

# Code of Conduct Complaint Form

## When to use this form

Use this form to make a complaint that a member has breached the Code of Conduct. The form may be used by any person, including the public, staff, members, and former staff or members.

### **Important – read before completing this form:**

1. **Time limit:** A complaint must be made no more than six months after the last date on which the alleged misconduct occurred (Act, s 132C).
2. **Two pathways:** A complaint may be lodged with the CEO under section 132A of the Act or directly with the secretariat under section 132B of the Act.
3. **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).

### **Definitions**

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

**CEO** means the relevant 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.

**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 – Pathway selection

There are two pathways for lodging a complaint. You must select one. Select the pathway you are using and confirm the basis.

### Pathway 1 – CEO (Act, s 132A): default pathway

- I am lodging this complaint with the CEO of the relevant council under section 132A of the Act.

### Pathway 2 – Secretariat (Act, s 132B): only available if at least one of the criteria below is met

Select each box that applies. At least one box must be selected for the secretariat pathway:

- The complaint involves more than one member.
- The complaint is about the principal member or the deputy principal member.
- The complaint alleges serious misconduct (Act, s 119 definition of "serious misconduct").
- The complaint alleges gross misconduct (Act, s 119 definition of "gross misconduct").

**Select this box to confirm pathway 2:**

- I am lodging this complaint directly with the secretariat under section 132B of the Act because at least one of the above criteria applies.

*If none of the criteria in section 132B of the Act applies, your complaint must be lodged with the CEO under pathway 1. Lodging with the secretariat where no section 132B criterion applies will result in the complaint being redirected.*

**Section 2 – Your details (the complainant)****Your contact details:**

<b>Full name</b>	
<b>Postal address</b>	
<b>Email address</b>	
<b>Telephone number</b>	
<b>Preferred method of contact</b>	

**Your capacity (select one):**

- Member of the public
- Council staff member – specify position: \_\_\_\_\_
- Former council staff member
- Member – see note below
- Former member
- Other – specify: \_\_\_\_\_

*If you are a member: Clause 8 of the Code of Conduct requires a member who believes on reasonable grounds that another member has engaged in misconduct to make a complaint. A complaint made by you in good faith on reasonable grounds is the discharge of a statutory duty.*

**Section 3 – The member you are complaining about**

<b>Full name of the member</b>	
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<b>Position (member, principal member, deputy principal member)</b>	
<b>Relevant council</b>	
<b>Any other person involved in the complaint (please list everyone involved as it will affect the conflict of interest checks that are critical for integrity of the complaint handling process)</b>	

**Your relationship to the member (Select one):**

- None / I do not know the member personally
- Professional or work-related relationship
- Personal or family relationship
- Community relationship (member of the same community)
- Customary or kinship authority relationship
- Political relationship (e.g., political opponent or ally)
- Other – specify: \_\_\_\_\_

## Section 4 – The conduct you are complaining about

<b>Date of the conduct (most recent date) - must be within 6 months of today</b>	
<b>Where the conduct occurred (meeting, public event, social media, council premises, etc.)</b>	

**Confirm time limit:**

- I confirm that the most recent fact related to the alleged misconduct occurred no more than 6 months before today (Act, s 132C).

**Witnesses (if any):**

List any person who witnessed the conduct or who can confirm your account. Provide contact details where known.

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## Section 5 Code of Conduct clauses said to be engaged

Identify each Code of Conduct clause you say has been breached. The Code of Conduct is in Schedule 1A of the *Local Government (General) Regulations 2021* (NT). The principal substantive clauses are:

- Clause 3 – Personal integrity
- Clause 4 – Relationship with others
- Clause 5 – Accountability
- Clause 6 – Social media
- Clause 7 – Alcohol, policies and procedures
- Clause 8 – Perceived misconduct (duty to report)
- Clause 9 – Council or committee meetings
- Clause 10 – Misuse of council resources
- Clause 11 – Securing personal advantage or disadvantaging others
- Clause 12 – Prohibition against involvement in administration
- Clause 13 – Relationship with local government employees
- Clause 14 – Compliance with sanction

For each clause you allege has been breached, complete a row of the table below. If you need more rows, attach a continuation page.

Code clause	Date(s) of conduct	What happened

## Section 6 Category of misconduct alleged

Indicate the category of misconduct you say is established by the conduct. The categorisation does not bind the decision-maker; it informs intake and triage. The definitions of "misconduct", "serious misconduct" and "gross misconduct" are in section 119 of the Act.

**Cross each category you say applies:**

- Misconduct (a breach of the Code of Conduct that does not rise to serious or gross misconduct)

**Serious misconduct (s 119, Act) – select each paragraph engaged:**

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

**Gross misconduct (s 119, Act) – select each paragraph engaged:**

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

**Reasons for the categorisation (briefly explain why you say each selected category is engaged):**

## Section 7 – Other pathways and parallel proceedings

Have you reported, or do you intend to report, this conduct to any other authority? Please provide the date and reference where available.

Specify and provide the date: \_\_\_\_\_

- None

## Section 8 - Materials in support

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

- \* Statutory declaration (Section 10 of this form)
- Witness statements from the persons who witnessed the conduct
- Documents (correspondence, minutes, briefing papers, policies)
- Screenshots or copies of social media posts (with date, time, URL where available)
- Audio or video recordings (with retention chain noted)
- Photographs

Other – list:

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## Section 9 - Declaration

**I declare that:**

- The information provided in this complaint, and in the materials accompanying it, is true and complete to the best of my knowledge and belief.
- I am making this complaint in good faith on reasonable grounds and not for any improper purpose.
- I understand that knowingly false or vexatious complaints may be dismissed under section 132J(2)(b) or section 132M(4)(b) of the Act, and may engage offences under the *Oaths, Affidavits and Declarations Act 2010* (NT) or the criminal law.
- I understand that this complaint will be dealt with under Part 7.4 of the Act and that the subject member will be given a reasonable opportunity to respond.
- I understand that information provided in this complaint will be handled in accordance with the *Information Act 2002* (NT) and that confidentiality is subject to the limited exceptions in section 126(5) of the Act.

## Section 10 - 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.

<b>I, [your full name and address]</b>	
<b>solemnly and sincerely declare that the matters set out in this complaint, including the identification of the member subject to the complaint and the conduct said to constitute breaches of the Code of Conduct, are true.</b>	
<b>Declared at [place]</b>	
<b>On [day, month, year]</b>	
<b>Signature of declarant</b>	

**Witness (must be at least 18 years old):**

<b>Name of witness (printed)</b>	
<b>Signature of witness</b>	
<b>Address or contact of witness</b>	
<b>Date</b>	

*Notes on the statutory declaration:*

1. *The declaration may be witnessed by any person aged 18 or older.*
2. *If the declaration is more than one page, every page must be signed and dated by both you and the witness.*
3. *You should set out the facts giving rise to your complaint in detail in the body of the declaration or in an annexure to it. The declaration verifies the facts in your complaint.*
4. *Knowingly making a false declaration is an offence under the Oaths, Affidavits and Declarations Act 2010 (NT).*

## Where to lodge

**CEO (Act, s 132A):**

Lodge with the CEO of the relevant council. Contact details for each council are on the council's website.

**Secretariat (Act, s 132B):**

Lodge with the secretariat established under section 126(1) of the Act. Contact details are on the Agency website.

## What happens next - brief overview

This is a brief overview only. The full complaints process is set out in Part 7.4 of the Act and explained in the *Ministerial Guideline - Code of Conduct Framework*.

### Receipt:

The CEO or secretariat will check that the complaint is in the approved form, accompanied by a statutory declaration, and within the 6-month limitation period. You should request acknowledgment of receipt and keep it for your records.

### Pathway 1 (CEO):

The CEO refers the complaint to the council under section 132E of the Act or to an independent assessor under section 132A(3)(b) of the Act. The council may dismiss, take corrective action under section 132G of the Act, or refer onwards. The independent assessor may dismiss, take action up to a 20-penalty-unit monetary penalty (Act, s 132J(3)(d)) or refer to a Code of Conduct panel for serious or gross misconduct.

### Pathway 2 (secretariat):

The secretariat assigns the complaint to an independent assessor or a Code of Conduct panel under section 132B(3) of the Act. The panel may impose sanctions including suspension up to 12 months and recommend ministerial action under section 132U of the Act for gross misconduct.

### Procedural fairness:

The subject member will be told the substance of the allegations and given a reasonable opportunity to respond before any decision is made. You will be given written notice of the decision and reasons (Act, s 131(3)).

### Withdrawal:

You may withdraw the complaint in writing at any time before a determination or decision is made about whether misconduct occurred (Act, s 132D).

### Review:

Either you or the subject member may request a Code of Conduct panel to review a council or independent assessor decision on procedural fairness grounds **within 14 days** (s 132P, Code of Conduct Request Review Form).

Some Code of Conduct panel decisions are reviewable by NTCAT under section 327 of the Act and Schedule 2 of the Act.

*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.*