

Review Request Form

Use this form to request a Code of Conduct panel to review a determination or decision of a council or an independent assessor on the ground(s) that it was not made according to the principles of procedural fairness (Act, s 132P).

Important – read before completing this form:

1. This is NOT a merits appeal: A panel review is limited to procedural fairness. You cannot request review on the basis that you simply disagree with the outcome.
2. The 14-day time limit: Your request must be lodged with the secretariat within 14 days after you received notice of the decision (Act, s 132P(2)). The Act does not give the secretariat a power to extend this time. A request lodged out of time cannot proceed.
3. Only council and independent assessor decisions can be reviewed under section 132P: If you wish to challenge a Code of Conduct panel decision, the pathway is NTCAT review under section 327 and Schedule 2 of the Act – do not use this form.
4. Use the approved form: Section 132P(3) of the Act requires the request to be in the approved form and to include specified information. This form is the approved form.
5. Statutory declaration: The information you provide must be true and complete. The declaration at Section 8 of this form must be signed.

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.

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.

Section 1 – Your details

Are you (Select one):

- The complainant in the original Code of Conduct complaint
- The member who is the subject of the original Code of Conduct complaint

Note: only a complainant or a member who is the subject of a complaint may request review under section 132P(1) of the Act. Other persons (including third parties affected by the conduct) cannot request a review under this section of the Act.

Full name	
Postal address	
Email address	
Telephone number	
Preferred method of contact	

If you are represented by a legal practitioner or other agent for the purposes of this review:

Representative name	
Firm or organisation	
Postal address	
Email and telephone	

Section 2 – The decision you are asking the Panel to review

Decision-maker (Select one):

- Council (decision under Division 5 of Part 7.4)

Independent assessor (decision under Division 6 of Part 7.4)

If the decision was made by a Code of Conduct panel, this form is not the right pathway. Code of Conduct panel decisions cannot be reviewed under section 132P of the Act. Apply to NTCAT under section 327 and Schedule 2 of the Act.

Decision-maker (name of council or independent assessor)	
Citation or reference number of the decision	
Date the decision was made	
Date you received notice of the decision (this is the start of the 14-day period)	
Date this review request is being lodged	
Number of days between receipt of notice and lodgement	

Brief description of the original outcome (what the council or independent assessor decided):

--

Original Code of Conduct complaint (the complaint that led to the decision now being reviewed):

Date of original complaint	
Pathway used (Act, s 132A or s 132B)	
Member who was the subject of the original complaint (if not you)	
Brief summary of the conduct alleged	

Section 3 – Grounds for review (procedural fairness)

Procedural fairness has two core strands: the hearing rule (the right to be told the case against you and to respond to it) and the bias rule (the right to a decision-maker who is, and appears to be, impartial). Procedural fairness also requires reasons to be given for decisions that affect rights or interests.

Select each ground you rely on and provide details below. You may rely on more than one ground.

Hearing rule grounds:

- I was not told the substance of the allegations against me / I was not provided with the material relied on against me.
- I was not given a reasonable opportunity to respond before the decision was made.
- Adverse material that was credible, relevant and significant was relied on without being disclosed to me.
- My request for an extension of time to respond was unreasonably refused.
- Where credibility was disputed, I was not given a reasonable opportunity to test the conflicting evidence (e.g., by oral hearing or cross-examination) where this was warranted by the seriousness of the matter.

Bias rule grounds:

- The decision-maker had an actual conflict of interest that was not disclosed or was not appropriately managed.
- The decision-maker had previously expressed a concluded view on the matters in issue.

Reasons rule grounds:

- I was not given written notice of the decision and reasons (Act, s 131(3)).
- The reasons given do not disclose the basis for the decision sufficient for me to understand why it was made.

Other procedural fairness grounds (specify):

- Other (specify) _____

What is NOT a procedural fairness ground:

- *Disagreement with the decision-maker's findings of fact, where the findings are open on the evidence.*
- *Disagreement with the decision-maker's choice of sanction, where the sanction is within the statutory range.*
- *Disagreement with the decision-maker's interpretation of the Code of Conduct, where the interpretation is open.*

Section 4 – Particulars of the alleged unfairness

For each ground crossed in Section 3 of this form, provide details. Specify what was unfair, when it occurred, how it could have affected the outcome, and what material supports your claim. You need to provide more than generic assertions or mere disagreement with the decision.

Ground 1 – ground name

What was unfair (the specific conduct or omission of the decision-maker):

When it occurred (date and stage of the proceedings):

How it could have affected the outcome (the connection between the unfairness and the decision):

Material supporting your claim (documents, correspondence, witnesses):

If you rely on additional grounds, add an extra page.

Section 5 – Materials in support

List the materials you are providing with this request. Mandatory items are marked with *.

- * A copy of the original Code of Conduct complaint (Code of Conduct Complaint Form)
- * The written notice of decision and reasons (the decision being reviewed)
- Your written response to the original complaint (if you were the subject member) or your original complaint (if you are the complainant)
- Correspondence between you and the decision-maker
- Notices of allegations provided to the member against which the complaint is made
- Any extension of time requests and responses
- Any submission you made before the decision
- Witness statements (if relied on)
- Other documents – list:

Section 6 – Request for stay (Act, s 132Q(2))

The Code of Conduct panel may stay (pause) the determination or decision pending its review (Act, s 132Q(2)). This pause is not automatic.

Are you requesting a stay (pause) of the original decision pending review?

- Yes – complete the reasons below
- No

If yes, set out your reasons for seeking a stay. Identify any irreversible or imminent consequences (such as suspension, payment of a monetary penalty, public apology, removal from a leadership role) that would occur before the review is determined.

Section 7 – Outcome you ask the panel to make (s 132Q(3))

After conducting the review, the Code of Conduct panel may take one of the following actions under section 132Q(3) of the Act. Indicate which outcome you ask the panel to make. The panel is not bound by the outcome you request.

- Affirm the determination or decision (Act, s 132Q(3)(a))
- Dismiss the request for review (Act, s 132Q(3)(b))
- Set aside the determination or decision and return the matter to the original decision-maker with directions for a new determination or decision (Act, s 132Q(3)(c))
- Set aside the determination or decision and substitute the panel's own decision or sanction (Act, s 132Q(3)(d))

If you ask the panel to set aside and remit, identify the outcome you ask the Panel to get to:

If you ask the panel to set aside and substitute, identify the substituted outcome you ask the Panel to make and your reasons:

Section 8 – Declaration

I declare that:

- The information provided in this request, and in the materials accompanying it, is true to the best of my knowledge and belief.
- I have lodged this request within 14 days after I received notice of the decision (Act, s 132P(2)).
- I have not previously lodged a review request in respect of the same decision.
- I understand that this request and the materials accompanying it will be provided to the Code of Conduct panel established to deal with the review (Act, s 132P(5)(b)) and that the other party to the original complaint will be given a reasonable opportunity to be heard before the review is determined (Act, s 131).

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 9 – Signature

Full name (printed)	
Signature	
Date	
Where signed by a representative, name and authority of representative	

How to lodge this form

Lodge this form, together with all materials in support, with the secretariat. Lodgement may be made by:

- email to the secretariat (preferred);
- post to the secretariat at the address published on the Agency website; or
- hand delivery to the Agency office during business hours.

On receipt of a request that meets the requirements of section 132P of the Act, the secretariat must establish a Code of Conduct panel to deal with the review and provide the panel with the request and any relevant materials (Act, s 132P(5)).

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.