



COUNCIL REPORT

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| Agenda Item Number: | 16.02.02 |
| Report Title: | Breach of Code of Conduct Complaint – Progress Update |
| Author and Recommending Officer: | Arun Dias, Interim Chief Executive Officer |
| Meeting Date: | 19/07/2022 |
| Attachments: | Nil |

Executive Summary

The purpose of this report is to provide the required progress report to Council on a complaint received by the Chief Executive Officer (CEO) on 5 May 2022 regarding an alleged Breach of Council Code of Conduct.

Complainant: Mr Philip O’Driscoll
Respondent: Cr. Emma Sharp

Recommendation

THAT Council receive and note the Breach of Code of Conduct Complaint – Progress Report.

Background

Section 76 (1) of the *Local Government (General) Regulations 2021* requires the CEO to provide a progress report to Council.

On 5 May 2022 the Chief Executive Officer received a complaint from Mr Philip O’Driscoll regarding an alleged Breach of Council Code of Conduct. The complainant, Mr Philip O’Driscoll alleged that the respondent, Cr. Emma Sharp was in breach of section 4.1.1, 4.1.2, and 4.10 of the Council policy EM02 Councillor Code of Conduct.

On 24 May 2022, Deputy Mayor Emma Sharp referred the alleged code of conduct complaint made against her by Mr Philip O’Driscoll to the Prescribed Corporation under section 124(3) of the *Local Government Act (2019)*.

In accordance with section 127 of the Act, on the 31 May 2022 Litchfield Council received notification that a Prescribed Corporation Panel (PCP) had been established by LGANT to consider the matter.

The PCP will issue a decision notice to the complainant and respondent within 90 days of receipt of the complaint referral, the deadline of which is 22 August 2022.

No further updates have been provided since 31 May 2022 from the PCP.

CONFIDENTIAL

Links with Strategic Plan

Performance - An Effective and Efficient Organisation

Legislative and Policy Implications

[GOV19 Breach of Code of Conduct](#)

[EM02 Councillor Code of Conduct](#)

Section 76 (1) of the *Local Government (General) Regulations 2021*, states:

“At each ordinary meeting of the council, the CEO must give the council a confidential report containing the following details:

- a) the procedural progress of each complaint in relation to a council member for the council;
- b) the item of the code of conduct allegedly contravened by the member.”

This item is considered ‘confidential’ pursuant to Section 293(1) of the Northern Territory *Local Government Act 2019* and Section 51(1):

(c)(iv) information that would, if publicly disclosed, be likely to subject to subregulation (3) – prejudice the interests of the council or some other person.

(f) subject to subregulation (2) – information in relation to a complaint of a contravention of the code of conduct.

Risks



Nil identified.

Community Engagement

Not applicable.