

Serial 54

Local Government Legislation Amendment (Code of Conduct and Other Matters) Bill 2026

Mr Edgington

A Bill for an Act to amend the *Local Government Act 2019*, the *Local Government (Electoral) Regulations 2021* and the *Local Government (General) Regulations 2021*

NORTHERN TERRITORY OF AUSTRALIA

LOCAL GOVERNMENT LEGISLATION AMENDMENT (CODE OF
CONDUCT AND OTHER MATTERS) ACT 2026

Act No. [] of 2026

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2026

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An Act to amend the *Local Government Act 2019*, the *Local Government (Electoral) Regulations 2021* and the *Local Government (General) Regulations 2021*

[Assented to [] 2026]
[Introduced [] 2026]

10

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Local Government Legislation Amendment (Code of Conduct and Other Matters) Act 2026*.

15

2 Commencement

- (1) This Act, except Parts 3 and 4, commences on the day after the day on which the Administrator's assent to this Act is declared.
- (2) Subject to subsection (3), Parts 3 and 4 commence on the day fixed by the Administrator by *Gazette* notice.
- (3) If a provision of Part 3 or 4 does not commence before 31 January 2028, it commences on that day.

20

Part 2 General amendments

Division 1 Local Government Act 2019

3 Act amended

This Division amends the *Local Government Act 2019*.

5 4 Section 11 amended (Public notice for matters in relation to elections)

(1) Section 11(1)

omit

10 about a matter in relation to an election, notice about the matter must be published as follows:

insert

of information relating to an election, the returning officer for the election:

(2) Section 11(1)(a)

15 *omit, insert*

(a) may publish the information in any way the returning officer considers appropriate; and

(3) Section 11(1)(b)

omit

20 the returning officer for the election

(4) Section 11(3) and (4)

omit, insert

25 (3) If under this Act a specified period after the giving of public notice of information relating to an election is required or allowed for a matter, the period starts on the date the information is published on the council's website.

5 Section 40 amended (Delegation)

(1) Section 40(3)(e)

omit

delegated; and

5

insert

delegated.

(2) Section 40(3)(f)

omit

(3) After section 40(3)

10

insert

(3A) Despite subsections (1) and (2):

(a) the power to enter into a contract may only be delegated to the CEO; and

(b) if power to enter into a contract is delegated to the CEO:

15

(i) the contract must be below the threshold value determined by the council under subsection (6)(a); and

20

(ii) if the value of the contract is above the reporting threshold determined by the council under subsection (6)(b), the CEO must, within a reasonable period after exercising the delegation, table at a council meeting a report in relation to the contract containing the information required by the Council; and

25

(iii) the delegation may permit the CEO to subdelegate the power to enter into a contract to a council senior staff member.

(4) Section 40(6)

omit, insert

(6) A council must, within the first 6 months of its term, determine, by resolution:

30

(a) the threshold value for a contract for subsection (3A)(b)(i); and

(b) the reporting threshold for a contract for subsection (3A)(b)(ii).

(5) After section 40(6A)

insert

(6B) Despite this section, the regulations may provide that a power or function of the council under the regulations:

5 (a) may not be delegated; or

(b) may only be delegated to certain persons or bodies or on certain conditions.

6 Section 45 replaced

Section 45

10 *repeal, insert*

45 Training requirements for council members

(1) The CEO of the Agency must determine training requirements for members of a council.

15 (2) A determination under subsection (1) may determine training requirements for a class of members of a council.

Example for subsection (2)

A determination may be made in relation to training requirements for principal members of councils.

20 (3) A member of a council must comply with a determination under subsection (1).

(4) The CEO of the Agency must publish a determination under subsection (1) on the Agency's website.

(5) The CEO of the Agency may, if the CEO of the Agency considers it appropriate:

25 (a) exempt a member of a council from a training requirement; or

(b) grant a member of a council an extension of time for completing a training requirement.

7 Section 59 amended (Role and functions of principal member and deputy or acting principal member)

Section 59(1)(a)

omit, insert

- 5 (a) to chair meetings of the council, including by:
- (i) ensuring any procedures applicable to the meetings are upheld; and
 - (ii) maintaining order at the meetings;

8 Section 73 amended (Offences for conflict of interest)

10 Section 73(1)(c), before "member"

insert

staff

9 Section 160 amended (Minister's powers in relation to election)

Section 160, after "limit,"

15 *insert*

change or

10 Chapter 21, Part 4 inserted

After section 371

insert

20 **Part 4 Transitional Matters for Local Government
Legislation Amendment (Code of Conduct and
Other Matters) Act 2026**

372 Council determinations under section 40

- 25 (1) A determination made by a council under section 40(6) that is in force immediately before the commencement is taken to have been made under section 40(6)(a) of the Act as in force after the commencement.
- (2) Despite section 40(6)(b), a council must make a determination under that provision within 6 months after the commencement.

(3) In this section:

commencement means the commencement of section 5 of the *Local Government Legislation Amendment (Code of Conduct and Other Matters) Act 2026*.

5 **Division 2 Local Government (Electoral) Regulations 2021**

11 Regulations amended

This Division amends the *Local Government (Electoral) Regulations 2021*.

12 Regulation 35 amended (Lodgement of candidate statement)

10 After regulation 35(10)

insert

(11) The returning officer must give a copy of a candidate statement lodged under this regulation, other than a statement that is rejected under subregulation (7) or (8), to the following as soon as reasonably practicable after the statement is lodged:

15

(a) the council for the local government area for which the candidate is nominated;

(b) the Electoral Commission.

(12) As soon as practicable after receiving a statement under subsection (11):

20

(a) the council must publish the statement on the council's website; and

(b) the Electoral Commission must publish the statement on the Commission's website.

13 Regulation 54 replaced

Regulation 54

repeal, insert

54 Postponement and adjournment of voting

- 5 (1) The returning officer for an election may:
- (a) within 14 days before election day, postpone voting for the election at a voting centre if the officer considers that it will not be practicable to proceed with voting at the centre on election day due to an emergency; or
- 10 (b) on election day, postpone or adjourn voting for the election at a voting centre if it is not practicable to proceed with voting at the centre due to an emergency.
- (2) An authorised officer, other than the returning officer, in charge of a voting centre may postpone or adjourn voting at the centre on election day if it is not practicable to proceed with voting due to an emergency.
- 15 (3) An authorised officer who postpones or adjourns voting under subregulation (2) must immediately notify the returning officer.
- (4) If voting at a voting centre is postponed or adjourned under this regulation and the returning officer considers that it is not reasonably practicable for a person affected by the postponement or adjournment to cast a vote on election day, the returning officer must:
- 20 (a) nominate an alternate day as the day when voting is to be carried out or resumed at the voting centre; and
- 25 (b) if it is not practicable to carry out or resume voting at the original voting centre on the alternate day – nominate an alternate place as the place where voting is to be carried out or resumed on the alternate day.
- 30 (5) The day nominated under subregulation (4)(a) must be:
- (a) as soon as practicable after the original election day; and
- (b) no later than 21 days after the original election day.
- (6) The returning officer must, as soon as practicable in the circumstances, give notice of a postponement or adjournment under this regulation and any nomination under subregulation (4).
- 35

(7) In this regulation:

emergency means any of the following:

- (a) a cyclone, bushfire, flood or other natural disaster;
- (b) rioting or serious violence;
- (c) any other event that affects the safety of voters or obstructs the proper conduct of voting.

14 Regulation 65 amended (Scrutiny of postal voting papers)

Regulation 65(4)(b)

omit, insert

- (b) if the election is a mandatory postal vote election and the postal voting papers were issued to a person other than a person who applied for postal voting papers under regulation 37(1) – the number on the postal vote certificate corresponds with the number of the person on the electoral roll.

15 Regulation 72 repealed (Extension or change of time)

Regulation 72

repeal

Division 3 Local Government (General) Regulations 2021

16 Regulations amended

This Division amends the *Local Government (General) Regulations 2021*.

17 Regulation 36 amended (Tenders by council or local government subsidiary)

(1) After regulation 36(6)

insert

- (6A) The report mentioned in subregulation (6)(b) is to contain the information required by the council.

(2) Regulation 36(8)

omit, insert

(8) After receiving a report under subregulation (6)(b), the CEO or chief executive must:

5 (a) in relation to a council – table the report within 2 meetings of the council; or

(b) in relation to a local government subsidiary – provide the report to the subsidiary within a reasonable time.

18 Part 9 inserted

10 After regulation 140

insert

Part 9 Transitional matters for Local Government Legislation Amendment (Code of Conduct and Other Matters) Act 2026

15 **141 Application of amendments to regulation 36(8)**

(1) Regulation 36(8) as in force immediately before the commencement continues to apply in relation to a report received before the commencement.

20 (2) Regulation 36(8) as in force immediately after the commencement applies only in relation to a report received after the commencement.

(3) In this regulation:

25 **commencement** means the commencement of section 17 of the *Local Government Legislation Amendment (Code of Conduct and Other Matters) Act 2026*.

Part 3 Amendments relating to code of conduct and governance matters

Division 1 Local Government Act 2019

19 Act amended

30 This Division amends the *Local Government Act 2019*.

20 Section 7 amended (Definitions)

(1) Section 7, definitions ***council panel*** and ***prescribed corporation panel***

omit

5 (2) Section 7

insert

code of conduct, for members of a local government council, see section 119.

code of conduct panel, for Chapter 7, Part 7.4, see section 119.

10 ***complainant***, for Chapter 7, Part 7.4, see section 119.

financial controller means a financial controller appointed under section 317.

governance advisor means a governance advisor appointed under section 216A.

15 ***governance controller*** means a governance controller appointed under section 317A.

gross misconduct, for Chapter 7, Part 7.4, see section 119.

independent assessor, for Chapter 7, Part 7.4, see section 119.

local government body means:

20 (a) a local government council; or

(b) a prospective council; or

(c) a local government subsidiary.

misconduct, for Chapter 7, Part 7.4, see section 119.

sanction, for Chapter 7, Part 7.4, see section 119.

25 ***secretariat***, for Chapter 7, Part 7.4, see section 119.

serious misconduct, for Chapter 7, Part 7.4, see section 119.

21 Section 47 amended (Disqualification)

(1) After section 47(1)(f)

insert

(fa) is disqualified under section 132U(4); or

5 (2) Section 47(1), note

omit, insert

Notes for subsection (1)

10 1 A person is not qualified to be a member of a council if the person is a member of the Legislative Assembly (see section 21(1)(a) of the Northern Territory (Self-Government) Act 1978 (Cth)).

2 A person is not eligible to be elected or appointed as the principal member or deputy principal member of a council if the person is disqualified from holding that position under section 132N(e) (see section 61(4)).

15 **22 Section 50 amended (Casual vacancies)**

After section 50(b)

insert

(ba) is dismissed under section 132U(1); or

20 **23 Section 61 amended (Election or appointment of principal member and deputy principal member)**

After section 61(3)

insert

25 (4) A person is not eligible to be elected or appointed as the principal member or the deputy principal member if the person is disqualified from holding that position under section 132N(e).

24 Section 95 amended (Procedure at meeting)

Section 95(2)

omit

meeting.

30 *insert*

meeting, other than any suspended members.

25 Chapter 7, Part 7.4 replaced

Chapter 7, Part 7.4

repeal, insert

Part 7.4 Code of conduct for members

5 Division 1 Preliminary matters

119 Definitions

In this Part:

code of conduct means the code of conduct for members prescribed under section 120.

10 *code of conduct panel* means a panel established under this Part by the secretariat in accordance with section 132K.

complainant means a person who makes a complaint under section 132A or 132B.

15 *gross misconduct* means conduct by a member that breaches the code of conduct and consists of any of the following:

- (a) corruption;
- (b) a criminal offence;
- (c) repeated serious misconduct;
- (d) behaviour demonstrating the member's unfitness for office.

20 *independent assessor* means a member of the pool of persons appointed under section 121.

misconduct means conduct by a member that breaches the code of conduct.

25 *sanction* means any action taken by a council, an independent assessor or a code of conduct panel to resolve a complaint, other than to take no further action, under this Part.

*Note for definition **sanction***

See sections 132G(1), 132J(3), 132N and 132T(5).

secretariat means the secretariat mentioned in section 126(1).

serious misconduct means conduct by a member that breaches the code of conduct if the conduct:

- (a) causes a serious and imminent risk to the reputation, viability or resources of a local government council; or
- 5 (b) consists of bullying, intimidation, sexual harassment, assault or physical or verbal abuse; or
- (c) consists of theft or fraud; or
- (d) consists of being impaired by alcohol or illicit drugs while exercising the powers or performing the duties of the member;
10 or
- (e) consists of refusing to carry out a reasonable direction of a council consistent with the member's duties under this Act; or
- (f) consists of non-compliance with a sanction imposed by an independent assessor or a code of conduct panel.

15 **120 Prescribed code of conduct**

- (1) Every member must comply with the code of conduct prescribed by regulation.
- (2) The code of conduct must be published on each council's website.

Division 2 Administrative matters

20 **121 Pool of independent assessors**

- (1) The Minister must, by appointment, establish a pool of at least 3 persons as independent assessors.
- (2) To be eligible to be appointed as an independent assessor, a person must be:
 - 25 (a) a legal practitioner with at least 5 years' experience as a legal practitioner; or
 - (b) a person with at least 5 years' experience in governance or public administration.
- (3) A person's appointment is for a period of 5 years.
- 30 (4) A person may be reappointed for one further period of 5 years.

- (5) The appointment of a person to the pool is taken to be terminated if the person:
- (a) resigns the person's appointment by giving written notice to the Minister; or
 - 5 (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the person's creditors or makes an assignment of remuneration for their benefit; or
 - 10 (c) becomes mentally incapacitated or is being treated under the *Mental Health and Related Services Act 1998*; or
 - (d) is found guilty of an offence that is punishable by imprisonment for 12 months or more.
- (6) The Minister may terminate the appointment of a person as an independent assessor for incompetence or misbehaviour.

15 **122 Functions of independent assessors**

- (1) An independent assessor has the following functions:
- (a) to investigate complaints referred to it;
 - (b) to make determinations of fact in relation to those complaints;
 - (c) to report on the assessor's investigations and determinations;
 - 20 (d) to recommend sanctions in relation to those complaints when appropriate.
- (2) An independent assessor has the powers necessary to perform the assessor's functions under this Part.

123 Pool of code of conduct panel members

- 25 (1) The Minister must, by appointment, establish a pool of at least 3 persons to be members of a code of conduct panel.
- (2) To be eligible to be appointed to the pool, the persons must be:
- (a) a legal practitioner with at least 5 years' experience as a legal practitioner; or
 - 30 (b) a person with at least 5 years' experience in governance or public administration.
- (3) A member's appointment is for a period of 5 years.

- (4) A person may be reappointed to the pool of members for a code of conduct panel.
- (5) The appointment of a person to the pool of members for a code of conduct panel is taken to be terminated if the person:
- 5 (a) resigns the person's appointment by giving written notice to the Minister; or
- (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the person's creditors or makes an assignment of remuneration for their benefit; or
- 10 (c) becomes mentally incapacitated or is being treated under the *Mental Health and Related Services Act 1998*; or
- (d) is found guilty of an offence that is punishable by imprisonment for 12 months or more.
- 15 (6) The Minister may terminate the appointment of a person to the pool of members for a code of conduct panel for incompetence or misbehaviour.

124 Functions of code of conduct panel

- (1) A code of conduct panel has the following functions:
- 20 (a) to investigate complaints referred to it;
- (b) to make determinations of fact in relation to those complaints;
- (c) to review decisions of independent assessors and councils;
- (d) to deal with non-compliance by a member with a sanction.
- (2) A code of conduct panel has the powers necessary to perform the panel's functions under this Part.
- 25

125 Meetings of code of conduct panel

- (1) A code of conduct panel must select a chairperson from among their members.
- (2) The chairperson of a code of conduct panel may determine the procedure for the calling of meetings of the panel and for the conduct of business at those meetings.
- 30
- (3) The quorum for a meeting of a code of conduct panel is all 3 members of the panel.

- 5
- (4) A code of conduct panel must keep full and accurate minutes of its meetings and other proceedings.
- (5) If a member of a code of conduct panel is unable or unavailable to perform the functions or exercise the powers of a member, or the member's appointment is terminated under section 123(6), the remaining members of the panel may:
- (a) continue as a panel of 2 members; or
- (b) request the secretariat to assign a replacement member from the pool established under section 123.
- 10
- (6) If a code of conduct panel continues as a panel of 2 members under subsection (5)(a), the decisions of the panel must be unanimous.

126 Secretariat

- 15
- (1) There is to be a secretariat to the pool of independent assessors and the pool of members for a code of conduct panel.
- (2) The Minister must appoint one or more public sector employees to constitute the secretariat.
- (3) A person appointed under subsection (2) may exercise the powers and perform the functions of the secretariat.
- 20
- (4) The secretariat has the following functions:
- (a) receiving complaints made under this Part;
- (b) assigning independent assessors from the pool to investigate and determine complaints and assisting them in the performance of their functions;
- 25
- (c) receiving and maintaining information related to complaints and the conduct of independent assessors and code of conduct panels in relation to complaints and the determination of complaints;
- 30
- (d) assigning members of the pool established under section 123 to be the members of a code of conduct panel to deal with a complaint and assisting a code of conduct panel in the performance of its functions;
- (e) any other functions conferred on the secretariat under this or any other Act.

(5) The persons appointed under subsection (2) must keep information received or maintained under this Part confidential and must not disclose it except:

5

(a) for a purpose connected with the administration of this Act, including a legal proceeding arising out of the operation of this Act; or

(b) to a person who is otherwise entitled to the information; or

(c) for information that is anonymised for statistical purposes.

10

(6) In exercising the powers and performing the functions of the secretariat the persons appointed under subsection (2) must act impartially and must not in any way influence or interfere with an independent assessor or a code of conduct panel.

127 Protection from liability

15

(1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function as either of the following:

(a) an independent assessor;

(b) a member of a code of conduct panel.

20

(2) Any civil liability that would, but for this section, attach to an independent assessor or a member of a code of conduct panel attaches instead to the local government council relevant to the matter with which the independent assessor or code of conduct panel is dealing.

(3) In this section:

25

exercise of a power includes the purported exercise of the power.

performance of a function includes the purported performance of the function.

128 Fees

30

(1) The CEO of the Agency may determine fees to be paid by a council for any thing done or service provided under this Part.

(2) Without limiting subsection (1), fees may be determined under that subsection for the following:

5 (a) the assignment of an independent assessor or the establishment of a code of conduct panel to deal with a complaint made against a member of the council;

(b) the investigation and determination by an independent assessor of a complaint made against a member of the council;

10 (c) the investigation, hearing and determination by a code of conduct panel of a complaint made against a member of the council;

(d) the review by a code of conduct panel of a determination of the council or an independent assessor in relation to a complaint made against a member of the council.

15 (3) The CEO of the Agency may, if the CEO of the Agency considers it appropriate, do any of the following in relation to a fee determined under subsection (1):

(a) exempt a council from payment of the fee;

(b) waive (wholly or partly) payment of the fee;

20 (c) refund (wholly or partly) the fee.

(4) The CEO of the Agency must publish a determination made under subsection (1) on the Agency's website.

25 (5) If a complaint is made under this Part against a member of a council, the council may recover from the member all or part of any fees paid by the council under this section in relation to the complaint, as the council considers appropriate.

Division 3 General Procedures

129 Application

30 This Division applies to the following persons or bodies exercising powers and performing functions under this Part:

(a) councils;

(b) any third parties assisting a council;

(c) independent assessors;

- (d) a code of conduct panel and its members.

130 Evidence

- (1) The persons and bodies referred to in section 129:

(a) are not bound by the rules of evidence; and

5 (b) may inform themselves in any manner they consider appropriate; and

(c) may do whatever they consider necessary or expedient for the fair and expeditious investigation, determination and resolution of a complaint.

10 (2) A decision that alleged misconduct occurred must be based on evidence from which it may be concluded that it is more likely that the misconduct occurred than that it did not occur.

(3) An independent assessor and a code of conduct panel may require a person appearing before them to give evidence on oath.

15 **131 Procedural fairness**

(1) A person exercising a power or performing a function under this Part must comply with the principles of procedural fairness.

20 (2) A person to whom a complaint relates must be given a reasonable opportunity to be heard before a decision or determination is made in relation to the complaint.

(3) The complainant and a person to whom a complaint relates must be given written notice of a decision made under this Part in relation to the complaint and the reasons for the decision.

132 Timeliness of determinations, decisions and actions

25 (1) Determinations and decisions made and actions taken under this Part must be made and taken expeditiously.

30 (2) Independent assessors and code of conduct panels must act with as little formality and technicality and with as much speed as the requirements of this Act and a proper consideration of the matter permit.

Division 4 Complaints

132A Making complaint to CEO

- 5
- (1) A person who believes that a member of a council contravened the code of conduct may lodge a complaint with the CEO of the council.
 - (2) A complaint to the CEO must be made in writing.
 - (3) The CEO must refer the complaint to the council for consideration under section 132E, unless the matter is referred to an independent assessor under section 132E(3).

132B Making complaint to secretariat

- 10
- 15
- 20
- 25
- (1) A person who believes that a member contravened the code of conduct may lodge a complaint with the secretariat if:
 - (a) the complaint involves more than one member or the principal member or deputy principal member; or
 - (b) the complaint alleges serious misconduct or gross misconduct.
 - (2) A complaint to the secretariat must be in the approved form and include the following information:
 - (a) the name and contact information of the complainant;
 - (b) the name or identity of the member who is the subject of the complaint;
 - (c) the grounds for the complaint;
 - (d) a summary of the facts relevant to the complaint;
 - (e) any other information prescribed by regulation.
 - (3) The complaint must be signed by the person making the complaint.
 - (4) The secretariat must refer a complaint received under this section to one of the following, as the secretariat considers appropriate:
 - (a) an independent assessor;
 - (b) a code of conduct panel.

132C Limitation period

No complaint may be made under this Part more than 6 months after the last of the facts related to the alleged misconduct occurred.

5 **132D Withdrawal of complaint**

(1) A complainant may withdraw their complaint at any time before a determination or decision is made about whether misconduct occurred in relation to the complaint.

(2) The withdrawal of a complaint must be:

- 10
- (a) in writing; and
 - (b) given to the CEO or the secretariat, as appropriate.

Division 5 Investigation and resolution by council

132E Dealing with complaint by council

15 (1) After receiving a complaint, the council must determine the following:

- (a) whether misconduct occurred;
- (b) the seriousness of the complaint;
- (c) whether the complaint requires further investigation by the council or a third party under section 132F;
- 20 (d) whether the complaint should be referred to an independent assessor.

(2) The council may dismiss a complaint if it determines that:

- 25
- (a) misconduct did not occur; or
 - (b) the misconduct to which the complaint relates occurred at a council or committee meeting and either:
 - 30 (i) the misconduct was dealt with by the person presiding at the meeting; or
 - (ii) the person responsible for the misconduct took remedial action in accordance with the council's meeting procedures.

(3) The council or the CEO may refer the complaint to an independent assessor if:

- 5
- (a) the complaint appears to be frivolous or vexatious; or
 - (b) the alleged misconduct would be more appropriately investigated and resolved by an independent assessor.

(4) A complaint that appears to the council or the CEO to be frivolous or vexatious must be referred to an independent assessor within 5 days after the council or the CEO makes that determination.

10 (5) If a complaint is referred to an independent assessor under this section, the CEO must:

- (a) notify the secretariat; and
- (b) give the secretariat all relevant materials related to the complaint.

132F Further investigation or resolution

15 (1) The council may conduct a further investigation or alternative resolution of the complaint with the assistance of a third party chosen by the council if:

- (a) the complaint involves the principal member or the deputy principal member; or
- 20 (b) the council considers the alleged misconduct is more than trivial but is not serious misconduct or gross misconduct; or
- (c) the complaint alleges misconduct that caused psychological harm.

Examples of third parties for subsection (1)

25 1 A mediator.

2 An alternate dispute resolution specialist.

(2) Any third party assisting the council under subsection (1) must provide the council with their findings and recommendations as to the resolution of the complaint, including any sanctions.

30 (3) After the investigation is completed and the council receives any findings and recommendations of a third party assisting the council, the council must determine whether misconduct occurred.

132G Action by council

- (1) If the council determines that misconduct occurred, the council may take one or more of the following actions, as it considers appropriate:
- 5 (a) take no further action;
- (b) reprimand the member;
- (c) require the member to issue a public apology;
- (d) require the member to attend mediation with the complainant, even if mediation was conducted under section 132F(1);
- 10 (e) prepare and implement a plan to address the behaviour of the member to whom the complaint relates;
- (f) refer the complaint to an independent assessor;
- (g) in the case of corrupt or criminal conduct – refer the complaint to the ICAC or the police.
- 15 (2) When preparing a plan under subsection (1)(e), the council must consult with the member to whom the complaint relates.
- (3) A plan under subsection (1)(e) may include a requirement for the member to whom the complaint relates to do one or more of the following:
- 20 (a) attend mediation;
- (b) undertake counselling;
- (c) undertake training;
- (d) take other specified action the council considers appropriate.
- 25 (4) If the council refers a complaint to an independent assessor under this section, the CEO must:
- (a) notify the secretariat; and
- (b) give the secretariat all relevant materials related to the complaint.

Division 6 Independent assessment

132H Assignment of independent assessor

- 5 (1) If the secretariat refers a complaint to an independent assessor under section 132B(4)(a) or receives notice of a referral of a complaint under Division 5, the secretariat must:
- (a) assign an independent assessor to deal with the complaint; and
 - (b) provide the independent assessor with:
 - 10 (i) in the case of a complaint made under section 132B – the complaint; or
 - (ii) in the case of a complaint referred to an independent assessor under Division 5 – the relevant materials provided by the CEO under section 132E(5) or 132G(4).
- (2) An independent assessor may:
- 15 (a) be assigned more than one complaint; and
 - (b) deal with multiple complaints together if they relate to the same facts, persons or circumstances.

132J Action by independent assessor

- 20 (1) After investigating a complaint, an independent assessor must determine whether misconduct occurred.
- (2) The independent assessor may dismiss the complaint if the assessor determines that:
- (a) misconduct did not occur; or
 - 25 (b) the complaint is frivolous or vexatious or not made in good faith; or
 - (c) the complaint is trivial.
- (3) If an independent assessor determines that misconduct occurred, the assessor may take one or more of the following actions, as the assessor considers appropriate:
- 30 (a) in the case of a complaint made under section 132B – refer the complaint to the relevant council for resolution;

- 5
- (b) in the case of a complaint referred by a council under section 132E(3) or 132G(1)(f) – refer the complaint back to council for resolution;
 - (c) take any other action a council may take under section 132G;
 - (d) impose a monetary penalty not exceeding 20 penalty units;
 - (e) in the case of serious misconduct or gross misconduct – refer the complaint to a code of conduct panel.
- 10
- (4) If an independent assessor refers a complaint to a code of conduct panel, the ICAC or the police, the independent assessor must:
- (a) notify the secretariat; and
 - (b) give the secretariat all relevant materials related to the complaint.
- 15
- (5) On receiving notice of a referral under subsection (4), the secretariat must provide a code of conduct panel, the ICAC or the police, as the case may be, with the relevant materials provided by the independent assessor.

Division 7 Code of conduct panel hearings and determinations

132K Establishing a code of conduct panel

- 20
- (1) If the secretariat is required to establish a code of conduct panel to deal with a matter under this Part, the secretariat must assign 3 members of the pool established under section 123 to be the members of the panel.
- 25
- (2) At least one member of the panel must be a legal practitioner mentioned in section 123(2)(a).

132L Assignment of members of code of conduct panel

- 30
- (1) If the secretariat refers a complaint to a code of conduct panel under section 132B(4)(b) or receives notice of a referral of a complaint under section 132J(4) that requires a code of conduct panel, the secretariat must:
- (a) establish a code of conduct panel to deal with the complaint; and

- (b) provide the panel with:
- (i) in the case of a complaint made under section 132B – the complaint; or
 - (ii) in the case of a complaint referred to a code of conduct panel under section 132J(4) – the relevant materials provided to the secretariat under that section.

5

- (2) A code of conduct panel may:
- (a) be assigned more than one complaint; and
 - (b) deal with multiple complaints together if they relate to the same facts, persons or circumstances.

10

132M Conduct of hearing and making determinations

- (1) A code of conduct panel must conduct a hearing into any complaint assigned to the panel by the secretariat under section 132L.
- (2) Before conducting a hearing, a code of conduct panel may investigate the complaint.
- (3) After investigating a complaint and conducting a hearing, a code of conduct panel must determine whether misconduct occurred.
- (4) A code of conduct panel may dismiss the complaint if the panel determines that:
 - (a) misconduct did not occur; or
 - (b) the complaint is frivolous or vexatious or not made in good faith; or
 - (c) the complaint is trivial.

15

20

132N Action by code of conduct panel

If a code of conduct panel determines that misconduct occurred, the panel may take one or more of the following actions, as it considers appropriate:

25

- (a) in the case of a complaint received under section 132J that does not involve serious misconduct or gross misconduct and is better resolved by the independent assessor – refer the complaint back to the independent assessor for resolution;
- (b) take no further action;
- (c) take any other action a council may take under section 132G;

30

- 5
- (d) impose a monetary penalty not exceeding 50 penalty units;
- (e) for a principal member, other than an elected principal member, or a deputy principal member – dismiss the member from the position of principal member or deputy principal member and disqualify the member from holding the position of principal member or deputy principal member for up to 12 months;
- (f) suspend the member for up to 12 months;
- 10 (g) order that the member's allowance be withheld until compliance with a sanction;
- (h) in the case of gross misconduct – recommend that the Minister suspend or dismiss the member subject to the complaint.

Division 8 Reviews by code of conduct panel

15 **132P Request for review of determination or decision made by council or independent assessor**

- 20 (1) A complainant or a member subject to a complaint may request a code of conduct panel to review either of the following on the grounds that it was not made in conformity with the principles of procedural fairness:
- (a) a determination or decision of a council under Division 5;
- (b) a determination or decision of an independent assessor under Division 6.
- 25 (2) The request must be lodged with the secretariat within 14 days after the person received notice of the decision.
- (3) The request must be in the approved form and must include the following information:
- (a) the name and contact information of the person making the request;
- 30 (b) the grounds for the request;
- (c) a summary of the facts relevant to the request;
- (d) any other information prescribed by regulation.
- (4) The request must be signed by the person making the request.

- (5) On receiving a request under subsection (2), the secretariat must:
- (a) establish a code of conduct panel to deal with the review; and
 - (b) provide the panel with the request and any relevant materials.
- (6) To avoid doubt, a decision of a council or independent assessor includes the taking of action by the council or independent assessor.

132Q Review of determination or decision by independent assessor

- (1) If a code of conduct panel receives a request under section 132P, it must conduct a review of the determination or decision of the council or independent assessor to determine whether it was made in conformity with the principles of procedural fairness.
- (2) The code of conduct panel may stay the determination or decision pending its review.
- (3) After reviewing the determination or decision, the code of conduct panel may:
- (a) affirm the determination or decision; or
 - (b) dismiss the request for review; or
 - (c) set aside the determination or decision and return the matter to the council or independent assessor that made the determination or decision with directions for a new determination or decision; or
 - (d) set aside the determination or decision and substitute its own decision or sanction.

Division 9 Compliance and further sanctions

132R Compliance with sanction

A member who is subject to a sanction under this Part must comply with the sanction.

132S Monetary penalties

- (1) A monetary penalty imposed on a member of a council under this Part is a debt due and payable by the member to the council and may be recovered in a court of competent jurisdiction.

(2) A member must pay a monetary penalty imposed on the member under this Part within 28 days, or a longer period allowed by the council, after notice of the penalty is given to the member.

5

(3) To avoid doubt, the monetary penalty is a civil penalty for the purposes of the *Penalty Units Act 2009*.

132T Non-compliance with sanction

(1) An independent assessor or the secretariat may refer to a code of conduct panel any non-compliance by a member who is subject to a sanction.

10

(2) If an independent assessor refers a member to a code of conduct panel under subsection (1), the independent assessor must:

- (a) notify the secretariat; and
- (b) give the secretariat the information specified in subsection (3).

(3) The referral must include the following information:

15

- (a) the name and contact information of the member subject to the sanction;
- (b) a summary of the facts relevant to the non-compliance;
- (c) any other information prescribed by regulation.

20

(4) If the secretariat refers a matter under subsection (1) or receives notice of a referral from an independent assessor under subsection (2), the secretariat must:

- (a) establish a code of conduct panel to deal with the matter; and
- (b) provide the panel with the information specified in subsection (3).

25

(5) After considering the referral, the code of conduct panel may take one or more of the following actions, as it considers appropriate:

30

- (a) take no action;
- (b) issue a direction to comply with the sanction imposed, specifying the action to be taken, the time to take the action and the evidence of compliance;
- (c) vary or substitute the original sanctions or add sanctions on the member;

(d) in the case of repeated or significant non-compliance – refer the complaint to the Minister to be dealt with under section 132U;

5

(e) order the payment of a monetary penalty, not exceeding 50 penalty units.

132U Power to suspend or dismiss

(1) The Minister may suspend or dismiss a member if the Minister:

10

(a) receives a recommendation from a code of conduct panel that the member has engaged in gross misconduct or repeated or significant non-compliance with a sanction imposed under this Part; and

(b) the Minister is satisfied that suspension or dismissal is appropriate in the circumstances.

15

(2) A member who is suspended under subsection (1) is not entitled to any allowance while under suspension.

(3) The suspension of a member may have effect for any period during the member's term of office.

20

(4) If the Minister dismisses a member under subsection (1), the Minister may also disqualify the member from holding office as a council member for a period not exceeding 8 years if the Minister is satisfied the disqualification is appropriate in the circumstances.

25

(5) The Minister must give the member suspended or dismissed under subsection (1) written notice of the suspension or dismissal and any disqualification under subsection (4), and the reasons for the suspension, dismissal or disqualification.

(6) The Minister must publish notice of any suspension, dismissal or disqualification made under this section on the Agency's website.

26 Chapter 10 heading amended (Financial management)

Chapter 10, heading, after "**Financial**"

30

insert

and governance

27 Chapter 10, Part 10.11 inserted

After section 216

insert

Part 10.11 Governance advisor

5 **216A Governance advisor**

(1) The CEO of the Agency may appoint a governance advisor for a local government body if the body requests the CEO of the Agency, in writing, to make the appointment.

10 (2) A governance advisor for a local government body has the following functions:

(a) advising the body in relation to:

(i) its governance responsibilities; and

(ii) the effectiveness of its governance procedures and practices; and

15 (iii) any improvements it should make to its governance procedures and practices;

(b) assisting the body to understand and comply with laws applicable to the body.

28 Chapter 17, Part 17.2 heading amended (Financial controller)

20 Chapter 17, Part 17.2, heading

omit

controller

insert

and governance control

29 Section 317 amended (Financial controller)

(1) Section 317(1)

omit

5

council or a local government subsidiary if the CEO considers the council or local government subsidiary

insert

local government body if the CEO of the Agency considers the body

(2) Section 317(3) and (4)

omit (all references)

10

council or local government subsidiary

insert

local government body

(3) Section 317(5)(b)

omit

15

council

insert

local government body

(4) Section 317(6), definition **financially unsound**, paragraphs (a) to (c)

20

omit, insert

(a) may cause the local government body to become insolvent; or

(b) would result in unlawful expenditure by the local government body; or

25

(c) would result in a disbursement from a fund that is not provided for in the local government body's budget; or

30 Sections 317A to 317C inserted

After section 317, in Chapter 17, Part 17.2

insert

317A Governance controller

- 5 (1) This section applies in relation to a local government body if:
- (a) an order under section 19B(2) or 19C(1) is in force in relation to the body; and
 - (b) the CEO of the Agency considers the body is not:
 - 10 (i) performing its governance responsibilities appropriately; or
 - (ii) complying with this Act.
- (2) The CEO of the Agency may, by *Gazette* notice, appoint a governance controller for the local government body.
- 15 (3) A governance controller for a local government body has the following functions:
- (a) reviewing, monitoring and evaluating the governance procedures and practices of the body;
 - (b) ensuring the body complies with laws applicable to it;
 - (c) advising the body in relation to:
 - 20 (i) its governance responsibilities; and
 - (ii) the effectiveness of its governance procedures and practices; and
 - (iii) any improvements it should make to its governance procedures and practices;
 - 25 (d) giving directions to the body in relation to:
 - (i) the body's governance procedures and practices; and
 - (ii) the carrying out of the body's governance responsibilities.
- 30 (4) A governance controller has the powers necessary to perform the governance controller's functions.

- (5) The local government body must:
- (a) cooperate fully with the governance controller; and
 - (b) comply with a lawful direction given by the governance controller.

5 (6) If a governance controller is appointed for a local government body, the body must obtain the governance controller's authorisation before:

(a) implementing any significant changes in governance procedures or practices; or

10 (b) obtaining any quotations or tenders; or

(c) entering into, varying or terminating any contract.

(7) A governance controller for a local government body must inform the CEO of the Agency if the governance controller believes on reasonable grounds that:

15 (a) there are serious deficiencies in the body's governance procedures or practices; or

(b) circumstances warranting the appointment of a financial controller may exist; or

20 (c) the body has not complied with a direction given by the governance controller; or

(d) the body has taken an action mentioned in subsection (6) without the governance controller's authorisation.

317B Financial and governance controller appointments

Nothing in this Act prevents a person from being appointed as:

25 (a) both financial controller and governance controller for a local government body; or

(b) financial controller or governance controller for more than one local government body.

317C Protection from liability

30 (1) A person appointed as a financial controller or a governance controller is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function under this Act.

(2) Any civil liability that would, but for this section, attach to the person, attaches instead to the local government body for which the person is appointed as financial controller or governance controller.

(3) In this section:

5 **exercise** of a power includes the purported exercise of the power.

performance of a function includes the purported performance of the function.

31 Section 336 amended (Misleading information)

10 Section 336(4), definition **local government officer**, after paragraph (f)

insert

(fa) a governance advisor; or

(fb) a governance controller; or

32 Section 373 inserted

15 After section 372

insert

373 Application of provisions relating to conduct of members

20 (1) Part 7.4 and Schedules 1 and 2, as in force immediately before the commencement, continue to apply in relation to the conduct of members that occurred before the commencement.

25 (2) Any acts done and matters under consideration in relation to Schedule 1 or a complaint made in relation to the conduct of a member that were not determined before the commencement are to be determined in accordance with this Act as in force immediately before the commencement.

(3) In this section:

commencement means the commencement of section 25 of the *Local Government Legislation Amendment (Code of Conduct and Other Matters) Act 2026*.

30 33 Schedule 1 repealed (Code of conduct)

Schedule 1

repeal

34 Schedule 2 replaced

Schedule 2

repeal, insert

Schedule 2 NTCAT reviewable decisions and affected persons

5

section 327

Item	NTCAT reviewable decision	Affected person
1	A determination of the code of conduct panel as to whether misconduct occurred under section 132M(3)	The complainant or the person the subject of the complaint
2	A decision of the code of conduct panel to dismiss a complaint under section 132M(4)	The complainant
3	A decision of the code of conduct panel to take an action under section 132N	The complainant or the person the subject of the complaint
4	A decision of the code of conduct panel to take an action under section 132Q(3)	The complainant or the person the subject of the complaint
5	A decision of an administrative review committee to summarily reject an application under section 324(2)	A person adversely affected by the reviewable decision mentioned in section 323(1)
6	A decision from the review of a reviewable decision made by a council under section 325(1)	A person adversely affected by the reviewable decision mentioned in section 323(1)
7	A reviewable decision under section 326	A person adversely affected by the reviewable decision mentioned in section 323(1)

35 Schedule 3 amended (Information to be publicly available)

Schedule 3

omit

The council's code of conduct (section 119(2)).

5 *insert*

The code of conduct prescribed under section 120.

Division 2 Local Government (General) Regulations 2021

36 Regulations amended

10 This Division amends the *Local Government (General) Regulations 2021*

37 Part 3, Division 7 replaced

Part 3, Division 7

repeal, insert

Division 7 Code of conduct

15 **71 Prescribed code of conduct**

For section 120 of the Act, the code of conduct in Schedule 1A is prescribed.

38 Schedule 1A inserted

After Schedule 1

20 *insert*

Schedule 1A Code of Conduct

regulation 71

1 Definitions

In this code:

25 ***local government employee*** means a person who is:

(a) employed by a local government council; or

(b) engaged by a local government council under a contract for services; or

(c) a staff member of a local government subsidiary.

publish includes publish on a social media platform.

5 **2 Application**

This code applies to the conduct of members:

(a) when exercising their powers and or performing their functions under the Act; and

10 (b) in relation to the local government council of which they are a member.

3 Personal integrity

A member must:

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

15 (c) act lawfully; and

(d) identify and appropriately manage any conflict of interest; and

(e) avoid damage to the reputation of the local government council of which they are a member; and

20 (f) act in accordance with the trust placed in members by the public; and

(g) participate in decision-making in an honest, fair, impartial and timely manner; and

25 (h) actively seek out and engage in training and development opportunities to improve the performance of their functions; and

(i) attend and participate, within the required time, in briefings, workshops and training sessions:

(i) required under section 45 of the Act; or

30 (ii) provided or arranged by the local government council in relation to the performance of their functions.

4 Relationship with others

A member:

- (a) must treat others with respect, courtesy and fairness; and
- (b) must respect and value diversity in the community; and
- 5 (c) must maintain and contribute to a harmonious, safe and productive work environment; and
- (d) must not bully or harass another person in any way; and
- (e) must deal with the media in an appropriate manner and in
10 accordance with any relevant policy of the local government;
and
- (f) must not use offensive or derogatory language when referring
to another person; and
- (g) must not disparage the character of another member or a local
15 government employee in connection with the performance of
their official duties; and
- (h) must not without reasonable evidence impute dishonest or
unethical motives to another member or a local government
employee in connection with the performance of their official
duties.

5 Accountability

A member must:

- (a) base decisions on relevant and factually correct information;
and
- 25 (b) make decisions on merit, in the public interest and in
accordance with statutory obligations and principles of good
governance and procedural fairness; and
- (c) read all agenda papers given to the member in relation to
council or committee meetings; and
- 30 (d) be open and accountable to, and represent, the community in
the local government area for the local government council of
the member.

6 Social media

A member:

- (a) must ensure that their use of social media and other forms of communication complies with this code; and
- 5 (b) must not publish material that they know, or could reasonably be expected to know, is factually incorrect.

7 Other obligations

- (1) A member must not be impaired by alcohol or drugs.
- 10 (2) A member must comply with all policies, procedures and resolutions of the local government.

8 Perceived misconduct

A member who believes on reasonable grounds that another member has engaged in misconduct must make a complaint in accordance with Part 7.4 of the Act.

9 Council or committee meetings

When attending a council or committee meeting, a member:

- (a) must not act in an abusive or threatening manner towards another person; and
- 20 (b) must not make a statement that the member knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any by-laws and standing orders relating to the procedures and conduct of the meeting; and
- 25 (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that is ruled out of order by the person presiding at the meeting.

10 Misuse of local government council resources

- 30 (1) A member must not, directly or indirectly, use the resources of a local government council for an electoral purpose or other purpose unless authorised under the Act, or by the council or the CEO, to use the resources for that purpose.

(2) In this clause:

electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 2004* or the *Commonwealth Electoral Act 1918* (Cth);

resources of a local government council includes:

- (a) property of a local government council; and
- (b) services provided, or paid for, by a local government council.

11 Securing personal advantage or disadvantaging others

A member must not make improper use of their office to:

- (a) gain, directly or indirectly, an advantage for the member or any other person; or
- (b) cause detriment to the local government council or any other person.

12 Prohibition against involvement in administration

- (1) A member must not undertake a task that contributes to the administration of the local government council unless authorised by the council or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a member does as part of the deliberations at a council or committee meeting.

13 Relationship with local government employees

(1) A member must not:

- (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
- (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
- (c) act in an abusive or threatening manner towards a local government employee.

(2) Subclause (1)(a) does not apply in relation to:

- (a) anything that a member does as part of the deliberations at a council or committee meeting; or

(b) a direction given by a council member to the CEO of the council.

5 (3) If a member, in their capacity as a member, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the member must not orally, in writing or by any other means:

(a) make a statement that a local government employee is incompetent or dishonest; or

10 (b) use an offensive or objectionable expression when referring to a local government employee.

14 Compliance with sanction

A member must comply with any sanction imposed under Part 7.4 of the Act.

Part 4 Amendments relating to financial matters

15 39 Act amended

This Part amends the *Local Government Act 2019*.

40 Section 7 amended (Definitions)

Section 7

insert

20 **social or affordable housing** includes housing:

(a) leased under a prescribed housing scheme under the *Housing Act 1982*; or

(b) leased at below-market rates to low or medium income earners, essential workers or people with complex needs.

25 41 Section 109A inserted

After section 109, in Chapter 7, Part 7.1

insert

109A Superannuation

30 (1) A council may, by unanimous resolution, decide to make superannuation contribution payments to its members.

-
- (2) Subject to subsection (5), a council may make a superannuation contribution payment to a superannuation account nominated by a member if the council has passed a resolution under subsection (1).
- 5 (3) The amount of a superannuation contribution payment made to a member is the amount the council would have been required to contribute under the *Superannuation Guarantee (Administration) Act 1992* (Cth) as superannuation if:
- 10 (a) the member were an employee of the council; and
- (b) the allowance payable to the member under section 106 were salary or wages of the member for the purposes of that Act.
- (4) A superannuation contribution payment is payable to a member with, and at the same intervals as, the allowance payable to the member under section 106.
- 15 (5) A council must not make a superannuation contribution payment to a member under this section if:
- (a) the member does not nominate a superannuation account for the payment; or
- (b) the member requests the council in writing not to make the payment.
- 20 (6) The Remuneration Tribunal or the Minister must not take superannuation contribution payments into account when determining the allowance or allowances to be paid to members under section 106.
- 25 (7) A person is not, for the purposes of any Act, taken to be an employee of a council and is not disqualified from holding any office merely because the person is paid a superannuation contribution payment under this Act.
- (8) A superannuation contribution payment does not constitute salary for the purposes of any Act.
- 30 (9) A superannuation contribution payment is not payable for any period during which a member's allowance is suspended or withheld under this Act.
- (10) In this section:
- 35 ***superannuation account*** means an account for superannuation or retirement benefits from a scheme or fund to which the *Superannuation Guarantee (Administration) Act 1992* (Cth) applies.

superannuation contribution payment means a payment as a contribution to a superannuation account nominated by the member receiving the payment.

42 Section 222 amended (Exempt land)

5 Section 222(1)(g), after "purpose"

insert

, other than the provision of social or affordable housing,

43 Section 250 amended (Public benefit concessions)

After section 250(1)(e)

10 *insert*

(ea) providing social or affordable housing;

Part 5 Repeal of Act

44 Repeal of Act

This Act is repealed on the day after it commences.