



COUNCIL REPORT

Agenda Item Number:	14.02.04
Report Title:	Breach of Code of Conduct – Summary of Decision
Author and Recommending Officer:	Arun Dias, Interim Chief Executive Officer
Meeting Date:	21/06/2022
Attachment:	A: Summary of Decision

Executive Summary

The purpose of this report is to provide Council with the summary of decision of the alleged breach of code of complaint tabled with Council on 15 March 2022.

Complainant: Councillor Rachael Wright

Respondent: Councillor Kevin Harlan

Recommendation

THAT Council receive and note the Breach of Code of Conduct Summary Decision from the Prescribed Corporation as provided in Attachment A of this report in relation to the complainant, Councillor Rachel Wright and respondent, Councillor Kevin Harlan.

Background

At the confidential Council meeting on 15 March 2022, a report was tabled to Council relating to a breach of code of conduct complaint. The complainant, Cr. Rachel Wright alleged that the respondent, Cr. Kevin Harlan was in breach of section 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.11.1 and 4.11.2 of the Council policy EM02 Councillor Code of Conduct.

On 29 March 2022, Council resolved to refer the complaint to the Local Government Association of the Northern Territory (LGANT) based on advice from the office of the Local Government and Regional Development, Northern Territory Government.

In accordance with section 127 of the Act, on the 9 May Litchfield Council received notification that a Prescribed Corporation Panel (PCP) had been established by LGANT to consider the matter.

The PCP provided its summary of decision on 14 June 2022 which is provided as attachment A to this report.

Local Government Regulations 81 (3) state that the CEO must table the summary of the decision at the next ordinary meeting of the council.

As per section 51(2) of the *Local Government Regulations 2021*:

51(2) The following information is no longer confidential after the complaint has been decided:

LATE REPORT

- (a) a decision notice in relation to the complaint;
- (b) a report of proceedings or findings of the complaint including a summary of decision under regulation 80 or 81.

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](#)

[LOCAL-GOVERNMENT-GENERAL-REGULATIONS-2021](#)

[LOCAL-GOVERNMENT-ACT-2019](#)

Section 130(1) of the *Local Government Act 2019* states:

“If a person is subject to a recommendation of the prescribed corporation panel, and does not comply with the recommendation, the complainant or the respondent may apply to NTCAT to deal with the failure”.

As per section 51(2) of the *Local Government Regulations 2021*:

51(2) The following information is no longer confidential after the complaint has been decided:

- (a) a decision notice in relation to the complaint;
- (b) a report of proceedings or findings of the complaint including a summary of decision under regulation 80 or 81.

Risks



Nil identified.

Community Engagement

Not applicable.

SUMMARY DECISION CODE OF CONDUCT PANEL

Details

Date of decision: 6 June 2022

Complainant: Councillor Rachael Wright

Respondent: Councillor Kevin Harlan

Local Government Council: Litchfield Council

Code of Conduct: Schedule 1 of the *Local Government Act 2019*

Sitting Panel Members: Councillor Peter Pangquee – Chair
Councillor Peter Clee – Member
Mr Hugh King – Member

Panel Determinations

	Summary of Complaint	Breaches established	Action taken
1	Discourteous social media comment.	Clause 3	<ol style="list-style-type: none">1. Recommend that Councillor Harlan apologise in writing for his Facebook comment to Councillor Wright;2. Recommend that Councillors Harlan and Wright both attend social media training to be conducted by LGANT on Wednesday 15 June 2022, via zoom, for a lunchtime session between 12.30 pm and 1.30 pm.