

Breach of Code of Conduct Complaint Form

MC04-F1



Hard copies of documents are uncontrolled and may not be current - please refer to the electronic version.

1. Your name: <i>You are the complainant.</i>	
2. Name of the council member who is alleged to have breached the Code of Conduct: <i>This council member is the respondent.</i>	
3. Name of the relevant Council: <i>Relevant Council means the local government council in which the respondent is a council member.</i>	
4. List the clause number(s) of the Code of Conduct that you allege the respondent has breached:	
5. Do you <u>request</u> that the Council refer your complaint to a third party for advice before the Council decides your complaint? <i>Note: This is only a request. It is a Council decision whether to refer your complaint to a third party.</i>	Please select one: <input type="checkbox"/> Yes <input type="checkbox"/> No
6. Are you a council member of the relevant Council?	Please select one: <input type="checkbox"/> Yes (<i>proceed to Question 7</i>) <input type="checkbox"/> No (<i>proceed to next page</i>)
Only answer Question 7 if you are a council member of the relevant Council	
7. Do you want your complaint <u>referred</u> to the Local Government Association of the Northern Territory (LGANT) for a decision, rather than the Council? <i>If a council member of the relevant Council selects 'Yes', the complaint will be referred to LGANT for a decision.</i>	Please select one: <input type="checkbox"/> Yes <input type="checkbox"/> No

Please proceed to the next page.

NOTES:

1. Your complaint must be made within 3 months of the alleged breach.
2. You must give details of the alleged breach (or breaches), explain the basis of your complaint with reference to which clause(s) of the Code of Conduct you allege have been breached, state the evidence on which your complaint relies, and complete the required statutory declaration.
3. If additional pages or documents are to be attached, you must number and identify each extra page as part of your declaration. You must sign and date each page and ensure that it is signed and dated by a witness.
4. If a witness statement is attached, a separate statutory declaration must be provided from that witness.
5. To lodge your complaint – attach this form, any attachments and the statutory declaration to an email and send the email to the CEO of the Council (or otherwise print all documents, address your complaint to the CEO of the Council and post it to the Council). Request acknowledgement of receipt of your complaint.
6. Lodging a complaint does not relieve you from any legal obligations to make other reports (if relevant), including mandatory reporting requirements under legislation.

Your signature

Date:

Signature of witness

Date:

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8. Details of the respondent's alleged breach (or breaches) of the Code of Conduct:

Detail by completing the below table for each clause of the Code of Conduct that you allege has been breached. Support your claim of each alleged breach with details of what happened.

Code of Conduct clause	Date of alleged breach	Details of what happened
<i>See Appendix below.</i>		

To add more cells to the above table, right click with your mouse and select 'Insert' > 'Insert Rows Below'.

Example of how to fill in the above table		
Code of Conduct clause	Date of alleged breach	Details of what happened
<i>See Appendix below.</i>		
3 – <i>Courtesy</i>	28 July 2022	<i>Councillor Smith yelled at me during the Council meeting, calling me a “stupid idiot”. Everybody at the meeting heard this.</i>
7 – <i>Conflict of interest</i>	28 July 2022	<i>At the Council meeting, there was discussion about tenders for a roadworks contract with the Council. Councillor Smith’s wife is an owner of one of the companies that put in a tender, XYZ Engineering, but Councillor Smith did not declare a conflict of interest.</i>

Your signature

Date:

Signature of witness

Date:

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THE NORTHERN TERRITORY OF AUSTRALIA

STATUTORY DECLARATION

I, _____
(Your full name and address)

solemnly and sincerely declare that _____
(Name of the respondent council member)

has committed a breach (or breaches) of the Code of Conduct as described in the completed *Breach of Code of Conduct complaint form* and attachments.

I further solemnly and sincerely declare that all of the information attached and provided in relation to this statutory declaration is true.

This declaration is true and I know it is an offence to make a statutory declaration knowing it is false in a material particular.

Declared at the _____ day of _____ 20____
(Place you are making the declaration) (Date) (Month) (Year)

Signed: _____
(Your signature)

Witnessed by: _____
(Signature of the person before whom the declaration is made)

(Full name of witness)

(Contact address or phone number of witness)

NOTES:

1. This declaration may be witnessed by any person who is at least 18 years of age.
2. This written statutory declaration must comply with Part 4 of the *Oaths, Affidavits and Declarations Act 2010*.
3. Making a declaration knowing it is false in a material particular is an offence for which you may be fined or imprisoned.

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Appendix – Code of Conduct

1 **Honesty and integrity**

A member must act honestly and with integrity in performing official functions.

2 **Care and diligence**

A member must act with reasonable care and diligence in performing official functions.

3 **Courtesy**

A member must act with courtesy towards other members, council staff, electors and members of the public.

4 **Prohibition on bullying**

A member must not bully another person in the course of performing official functions.

5 **Conduct towards council staff**

A member must not direct, reprimand, or interfere in the management of, council staff.

6 **Respect for cultural diversity and culture**

6.1 A member must respect cultural diversity and must not therefore discriminate against others, or the opinions of others, on the ground of their cultural background.

6.2 A member must act with respect for cultural beliefs and practices in relation to other members, council staff, electors and members of the public.

7 **Conflict of interest**

7.1 A member must avoid any conflict of interest, whether actual or perceived, when undertaking official functions and responsibilities.

7.2 If a conflict of interest exists, the member must comply with any statutory obligations of disclosure.

8 **Respect for confidences**

8.1 A member must respect the confidentiality of information obtained in confidence in the member's official capacity.

8.2 A member must not make improper use of confidential information obtained in an official capacity to gain a private benefit or to cause harm to another.

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9 Gifts

- 9.1 A member must not solicit, encourage or accept gifts or private benefits from any person who might have an interest in obtaining a benefit from the council.
- 9.2 A member must not accept a gift from a person that is given in relation to the person's interest in obtaining a benefit from the council.

10 Accountability

A member must be prepared at all times to account for the member's performance as a member and the member's use of council resources.

11 Interests of municipality, region or shire to be paramount

- 11.1 A member must act in what the member genuinely believes to be the best interests of the municipality, region or shire.
- 11.2 In particular, a member must seek to ensure that the member's decisions and actions are based on an honest, reasonable and properly informed judgment about what best advances the best interests of the municipality, region or shire.

12 Training

A member must undertake relevant training in good faith.

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Flowchart of complaint process

