

# EM02: Code of Conduct Complaints

<b>Type</b>	Council Policy	<b>Version</b>	1
<b>Approval Date</b>	28/7/2020	<b>Resolution</b>	8.3.7.20
<b>Review Date</b>	In next term of Council	<b>Doc ID</b>	

## Background

Belyuen Community Government Council is committed to upholding the code of conduct and adhering to the behaviours and expectations outlined in the code of conduct including:

- honesty and integrity;
- care and diligence;
- courtesy;
- prohibition on bullying;
- conduct towards council staff;
- respect for cultural diversity and culture;
- conflict of interest;
- respect for confidences;
- gifts;
- accountability;
- interests of municipality, region or shire to be paramount; and
- commitment to ongoing training.

Any person may make a complaint if they believe that an elected member has breached the code of conduct. The Council is committed to ensuring that all complaints against elected members, arising from breaches of the code of conduct, are treated in a fair, open and transparent manner,

## Legislative References

- Sections 114 – 116 of the *Local Government Act 2019*

## Definitions

**Complainant** means the person making the complaint.

**Respondent** means the person who is the subject of the complaint.

**LGANT** means the Local Government Association of the Northern Territory

**Third Party** means a suitably qualified person not directly linked to the complainant or respondent who will provide mediation services.

## Scope

This policy applies to Council members.

## Policy

### Principles

- **Impartiality:** Complaints will be dealt with on their merit regardless of the person making the complaint or the person against whom the complaint is made. An impartial person, who is not connected to, and disinterested in the issues raised in the allegation(s), will be assigned to investigate each formal complaint
- **Confidentiality:** All council consideration, referral and determination of Code of Conduct complaints are to be in closed sessions of the council that are not open to members of the public.
- **Right to refer:** Both the complainant and the respondent have a right to refer the matter to a third party. Council members may choose to refer their complaints to the Local Government Association of the Northern Territory (LGANT).

### Submitting a Complaint

When submitting a complaint, the complaint must:

- a) Include the name and address of the complainant. Anonymous complaints will not be accepted.
- b) Be on the approved form.
- c) Include a statutory declaration, made by the complainant, verifying the allegations of fact made against the council member.
- d) Be made within 3 months of the date of the alleged breach.

Please refer to Attachment A for Code of Conduct Complaint Form.

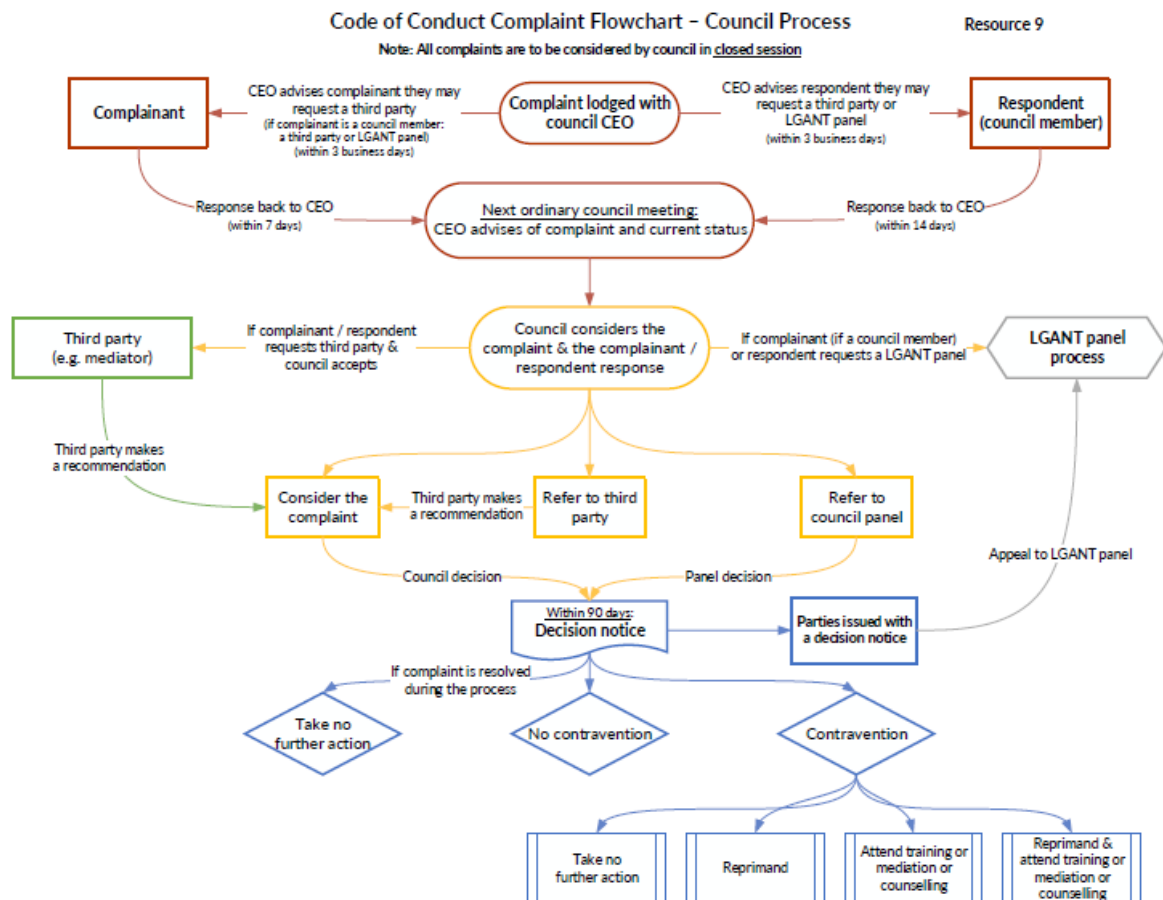
### Responding to Complaints

The respondent will receive notification of a complaint within 3 days of the CEO receipt of a valid complaint form. The respondent will have 7 days to provide any evidence to defend the complaint.

The Council will consider the matter at the first ordinary council meeting immediately after the date the respondent can furnish supporting information. If a council meeting is scheduled prior to this date, the council will be notified of the complaint but will not deal with the matter.

## Procedure

The Council will adhere to the following procedural flowchart for managing Code of Conduct complaints.



## Withdrawal of Complaint

A complaint may be withdrawn by the complainant at any time (with written notice) prior to the determination by the Council or external party.

## Determination

All code of conduct complaints will be heard by the Council.

The Council will attempt to resolve all issues without reference to a third party or LGANT, however, the Council will refer the matter to a third party or LGANT where:

- The complaint has requested referral to a third party and the Council supports this request
- The complaint may result in criminal charges
- The complaint involves fraud, theft or embezzlement
- More than one complaint over a period of twelve months has been received against the same claimant (regardless of nature of complaint)
- The complaint involves the President
- The complaint involves more than two council members

The Council will consider each complaint on its merits. The Council will either:

## EM02: Code of Conduct Complaints

---

- a) Dismiss the complaint, or
- b) Decide of whether a contravention of the code of conduct has occurred.

If a contravention of the code of conduct has occurred, the Council may choose to:

- a) to issue a reprimand to the respondent;
- b) to recommend that the complainant, respondent or any other person attend training, mediation or counselling by a specified date; or
- c) to issue a reprimand to the respondent **and** recommend that the complainant, respondent or any other person attend training, mediation or counselling by a specified date.

Failure to comply with adhere to the conditions established by the Council in its determination may result in further Code of Conduct Complaints.

### Reporting

The current status of complaints will be reported in a Closed session of council until resolved.

### Revision History

Policy Version	Approval Date	Resolution	Doc Ref
1	28/7/2020	8.3.7.20	NA