

Code of Conduct Complaint Management Policy (Council Members)

Council Policy



Owner	Elected Members		
Responsible Officer	Chief Executive Officer		
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1 Purpose

This policy establishes Alice Springs Town Council's (Council) commitment to appropriately managing complaints that allege breaches of the Code of Conduct for Members in accordance with the *Local Government Act 2019* (the Act) and Local Government (General) Regulations 2021 (Regulations).

2 Definitions

For the purpose of this policy, the following definitions apply:

Term	Definition
Code of Conduct	As per Schedule 1 of the Local Government (General) Regulations 2021
Complaint	A complaint made regarding a breach of the Code of Conduct
Gross misconduct	Conduct by a member that breaches the Code of Conduct and consists of any of the following: • corruption • a criminal offence • repeated serious misconduct • behaviour demonstrating the member's unfitness for office
Member	Member of an audit committee, a council, a council committee or local authority
Misconduct	Conduct by a member that breaches the Code of Conduct
Serious misconduct	Conduct by a member that breaches the Code of Conduct if the conduct: • causes a serious and imminent risk to the reputation, viability or resources of a local government council • consists of bullying, intimidation, sexual harassment, assault or physical or verbal abuse • consists of theft or fraud • consists of being impaired by alcohol or illicit drugs while exercising the powers or performing the duties of the member • consists of refusing to carry out a reasonable direction of a council consistent with the member's duties under this Act, or • consists of non-compliance with a sanction imposed by an independent assessor or a Code of Conduct Panel.

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3 Policy Statement

Council is committed to the highest standards of integrity, accountability and ethical conduct, recognising that Elected Members' adherence to the Code of Conduct is essential to good governance, ethical-decision making, and maintaining community confidence.

Council will manage complaints in accordance with the Act, Regulations, applicable Guidelines, and following principles:

- All parties will be treated fairly and given a reasonable opportunity to provide relevant information
- Complaint information will be handled confidentially, except where disclosure is required by law
- Complaints will be managed and assessed objectively and impartially, with matters referred to an Independent Assessor where required under the Act
- Council will take a restorative approach to alleged and substantiated breaches that seeks the resolution to focus on constructive and collaborative outcomes.
- All participants are expected to engage in the complaints process respectfully and professionally
- Complaints will be managed efficiently and within applicable statutory timeframes.

3.1 Promoting Appropriate Behaviour

Council is committed to supporting compliance with the Code of Conduct through education, leadership and continuous improvement. This includes a formal governance induction program for new Elected Members, ongoing training, and access to governance support and resources.

3.2 Early Intervention and Informal Resolution

Council encourages the early resolution of concerns wherever appropriate. Where an issue arises from a misunderstanding, communication breakdown, or a minor dispute that does not amount to an alleged breach of the Code of Conduct, parties should consider addressing the matter through an informal resolution process, including:

- discussion between the parties
- facilitation by the Mayor
- facilitation by the CEO (where appropriate)
- mediation
- coaching, education or training.

3.3 Elected Member Reporting Obligations

A member who believes, on reasonable grounds, that another member has engaged in misconduct has an obligation to report it, unless the member knows that the conduct has already been the subject of a complaint or has already been dealt with. Failure to meet this obligation may itself constitute a breach of the Code of Conduct.

3.4 Lodgement and Management of Complaints

The Act prescribes how alleged breaches of the Code of Conduct are to be managed; not all Code of Conduct complaints are received, managed or decided by Council.

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Depending on the nature of the allegation, the person making the complaint should lodge it with:

- Council, through the Chief Executive Officer (CEO), for:
 - complaints involving one member, and that member is not the Mayor or Deputy Mayor
 - something other than serious or gross misconduct
- the Secretariat for:
 - serious or gross misconduct
 - matters involving more than one member
 - complaints with Mayor or Deputy Mayor involvement.

3.4.1 Complaints lodged with Council

All complaints must be provided on the approved form.

Council will reject any complaints lodged without further investigation if the last of the facts constituting the alleged breach occurred more than six months prior to the lodgement of the complaint, as per the limitation period prescribed by the Act.

Within five business days of receiving a complaint, the CEO will provide written notice to the complainant that:

- confirms receipt of the complaint
- explains the application of confidentiality and conflict of interest
- provides a copy of this policy
- if necessary seeks clarification or further information.

Within five business days after acceptance of the complaint, the CEO will provide written notice to the respondent that:

- advises that complaint has been made in accordance with the Code of Conduct and this policy
- includes a copy of the complaint documents
- outlines the process that will be followed, the opportunities that will be afforded to the respondent to be heard and the possible outcomes
- provides a copy of this policy
- provides a copy of the Right of Reply form
- provides the respondent with 14 business days to provide a response to the complaint on the approved form
- if applicable, advises that further information has been requested from the complainant and will be provided in due course.

Once the response period has ended, the CEO will either send the complaint to Council or, where appropriate, refer it to an independent assessor through the Secretariat.

Complaints sent by the CEO to Council for consideration and determination will be managed in accordance with the Act and any relevant Guidelines.

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3.5 Mandatory Reporting to the Independent Commissioner Against Corruption (ICAC)

Elected Members are public officers under the *Independent Commissioner Against Corruption Act 2017 (ICAC Act)* and have individual mandatory obligations to report suspected improper conduct, as defined by the ICAC Act. These reporting obligations are separate from the Code of Conduct complaints framework established under the *Local Government Act 2019*.

3.6 Recovery of Code of Conduct Complaint Fees

Council may recover all or part of any fees incurred under section 128 of the Act from a member who is the subject of a complaint, where Council considers it appropriate to do so.

Any decision to recover fees must be made by Council resolution.

3.4.1 Circumstances where Council may seek to recover fees

Council may seek to recover fees where:

- the member's conduct has resulted in Council incurring significant costs, noting the impact these costs can have on Council activities
- multiple Code of Conduct complaints have been substantiated against the same member, demonstrating a pattern of conduct
- the member has unreasonably prolonged or complicated the complaint process
- the substantiated breach is deemed gross misconduct

3.4.2 When Council won't seek to recover fees

Council will not seek to recover fees where:

- an independent assessor or Code of Conduct Panel determines that the member has breached the Code of Conduct, but none of the circumstances outlined in section 3.4.1 apply
- a complaint is dismissed or determined to be unsubstantiated
- the complaint is withdrawn before substantive investigation and Council has incurred minimal costs
- Council considers that recovering the fees would be unreasonable or contrary to the public interest.

Council may recover costs through any lawful means available, including invoicing the member, deducting amount from allowances or entitlements where permitted by law, or commencing debt recovery proceedings.

3.7 Conflict of Interest

Everyone involved in the handling of a Code of Conduct complaint must demonstrate fairness and lack of bias in relation to the complaint. Any person involved in the administration, assessment, investigation or determination of a complaint who has an actual, potential or perceived conflict of interest must disclose that conflict on the Conflict of Interest Declaration Form as soon as practicable and take no further part in the matter, unless it can be determined that the conflict can be appropriately managed.

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3.8 Confidentiality

All complaints, investigations, evidence, reports, deliberations and determinations relating to an alleged breach of the Code of Conduct must be treated as confidential unless disclosure is required by law, it is necessary to obtain legal or investigative advice, or it is necessary to afford procedural fairness to a complainant or respondent.

Council will maintain accurate, secure and confidential records of all Code of Conduct complaints in accordance with applicable legislation, records management standards and Council policies. Access to complaint records will be restricted to authorised persons.

Unauthorised disclosure of information by the CEO, Elected Member or staff relating to a complaint may be a breach of the relevant Code of Conduct.

3.9 Continuous improvement

Council recognises that information arising from complaints, where appropriate, can assist in identifying governance improvements, training opportunities and emerging governance risks. Lessons identified through the complaints process may be used to inform future training, policy development and governance initiatives aimed at improving Council's overall effectiveness and fostering positive working relationships amongst Elected Members.

4 Responsibilities

The CEO is responsible for implementing this policy.

5 Related Legislation and Documents

Local Government Act 2019

Information Act 2002 (NT)

Local Government (General) Regulations 2021

Ministerial Guideline – Code of Conduct

Code of Conduct (Council members, Council committee and Audit Committee)

CEO Code of Conduct Policy

Code of Conduct (Team Members)

Conflicts of Interest Policy

Conflicts of Interest CEO and Employees Policy

6 Communication and Training

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Will this policy be communicated through consultation to teams?	No
Where will this policy be available?	Website
Will training needs arise from this policy? If yes, who will be responsible.	No