Stage 3: Proposed Elements for Discussion – Conduct Framework – Northern Territory

PREVENTION

DHLGCD Local Government Unit

Investing in Learning and Development Framework

- Compulsory Councillor Foundation Training Development Framework → (Councillors agree to adhere to Model Code of Conduct)
- Compulsory Chair Training → Meeting Management Skills for Chairs Example Topics: Managing difficult behaviour, Chairing for diversity, Tactics to de-escalate conflict
- Use of Social Media / Council Media Policy → (Councillors adhere to Social Media / Council Media Policy)

EARLY INTERVENTION

Local Government Councils

A complaint is received in writing with substantiating evidence. Council receives the complaint and acknowledges receipt. (not hearsay)

Complaint received by Principal Member or Deputy

If complaint about Principal or Deputy Independent Assessor → Standing Governance and Code Committee (SGCC) with independent Chair

Referral to ICAC for serious misconduct or misbehaviour

Referral to other external bodies (e.g NT Anti-Discrimination Commission or NT WorkSafe)

SGCC assesses the complaint based on evidence and makes decision: Examples:

- To take no action
- recommend training
- request apology from councillor
- or dismiss the complaint

Requirement for SGCC to consider mediation / conciliation process before escalating to formal complaint

Alternative dispute resolution paid for by Council ⟷ Requirement for SGCC to consider mediation / conciliation process before escalating to formal complaint

Complaint is resolved or escalated to formal complaint

A council can request a Governance Controller to monitor behaviour and make recommendations or the DHLGCD CEO can appoint a Governance Controller if there are suspected deficiencies.

EXTERNAL INTERVENTION

Escalated Complaints

DHLGCD can refer complaints

Referral to Independent Assessor (Triage)

- Complaint Established, e.g. Recommend no action training mediation…
- Complaint referred back to Council (Council has not exhausted resolution options)
- Complaint dismissed (without substance)

Appeal to NTCAT

Conduct Panel

Examples for panel determinations:

- Impose fine
- Recommend to Minister for suspension of individual
- Award costs only if complaint deemed vexatious/frivolous
- Dismiss complaint
- Disqualification
- Withhold allowance or
- Take no action

Appeal to Supreme Court

Additional penalties:

- Suspension
- Remedial orders under Act
- Appoint a Governance
- Controller
- Disqualification from running for Council
- Withhold allowance
- Other…

(Would require merit review)

If external escalation required, relationship breakdown likely has led to ineffective Council. If intervention is needed, Minister to consider if Council can make effective decisions.

LGU Support:

- Develop and deliver training modules
- Code of Conduct Toolkit Develop and provide councils with tools and sample policies/procedures for complaint handling.
- Maintains list of suitably qualified mediators
- Maintain list of suitably qualified assessors
- Maintain list of suitable panel members with legal knowledge and community experience

Local Government Unit Support | **Local Government Councils** | **External Intervention** | **Additional resources required**