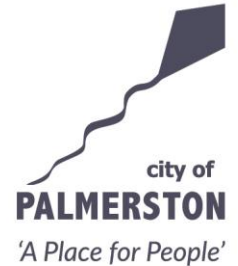


ID: 636930 – AW: PH

27 June 2025



Brent Warren  
Deputy Chief Executive - Corporate, Strategic and Enabling Services  
Department of Housing, Local Government and Community Development  
Via email: [LGLaw.CMC@nt.gov.au](mailto:LGLaw.CMC@nt.gov.au)

Dear Brent

### Submission to Local Government Legislation Amendments 2025

Thank you for the opportunity to provide feedback on the Legislative Amendments to the *Local Government Act 2019* (NT).

Council appreciated meeting with you and your staff to allow Elected Members the opportunity to understand the Department's proposals, ask questions and voice their concerns.

Attached to this letter is Council's review of each element of discussion papers A, B and C. The key elements of the feedback are summarised in this letter.

As you are aware, in relation to discussion papers A & B the biggest risk to City of Palmerston is the Rate Exemption matter. Therefore, this has been brought to the forefront of our response, articulating what was raised at the 4 June 2025 meeting regarding the proposed amendment to the legislation.

Council welcomes the strengthening of the Code of Conduct framework. The elements proposed in the discussion papers would strengthen the Code of Conduct provisions applied in the Northern Territory and better support councils and Elected Members in undertaking their responsibilities. As discussed at the meeting there were a few areas that required further consideration, this includes:

- The current Code of Conduct is narrow and open to interpretation. Sections like 'Courtesy' need to be expanded to include definitions and examples of appropriate behaviour.
- Powers for the principal member to enforce good behaviour, including financial penalties and orders administered by the CEO.
- Application of penalties earlier in the Code of Conduct process to prevent escalation.
- Extension of the limitation period that applies to Code of Conduct matters to ensure that relevant background information can be considered.
- A data and outcomes-driven review of the current Code of Conduct processes to identify gaps, based on evidence and examples of issues created by the current framework.



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Council also notes that what works in one council will not necessarily work for another.

As raised at the meeting, Council was disappointed that the previous year's Management Consultant Alliance review consultation was not expanded to allow all Elected Members to provide feedback. The review appeared to focus on consultation with Chief Executive Officers, who have not experienced the Code of Conduct processes like Elected Members have. Key feedback provided during the review has not been included in the current discussion papers, including that Elected Members were of the view that they should not be making Code of Conduct decisions about fellow councillors. Furthermore, a copy of the final Management Consultant Alliance report does not appear to have been provided, and Council would appreciate if it could be distributed to councils.

Again, thank you for the opportunity to contribute to the discussion. Council would be appreciative if the Department carefully considered this feedback as part of any further discussion papers and/or drafted amendments to the *Local Government Act 2019*.

If you have any queries regarding this submission, please contact the General Manager Finance and Governance, Wati Kerta via [wati.kerta@palmerston.nt.gov.au](mailto:wati.kerta@palmerston.nt.gov.au) or 8935 9989.

Yours sincerely



**Andrew Walsh**  
*Chief Executive Officer*

## Feedback – City of Palmerston

## Rates Exemption

**DEPARTMENT PROPOSAL:**

Should section 222(1)(g) be clarified to more explicitly define “non-commercial” use in the context of housing provided by charitable organisations that charge rent?

In relation to the provision of public housing, the intention was, and the position remains, for the CEO of Housing to pay rates for the land. It has been identified that the Act needs to be amended to clarify that the CEO of Housing will continue to pay rates even though public housing has been provided or where the Territory no longer occupies the land but still owns it.

**COUNCIL ISSUES:**

To help explain Council's position it's important to articulate the impact to the City of Palmerston, looking at the NTCAT decision, risk to Council's financial sustainability and most importantly the impact on the remaining ratepayers and the burden they carry, for the benefit of a small number of organisations that have the financial capacity to purchase a significant number of properties.

***NTCAT decision***

- The discussion paper has highlighted that the problem arises where the use of land by a charity achieves that charity's charitable purpose but exhibits commercial characteristics. The provision of community housing is a clear example of that intersection. Whilst the provision of affordable housing is the charitable purpose of the provider, it is achieved by entering into a formal lease agreement on usual commercial terms and for substantial (though below market) rent.
- City of Palmerston has been significantly impacted by the NTCAT decision in relation to Venture Housing's request for rates exemption based on their use of the houses they own. There are currently 127 houses owned by Venture Housing which impacts this decision, with a further 72 properties that are owned by registered Community Housing Providers or Public Benevolent Institutions within the municipality that have the potential of applying the section 222(1)(g) provision.
- It is expected that the number will increase with the Territory and Federal Government's supporting housing affordability and community housing programs, seeing a number of CHP and/or PBI organisations recently purchasing a significant number of properties within the municipality.
- Furthermore, the HAFF 2 funding program will see a further 203 of properties allocated to registered Community Housing Providers or Public Benevolent Institutions, seeing a significant uptake in the purchasing of property specifically with the Palmerston municipality.
- The recent NTCAT decision, which is under appeal, highlights the present uncertainty, which is best resolved by a policy decision and explicit legislation.

### ***Risk to Council's financial sustainability***

- City of Palmerston 2024-25 rates revenue was \$27.5 million, which represents 68% of total revenue. Combined with the associated waste charges (\$8.9 million) it represents a combined 86% of our total revenue. Council heavily relies on this revenue as it funds the delivery of community services such as waste management, maintenance of roads, public lighting, parks, open space, delivery of community events and provision of regulatory services.
- Any decrease in Council rate revenue would mean that Council would need to stop delivering a service/program to the community or raise the forgone revenue by shifting the burden to other ratepayers.
- The rates revenue from the Venture Housing properties equates to \$168,402.
- There are an additional 72 properties that are owned by registered Community Housing Providers or Public Benevolent Institutions within the municipality, so there is a further \$95,472 risk to our total revenue.
- With the potential of further requests for rates exemption from community housing providers, there is a risk to Council's financial sustainability; however, until an application is submitted it is difficult to assess the impact. In any case a further growth in Community Housing Sector would have a further impact on Council's sustainability.
- As City of Palmerston does not have the diversity of commercial or conditionally rateable properties that surrounding local government areas do, the burden shifts to other ratepayers, through increased rates or reduced services.
- The legislation should overcome the problem by clarifying that the provision of community housing is not exempt from rates, notwithstanding the charitable status of the provider.

### ***Burden to individual ratepayers***

- While Council supports the need for social and affordable housing, Councils have not contributed to the housing crisis and the significant need for these housing programs in the Northern Territory; however, Councils are the level of government that is feeling the financial impacts.
- More importantly, the value of the rates exemptions or any form of concession, shifts the cost burden from a financially viable community housing providers to the general ratepayer, noting that the demographic of our homeowners/ratepayers are young families.
- The rates payable by a homeowner represents a contribution by all rate payers to enable the residents to enjoy the amenities and services provided by local government.
- If the NTCAT decision is upheld, residents of community housing will continue to enjoy the same amenities as those ratepayers who are left to pay for them.
- It is unfair to shift the rates burden to the reduced number of remaining ratepayers, and it is equally unfair that Councils be forced to reduce services because of loss of revenue; noting that community housing providers are already in receipt of substantial government assistance.
- Irrespective of this government assistance, that a community housing provider is able to purchase a significant level of housing stock indicates that their business model and financial capacity is sufficient to not only acquire the properties but to also maintain them.
- Even though Venture Housing may lease the properties at less than market value, they are able sell the properties at the full market value, having recently sold 3 units in Tarakan Court, Johnston for \$1.2 million.

- History also shows that community housing providers have had the financial capacity to pay rates whilst still maintaining their community purpose of providing affordable housing
- Yet, while owning a significant number of properties, community housing providers are seeking to reduce their operating costs by applying for a rate exemption, under the current wording of the Local Government Act, thus shifting the burden of paying increased rates to ratepayers who are largely young families.

#### ***Inconsistencies***

- The Act at present grants no exemption to the NTG for public housing provided by the NTG. The NTG pays rates on its stock of public housing.
- If the NTCAT decision is upheld by the Supreme Court, Council faces the incongruous situation of NTG-operated public housing being rateable, but housing provided by community housing providers on essentially the same terms, would be exempt.
- The Department has a conflict with this issue, as on the one hand its policy position supports the growth of the Community Housing Sector, yet on the other hand regulates the requirement for Councils to be financial sustainable.

#### **FEEDBACK**

- City of Palmerston supports that the Act needs to be amended to clarify that the CEO of Housing will continue to pay rates where public housing has been provided and where the Territory owns the public housing stock but outsources the management to a third party.
- City of Palmerston also supports the intent of 222(1)(g) and not charging rates for residential short-term crisis accommodation services that support people in significant times of need, such as temporary shelter and support services for individuals or families facing homelessness, family violence, or other emergencies.
- City of Palmerston is of the position that the legislation should overcome the problem that exists by clarifying that the provision of housing, where rent is paid under an agreement and for a tenure, is not exempt from rates, notwithstanding the charitable status of the provider.
- Wording similar to Section 222(l), which relates to land owned by a Land Trust or an Aboriginal community living area association, may achieve the desired purpose. It grants no exemption to:
  - (i) land subject to a lease or a licence conferring a right of occupancy; or
  - (ii) land used for a commercial purpose.

## Discussion Paper A

### Delegations

<b>DEPARTMENT PROPOSAL:</b>	Remove or restrict the ability of councils to delegate their powers and functions to a council committee.
<b>COUNCIL ISSUES:</b>	<ul style="list-style-type: none"> <li>• City of Palmerston has a number of committees.</li> <li>• All committees are advisory in nature, meaning they do not make decisions on behalf of Council.</li> <li>• All committees make recommendations to Council for decision-making.</li> <li>• The discussion paper does not clearly outline the issues that the proposal is required to fix.</li> </ul>
<b>FEEDBACK</b>	City of Palmerston suggests that to respond to the issues identified the Act could be amended to reflect that only committees made up of Elected Members could be delegated authority, with all other committees remaining advisory in nature.

<b>DEPARTMENT PROPOSAL:</b>	<p>It is proposed to clarify section 40(3) of the Act regarding delegation of tenders to the CEO.</p> <p>Further amendments will be required to Regulations 36 and 38 of the Local Government (General) Regulations 2021.</p>
<b>COUNCIL ISSUES:</b>	<ul style="list-style-type: none"> <li>• City of Palmerston has monthly confidential reporting to Council with assessment recommendation reports for procurement over \$150,000 to ensure that additional information that supports tender outcomes is included, to improve Council's reporting compliance.</li> <li>• City of Palmerston does not support all tender recommendations being presented to Council for decision-making, as they were not on the assessment panel they are not in a position to make informed decisions.</li> <li>• Presenting all procurements above \$150,000 to Council prior to award would create significant operational delays and inefficiencies.</li> <li>• Any proposal to present tenders to Council prior to award could call the probity of those procurement processes into question.</li> </ul>
<b>FEEDBACK</b>	City of Palmerston supports greater clarity regarding reporting requirements for tenders, provided reporting is provided after tenders are awarded and not before.

*Staff conflict of interest*

<b>DEPARTMENT PROPOSAL:</b>	<p>A minor amendment is proposed to section 73(1)(c) (i) of the Act to add the word “staff” so the provision reads:</p> <ol style="list-style-type: none"> <li>1. “A person commits an offence if:             <ol style="list-style-type: none"> <li>a. the person is a staff member; and</li> <li>b. the staff member has a personal or financial interest in a matter in regard to which the member is required or authorised to act or give advice; and</li> <li>c. the <b>staff</b> member does not disclose the interest:                 <ol style="list-style-type: none"> <li>i. if the staff member is the chief executive - to the local government subsidiary; or</li> <li>ii. in any other case - to the chief executive.”</li> </ol> </li> </ol> </li> </ol> <p>This is to clarify who commits an offence in the context of this provision.</p>
<b>COUNCIL ISSUES:</b>	Nil
<b>FEEDBACK</b>	City of Palmerston has no objections to the amendment.

*Notices for Ordinary and Special Council Meetings*

<b>DEPARTMENT PROPOSAL:</b>	<p>It is proposed to amend section 93 of the Act to include a requirement for a date and time of issue to be included on published notices.</p> <p>Corresponding amendments to regulations 102-105 of the Local Government (General) Regulations 2021 will also be required.</p>
<b>COUNCIL ISSUES:</b>	<ul style="list-style-type: none"> <li>• This is an operational issue for the regulator.</li> <li>• The discussion paper does not highlight any issues related to compliance, for example if Elected Members are not receiving business papers in advance of meetings.</li> <li>• No mechanism is proposed to review compliance with this amendment. Modern websites allow for scheduling and back-dating of content, meaning proof of distribution is unlikely to be able to be provided.</li> <li>• This amendment would increase compliance requirements for councils.</li> </ul>
<b>FEEDBACK</b>	City of Palmerston does not support the proposed amendment but suggests that if a reference is required to support the regulator in undertaking this function that it could be ‘Council must have a means to respond to a request for evidence of date and time of issue’.

## Holding of Elections

<b>DEPARTMENT PROPOSAL:</b>	Amend the requirement for public notices in relation to elections to be in a manner deemed most appropriate by the returning officer for the relevant local government area.
<b>COUNCIL ISSUES:</b>	Nil. The proposed amendment is commonsense.
<b>PROPOSED FEEDBACK</b>	City of Palmerston has no objections to the amendment.

## Tenders by Council

<b>DEPARTMENT PROPOSAL:</b>	<p>Regulation 36 - Reporting</p> <ul style="list-style-type: none"> <li>To overcome the confusion caused by Regulation 36(8), it could be updated to clarify that a procurement report is provided to council at its next ordinary meeting.</li> <li>Confidential sessions can be used if appropriate, to preserve the privity of any contract and other commercial considerations.</li> <li>It could be further updated to clarify the reporting process required when a tender process has been delegated.</li> </ul> <p>Regulation 38 – Exemptions</p> <p>It is proposed that regulation 38 be updated to state that a quarterly report is required to be presented to Council articulating the instances and reasons if a council elects not to seek quotations or to go to tender.</p>
<b>COUNCIL ISSUES:</b>	<ul style="list-style-type: none"> <li>Dependent on the conclusion of procurement activities and the timeframes for agendas for Ordinary Council Meetings, it will not always be possible for procurement reports to be provided to the next meeting.</li> <li>No cost threshold is proposed for reporting on exemptions, which can be for procurement below and above \$100,000.</li> </ul>
<b>FEEDBACK</b>	<p>City of Palmerston supports the proposed amendments provided consideration is given to:</p> <ul style="list-style-type: none"> <li>Reasonable timeframes for reports to be provided to council, noting that the crossover of procurement activities being finalised and agendas being produced for council meetings may not mean that council staff can comply with reports being presented to the next meeting.</li> <li>Cost thresholds for reporting to ensure Council is not overwhelmed by operational information.</li> <li>The administrative burden that can be created by regulating high levels of reporting.</li> </ul>

### *Electoral Regulations – Postal Vote Applications*

<b>DEPARTMENT PROPOSAL:</b>	<p>The regulations could be updated to allow postal vote applications from 1 January in a general election year.</p> <p>The regulations could also be revised to allow electors to apply for a postal vote immediately when the NTEC is notified of a casual vacancy on a council, allowing the maximum amount of time for an elector to receive their postal vote.</p>
<b>COUNCIL ISSUES:</b>	<ul style="list-style-type: none"> <li>• Low voter turnout was an issue Council noted following the 2021 Local Government General Elections.</li> <li>• This amendment would support additional voters accessing postal voting as an option, for general elections and by-elections caused by casual vacancies.</li> </ul>
<b>FEEDBACK</b>	City of Palmerston has no objections to the proposed amendment.

### *Electoral Regulations – Candidate Statements*

<b>DEPARTMENT PROPOSAL:</b>	NTEC has proposed an amendment to this regulation, to allow NTEC to publish candidate statements on its website. This will facilitate greater accessibility of information for voters and enhance democracy.
<b>COUNCIL ISSUES:</b>	Nil. This would support greater transparency in election processes.
<b>FEEDBACK</b>	City of Palmerston has no objections to the proposed amendment.

### *Electoral Regulations – Signatures*

<b>DEPARTMENT PROPOSAL:</b>	It is proposed to remove the requirement to ‘match up’ an elector’s signature before admitting a postal vote to scrutiny. This would ensure the requirements will reflect modern voting processes.
<b>COUNCIL ISSUES:</b>	Nil. This would make voting processes simpler for community members.
<b>FEEDBACK</b>	City of Palmerston has no objections to the proposed amendment. However, consideration of electronic voting systems is requested rather than reliance on postal voting. Postal voting has other issues, including delays in issuing votes; ensuring the NT’s remote population can be genuinely included; and the number of votes received past the deadline due to the postal system. There are examples of electronic systems being introduced successfully interstate.

## Electoral Regulations – Costs

<b>DEPARTMENT PROPOSAL:</b>	NTEC has proposed an amendment to clarify that the costs of managing non-voters are not part of the conduct of an election and are therefore not part of reasonable costs passed on to a council.
<b>COUNCIL ISSUES:</b>	<ul style="list-style-type: none"> <li>• Low voter turnout was an issue Council noted following the 2021 Local Government General Elections.</li> <li>• Undertaking non-voter follow up action has been at a cost to Council and is often a deterrent to going ahead with the activity.</li> </ul>
<b>FEEDBACK</b>	City of Palmerston has no objections to the proposed amendment but suggests that the amount of the fine should be increased as it is not a deterrent to people failing to vote and it does not support cost-effective cost recovery of non-voters.

## Discussion Paper B

### *Superannuation payments for Elected Members*

<b>DEPARTMENT PROPOSAL:</b>	<p>The compulsory payment of superannuation is not being proposed.</p> <p>It is proposed that the Act be amended to state that superannuation may be paid to Elected Members.</p> <p>Councils will also have the option to make a superannuation contribution on behalf of the Elected Members as a portion of those members' fees.</p>
<b>COUNCIL ISSUES:</b>	<ul style="list-style-type: none"> <li>• City of Palmerston has previously and continues to advocate for appropriate entitlements for Elected Members, including superannuation, to assist with attracting people to office.</li> <li>• The proposed amendments have no impact on the member allowances set by the Remuneration Tribunal, which does not recognise superannuation.</li> <li>• It is not clear how the amendment would enable the payment of superannuation to be made without being recognised as an eligible local governing body under the <i>Taxation Administration Act 1993</i></li> <li>• The discussion paper makes comparisons between Members of the Legislative Assembly and local government Elected Members but does recognise that the duties and responsibilities of council members are undervalued and not considered work.</li> </ul>

	<ul style="list-style-type: none"> <li>• If the two other levels of government recognise elected members for the purpose of providing superannuation, local government should too.</li> <li>• Superannuation payments can have a detrimental financial impact for retired people. They should not be impacted if their whole council has resolved for their elected members to be paid superannuation.</li> <li>• Having superannuation should not be a barrier for people to be on a council.</li> </ul>
<b>FEEDBACK</b>	City of Palmerston supports an amendment that would enable Councils to have the option to pay superannuation payments to Elected Members. However, it prefers that individual members should have the option to opt-in to superannuation depending on their circumstances.

#### *Conditional Rating*

<b>DEPARTMENT PROPOSAL:</b>	<ul style="list-style-type: none"> <li>• Consider a comparable valuation method for pastoral leases and mining tenements be considered to provide clarity and comparability across regions.</li> <li>• Introduce a threshold for rate increases during any adjustment period support stability for the mining and pastoral sectors.</li> <li>• Enable local governments to apply differential rating powers for conditionally rateable land, subject to safeguards similar to other jurisdictions.</li> </ul>
<b>COUNCIL ISSUES:</b>	City of Palmerston has no conditionally rated areas.
<b>FEEDBACK</b>	Nil

#### *Appointment of Principal Member*

<b>DEPARTMENT PROPOSAL:</b>	<p>Allow councils more time to appoint a principal member following general elections.</p> <p>Remove the option of principal members being voted in by the community.</p>
<b>COUNCIL ISSUES:</b>	<ul style="list-style-type: none"> <li>• City of Palmerston has always supported the community to vote directly for the Mayor role.</li> <li>• People understand that they committing to a higher level than just a councillor when they run for principal member.</li> <li>• The role is significant from a social and financial perspective, and historically people have relinquished other employment to undertake the commitment.</li> </ul>

	<ul style="list-style-type: none"> <li>• None of the issues identified in any of the iterations of the discussion papers have been experienced by City of Palmerston.</li> <li>• In some Councils, four meetings might be spread across eight months, which is a significant period for a council not to have an appointed principal member, particularly in a municipal council where operational and protocol duties commence immediately following the election.</li> </ul>
<b>FEEDBACK</b>	<ul style="list-style-type: none"> <li>• City of Palmerston supports councils being able to make the decision about whether the community votes in a principal member or not.</li> <li>• Council does not support rotation of principal members, or enshrining rotation of principal and deputy members in legislation.</li> <li>• City of Palmerston has an equitable system where the 4-year term is divided equally amongst the 7 councillors so that everyone takes turns as Deputy Mayor. It is noted that while this system works for City of Palmerston, it may not for other councils.</li> <li>• City of Palmerston recommends that this requirement is not legislated. It could be a legislated policy requirement for councils to set terms for deputy principal members.</li> </ul>

## Discussion Paper C

### *Raising awareness of councillor roles and responsibilities*

<b>DEPARTMENT PROPOSAL:</b>	<p>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.</p> <ul style="list-style-type: none"> <li>• The Department will support councils to engage with potential candidates.</li> <li>• This support will involve the further development of tools and resources for potential candidates.</li> <li>• Focus will be 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.</li> </ul>
<b>COUNCIL ISSUES:</b>	<ul style="list-style-type: none"> <li>• The discussion is focused on attraction of new candidates rather than support for or development of tools and resources for existing Elected Members or a consistent approach to explaining the expectations of the code of conduct.</li> </ul>

	<ul style="list-style-type: none"> <li>• The direction of the discussion indicates that the Department considers that there are issues related to individual elected members acting in their own or localised interests rather than on behalf of whole local government areas, and this is a focus for the proposal.</li> <li>• No other code of conduct issues are highlighted in this section.</li> </ul>
<b>FEEDBACK</b>	<ul style="list-style-type: none"> <li>• City of Palmerston supports improved engagement with potential candidates and improvements to education on the role of and responsibilities of councillors.</li> <li>• Education for councils should also include examples of policies and methods that work in other councils, particularly demonstrating what functional councils should look like. For example, City of Palmerston’s Deputy Mayor policy promotes equitable sharing of the role throughout the 4-year term.</li> <li>• Training should be provided before elections, for example a course that candidates must complete before they are eligible to be accepted.</li> <li>• Further information is required regarding what resourcing will be made available to councils to achieve improved engagement.</li> </ul>

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

<b>DEPARTMENT PROPOSAL:</b>	<p>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.</p> <ul style="list-style-type: none"> <li>• Professional development training should be commenced early in the term.</li> <li>• Training should be face-to-face.</li> <li>• This training should focus on the need for councillors to work together in the interests of the whole council.</li> <li>• There should be a structured induction program.</li> <li>• Councillors must sign 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.</li> </ul>
<b>COUNCIL ISSUES:</b>	<ul style="list-style-type: none"> <li>• Information is not provided on how the signed agreement would be enforced and what penalties would apply for non-compliance.</li> <li>• Emphasis is placed on support that can be provided for regional councils; however, all councils should</li> </ul>

	<p>be supported to improve their governance and professional development.</p> <ul style="list-style-type: none"> <li>• The direction of the discussion indicates that the Department considers that there are issues related to individual elected members acting in their own or localised interests rather than on behalf of whole local government areas, and this is a focus for the proposal.</li> <li>• Mandatory training following the 2021 election was low level and Elected Members did not find it valuable.</li> </ul>
<b>FEEDBACK</b>	<ul style="list-style-type: none"> <li>• City of Palmerston supports improved professional development and training.</li> <li>• Further information is required regarding what resourcing will be made available to councils to achieve this.</li> <li>• Leadership, meeting procedures and Code of Conduct training should be provided for all Elected Members, not just principal members.</li> <li>• City of Palmerston suggests that external providers would be best placed to deliver consistent professional development and induction for elected members, similar to courses on risk, governance finance delivered by organisations like the Australian Institute of Company Directors.</li> <li>• Training should also include sessions from past Elected Members, who have experience in local government and can educate from experience.</li> <li>• Modules could be mandatory but have a test at the beginning for returning Elected Members. If they achieve a certain pass rate, they are not required to undertake the training again. However, City of Palmerston does acknowledge that new and returning members should have opportunities to interact and learn together as council when it first forms.</li> </ul>

*Required training for the Chair and Deputy Chair*

<b>DEPARTMENT PROPOSAL:</b>	<p>Chair and Deputy Chair Training: Introduce compulsory training for principal members focused on leadership, managing difficult behaviour, chairing inclusive meetings, and setting council culture.</p> <ul style="list-style-type: none"> <li>• Mandatory training for Chairs and Deputy Chairs regarding leadership, managing conduct and undertaking effective meetings.</li> <li>• The Department will provide support to Chairs in relation to specific issues, including identifying additional training or mentors.</li> </ul>
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## COUNCIL ISSUES

While principal members have a responsibility to ensure the appropriate conduct of meetings, including behaviour, there is no discussion in this section regarding the onus on individual Elected Members to manage their own behaviour.

The penalty options provided in the clarification questions for principal members who do not comply include that:

- the Department may take compliance action and recommend removal of a principal member from their role if they do not undertake the mandatory training, which is a significant power to bestow on a department rather than a Minister
- a principal member may be ineligible to Chair until they have completed the training
- the Minister may intervene if a principal member does not undertake the training.

These proposed penalties for principal members are significant, considering the level of compliance proposed and the current powers available to the Minister in the Act to respond to code of conduct issues.

## FEEDBACK

- City of Palmerston supports training being available all elected members, to support them in undertaking their roles. Where Deputy Mayor is undertaken on a rotating basis, all elected members might have the opportunity to chair Council Meetings. Many elected members also have the opportunity to chair council committee meetings and would benefit from this training.
- Training should include conduct in relation to meetings and what constitutes poor behaviour such as calling out, swearing and speaking out of turn.
- Further information is required on the proposals to make the training mandatory and the actions for non-compliance, which would significantly impact on the operations of council meetings should principal members be excluded from undertaking chairing responsibilities – noting that this is an expectation of principal members, particularly those who are elected by the community.
- The proposed penalties are too severe for the actions they respond to.
- The proposal does not include timeframes for training, which would need to link to enforcement of non-compliance.
- City of Palmerston further recommends that consideration is given to recognising prior learning of Elected Members who have undertaken recognised courses from relevant institutions, for example the Australian Institute of Company Directors.



	<ul style="list-style-type: none"> <li>• While training may assist chairs to conduct meetings in a consistent manner, without powers or penalties to deal with poor behaviours there is no means for them to manage difficult behaviour.</li> </ul>
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*Council Governance Checks*

<b>DEPARTMENT PROPOSAL:</b>	<p>Council Health Checks: Include a requirement for regular council performance assessments, to support early identification of governance issues and promote continuous improvement.</p> <ul style="list-style-type: none"> <li>• A minimum of twice-yearly structured governance checks with Elected Members to assess performance of their councils and support reflection, continuous improvement and identification of governance risks.</li> </ul>
<b>COUNCIL ISSUES:</b>	<ul style="list-style-type: none"> <li>• Similar to previous sections, the direction of this part has a focus on discussions being held about behaviour with limited inclusion about developing in areas such as conflict of interest, separation of powers, use of media and confidentiality.</li> <li>• The discussion paper consistently makes references to identification of governance issues and compliance strategies that might apply to councils identified as having governance issues or being high-risk in relation to governance.</li> <li>• Councils should already have governance checks in place through regular reporting, and their audit committees. In addition, the Department undertakes compliance audits every four years.</li> <li>• The papers do not identify how these governance issues might be identified or how they relate to the Code of Conduct.</li> </ul>
<b>FEEDBACK</b>	<ul style="list-style-type: none"> <li>• The sections that reference governance, particularly the Governance Controller and Governance Checks, appear out of place in the Code of Conduct context in Discussion Paper C.</li> <li>• Governance and Code of Conduct are two different concepts. Governance is generally understood as being the system by which an organisation is controlled and operates. It is not related to behaviour of elected members, unless behavioural issues lead to poor governance outcomes.</li> <li>• City of Palmerston suggests that clarification is provided regarding the intent of the governance checks and whether they are proposed as health checks in relation to Code of Conduct rather than governance.</li> </ul>

*Standing Council Governance and Code Committee*

<b>DEPARTMENT PROPOSAL:</b>	<p>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.</p> <ul style="list-style-type: none"><li>• Councils must establish and maintain a Standing Governance and Code Committee.</li><li>• Membership will be at least two to three Elected Members of the council and an independent Chair.</li></ul> <p>The functions of the committee would include:</p> <ul style="list-style-type: none"><li>• Oversight of councillors' professional development</li><li>• Council governance checks</li><li>• Management of complaints.</li></ul> <p>The committee would have the authority to determine the outcome of a complaint.</p>
<b>COUNCIL ISSUES:</b>	<ul style="list-style-type: none"><li>• Code of Conduct can be a difficult issue. A panel of three Elected Members would be impacted by the potential for complaints to involve one of those members.</li><li>• Elected Members may also consider that they have a conflict of interest in considering complaints involving one of their council members.</li><li>• The committee could be used to block escalation for an individual member if they were reporting on issues within their council.</li><li>• Maintaining committees are a cost to councils, with extra meeting allowance for Elected Members and remuneration of the independent Chair.</li><li>• The proposed amendments from Discussion Paper A in relation to removal of delegation to committees would mean that the SCGG would be an advisory committee with no powers.</li><li>• In its Breach of Code of Conduct policy, City of Palmerston resolved to remove internal Council review from its options and focus on external support for resolution of complaints.</li><li>• The discussion focuses on the proposed committee managing complaint processes, but little information is provided regarding how it would have oversight of professional development, which is currently at individual members' direction; or the council governance checks discussed in the previous section which relate to reflection, continuous improvement and identification of governance risks. Identification and assessment of strategic risk is an activity for the whole council rather than an advisory committee.</li></ul>

	<ul style="list-style-type: none"> <li>• The options provided for the committee in the clarification questions are varied, from the Department maintain a vetted panel to Councils joining a regional pool to share members. A regional pool might see the majority of councils funding Code of Conduct investigations in the minority of councils. Given the high number of complaints that LGANT has advised are being received, what funding level would be required to meet this?</li> <li>• The options reference the committee not being mandatory for 'low-risk councils' but no information is provided on how this will be assessed and by who.</li> </ul>
<b>FEEDBACK</b>	<p>City of Palmerston does not support the establishment of an additional council committee for this purpose. In addition, concerns are raised regarding:</p> <ul style="list-style-type: none"> <li>• Powers of the committee and escalation pathways</li> <li>• Managing conflict of interest within a council</li> <li>• Ensuring the committee could not abuse the process and interfere with a member raising broad Code of Conduct issues within a council.</li> </ul>

*Independent Assessor*

<b>DEPARTMENT PROPOSAL:</b>	<p>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.</p> <p>If prevention and internal intervention strategies have been unsuccessful in resolving a matter by the proposed Standing Governance and Code Committee, a formal complaint alleging a breach of the Code may be lodged to an Independent Assessor. The Department will maintain a list of qualified assessors to provide these services.</p> <p>The Independent Assessor would triage complaints:</p> <ul style="list-style-type: none"> <li>• Referring parties to training or mediation</li> <li>• Referring back to council</li> <li>• Dismissing the complaint</li> <li>• Referring to an appropriate agency</li> <li>• Scheduling a Code of Conduct panel review.</li> </ul> <p>The Independent Assessor could be vested with more powers to apply penalties, such as:</p> <ul style="list-style-type: none"> <li>• Suspension of a member</li> <li>• Withholding of allowance</li> <li>• Disqualification from running for council.</li> </ul>
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<p><b>COUNCIL ISSUES:</b></p>	<ul style="list-style-type: none"> <li>• There will be a cost to council for the services of the Independent Assessor. Qualifications affect remuneration; the paper does not provide any information to inform this.</li> <li>• The implementation options proposed note that councils with strong governance teams may not need to be referred and can be resolved internally by the proposed Standing Governance and Code Committee. This raises the questions regarding how councils can be assessed as having strong governance and how governance applies to behavioural issues under the Code of Conduct.</li> <li>• The additional powers suggested for vestment on the Independent Assessor are significant and reflect powers currently held by the Minister for Local Government; or NTCAT upon review of a complaint referred to it by the Prescribed Corporation Code of Conduct Panel.</li> <li>• The proposals for the Standing Governance and Code Committee, Independent Assessor and Code of Conduct Panel are linked, rather than being presented as distinct options for consideration. This does not allow councils to comment on the individual aspects.</li> </ul>
<p><b>FEEDBACK</b></p>	<p>City of Palmerston supports Code of Conduct complaints being referred directly to an Independent Assessor rather than through the proposed Standing Governance and Code Committee.</p> <p>If multiple complaints are received regarding an elected member, it should be escalated to the Independent Assessor immediately.</p> <p>Independent Assessors should have appropriate qualifications in relation to conduct and behavioural issues and it is suggested that they are drawn from outside the local government sector, as it is a relatively small sector in the Northern Territory:</p> <ul style="list-style-type: none"> <li>• The potential for conflicts of interest is significant</li> <li>• The pool of persons with qualifications and experience in local government would be limited.</li> </ul> <p>City of Palmerston supports the Department maintaining a list of qualified assessors who can triage Code of Conduct complaints but does not support the proposed range of powers for the Independent Assessor. It is preferred that they should make recommendations to an appropriate authority, for example the proposed Code of Conduct committee.</p>

## Code of Conduct Panel

<p><b>DEPARTMENT PROPOSAL:</b></p>	<p>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.</p> <ul style="list-style-type: none"> <li>• A Code of Conduct Panel would be implemented by the Department.</li> <li>• Complaints not resolved by the Independent Assessor level would be escalated to the panel.</li> <li>• Panel membership would include independent members and council members.</li> </ul>
<p><b>COUNCIL ISSUES:</b></p>	<ul style="list-style-type: none"> <li>• The panel structure is similar to what is currently in operation with the Prescribed Corporation, with the addition of independent members. It would require the same commitment from elected members nominated to sit on the panel.</li> <li>• It is proposed that 'senior' councillors are nominated for the panel but there is no further information about how this is determined.</li> <li>• The current system in operation through the Prescribed Corporation is not appropriately resourced or supported to manage the level of complaints received.</li> </ul>
<p><b>FEEDBACK</b></p>	<ul style="list-style-type: none"> <li>• The panel should be guided by people experienced in managing Code of Conduct issues.</li> <li>• The panel should not be made up of elected members. Like the issues with the Independent Assessor and Standing Governance and Code Committee, the local government sector in the Northern Territory is too small to prevent conflicts of interest amongst elected members.</li> </ul>

## Code of Conduct Panel Findings Implemented

<p><b>DEPARTMENT PROPOSAL:</b></p>	<p>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.</p> <ul style="list-style-type: none"> <li>• Penalties should be available to the Code of Conduct panel, as should the ability to award costs.</li> <li>• Penalties should be enforceable.</li> </ul> <p>The framework also proposes the following:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>
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<p><b>COUNCIL ISSUES:</b></p>	<ul style="list-style-type: none"> <li>• The proposed powers of the Standing Governance and Code Committee, Independent Assessor and Code of Conduct Panel are extensive and significant.</li> <li>• The powers do not demonstrate escalation of penalties – a complaint should be dismissed at the first stage, not the second or third, as there should be enough evidence for it to be escalated.</li> <li>• Dismissal of an elected member is not included in the penalties.</li> <li>• Consequences for breach of an order is not included in the escalation process.</li> <li>• The ability of the Independent Assessor to appoint a Governance Controller is not discussed in the proposal, nor is how it would relate to managing Code of Conduct issues in councils.</li> </ul>
<p><b>FEEDBACK</b></p>	<p>City of Palmerston has concerns regarding the proposed powers for the Standing Governance and Code Committee, Independent Assessor and Code of Conduct Panel.</p> <ul style="list-style-type: none"> <li>• Penalties, particularly fines, should be introduced earlier in the escalation path to support early intervention.</li> <li>• The level of overlap between the levels of does not provide a true path of escalation with associated penalties for each level.</li> <li>• Vexatious complaints should be determined earlier and dismissed rather than continuing to be escalated and accruing more costs.</li> <li>• There should be consequences for breach of orders and other escalation penalties.</li> <li>• While penalties should be enforceable, some of the suggested powers are significant and reflect powers currently held by the Minister for Local Government; or NTCAT upon review of a complaint referred to it by the Prescribed Corporation Code of Conduct Panel.</li> <li>• City of Palmerston proposes that, if implemented, the Code of Conduct Committee should make recommendations to the Minister as an appropriate authority for decision-making.</li> </ul> <p>There needs to be a sliding scale of consequences and provision for serious complaints to be referred to a higher step immediately. The consequences should also include escalation for members who refuse to comply with orders.</p> <p>The Code of Conduct Panel should have the power to suspend a member for a set period of time, particularly for serious complaints, while the Code of Conduct process takes place.</p>

Timeframes also need to apply in all matters, to ensure that they can be resolved within a reasonable period without the risk that a member undergoing the Code of Conduct process has remained at their council for an extended period of time and continued to cause issues.

Complaint processes also need to include accumulation of behaviours rather than them being outside statutory timeframes and no longer able to be considered part of future complaints.

The table below outlines City of Palmerston’s feedback on the powers that should be available to each level in the Code of Conduct escalation.

Its recommended that the Standing Governance and Code Committee not be implemented and its powers should be passed to the Independent Assessor.

STANDING GOVERNANCE AND CODE COMMITTEE	INDEPENDENT ASSESSOR	CODE OF CONDUCT PANEL
<b>Decision</b>		
Dismiss complaint	Impose fine	Determine ineligible to hold office of Mayor/Deputy Mayor for remainder of term
Take no action	Withhold allowance	Recommend to Minister suspension of individual
Reprimand	Removal from position as a council representative, delegate or Chair of a committee	Recommend to Minister removal of individual from position as elected member
Request apology from elected member	Award costs (if complaint is deemed vexatious/frivolous)	Recommend to Minister disqualification from running for council (including timeframe)
Remedial orders under the Act: <ul style="list-style-type: none"> <li>• Unable to attend Council meetings or events for a set period</li> <li>• Training</li> <li>• Counselling</li> <li>• Mediation/conciliation</li> </ul>	Dismiss complaint deemed vexatious or frivolous.	

## Resourcing and Costs of proposed framework

<p><b>DEPARTMENT PROPOSAL:</b></p>	<p>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.</p> <ul style="list-style-type: none"> <li>• Includes a general model for cost recovery, involving councils, complainants, and the Department.</li> <li>• The relevant council would be responsible for the Independent Assessor and Code of Conduct panel costs.</li> <li>• Complainant would be required to pay an application fee to lodge a formal complaint.</li> </ul>
<p><b>COUNCIL ISSUES:</b></p>	<ul style="list-style-type: none"> <li>• Extended matters, particularly those that involve legal advice, can be costly.</li> <li>• Emphasis is placed on support that can be provided for regional councils; however, all councils should be supported to participate in these processes.</li> </ul>
<p><b>FEEDBACK</b></p>	<p>City of Palmerston supports more investment in resources to support Code of Conduct processes, not just governance and integrity training for early intervention.</p> <p>The resourcing and cost recovery should include consideration of:</p> <ul style="list-style-type: none"> <li>• Legal support for elected members</li> <li>• Thresholds for reasonable expenses</li> <li>• Response to vexatious complaint outcomes, for example requiring costs to be paid by individuals or options to resign rather than be financially penalised.</li> </ul> <p>Operation of the Code of Conduct system also needs to stand alone of the cost component, to ensure that it does not interfere. For example, councils should not have the power to refuse a complaint being referred to an external party, to ensure fairness for complainants.</p>

## Elected Mayors

<p><b>DEPARTMENT PROPOSAL:</b></p>	<p>Prior proposal from Discussion Paper B that councils may not retain the power to decide whether their principal member is elected directly or from within the council by its members.</p> <p>The discussion paper states that the Act lacks the ability for a Council to remove a directly elected principal member who is not modelling good behaviour. This has the</p>
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	effect of trapping a council with a chair who is not modelling good behaviour.
<b>COUNCIL ISSUES:</b>	<ul style="list-style-type: none"> <li>• The prior proposal from Discussion Paper B on the Principal Member and the direction of this discussion paper indicates that the Department considers that there are issues related to principal members and the Code of Conduct.</li> <li>• The issues relating to principal members and the Code of Conduct should not be the catalyst for removing Councils ability to decide if a principal member will be directly elected or not.</li> <li>• Issues with principal members that have been publicly reported on in the Northern Territory have not been solely related to elected principal members, there have also been issues with appointed principal members.</li> </ul>
<b>FEEDBACK</b>	<ul style="list-style-type: none"> <li>• City of Palmerston supports council being able to make the decision about whether the community votes in a principal member or not.</li> <li>• The independent, external, appropriately qualified Code of Conduct Panel should be able to make a recommendation to Minister for removal of an elected member, including the elected principal member. There should be no differentiation between remove of a councillor or principal member.</li> </ul>

### *Media Policy*

<b>DEPARTMENT PROPOSAL:</b>	<p>Media Policy and Training: Mandate media protocols and training for spokespersons, recognising that media commentary can inflame council conduct issues.</p> <ul style="list-style-type: none"> <li>• Council's media policy should be clear about who should comment to the media on council business.</li> <li>• Councils should limit public comment to an authorised spokesperson.</li> <li>• Media training should be compulsory for any councillor who is authorised to speak to the media.</li> </ul>
<b>COUNCIL ISSUES:</b>	<ul style="list-style-type: none"> <li>• Section 59(1)(b) of the Act already provides that the role of the principal member is to speak on behalf of the council as the council's principal representative.</li> <li>• It is unclear if a media policy will be a requirement under legislation.</li> <li>• It is unclear what issues the proposed policy and training are intended to fix.</li> </ul>

<b>FEEDBACK</b>	<ul style="list-style-type: none"> <li>• City of Palmerston recommends that the Act is strengthened in relation to the principal member speaking on behalf of the council as the council's principal representative.</li> <li>• City of Palmerston supports media training being provided to all elected members.</li> </ul>
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*Eligibility/Disqualification*

<b>DEPARTMENT PROPOSAL:</b>	<p>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:</p> <ul style="list-style-type: none"> <li>• bullying/harassment/discrimination</li> <li>• psychosocial offences</li> <li>• or been suspended or dismissed from a board or council.</li> </ul> <p>Fit-and-proper person requirements (police check, ochre card) could apply.</p>
<b>COUNCIL ISSUES:</b>	<ul style="list-style-type: none"> <li>• The clarification questions indicate that the proposal is intended to apply to current members, not just potential candidates.</li> <li>• The discussion paper references cultural factors but no explanation or examples are provided for how this might apply.</li> <li>• The clarification questions note that behaviours that trigger disqualification could range from repeated breaches to serious misconduct or a referral from the Code of Conduct Panel.</li> </ul>
<b>FEEDBACK</b>	<p>City of Palmerston supports expansion of the criteria for eligibility or disqualification of elected members, particularly based on Code of Conduct provisions, provided:</p> <ul style="list-style-type: none"> <li>• Elements are clearly defined</li> <li>• WHS provisions that relate to behaviour are included</li> <li>• Consideration of cultural factors needs to be clearly defined.</li> </ul> <p>Fit and proper person checks by NTEC at the point where candidates apply to run in an election should be strengthened, including:</p> <ul style="list-style-type: none"> <li>• Confirmation of residential status to prevent false candidates</li> <li>• Consequences for misleading information on applications</li> <li>• History of complaints related to Code of Conduct and elections</li> <li>• Guidelines and thresholds for what criminal behaviour would prevent an individual from being a</li> </ul>

candidate and whether, for example, if an offence was more than 10 years ago they can demonstrate current good character and references to mitigate that history.

### Defining Levels of Complaints

<p><b>DEPARTMENT PROPOSAL:</b></p>	<p>Defining separate levels of behaviour may provide additional clarity for the management of complaints.</p> <p>Consider the South Australian model:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• Repeated misbehaviour – A second or subsequent failure by a member to comply with the Behavioural Standards or a council’s adopted behavioural support policy.</li> <li>• Serious misbehaviour – A complaint alleging a council member has failed to comply with the health and safety duties under legislation.</li> </ul> <p>The Independent Assessor or Standing Governance and Code Committee would determine complaint classification.</p>
<p><b>COUNCIL ISSUES:</b></p>	<p>The current Code of Conduct and legislative framework does not provide any guidance in this area, meaning complaints cannot be assigned a level of seriousness or triaged against set guidelines.</p>
<p><b>FEEDBACK</b></p>	<p>City of Palmerston supports defining complaint levels to assist in managing behavioural issues, appropriate penalties to support them and powers for principal members or CEOs to apply consequences for early intervention in Code of Conduct issues.</p>

### Other Considerations

#### Governance Controller

City of Palmerston understands that the intent of this role is to provide early support to councils who require assistance, including where Code of Conduct behaviours may be affecting compliance through disruption of meetings and processes.

City of Palmerston does not support this role being called ‘Governance Controller’ as the perception is that it aligns with the Financial Controller, which has powers of intervention.

Clarity is required on the powers of the Governance Controller:

- Would they have veto powers on council decisions?

- Are they an advisory role only?
- Can they initiate a Code of Conduct complaint in their own right, or on behalf of a council or councillors?
- Can they recommend investigation to the Minister for Local Government?
- Are the position's powers different if a council voluntarily appoints a Governance Controller as opposed to when one is appointed by the Minister or the Department?

City of Palmerston supports:

- Councils voluntarily seeking support in this area, and procuring an independent person from a list maintained by the Department for this purpose
- Referrals from the Independent Assessor or Code of Conduct Panel for the Department to appoint an independent person from a list maintained by the Department for this purpose


Councils must be offered natural justice in the situation where an external referral results in the appointment of governance support, to ensure that it is based on a fair assessment of the situation.

### *Code of Conduct*

City of Palmerston suggests that the Department consider the South Australia model of Code of Conduct built into the *Local Government Act 1999 (SA)*, in particular the provisions in *Division 2 - Member behaviour*, and Section 75G regarding health and safety duties of members of councils:

#### **75G—Health and safety duties**

- (1) A member of a council must—
  - (a) take reasonable care that the member's acts or omissions do not adversely affect the health and safety of other members of council or employees of the council; and
  - (b) comply, so far as the member is reasonably able, with any reasonable direction that is given by a responsible person for the purposes of ensuring that the member's acts or omissions do not adversely affect the health and safety of other members of the council or employees of the council.
- (2) For the purposes of subsection (1)(b), the **responsible person** is—
  - (a) if the person whose health and safety may be adversely affected is an employee of the council—the chief executive officer of the council; or
  - (b) if the person whose health and safety may be adversely affected is the principal member of the council—the deputy or another member chosen by the council; or
  - (c) if the person whose health and safety may be adversely affected is another member or the chief executive officer of the council—
    - (i) unless subparagraph (ii) applies, the principal member of the council; or

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- (ii) if the relevant acts or omissions are those of the principal member of the council—the deputy or another member chosen by the council.
  - (3) Without limiting subsection (1)(b), a reasonable direction may include a direction that a member of a council not attend a meeting of the council or a council committee (and a member the subject of such a direction will be taken to have been granted leave of absence from attending council meetings for the duration of the direction).
  - (4) However, a reasonable direction under subsection (1)(b) that a member not attend a meeting of a council may only be given if there are no other reasonable directions considered appropriate in the circumstances to ensure the health and safety of the affected person.
  - (5) If a reasonable direction under subsection (1)(b) that a member not attend a meeting of a council is given, the responsible person must ensure that a complaint relating to the matter is referred to the Behavioural Standards Panel.
  - (6) This section is in addition to and does not limit the operation of the *Work Health and Safety Act 2012*.
  - (7) In this section—  
**health** has the same meaning as in the *Work Health and Safety Act 2012*