Ministerial Guideline

Code of Conduct Framework

Local Government Act 2019 (NT)

NORTHERN TERRITORY GOVERNMENT

Document title	**Ministerial Guideline**
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Approved by	**Hon Steven Edgington, Minister for Housing, Local Government and Community Development**
Date approved	**July 2026**
Document review	**Annually**
TRM number	**38-MIN26-1260**

Version	Date	Author	Changes made
1	6 July 2026	Inna Bruce, Acting Director Legislation Policy and Governance	First version

Publication and tabling

This Guideline must be published on the Agency's website and tabled in the Legislative Assembly within **six sitting days** after it is made. It is not subordinate legislation (Act, s 342).

Chapters

Ministerial Guideline - Code of Conduct Framework

1. Title and Authority

1.1. Title

This Guideline may be cited as the *Ministerial Guideline – Code of Conduct Framework*.

1.2. Authority

This Guideline is issued by the Minister responsible for local government to support the operation of Part 7.4 of the Act.

1.3. Commencement and Transitional Application

This Guideline takes effect on the date of publication and applies to conduct occurring after commencement of the amended Part 7.4 (*Local Government Legislation Amendment (Code of Conduct and Other Matters) Act 2026* (NT), s 2).

1.4. Ministerial Guideline as Operational Framework

This Guideline explains how to handle complaints about member conduct under the Code of Conduct regime introduced by *the Local Government Legislation Amendment (Code of Conduct and Other Matters) Act 2026* (NT), preserves statutory discretions and embeds procedural fairness, evidence, timeliness and proportionality throughout.

- Mandatory legal obligations are expressed as "must" with section references.
- Suggested good practice is expressed as "should", to not limit the discretion of decision-makers, as this Guideline is not subordinate legislation (Act, s 342).

The Code of Conduct prescribed under Schedule 1A of the Regulations addresses: personal integrity; training attendance; relationships with others; accountability; social media; alcohol or drug impairment; compliance with policies and resolutions; reporting perceived misconduct; meeting conduct; misuse of council resources; improper use of office; non-involvement in administration unless authorised; relationships with local government employees, and compliance with sanctions.

2. Purpose and Status

2.1. Purpose

The purpose of this Guideline is to:

- promote lawful, fair and consistent decision-making under the Code of Conduct framework;
- support early resolution where appropriate;
- make sure more serious complaints are escalated under the statutory scheme; and
- safeguard public confidence in local government governance.

2.2. Status

This Guideline is intended to assist councils, the secretariat, independent assessors, Code of Conduct panel, complainants and members understand how the framework should work in practice. Importantly, this Guideline:

- should be taken into account in performing functions under Part 7.4 of the Act;
- does not restrict any discretion provided for under the Act.

If the Act or Regulations prescribe a matter or thing, that requirement must be followed. If this Guideline suggests an approach, that approach should be followed unless the decision-maker considers another lawful approach is more appropriate.

3. Application

This Guideline applies to all persons and bodies exercising functions under Part 7.4 of the Act. This includes members, councils and any third parties assisting a council, independent assessors, Code of Conduct panels, and the secretariat.

4. Objectives and Principles

4.1. Objectives

The primary objectives of the Guideline are to ensure:

- Transparency around the process, including the obligations of the new statutory bodies;
- Consistency in application of the framework;
- Proportionate and fair outcomes for all parties;
- Transparency and accountability in decision-making;
- Timely and efficient resolution of complaints.

4.2. Principles

The process is guided by the following core principles:

- Procedural fairness;
- Independence and impartiality of decision-makers;
- Timeliness in decision-making;
- Integrity of the process and maintenance of public confidence;
- Proper identification, disclosure and management of conflicts of interest.

5. Definitions

5.1. Statutory definitions

Decision-makers must refer to the statutory definitions in the Act, particularly sections 7 and 119, and the prescribed Code of Conduct in Schedule 1A of the Regulations.

5.2. Definitions

The following key defined terms apply throughout this Guideline:

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

CEO, of a council, 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.

CEO of the Agency means the Chief Executive Officer of the Department of Housing, Local Government and Community Development.

Chapter means a numbered section of this Ministerial Guideline.

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 the Act by the secretariat in accordance with section 132K.

Complainant means a person who makes a complaint under sections 132A or 132B 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. See Chapter 11 of this Guideline for definitions of frivolous, vexatious, trivial or not made in good faith that apply to this Guideline.

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 local government 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 a council, an independent assessor or a Code of Conduct panel.

5.3. Interpretative Aids

The *Interpretation Act 1978* (NT) contains definitions and provisions relevant to the Act.

5.4. Reporting to Police or Independent Commissioner Against Corruption

Nothing in this Guideline changes mandatory reporting obligations under the *Independent Commissioner Against Corruption Act 2017* (NT) or any other applicable legislation. Any person involved in handling a complaint under Part 7.4 of the Act that becomes aware of conduct that may constitute corrupt conduct, or a criminal offence, must comply with their mandatory reporting obligations independently of action taken under Part 7.4 of the Act.

A referral to the Independent Commissioner Against Corruption (**ICAC**) or the Northern Territory Police under sections 132G(1)(g), 132J(3)(c) or 132N(c) of the Act is in addition to any mandatory reporting duty.

6. Obligation to Report Misconduct and Types of Misconduct

6.1. Member obligation to report 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 (Code of Conduct, clause 8).

6.2. Types of Misconduct

The types of misconduct are defined in section 119 of the Act. The process under the Act depends on the type of misconduct raised in a complaint. Decision-makers should assess the complaint carefully, fairly, and consistency in line with the requirements of legislation and principles of procedural fairness.

Each element of a complaint should be assessed individually and together, considering the overall circumstances of the conduct and its context within the council's operation. The factors may guide the decision-making process are set out in Chapter 12.2– Proportionality

6.3. Examples

When differentiating between the types of conduct, decision-makers may consider the following examples.

Bullying - **serious misconduct** because bullying, intimidation, sexual harassment, assault or physical or verbal abuse is specified in the definition of serious misconduct (see section 119 of the Act).

A member's offensive social media post about a council employee during an official event would engage Code of Conduct provisions on relationships and social media and may constitute **serious misconduct** if it amounts to bullying or verbal abuse.

Submitting falsified reimbursement claims - **serious misconduct** (theft/fraud, see definition of serious misconduct in section 119 of the Act) and may amount to **gross misconduct** where the conduct is criminal or demonstrates behaviour demonstrating the member's unfitness for office.

Multiple, repeated serious misconduct incidents within a term - **gross misconduct** as repeated serious misconduct (see definition of gross misconduct in section 119 of the Act).

Not complying with a sanction imposed by an independent assessor or Code of Conduct panel – **serious misconduct** (see definition of serious misconduct in section 119 of the Act).

A member who refuses to pay a monetary penalty, complete required training or issue a directed apology would be considered to have committed a further act of **serious misconduct**, triggering the independent tier and the non-compliance referral mechanism (see sections 132R and 132T of the Act).

7. Complaint Pathways and Guidance for Complainants and Decision-Makers

7.1. Overview

A person who believes a member breached the Code of Conduct may lodge a complaint with:

- the council CEO (Act, s 132A); or
- the secretariat (Act, s 132B).

Note: The CEO's role is to receive the complaint and refer it to the council for a decision to be made (Act, s 132E).

7.1.1. Approved forms

A complaint made to the council CEO under section 132A, or to the secretariat under section 132B, must be in the approved form and accompanied by a statutory declaration made by the complainant verifying the information provided in the form (Act, ss 132A(2) and 132B(2)). Use the **Code of Conduct Complaint Form** which is located on the Agency's website.

7.1.2. Time limit

A complaint must be made within six months after the alleged misconduct occurred (Act, s 132C).

7.2. Guidance for complainants — before lodging a complaint

The Act creates different pathways for lodging a complaint.

A complaint may be lodged with the council CEO under section 132A of the Act.

A complaint may also be lodged directly with the secretariat under section 132B of the Act in certain cases. Use the factors in each column to identify the correct pathway for the circumstances of the complaint.

Factor	Council Pathway	Secretariat Pathway
Nature of misconduct	Minor or moderate misconduct - Behaviour that is rude, disrespectful, or breaks the Code, but is not serious.	Serious or gross misconduct - conduct specified in section 119 of the Act (e.g., bullying, fraud, repeated refusal of directions) or conduct so serious as to require referral to the independent assessor or a Code of Conduct panel.
Parties involved	Complaint is made about a single member; no principal or deputy principal member is involved as a party.	Complaint is made about two or more members or a principal or deputy principal member (Act, s 132B).
Factual and legal complexity	The facts are clear, the issue can be assessed easily, and the council can resolve it without complex legal or document review.	The matter is complex, may involve expert input, possible criminal issues, or difficult legal questions.
Conflict of interest	There is a low risk of conflict, and decision-makers can act fairly and without bias.	There is a high risk of conflict or bias, so an independent external process is needed to ensure fairness and public confidence.
Independence of decision-maker required	An independent external decision-maker is not required. The council is able to determine the matter in accordance with procedural fairness obligations under Part 7.4 of the Act.	An independent external decision-maker is required. The matter must be referred to the independent assessor or, where serious or gross misconduct is established, to a Code of Conduct panel, to ensure impartiality and the integrity of the outcome.

7.3. Withdrawal

A complainant may withdraw a complaint at any time before a determination or decision is made about whether misconduct occurred. Withdrawal must be in writing. It must be given to the CEO or the secretariat as appropriate (Act, s 132D).

If a complaint is withdrawn after referral to an independent assessor or Code of Conduct panel, the decision-maker should be notified by the secretariat promptly.

The law does not allow the process to continue once the complaint is withdrawn. Once a valid withdrawal is received before determination, the process must stop (Act, s 132D).

If broader concerns arise, the secretariat should consider reporting obligations – see Chapter 5.4.

8. Council Pathway

8.1. Council Handling of Complaints

Appropriate for:

- lower-level misconduct;
- matters capable of local resolution.

8.2. Initial assessment

Upon receiving a complaint under section 132A of the Act, the CEO must refer the complaint to the council for consideration under section 132E of the Act. The CEO may independently refer the complaint to an independent assessor under section 132E(3) of the Act.

The council must then:

- determine whether misconduct occurred;
- assess seriousness;
- address conflict of interest issues;
- determine whether the complaint is frivolous or vexatious (Act, s 132E(2)(c));
- decide whether further investigation or alternative resolution is required; and
- determine whether the complaint should be referred to an independent assessor (Act, s 132E(1)).

The council should check if anything affects its ability to act fairly, including any conflicts of interest or risk of bias. Councils should record the checks, including whether the member is subject to the Code of Conduct and whether the complaint is within time.

8.3. Dismissal and meeting-related resolution

The council may dismiss a complaint where it determines that misconduct did not occur.

The council may dismiss a complaint where the misconduct occurred at a council or committee meeting and was dealt with by the presiding person or remedied under meeting procedures (Act, s 132E(2)(a)-(b)).

The council may dismiss a complaint where it is frivolous or vexatious (Act, s 132E(2)(c)).

Example: Dismissal and meeting-related resolution

A member speaks out of turn, is cautioned by the chair, apologises, and the meeting proceeds; a later complaint on the same incident may be dismissed as already being adequately resolved

8.4. Referral triggers

The council or CEO may refer a complaint to an independent assessor if the alleged misconduct would be more appropriately investigated and resolved by an independent assessor.

On making a referral to an independent assessor, the CEO must:

- notify the secretariat; and
- give the secretariat all relevant materials related to the complaint (Act, s 132E(4)).

For good practice, the CEO should also notify the council.

If complete information is not provided, it may delay the process and affect fairness. **Example: Referral trigger to independent assessor.**

Serial complainant targeting multiple members with overlapping allegations.

8.5. Third-party assistance

If the complaint involves a principal or deputy principal member, alleges misconduct that is more than minor but not serious, or has caused psychological harm, the council can bring in an independent third party (such as a mediator) to investigate or help resolve the issue, and may take their advice into account when deciding what happened and what action to take (Act, s 132F).

Example: Interpersonal conflict

Two members engage in persistent low-level incivility toward each other, causing distress and disrupting council operations. The council may engage a mediator or alternative dispute resolution specialist under section 132F of the Act and incorporate the third party's findings and recommendations into a behaviour plan under section 132G of the Act.

Third-party assistance should be documented by terms of reference addressing independence, scope, confidentiality, reporting, and recommended sanctions. The third party can assist, but the council must still make the determination required by the Act unless the matter is referred to another decision maker (Act, ss 132F and 132G).

8.6. Available actions

If the council determines that misconduct occurred, it may take one or more actions it considers appropriate:

- Take no further action.
- Reprimand.
- Require a public apology.
- Require mediation.
- Prepare and implement a behaviour plan (after consulting the member).
- Refer to an independent assessor. On referring a complaint to an independent assessor under this section, the CEO must notify the secretariat and give the secretariat all relevant materials related to the complaint (Act, s 132G(4)) within **five days** of the decision.
- Refer corrupt or criminal conduct to ICAC or police (Act, s 132G(1)). In relation to referral to ICAC or police, see Chapter 5.4 of this Guideline.

Councils should record its decisions in writing.

A behaviour plan prepared under section 132G(1)(e) of the Act must be developed in consultation with the member and may include requirements to attend mediation, undertake counselling or training, or take other specified action the council considers appropriate (Act, ss 132G(2) and (3)). The plan should specify:

- the specific obligations imposed;
- the timeframe for completion;
- the evidence of compliance required; and
- the consequences of non-compliance, including that non-compliance may constitute serious misconduct.

Behavioural plans should address the misconduct found in a way that is proportionate, practical and achievable.

Example: Behavioural plan and action taken

First-time discourtesy - reprimand and training; repeated failure to maintain meeting decorum - behaviour plan; suspected fraud - refer to police (Act, s 132G(1)(g)).

In selecting an outcome, Councils should apply the principles of proportionality. See Chapter 12.2–Proportionality

8.7. Determination

Determinations must (Act, ss 130(2) and 131(3)):

- be based on evidence;
- be documented;
- include reasons; and

- be in the approved **Determination Form.**

Determinations by all decision makers (councils, independent assessors or Code of Conduct Panels) must follow the above.

9. Secretariat Pathway - Independent Assessor

9.1. Secretariat Handling Complaints

Appropriate for:

- serious or gross misconduct;
- complex or sensitive matters; and
- matters involving multiple members.

9.2. Secretariat functions

The secretariat receives complaints under Part 7.4 of the Act; assigns independent assessors and assists them; receives and maintains information related to complaints and the conduct of assessors and Code of Conduct panels in relation to complaints and determinations; assigns Code of Conduct panel members and assists panels; and performs any other conferred functions under this or any other Act (Act, s 126(4)).

The secretariat function is only administrative and should not express views on merits except to the limited extent necessary to decide the appropriate statutory pathway. (Act, s 126).

9.3. Impartiality, Confidentiality, and Record Management

The secretariat must act impartially and cannot influence or interfere with an independent assessor or a Code of Conduct panel (Act, s 126(6)). It must keep information confidential and only disclose it as allowed under the Act (Act, s 126(5)). It must also keep accurate and secure records of complaints, decisions and sanctions, including all key steps taken.

9.4. Secretariat triage of complaints

When the secretariat receives a referral from a council, it must assign an independent assessor and provide the assessor with the complaint or the materials from the CEO (Act, s 132H(1)).

When the secretariat receives a complaint under section 132B of the Act, it must consider whether to assign an independent assessor or refer directly to a Code of Conduct panel (Act, s 132B). It must refer the complaint within **5 days** (Act, s 132B(3)).

The secretariat should refer directly to a Code of Conduct panel where:

- the complaint, on its face, alleges serious or gross misconduct of a kind that clearly requires Code of Conduct panel determination (e.g., corruption, a criminal offence, or an allegation that, if substantiated, would require suspension or Ministerial dismissal); or
- the complexity or seriousness of the matter makes independent assessment unnecessary.

In all other cases, referral to an independent assessor for preliminary assessment is the preferred pathway.

9.5. Independent Assessor Pool composition

The Minister must, by appointment, establish a pool of at least three independent assessors with relevant qualifications and experience appropriate to their functions (Act, ss 121 and 122).

The secretariat must assign an assessor from the pool; a single assessor may be assigned multiple complaints and may consolidate related complaints (Act, ss 121, 122 and 132H(2)).

9.6. Independent assessors

Independent assessors investigate referred complaints, make factual determinations, report on investigations and determinations, and recommend sanctions where appropriate. They have the powers necessary to perform those functions, including the power to:

- investigate complaints;
- determine whether misconduct occurred;
- dismiss, refer or impose sanctions; and
- escalate complaints.

An independent assessor should ordinarily be used where there is apparent seriousness, complexity, recurrent complaints, perceived local conflict, leadership sensitivity, cross-council implications, or a need for independent factual assessment.

9.7. Consolidation of related complaints

An independent assessor may deal with multiple complaints together where they relate to the same facts, persons or circumstances (Act, s 132H(2)). Before consolidating complaints, the secretariat or independent assessor should:

- notify all parties of the proposed consolidation;
- consider whether consolidation would prejudice any party's ability to present or respond; and
- confirm that consolidation will not compromise procedural fairness.

9.8. Dismissal grounds

The independent assessor may dismiss a complaint if:

- misconduct did not occur (Act, s 132J(2)(a)); or
- the complaint is frivolous or vexatious, or was not made in good faith (Act, s 132J(2)(b)); or
- the complaint is trivial (Act, s 132J(2)(c)).

See also Section 12 of this document: Grounds for Dismissal of a Complaint.

9.9. Available actions

The independent assessor must notify the secretariat and provide relevant materials for any referral, including to ICAC/police where appropriate (Act, ss 132J(3)–(5)). Following investigation, an independent assessor may choose to:

- Dismiss the complaint due to a determination that there was no misconduct, or that the complaint is frivolous, vexatious, not made in good faith, or trivial (Act, s 132J(2)).

- Determine misconduct occurred, and then:

  1) Refer the complaint back to the relevant council for resolution, where the council may compel the member to undertake one or more of the actions listed under in the Act (Act, ss 132G, and 132J(3)(a)-(b));

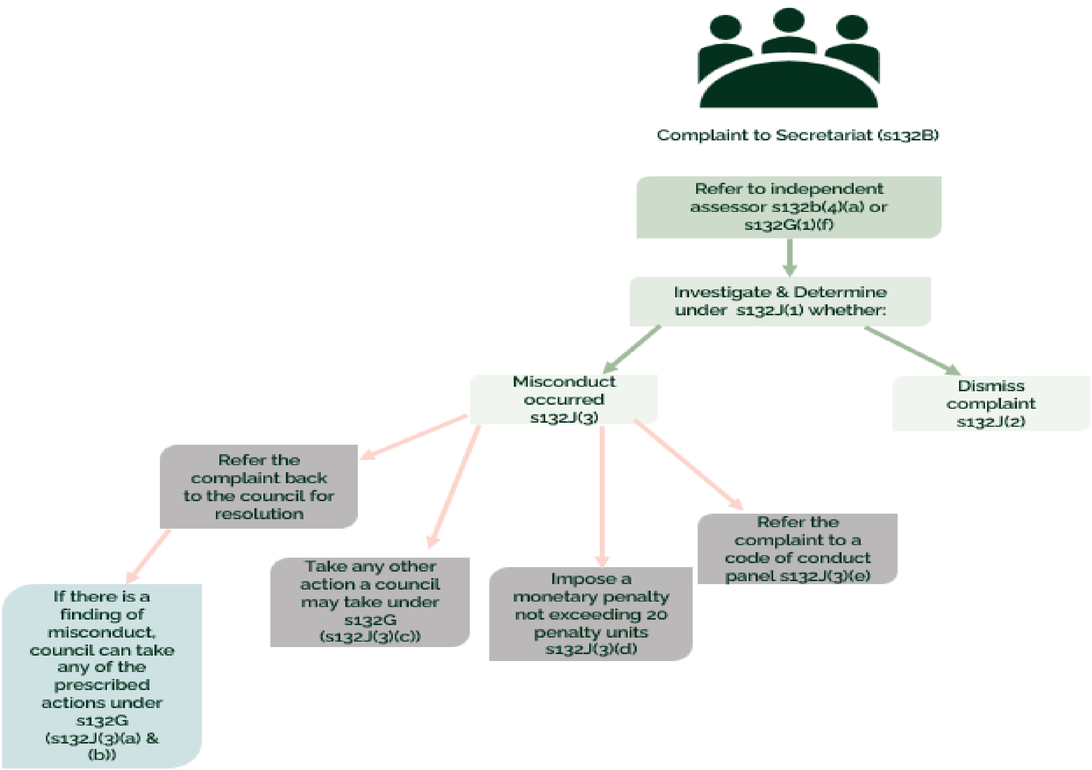
  2) Take any action a council may take under (Act, ss 132G and 132J(3)(c));

  3) Impose a monetary penalty not exceeding 20 penalty units (Act, s 132J(3)(d));

  4) In the case of serious or gross misconduct - refer the complaint to a Code of Conduct panel (Act, s 132J(3)(e)).

In practice, the assessor is the principal independent decision-maker for mid-level matters and should be used where independence, legal or governance analysis or more formal evidence gathering is required but the matter does not yet need to proceed to a panel hearing (Act, ss 132H and 132J).

In selecting an outcome, independent assessors should apply the principles of proportionality. See Chapter 12.2 – Proportionality



9.10. Referral to the Code of Conduct panel

The secretariat or independent assessor may refer the complaint to the Code of Conduct panel.

If an independent assessor refers a complaint to a Code of Conduct panel, the ICAC or the police (see Chapter 5.4 of this Guideline regarding mandatory reporting obligations), the independent assessor must:

(a) notify the secretariat; and

(b) give the secretariat all relevant materials related to the complaint (Act, s 132J(4)).

In this case, the secretariat must provide the relevant body with the relevant materials (Act, s 132J(5)).

9.11. Determination

See Chapter 8.7 – Determination.

10. Secretariat Pathway - s 132B - Code of Conduct Panels

10.1. Code of Conduct Panel Handling Complaints

Code of Conduct panels:

- deal with serious matters;
- conduct hearings;
- review decisions; and
- impose higher-level sanctions.

Code of Conduct panels investigate referred complaints, make factual determinations, review council and independent assessor decisions for procedural fairness, and deal with non-compliance with sanctions.

Code of Conduct panels have the powers necessary to perform those functions, must keep full and accurate minutes, and operate with a quorum of all members unless lawfully continuing as a two-member panel. (Act, ss 124–125).

10.2. Establishment and composition

If required, the secretariat must establish a Code of Conduct panel by assigning three members from the Minister-appointed pool, at least one of whom must be a legal practitioner with the required experience.

Before finalising the assignment, the secretariat must conduct conflict of interest checks to ensure that the proposed panel is not conflicted. The panel selects a chair, with a quorum of three (or it may proceed as two with unanimous decisions if a member becomes unavailable), and must keep full and accurate minutes (Act, ss 123, 125 and 132K–132L).

10.3. Hearing obligations

Prior to making any determination to misconduct the Code of Conduct panel must first:

- Conduct a hearing into the complaint (Act, s 132M(1)).
- Before conducting a hearing, the panel may investigate the complaint (Act, s 132M(2)).

The Code of Conduct panel must conduct a hearing into any assigned complaint and may investigate the complaint before the hearing (Act, s 132M(1)–(2))

Example:
A hearing may receive sworn evidence from the subject member and witnesses, supplemented by documentary materials, before making findings (Act, s 130(3)).

10.4. Public hearings and privacy

The Act does not expressly require Code of Conduct panel hearings to be public. Unless the Code of Conduct panel decides otherwise, hearings should be held in private. In deciding whether a hearing should be open, fully or partly, the Code of Conduct panel should consider:

- the seriousness and public governance implications of the alleged misconduct;
- the interests of witnesses in privacy;
- the interests of the subject member in a fair process; and
- any legislative confidentiality requirement (Act, s 126(5)) – the Code of Conduct panel's decision on hearing mode should be recorded with reasons.
- the potential impact on the reputation of the council and the local government sector as a whole.

10.5. Determinations and dismissal

Following the investigation/hearing the Code of Conduct panel may decide to dismiss the complaint because:

- misconduct did not occur;
- the complaint is frivolous, vexatious or not made in good faith;
- the complaint is trivial (Act, s 132M(4)).

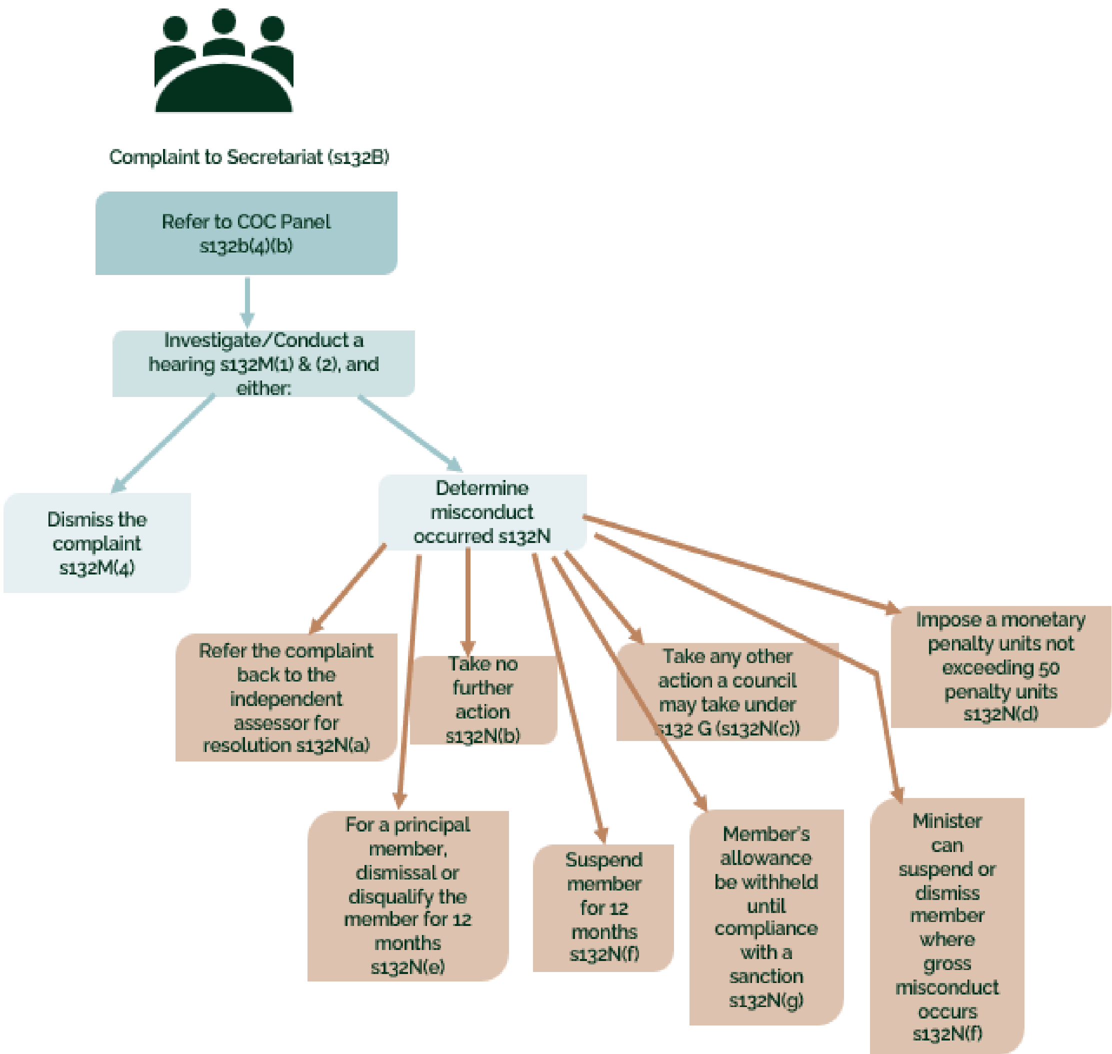
10.6. Available actions and sanctions

If misconduct occurred, the Code of Conduct panel may take one or more of the actions mentioned below, and shown in the flowchart:

- Where the complaint does not involve serious or gross misconduct, refer the complaint back to the independent assessor for resolution (Act, s 132N(a)).
- Take no further action (Act, s 132N(b)).
- Take any other action a council may take under (Act, s 132G and 132N(c)).
- Impose a monetary penalty not exceeding 50 penalty units (Act, s 132N(d)).

- 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 (Act, s 132N(e)).
- Suspend the member for up to 12 months (Act, s 132N(f)).
- Order that the member's allowance be withheld until compliance with a sanction (Act, s 132N(g)).
- In the case of gross misconduct – recommend that the Minister suspend or dismiss the member subject to the complaint (Act, s 132N(h)).

In selecting actions or sanctions, the Code of Conduct Panel should apply the principles of proportionality. See Chapter 12.2– Proportionality



10.7. Determination

See Section 8.7 – Determination.

11. Grounds for Dismissal of a Complaint

The Act allows dismissal of a complaint by:

(a) a council - where misconduct did not occur, the misconduct was dealt with at a meeting, or the complaint is frivolous or vexatious (Act, s 132E(2));

(b) an independent assessor or Code of Conduct panel - where misconduct did not occur, or the complaint is frivolous, vexatious, not made in good faith, or trivial (Act, s 132J(2) and s 132M(4)).

Before dismissing the complaint, check the relevant section of the Act to determine if this dismissal ground is available for the relevant decision-maker.

- **Frivolous complaint** means a complaint that, on its face and assuming the facts alleged were made out, discloses no arguable breach of the Code of Conduct, or is so lacking in substance that no reasonable decision-maker would require further consideration.

  A complaint is not frivolous just because it is poorly expressed or brought by an unrepresented complainant. *Example: A complaint that a member mispronounced a place name during a public briefing, with no Code of Conduct clause cited and no person affected, would be frivolous because no breach is disclosed even taking the allegation at its highest.*

- **Trivial complaint** means a complaint where, even taking the allegations at their highest, the conduct complained of is minor, isolated and not part of a pattern, and insufficient enough to require the engagement of formal Code of Conduct processes.

  Whether something is trivial depends on the conduct itself, not how strongly the complainant feels about it. A matter can still be trivial even if it may technically breach the Code, if it has little impact or importance. *Example: A member briefly uses a council pen to sign a personal birthday card during a meeting break - even if a strict reading of the misuse-of-resources clause is engaged, the conduct is isolated, of negligible value, and not suitable for formal investigation.*

- **Vexatious complaint** means a complaint pursued for a purpose other than the genuine resolution of a Code of Conduct issue - including to annoy, harass, intimidate, embarrass or cause detriment to the member, the council, or another person - or if its manner of pursuit is oppressive, abusive, or disproportionate to any legitimate object.

  These complaints may be trivial. Repeated complaints raising matters already determined, without fresh material capable of altering the outcome, are presumably vexatious. Look at objective signs (such as patterns or repeated behaviour) and also consider the likely purpose behind the complaint. *Example: After a prior dismissal of a complaint about a member's tone at a meeting, the complainant lodges substantially the same allegation with no new facts. The repetition without fresh material supports a finding of vexatiousness.*

- **Complaint that is not made in good faith** means a complaint that is dishonest, knowingly false, made with reckless disregard for whether it is true, or made for a collateral purpose unconnected to the genuine enforcement of the Code of Conduct. The standard is lower than proving dishonesty or fraud. A complaint can still lack good faith even if it is not made up, if the person does not honestly believe it or does not care whether it is true.

If the complainant's behaviour in making the complaint may be a criminal offence (for example, making up evidence or interfering with justice), the complaint should be dismissed, and the matter may also be referred to the police. *Example: A complainant attaches a document they know to be falsified to support an allegation of misuse of council resources. Dismissal for lack of good faith is appropriate, and police referral should be considered.*

- **Concurrent application of dismissal grounds** — More than one reason for dismissal can apply at the same time. A single complaint may meet more than one ground: a complaint may be both frivolous and vexatious; both trivial and not made in good faith; or any other combination.

The applicable questions differ depending on which decision-maker is applying the dismissal grounds.

For a council (Act, s 132E(2)) the following may provide the guidance:

- If the facts were proved, would the conduct amount to a breach of Code of Conduct? If not, misconduct did not occur and the council may dismiss the complaint (Act, s 132E(2)(a)).
- If the alleged misconduct occurred at a council or committee meeting, was it already dealt with by the presiding person, or did the responsible member take remedial action in accordance with the council's meeting procedures? If so, the council may dismiss the complaint (Act, s 132E(2)(b)).
- Is the complaint frivolous or vexatious or more appropriately dealt by the independent assessor? If so, the council may refer the complaint to an independent assessor within five days (Act, s 132E(3)-(4)).
- If none of the above grounds applies, should the complaint be referred to an independent assessor under section 132E(3) of the Act, or dealt with by further investigation or alternative resolution under section 132F? Referral is distinct from dismissal (Act, ss 132E(3) and 132F).

For an independent assessor or Code of Conduct panel (ss 132J(2), 132M(4)):

- If the facts were proved, would the conduct amount to a breach of the Code of Conduct? If not, misconduct did not occur and the assessor or panel may dismiss the complaint (Act, ss 132J(2)(a) and 132M(4)(a)).
- Is the complaint frivolous or vexatious, or was it not made in good faith? Each ground independently supports dismissal (Act, ss 132J(2)(b) and 132M(4)(b)).
- Is the complaint trivial? Triviality is assessed by reference to the nature and significance of the alleged conduct (Act, ss 132J(2)(c) and 132M(4)(c)).
- If none of the above grounds applies, should the complaint be referred for another process? Options include referral back to the relevant council for resolution, referral to a Code of Conduct panel in the case of serious or gross misconduct, or referral to ICAC or police in the case of corrupt or criminal conduct (see Chapter 5.4 of this Guideline regarding mandatory reporting obligations). Referral is distinct from dismissal (Act, ss 132J(3) and 132G(1)(g)).

12. Sanctions Framework

12.1. Purpose

This Chapter sets out the framework for selecting, applying and recording sanctions across all pathways of Part 7.4 of the Act, including the complaints process - the council, the independent assessor, and the Code of Conduct panel.

No fixed outcomes are prescribed by this Guideline or the Act; decision-makers have a discretion which should be exercised purposively, proportionately, and with detailed written reasons.

Sanctions under Part 7.4 of the Act serve the following purposes, which should inform the selection of the appropriate outcome in every case:

- **Address the conduct and deter repetition** – Sanctions should respond to the misconduct found and reduce the risk of it happening again. A sanction must relate to the conduct found or it may not withstand review.
- **Promote accountability and rehabilitate** – Sanctions should encourage members to accept responsibility and, where appropriate, support improvement through training, education or behaviour plans. For less serious conduct, corrective measures will often be more effective than just punish them.
- **Maintain community confidence in local governance** - Sanctions should be appropriate and reasonable. If they are too weak or too harsh, public confidence in the process may be affected.

12.2. Proportionality

Sanctions should be proportionate to the misconduct found. Decision-makers should assess each of the following factors, individually and in combination, and should record how each factor informed the outcome selected. The weight to be given to any factor will depend on the facts of the case. No single factor is the determining factor:

- **Seriousness of the conduct** - decision-makers should consider:
  - whether the conduct falls within the category of misconduct, serious misconduct, or gross misconduct under the Act (Act, s 119);
  - whether it involves a specified form of conduct (such as bullying, fraud, or corruption) that the legislature has identified as inherently serious; and
  - the degree to which the conduct departs from the standard required by the Code of Conduct.
- **Harm caused or risked** - decision-makers should consider:
  - the nature and extent of harm caused or likely to have been caused to any person (including individuals, the council, and the community);
  - whether the harm was physical, psychological, financial, or reputational; and
  - whether it was actual or foreseeable.
- **Intent** - should assess whether the conduct was deliberate, reckless, or inadvertent.

  Deliberate conduct is where the member knew their actions were contrary to the Code of Conduct or caused harm and proceeded regardless. Reckless conduct is where the member was indifferent to an obvious risk of harm.

  Deliberate or reckless conduct will generally require a more serious sanction than an inadvertent breach. Where the member shows genuine insight, acknowledges the breach, and takes early remedial steps, those matters may operate in mitigation.
- **Prior conduct** - decision-makers should consider whether the member has a history of similar or related Code of Conduct breaches. A prior finding of misconduct, whether it resulted in a formal sanction, is a significant aggravating factor that may justify a more severe outcome for the current conduct.

  A clean disciplinary history may operate in the member's favour, particularly for a first-time breach. In practice, councils should maintain a register of complaint outcomes for each member. Where a new complaint is referred to an independent assessor or Code of Conduct panel, the council should provide relevant prior conduct records to the secretariat.

Only complaints where misconduct was found (not dismissed complaints) should be treated as prior conduct for these purposes. Decision-makers should give less weight to older findings where the member has demonstrated sustained compliance.

- **Willingness to remedy and response to the process** - decision-makers should consider whether the member acknowledged the breach, showed remorse, cooperated with the investigation or took steps to remedy the harm.

  A member who actively contests every finding without genuine basis, or who has been obstructive, may attract less mitigation than one who engages constructively with the process.

  This factor should be weighed against the member's right to defend the complaint and should not operate to penalise a member merely for exercising their procedural fairness rights.

- **Repetition and pattern of behaviour** - decision-makers should consider whether the conduct is an isolated incident or part of a repeated or continuing pattern. Repetition is a significant aggravating factor. Conduct repeated after warnings, training or sanctions that shows persistent non-compliance with the Code of Conduct will generally justify a more serious sanction or referral to the next decision-making tier.

- **Risk to council operations or reputation** - decision-makers should consider whether the conduct undermined, or was likely to undermine, the effective operation of the council, public confidence or the integrity of council decision-making. Conduct that occurred in a public forum, on social media, or in the context of the member's exercise of official functions will generally pose a greater reputational risk than conduct in a closed internal setting.

12.3. Escalation Approach

Misconduct (minor to moderate)

If the conduct is a breach of the Code but not serious, the council will usually apply a lower-level response. The council is the main decision-maker. Possible actions include taking no further action with a warning, issuing a reprimand, requiring an apology, requiring training, or arranging mediation. A behaviour plan may be used if the conduct is more serious within this category or may continue. *Example: a first-time breach of meeting decorum resolved with a reprimand and communication skills training.*

Serious misconduct

If the conduct falls within section 119 of the Act (for example, bullying, fraud, repeated refusal to follow directions, or not complying with a sanction), the council's options under section 132G will often not be enough, and the matter should usually be referred to an independent assessor. The independent assessor can impose a monetary penalty of up to 20 penalty units, require training or an apology, implement a behaviour plan, or refer the matter to a Code of Conduct panel if needed.

The independent assessor cannot suspend a member — suspension can only be imposed by a panel. *Example: substantiated bullying of a council employee — reprimand, mandatory behaviour management training, 10 penalty units, and referral to the Code of Conduct panel if the behaviour is part of an established pattern.*

Serious misconduct – Code of Conduct panel

If an independent assessor refers a serious misconduct case to a Code of Conduct panel, or if the secretariat refers it directly, the panel has a wider range of powers. It can:

- impose a monetary penalty of up to 50 penalty units;
- suspend the member for up to 12 months;
- disqualify a non-elected principal or deputy principal member from their leadership role for up to 12 months;
- withhold allowances until the member complies with a sanction; or
- apply any sanction available to the council.

The panel should make sure the outcome matches the seriousness of the misconduct and must give clear, detailed reasons for its decision.

Example: a member who has received prior training sanctions for bullying and continues the behaviour - 30 penalty units, three-month suspension, and a structured behaviour plan with compliance monitoring.

Gross misconduct

If the conduct is gross misconduct under sections 119(a)–(d) of the Act (for example, corruption, a criminal offence, repeated serious misconduct, or behaviour showing the member is unfit for office), the Code of Conduct panel is the body that decides the case and must consider recommending action by the Minister under section 132U of the Act.

The panel can use all the sanctions available under section 132N of the Act, including a monetary penalty of up to 50 penalty units, suspension for up to 12 months, and disqualification from leadership roles.

For gross misconduct, the panel should clearly consider whether to recommend that the Minister suspend or dismiss the member, and must record its reasons for making or not making that recommendation.

Example: fraud substantiated by documentary evidence and a criminal referral — maximum monetary penalty, suspension for the remainder of the term pending criminal proceedings, and recommendation to the Minister for dismissal and disqualification of up to eight years (Act, s 132U).

12.4. Mitigating and Aggravating Factors - Summary

Common **mitigating factors** that may lead to a lower sanction include:

- early admission;
- genuine remorse and apology;
- no prior misconduct;
- cooperation with the investigation;
- steps taken to address the issue;
- an isolated incident; and
- relevant personal circumstances (including cultural factors, consistent with Chapter 17.5 of this Guideline).

Common **aggravating factors** that may lead to a higher sanction include:

- deliberate or reckless behaviour;
- previous findings of misconduct or sanctions;
- repeated or ongoing behaviour;

- conduct that occurs in public or attracts public attention;
- misuse of a position of authority or leadership;
- failure to comply with earlier sanctions or behaviour plans; and
- conduct that causes serious or ongoing harm to a person or the council.

Decision-makers should assess these factors by reference to the specific facts of the case but cannot treat any factor as automatically determinative.

13. Evidence, Standard of Proof, Procedural Fairness and Conflict of Interest

13.1. Evidence and Standard of Proof

Councils, third parties assisting councils, independent assessors and Code of Conduct panels **are not bound by rules of evidence** and may inform themselves appropriately, consistently with fair and expeditious investigation, determination and resolution of complaints (Act, s 130(1)).

A finding of misconduct must be based on evidence showing, on the balance of probabilities, that the conduct occurred (Act, s 130(2)) — meaning it is more likely than not.

An independent assessor or Code of Conduct panel may require evidence on oath (Act, s 130(3)), but only where needed due to the seriousness or complexity of the case. This is not required in all cases. Decision-makers should decide if sworn evidence is necessary for a fair and reliable outcome.

13.2. Procedural Fairness – s 131

Procedural fairness is a statutory obligation. Anyone acting under Part 7.4 must follow procedural fairness, including giving the member a chance to respond and providing written reasons to both parties (Act, s 131).

The complainant and the person to whom a complaint relates must be given written notice of a decision made under Part 7.4 of the Act, including the reasons for the decision (Act, s 131(3)). The written reasons must explain findings of fact, application of the Code of Conduct and the Act, and the rationale for any action or sanction imposed, and be in the approved **Determination Form.**

In the absence of NT tribunal or court decisions under Part 7.4 of the Act, clear written assessment of how the decision matches the seriousness of the conduct are essential for fairness and future review.

Procedural fairness means decision-makers must act in a way that avoids unfairness when using their legal powers, especially where the decision affects someone's rights or interests. It has two key parts: the hearing rule and the bias rule.

The hearing rule means telling the person what issues are being decided, giving them any important negative information that will be relied on and giving them a real chance to respond, either in writing or in person

The bias rule means decision-makers must be fair and impartial and must also appear to be fair. The question is whether a reasonable person might think the decision-maker is biased. This is why conflicts of interest must be avoided.

Breach of these principles will commonly invalidate the decision.

13.3. Procedural Fairness Compliance Checklist

Decision-makers may use this checklist to assist them in ensuring the principles of procedural fairness were observed.

- Jurisdiction and timeliness checked (member subject to Code of Conduct; complaint within six months) (Act, s 132C). Record basis if not.
- Allegations sent to subject member with particulars and evidence; record date and content (Act, s 131(2)).
- Reasonable opportunity to be heard provided (**Right of Reply Form**); record submissions and evidence (Act, s 131(2)).
- Decision-maker impartiality confirmed; conflicts identified and managed (recusal/reassignment); record steps.
- Evidence collected appropriately; standard of proof applied (balance of probabilities); record analysis and basis (Act, s 130).
- Proportionality assessment completed (seriousness, harm, intent, repetition, organisational risk, prior conduct, mitigation); record rationale.
- Written reasons prepared and provided to complainant and subject member (findings, Code of Conduct clauses, statutory powers, actions/sanctions); record (Act, s 131(3)).
- Expedition observed; key milestones and any delays explained and mitigated (Act, s 132).
- Review rights advised (14-day timeframe; procedural fairness ground; Code of Conduct panel review; stay possibility) (Act, ss 132P–132Q).
- Records updated and securely retained; secretariat notified and materials transmitted where required; confidentiality observed (Act, s 126(5)).

13.4. Conflict of Interest in Complaint Proceedings

This chapter explains the conflict of interest rules for everyone involved in handling complaints under Part 7.4 of the Act, including the council, the CEO, the secretariat, independent assessors and Code of Conduct panel members.

These rules are different from the conflict of interest rules that apply to council members when they are making general council decisions under Part 7.2 of the Act (Act, ss 114–117).

For the complaint process under Part 7.4 to be valid and trusted, decision-makers must act fairly and be seen to be free from conflicts of interest. A conflict of interest occurs when a decision-maker has a personal, professional, financial or other interest that could influence, or be seen to influence, how they handle or decide a complaint.

Decision-makers should proactively identify and manage such conflicts using the **Conflict of Interest Declaration Form.**

Failure to do so may invalidate the process, give grounds for review or challenge, or constitute corrupt conduct under the *Independent Commissioner Against Corruption Act 2017* (NT).

13.5. Common Disclosure and Management Obligations

These obligations apply to everyone involved in handling complaints under Part 7.4, including the council, the CEO, the secretariat, independent assessors, and Code of Conduct panel members.

Identify conflicts early. Decision-makers must check for any actual, perceived or potential conflicts before they start working on a complaint and keep checking as the matter progresses and circumstances change (Act, s 131(1)).

Disclose conflicts promptly. Any conflict must be disclosed as soon as possible to the appropriate body (Act, s 131(1)):

- Council members and the CEO → to the chair or the secretariat.
- Independent assessors → to the secretariat.
- Code of Conduct panel members → to the panel chair or the secretariat.

The conflict must be recorded in writing using the **Conflict of Interest Declaration Form**, including details of the interest and what it relates to.

Step aside or reassign the matter. Once a conflict is disclosed, the person must not continue to be involved in the complaint (Act, s 131(1)). The matter must be given to someone else who does not have a conflict. A written record of the conflict and how it was managed must be kept on the complaint file

For the secretariat, any officer involved in receiving or assigning a complaint must check for conflicts. If a conflict exists, the officer must disclose it to their supervisor using the same form and must not take any further part in the matter. The disclosure must be recorded on the complaint file.

13.6. Conflict of interest — all decision-makers

In addition to the general obligations in 13.5, the following requirements apply to specific roles.

- All decision-makers must fill out **the Conflict of Interest Declaration Form** in every case, to indicate whether the conflict of interest exists or not.
- An independent assessor appointed under section 132H must be independent and impartial.
- Code of Conduct panel members are appointed under section 123 of the Act and must act impartially.
- The secretariat must not appoint an assessor if a conflict is known (Act, s 126(6)).
- If a conflict arises after appointment, the assessor must immediately disclose it (Act, s131(1)), stop work on the matter, and the secretariat must consider reassigning the matter.
- The secretariat must remain neutral and not interfere with the assessor's decisions (Act, s 126(6)).
- Panel members must declare any conflict before a matter starts and must not take part if a conflict exists.
- All conflicts and the steps taken to manage them, must be recorded.

A decision made where a conflict of interest was not disclosed may be set aside by the Northern Territory Civil and Administrative Tribunal (Act, s 327 and Schedule 2).

13.7. Conflict of interest checklist

This checklist should be applied at receipt, assignment and before determination by the decision-maker:

1. Has the decision-maker completed the Conflict of Interest Declaration Form (required in all circumstances)?
2. Has the decision-maker disclosed the conflict in the required way and ceased participation and influence as required?
3. Has any decision-maker previously advised on, investigated, advocated about, or publicly commented on the matter?
4. Would a fair-minded observer reasonably question impartiality if this person remained involved?
5. Has the protocol for managing the conflict and the recusal or non-recusal decision been documented with reasons?

13.8. Consequences of unmanaged conflicts

Failure to identify, disclose, or manage a conflict of interest in complaint proceedings may have the following consequences:

- the complaint process may be challenged on procedural fairness grounds and any determination made may be set aside or remitted for redetermination by an unconflicted decision-maker;
- failure to adequately manage a conflict constitutes corrupt conduct under section 10(2)(c)(ii) of the Independent *Commissioner Against Corruption Act 2017* (NT), which may expose the decision-maker to ICAC investigation independently of any Code of Conduct proceedings; and
- public confidence in the integrity of the complaint process is undermined, causing reputational and institutional harm to the council and the broader Code of Conduct framework.

13.9. Northern Territory context

In the Northern Territory, small councils and close community relationships mean conflicts of interest are more common. The CEO, council members or other decision-makers may have close personal or cultural connections to the people involved. These should not be dismissed. The key question is whether a reasonable person would see them as affecting the outcome.

If these conflicts make it difficult to deal with the complaint fairly – for example, if most council members are closely connected – the council should refer the matter to the secretariat under section 132B of the Act as soon as possible.

Early referral in such circumstances protects the integrity of the process, the rights of both parties, and the council itself from subsequent challenge.

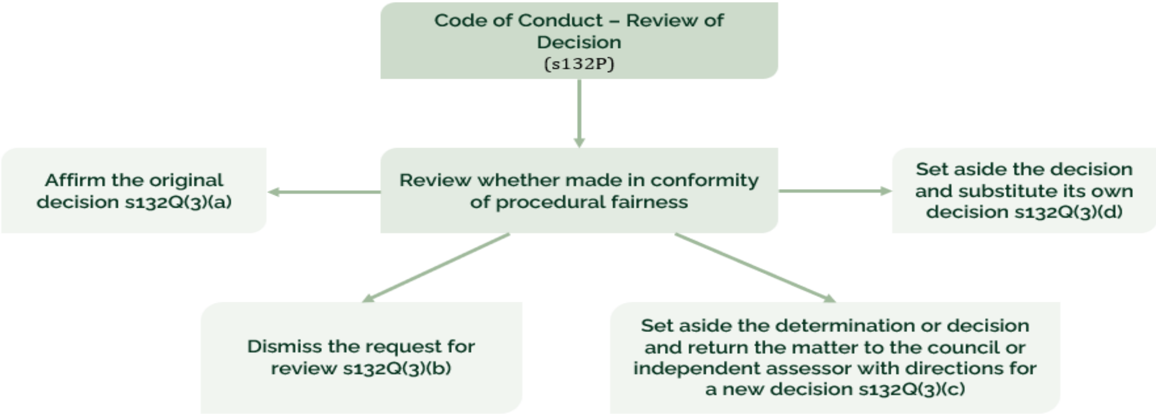
14. Review Processes

14.1. Review by determination

A complainant or the member can ask for a panel review only if they believe the decision was not made fairly. This is not a general appeal.

The request must be made to the secretariat within 14 days, in the approved form, and include the information required by section 132P(3) of the Act. The request must explain what was unfair and how it affected the outcome. Disagreeing with the decision alone is not enough.

The panel may pause the decision during the review (Act, s 132Q(2)) and may confirm, dismiss, send back, or replace the decision after review (Act, s 132Q(3)).



14.2. NTCAT review

The following Code of Conduct panel decisions are reviewable by NTCAT (Act, s 327 and Schedule 2), on application by the affected person specified:

- a determination as to whether misconduct occurred under section 132M(3) - the complainant or the subject member of the complaint;
- a decision to dismiss a complaint under section 132M(4) - the complainant;
- a decision to take action under section 132N - the complainant or the subject member of the complaint;
- a decision to take action under section 132Q(3) on review - the complainant or the subject member of the complaint.

NTCAT review is available in addition to, and not in substitution for, the internal Code of Conduct panel review pathway under section 132P.

Parties should be advised of the review rights in the decision notice.

14.3. Compliance with sanctions

A member must comply with any sanction imposed under Part 7.4 of the Act (Act, s132R). Failure to comply is serious misconduct (Act, s 119(f)) and may result in a new complaint or referral.

The council, independent assessor or secretariat should monitor, and if non-compliance is identified, should make a referral under section 132T without undue delay. A record of the sanction, its terms, the required date of compliance, and the evidence of compliance received should be maintained by the secretariat (Act, s 126) and by the relevant decision-maker.

14.4. Interaction with existing statutory duties and offences

The Code of Conduct process does not replace other legal obligations. The same conduct may also involve conflicts of interest, confidentiality, misuse of information, false or misleading information, criminal law, or corruption law. In serious cases, the Minister may take action.

14.5. Sanctions and proportionality

The Act allows a range of sanctions and does not set fixed outcomes. Decision-makers should choose the least interventionist response that will address the misconduct, support good governance, encourage compliance, and maintain public confidence. Decision makers should have regard to the principles of proportionality and relevant factors set out in Chapter 12.2– Proportionality.

15. Sanctions for non-compliance and Ministerial Powers

15.1. Sanctions for non-compliance

If a member does not comply with a sanction, the independent assessor or the secretariat may refer the matter to a Code of Conduct panel. The secretariat must establish the Code of Conduct panel and provide the referral information (Act, s 132T(1),(3)-(4)).

15.2. Code of Conduct panel powers

After considering the referral, the Code of Conduct panel may take no action, direct the member to comply (including what must be done and by when), change or add sanctions, impose a monetary penalty (up to 50 penalty units), or refer serious or repeated non-compliance to the Minister (Act, s 132T(5)).

15.3. Monetary penalties

A monetary penalty under Part 7.4 is a debt owed to the council. It must be paid within 28 days, or a longer period allowed by the council, and is a civil penalty under the *Penalty Units Act 2009 (NT)* (Act, s 132S).

15.4. Ministerial Powers

If a Code of Conduct panel recommends action for gross misconduct or repeated or serious non-compliance, the Minister may suspend or dismiss the member if satisfied it is appropriate (Act, s 132U(1)). If dismissing the member, the Minister may also disqualify them from office for up to 8 years (Act, s 132U(4)).

A suspended member under section 132U(1) is not entitled to allowances during the suspension, and payments must stop and restart, when applicable, when the suspension ends (Act, s 132U(2)).

A person disqualified under section 132U(4) cannot be elected or appointed as a council member (Act, s 47(1)(fa)). A person disqualified under section 132N(e) cannot be elected or appointed as a principal or deputy principal member (Act, s 61(4)). The disqualification under section 47(1)(fa) starts from the date of the Minister's decision and continues for the period set by the Minister, up to 8 years.

The Minister must give written notice with reasons and publish notice of any suspension, dismissal or disqualification (Act, s 132U(5)–(6)).

A suspension under section 132U(1) continues for the full period set by the Minister, even if the member's term ends. The member leaves office only when their term ends, not because of the suspension. Any disqualification under section 132U(4) continues separately, and the person cannot be elected or appointed during that period.

16. Timeliness and Record-Keeping

16.1. Timeliness

The Act requires determinations, decisions and actions under Part 7.4 to be taken expeditiously. Independent assessors and panels should act with as little formality and technicality, and with as much speed, as the legislation and proper consideration of the matter permit (Act, s 132(2)).

There is no fixed investigation timeframe, but avoidable or unexplained delay is not consistent with the Act (Act, s 132).

16.2. Record-Keeping

All key steps should be recorded by the decision-maker. The file should record who received the complaint, key decisions made, material considered, notices and responses, findings, reasons, any action or sanction, review rights, compliance with any sanction, and closure of the complaint. Councils do not need to keep duplicate records once information has been sent to the secretariat, but they should keep records of their own decisions, determinations and reasons.

Code of Conduct panels must also keep full and accurate minutes of thie meetings and other proceedings (Act, ss 125(4), 126(5) and 131(3)).

17. Protection from Liability

Independent Assessors and Code of Conduct panel members are protected from personal civil liability for acts or omissions done in good faith when carrying out their functions under Part 7.4 (Act, s 127). This means they must act honestly, within their powers, and in a way they believe is appropriate. This protection does not apply if they act dishonestly, outside their powers, or in bad faith. If unsure about their powers, they should seek advice before acting.

18. Supporting Materials and Forms

The following **approved** forms relate to this Guideline.

- Code of Conduct Complaint Form.
- Conflict of Interest Declaration Form.
- Determination Form.
- Review Request Form.
- Right of Reply Form.