

Right of Reply Form

When to use this form

Use this form to respond to a Code of Conduct complaint made against you under Part 7.4 of the Act. This form is the approved form for the subject member to exercise their right to be heard before a determination or decision is made.

Important – read before completing this form:

1. **Your right to be heard:** Section 131(2) of the Act requires that you be given a reasonable opportunity to be heard before any decision, or determination is made about whether misconduct occurred and what action (if any) should be taken.
2. **Respond to the specific allegations:** You should address each allegation separately.
3. **Legal representation:** You may seek legal advice and may have a legal practitioner or other agent assist you in preparing this response. If you wish to be represented, identify your representative in Section 1.
4. **Statutory declaration:** The information you provide must be verified by a statutory declaration contained at the end of this form. Knowingly making a false declaration is an offence under the *Oaths, Affidavits and Declarations Act 2010 (NT)*.
5. **Confidentiality:** Information provided in this form is handled in accordance with *the Information Act 2002 (NT)*.

Definitions

Act means the *Local Government Act 2019 (NT)*.

CEO means the council's chief executive officer as appointed under section 165(1) of the Act, who is in charge of day-to-day operations of the council.

Code of Conduct means the Code of Conduct prescribed under section 120 of the Act and included in Schedule 1A of the Regulations.

Code of Conduct panel means a panel established under Part 7.4 by the Secretariat in accordance with section 132K of the Act.

Complainant means a person who makes a complaint under section 132A or section 132B of the Act.

Council means the local government council constituted under section 14(b) of the Act.

Decision-maker means the person making a decision regarding the complaint and may include the council, an independent assessor, or a Code of Conduct panel and its members.

Dismissal of complaint means dismissal on the grounds that misconduct did not occur or on the grounds of the complaint being frivolous, vexatious, trivial or not made in good faith.

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; or
- (d) behaviour demonstrating the member's unfitness for office.

Independent assessor means a member of the pool of persons appointed under section 121 of the Act.

Member means (according to context) a member of an audit committee, a council, a council committee or a local authority (Act, s 7, definition of member).

Misconduct means conduct by a member that breaches the Code of Conduct.

Regulations means the Local Government (General) Regulations 2021 (NT).

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. A decision to take no further action is not a sanction and cannot be the ground for a subsequent non-compliance referral under section 132T of the Act.

Secretariat means the Secretariat mentioned in section 126(1) of the Act.

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 council; or
- (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; 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.

Section 1 – Your details (the subject matter member)

Full name	
Position (member, principal member, deputy principal member)	
Council to which the complaint relates	
Postal address	

Email address	
Telephone number	
Preferred method of contact	

Section 2 – The complaint to which this Reply relates

Complaint reference number / file number	
Complainant	
Any other person referred to in your reply (this section is relevant for Conflict of Interest checks)	

Section 3.1 – Preliminary and jurisdictional matters

If you wish to raise any preliminary or jurisdictional issue before the substance of the allegations is considered, set it out here.

I do not raise any preliminary or jurisdictional issues.

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Section 3.2 – Scope of the Code of Conduct

If you argue that the conduct complained of is outside the scope of the Code of Conduct, set out your reasons below. If you do not contest scope, select the box and proceed to the next Section.

I do not contest that the conduct falls within the scope of the Code of Conduct.

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Section 4 – Response to the allegations

Address each allegation of the breach of Code of Conduct. Provide any evidence that supports your argument.

Section 5 – Mitigating factors and Materials in support

If the decision-maker finds that misconduct occurred, it must consider proportionality in selecting any sanction. You may set out any mitigating factors or personal circumstances you wish the decision-maker to take into account. You are not required to provide this information. If you do not wish to, select the box and proceed to next Section.

- I do not wish to provide information on mitigating factors.

Mitigating factors

- I do not wish to list any materials in support.

List the materials you are providing with this response.

Section 6 – Declaration

I declare that:

- The information provided in this request, and in the materials accompanying it, is true and complete to the best of my knowledge and belief.
- I have lodged this reply within the time specified.
- I understand that this response will be considered by the decision-maker before any determination is made.
- I understand that this response may be provided to the complainant to the extent required by procedural fairness.
- I understand that information collected in this form is handled under the *Information Act 2002* (NT) and may be used for the purposes of administering Part 7.4 of the Act.

Section 7 Statutory declaration

This declaration is made under Part 4 of the *Oaths, Affidavits and Declarations Act 2010* (NT). Knowingly making a false declaration is an offence.

I, [your full name and address]	
solemnly and sincerely declare that the matters set out in this reply are true.	
Declared at [place]	
On [day, month, year]	
Signature of declarant	

Witness (must be at least 18 years old):

Name of witness (printed)	
Signature of witness	
Address or contact of witness	
Date	

How to lodge this form

Lodge this form, together with all materials in support, with the council or secretariat.

Lodgement may be made by:

- email (preferred);
- post to the address specified in the notice of allegations; or
- hand delivery during business hours.

Privacy and information: Personal information collected on this form is handled in accordance with the Information Act 2002 (NT). The information is used for the purposes of administering Part 7.4 of the Act, including making, recording and reviewing decisions about Code of Conduct complaints.

Confidentiality: Secretariat officers must keep information received under Part 7.4 of the Act confidential, subject to the limited exceptions in section 126(5) of the Act.