councils and their communities the ability to self-determine their local government leadership approach.

The discussion paper also highlighted that an elected Principal Member cannot be removed from the role, so a council may be trapped with a Principal Member who is not modelling good behaviour. Several of proposed amendments to the LGA provide measures and/or clarifications on managing and/or removing Council members through the Code of Conduct. Further consideration, however, could potentially be given to candidate eligibility requirements, and making it a requirement for all candidates to have completed a mandatory Local Government candidate training before nominating, like Victoria requires.

Chapter 8 – Code of Conduct

i. Schedule 1 – Code of Conduct

The discussion paper proposes a range of changes to the Code of Conduct framework, but it is silent on consultation regarding the contents of the code itself. ASTC recommends that the code itself is also consulted on to provide more clarity and detail to the Code of Conduct, and to be more in line with other jurisdictions' local government Codes of Conduct. At the very least it would benefit from updating to provide greater clarity on each element of the Code similar to that for Northern Territory public servants¹.

In this context, some aspects of the Code that ASTC thinks need to be further considered include:

Courtesy

This could benefit from being changed to Respect. Courtesy primarily focuses on politeness and good manners in everyday interactions, while respect involves acknowledging the inherent worth and dignity of others. If part of the discussion paper is about improving team building and group decision-making, the aimed for conduct should be respect, and not just courtesy.

In addition, it would be beneficial to explicitly mention respect of fellow council members, respect in commenting publicly, and supporting robust but respectful debate in the Chamber, especially where there are differing opinions and viewpoints.

Prohibition on bullying

Bullying can be against a group of people, and not just a person, and this should be reflected in the Code.

Respect for cultural diversity and culture

Respect of cultural diversity and culture is vital, but the Code of Conduct could benefit from explicitly referring to other characteristics of a person's social identify that should be respected, such as sexuality, immigration status, religion, nationality, disability, gender identity etc.

¹ https://ocpe.nt.gov.au/__data/assets/pdf_file/0006/379329/code-of-conduct-for-the-northern-territory-public-sector.pdf

Gifts

9.2 is specific to accepting gifts from a person, but should also reflect the fact that groups and organisations may provide gifts.

Accountability

This wording should be clearer.

Other considerations

- The Code of Conduct refers to conduct towards staff – this should be broadened to be team members, so to encompass not only council staff, but also volunteers and contractors.
- The Code of Conduct could benefit with the addition of ‘Good Governance’ – that members must comply with all policies, codes and resolutions. This would bolster how the Code can be used to manage Elected Members who are not modelling good behaviour.
- All conducts listed in the Code would benefit from additional clarity and detail to limit frivolous complaints, whilst ensuring there is clear understanding for members on how to exemplify the Code of Conduct, but also when they might be in contravention of it, especially where the suggested LGA amendments include a range of sanctions.

ii. Raising awareness of councillor roles and responsibilities

✓ ASTC supports in principle the development of prevention and early intervention strategies targeted to attract suitable candidates, especially highlighting the importance of operating as an entity, rather than a collection of individuals.

✓ ATSC proposes that there is a requirement in the Act for candidates to complete mandatory Local Government candidate training before nominating.

The discussion paper proposes the development of prevention and early intervention strategies, such as engaging in targeted activities to attract suitable candidates, promoting/educating on the role and responsibilities of a Councillor, a consistent approach to explaining the expectations of the Code of Conduct within councils’ induction processes, and ensuring the signed agreement of every Elected Member to adhere to the Code. However, the discussion paper does not provide detail on what this may look like besides from resources and tools developed by the Department, which is why ASTC only supports the development of prevention and early intervention strategies targeted to attract suitable candidates in principle.

ATSC also proposes that there is a requirement in the Act for candidates to complete mandatory Local Government candidate training before nominating, as this is a current requirement of the Victorian Electoral Commission, and would help ensure people better understand Elected Member roles and responsibilities before nominating. It would, however, need to be done in a way that doesn't stop people from applying due to language, cultural or technological barriers.

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

✓ ASTC supports the continued delivery of face-to-face mandatory training, run and funded by the Local Government Unit, but that the Unit is provided additional resources for these sessions to be rolled out in a shorter timeframe after general elections.

✓ ASTC supports that face-to-face professional training as the preferred method of delivery for all other required training, but that it is not mandatory to do so.

The discussion paper proposes that face-to-face group training be the default method of delivery for professional training required within 12 months. ASTC supports mandatory training being provided by the Department face-to-face, at the Department's cost, but other professional development training within the first 12 months and beyond being up to the council to determine the method. It will unlikely be feasible for smaller, regional councils to be able to adhere to mandatory face to face professional development training, and it will put additional pressure onto the financial sustainability of NT councils.

ASTC also suggests that LGU continues to build their online resources so that new councillors can receive interim online training whilst waiting for their face-to-face LGU training, which can take several months to be rolled out in full by the Department. It is also suggested that the Department surges its workforce after local government elections to ensure this training can occur more quickly to support new councils earlier on, as this is a key preventative strategy.

Consideration should also be given towards Recognition of Prior Learning. Eg: If someone has done the Australian Institute of Company Directors (AICD) course, they are most likely to be more proficient than the NT Local Government training (which is largely based on the AICD course). Equally if an Elected Member or Principal Member has previously completed the training in a prior term of Council, then it would be more appropriate for them to receive refresher training, than undertake the entire mandatory training again.

ASTC submits that the training would also benefit from a requirement to prove “competency” for each relevant module. Simple attendance does not demonstrate an Elected Member has understood the content, nor does it provide sufficient evidence in proving they have understood the training for possible Code of Conduct breaches that may occur later in their term.

The paper also puts forward that a structured induction program enabling initial interactions for councillors to get to know each other is important. However, the paper does not say if any statutory requirements will be proposed around inductions in the Act.

It also suggests that as part of the induction, Councillors will sign an agreement that they will represent all people in the council area, and that they will uphold the values, culture, and standards of conduct for council and community. It is unclear as to the need or purpose of this, as this is the purpose of the Code of Conduct in the Act itself.

iv. Required training for the Chair and Deputy Chair

✓ ASTC supports mandatory training for the Chair and Deputy Chair, provided by the Department, and that the Department may take compliance action and recommend removal from the role if the Chair or Deputy Chair do not complete the training (Option 1). However, there must be suitable provisions in the Act to cover instances where other councillors need to step in to Chair meetings, and also reflect fair timelines to complete the training, aligned with the Department’s capacity to deliver such training.

The paper proposes mandatory training for the Chair and Deputy Chair to ensure these roles have a stronger understanding of how to support council members to work as a team, managing difficult behaviours, inclusive chairing etc. It is unclear whether this only refers to the Chair and Deputy Chair of Council meetings, or committee meetings as well.

ASTC recognises the importance of effectively chairing and managing behaviour in the Chamber, and it is important that Chairs and Deputy Chairs are skilled in this space. However, in some instances neither the Chair or Deputy Chair may be available, or they may have been required to step out of the room for a conflict of interest. Instances such as this, where a councillor may need to step in and Chair but will not have received the training, must be allowed for in the Act. Also, considering that compulsory LGU training for new councils can take several months, it is important that this is allowed for within the Act, as it is unlikely that councils will receive this training from the outset.

Given that many Councils rotate their Deputy Chairs on a regular basis (ASTC reviews ours annually), consideration should be given how onerous such mandated training should be for the position.

If the training is compulsory, it is proposed that this is provided through the Department like the existing mandatory training, and that it is also offered as optional to other Councillors who may want to opt-in to receive the training, especially if they have not previously chaired Council meetings as this training would support professional development.

v. Council Health Checks

✓ ASTC supports required Council Health Checks in principle, using a Department-developed self-assessment tool (Option 2). However, more information is required on the potential statutory requirements of reporting, and acting on information acquired from these checks.

✗ ATSC does not support mandatory twice per year governance checks with an independent reviewer appointed by the council (Option 1).

The discussion paper proposes requiring councils to undertake structured governance checks on how councils are achieving their strategic priorities, and if members are working together to make good decisions. The paper, however, doesn't provide details on what this may look like, what expectations are regarding the information collated from these checks (i.e. if to be shared with the LGU or just used internally), and how or if councils are obligated to address potential concerns in these checks. This will likely impact how Council members respond to this process. It is not recommended that independent reviewers are required as this will add another financial burden onto NT councils.

ASTC submits that further consultation to develop a risk framework that can be overlaid to this proposal to give greater clarity on likelihood and consequence to determine both the frequency of a health check, and the need to further escalate or de-escalate regulatory oversight.

vi. Early intervention – Standing Council Governance and Code Committee

X ATSC does not support the proposal of a mandatory Standing Council Governance and Code Committee as the first level to adjudicate complaints about breaches of the Code of Conduct.

ASTC supports a conciliation process within councils to try and resolve complaints informally, but does not support a process that would require elected members or council employees to investigate and adjudicate Code of Conduct complaints. It is difficult for Council employees to investigate complaints against Elected Members, and Elected Members will likely have a conflict of interest in sitting on a committee involving a complaint against another member.

The preferred option for ASTC is that complaints that cannot be resolved informally between the parties would be referred to an Independent Assessor for investigation and adjudication.

vii. Independent Assessor

✓ ASTC supports the proposal for Independent Assessors to deal with complaints against the Code of Conduct, and considers that this position should be the first level to investigate and adjudicate on complaints.

The benefit of an Independent Assessor is that complaints would be dealt with independently, which reduces the risk of conflict of interest, and should mean that complaints are dealt with by someone with relevant skills and experience.

The Independent Assessors should deal with the less serious breaches of the code of conduct. The sanctions available to Independent Assessors should not include serious sanctions such as suspension, withholding allowance, fines, disqualification, ineligibility to hold office as mayor or Deputy Mayor for a period, as they would be dealing with less serious breaches.

The Independent Assessors should be able to dismiss complaints they find to be vexatious.

ASTC considers that the Department should provide administrative support for the management of Code of Conduct complaints, including establishing and administering a pool of Independent Assessors. Consideration could be given to appointing people already performing similar functions in other jurisdictions.

ASTC does not consider that councils should pay for this regulatory function on a “user pays” basis, although agrees that vexatious complainants could be required by the Independent Assessor to pay costs.

viii. Escalation to Code of Conduct Panel

✓ ASTC supports the establishment of a Code of Conduct Panel to be the second formal level to deal with more serious complaints about breaches of the Code of Conduct, multiple breaches of the Code of Conduct, and failure to comply with either the processes or sanctions of an Independent Assessor or Code of Conduct proceeding.

X ASTC does not support a “user pays” model which requires councils to fund this regulatory function.

ASTC agrees that a Code of Conduct Panel should replace the current prescribed corporations (currently managed by LGANT).

The Code of Conduct Panel should be able to impose penalties, including more serious sanctions than those available to the Independent Assessor, such as suspension, withholding allowance, fines, removal from Council positions, disqualification, and ineligibility to hold office as mayor or Deputy Mayor for a period.

The Department should manage referrals of matters to the Code of Conduct Panel, and provide administrative assistance to the Panel.

Consideration could be given to using members of existing panels in other jurisdictions, such as the Councillor Conduct Panel members in Victoria. These panel members have the appropriate expertise and use of interstate members would reduce perceptions of conflicts of interest which frequently arise in the relatively small NT community. A local member should also be required on the panel to provide understanding of the NT context.

ASTC does not support a “user pays” model which requires councils to fund this regulatory function. The Department should resource the Panel, with some costs to be recouped by application fees (to be kept to a reasonable amount), and the ability for the Panel to impose costs orders against vexatious applicants that include a contribution of the panel costs as well as the legal costs of the respondents.

ix. Elected Mayors

X ASTC does not support removing the option to directly elect principal members. Each local government area in the Northern Territory is very different, with unique challenges and strengths. It should be up to each council to determine which election model best suits the needs and expectations of their community.

See Chapter 7 for more detail on ASTC's position on this.

x. Media Policy

X ASTC does not support a mandated 'single-spokesperson' media policy. It should be up to councils to determine who speaks on behalf of council, and in what situations (Option 1).

✓ ASTC supports councils being required to have a mandatory media policy, inclusive of social media, with the content to be determined by councils (Option 2), but a template provided by the Department. This may be a policy that is mandated to be updated within six months of each new council to ensure currency with that council's preferred approach.

✓ ASTC supports media training being strongly encouraged for all members (Option 1).

The proposed media approach detailed in the discussion papers looks to reduce conduct risks by limiting who is authorised to speak on behalf of councils, supplemented by media training.

ASTC currently has a media policy where the Mayor is the official spokesperson, with the Deputy Mayor acting in this role if the Mayor is not available, with delegation to the CEO and sub-delegation to other officers as necessary. Even though ASTC's policy essential mirrors a single-spokesperson policy, it is ASTC's belief that it should be up to councils to determine their preferred approach in the context of their local community and media.

ASTC Media Policy also recognises that Elected Members are also politicians and will have views of their own or seek to represent a constituency. This proposal should not restrict Members from expressing personal views. However, the Member must clearly identify the view as their own, either from a personal or professional standpoint.

xi. Eligibility/Disqualification

ASTC agrees that there should be a review of the eligibility and disqualification criteria in the Act. Section 47(1)(c) is not sufficient in that a person is only disqualified if they are actually sentenced to a term of imprisonment of 12 months or more that coincides with the term of the council. It is hard to understand how a person could be a councillor while serving any term of imprisonment.

In New South Wales, a person is disqualified if they are serving any sentence, other than for failure to pay a fine. In Victoria a person is disqualified if in the previous 8 years they have been convicted of an offence which is punishable on first conviction for a term of imprisonment of 2 years or more, regardless of the actual penalty imposed.

ASTC supports introducing a disqualification criteria related to previous breaches of the Act or Code of Conduct, for example if the person has been found to have breached the Code of Conduct a certain number of times in the previous 5 years.

ASTC submits that disqualification should only be available as a sanction for breaches that go before the Code of Conduct Panel.

xii. Defining levels of complaints

ASTC submits that the Act should set out the complaints levels, so there is consistency across the NT. The Act should specify that all complaints are dealt with by an Independent Assessor unless the complaint involves:

- A repeated failure to comply with the Code;
- A failure to comply with a sanction imposed by an Independent Assessor or a requirement of a proceeding before an Independent Assessor;
- A failure to comply with a sanction imposed by the Code of Conduct Panel or a requirement of a proceeding before a Code of Conduct Panel;
- Bullying and sexual harassment.

xiii. Governance Controller

The paper seeks feedback on including a Governance Controller in the Act. There is no detail in the paper about the functions of the Governance Controller. ASTC considers that it could be useful to include the ability to appoint an external person with appropriate expertise to assist councils to

improve their governance. The role of this person should be advisory – to observe, provide advice to the council and make recommendations to the Minister. As an advisory position, the ASTC does not consider it appropriate for this position to be called a “Governance Controller”. Consideration could be given to alternative terms used in other jurisdictions, such as municipal monitors in Victoria.

The paper proposes that Independent Assessors and the Code of Conduct Panel would be able to appoint a Governance Controller as a sanction for a breach of a Code of Conduct. Given a complaint for breach of the Code is against an individual councillor it is inappropriate to have a sanction that applies to the council. A preferable option would be to allow the Minister to appoint a governance adviser either on the application of the Council, in response to a recommendation from an Independent Assessor or Code of Conduct Panel, or at the Minister’s own initiation. The fact that there are numerous breaches of the Code of Conduct going before an Independent Assessor or the Code of Conduct Panel would be a relevant factor considered by the Minister.

ASTC considers that the municipal monitors in Victoria are a useful model to consider for this role. Terms of reference for the Victorian monitors can include any issues related to governance, examples being monitoring:

- meeting procedures, decision making including practices related to management of conflicts of interest;
- effective working relationships between councillors and between councillors and council staff including councillor behaviour with respect to the code of conduct;
- governance policies, processes and practices.

Given there is already the ability to appoint investigators under the Act, ASTC submits that this new position should be an earlier intervention that is designed to assist councils to improve their processes before the situation is so serious that the Minister is considering placing a council under official management. The focus should be on working with councillors and staff to improve behaviours and practices.

Additional amendments

ASTC submits the following suggested changes as part of the proposed Bill which represent relatively small drafting amendments, but would improve the efficiency and running of Council:

1. Alice Springs Town Council supports amending the LGA2019 to add public art commissioning as an exemption from procurement requirements. ASTC supports initiating commissioning processes as recommended by the National Association for the Visual Arts *Code of Practice for Visual Arts, Craft and Design*. This includes varied procurement stages that recognise public art's uniqueness, and requires a multi-stage approach that begins with Expressions of Interest, followed by paid Concept Proposals prior to awarding a commission. Although this overhauls current standardised procurement requirements, inclusion of public art's exemption from procurement requirements ensures fair and respectful engagement, and supports artistic creativity and innovation.
2. It is suggested that NTG could consider a tiered procurement process, where currently if a council goes out for requests for quotes, and the quotes come back over \$150,000, councils need to go back to the start of the procurement process and start a tender process instead. If there was a tiered system, where councils could go out for quotes, and when the quotes come back at a certain dollar amount, the council would then proceed according to the relevant tier (i.e through a tender process). This would improve efficiency and transparency for councils as well as contractors.
3. Clause 42 requires that when the total costs of supplies exceed the original tender cost by more than 10%, the council must table a report on the contract variation and publish a note of the variation on the council's website. Clarification would be beneficial how to manage multiple variations to a single contract, such as with longer projects where costs of supplies can change, that are above 10%. i.e. if an initial variation is 10% over and report is provided to council, but is then another report required if there is a 1% change after that, and then another 3% after that, or is it just when collectively another total 10% variation occurs?
4. Adding a definition of 'principal place of residence' for section 47 as the tax definition does not meet the requirements for eligibility for election.
5. Clause 90 (3) (a) be amended to better define how "conclusion" of the general election is dated. i.e. declaration of results.

6. Clause 35 (3) (c) be amended to alter the public consultation period of Municipal Plan and Budget from 21 days to 7 or none. The Federal Government and State and Territory Governments are not required to consult on their budgets, so it is inconsistent for this requirement to be imposed on Local Government. ASTC experience has been very few members of public download or view the draft budget, and we have not received a single submission in several years. The 21 days puts significant pressure on officers and to draft a budget and municipal plan a long way out from the start of the financial year and as such creates substantial more guess work, rather than informed recommendations and budgeting decisions. Reducing or removing the 21 day requirement allows Councils to budget and plan with a lot more certainty on how the present Financial Year will finish and what is anticipated for the next financial year.
7. Clause 165 (5) be amended to only require notification of CEO leave to the Principal Member and better define what leave is required to be notified. This would improve consistency with corporate requirements for the CEO to inform the Chair of a Board, rather than the entire Board; or for the Cabinet Secretary to advise the Chief Minister, rather than the entire Cabinet.
8. Clause 95 (7) requires voting to be a show of hands, yet more councils are moving towards meeting software, which allows members to vote through the system.