

10.2. Code of Conduct Statistics 2022-23 - Updated Return

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ATTACHMENTS	1. Code of Conduct Complaints Statistics 2022-23 [10.2.1 - 5 pages]
CSP LINK	5. Our Civic Leadership 5.2 Strong civic leadership and customer focussed services

PURPOSE:

The purpose of this report is to provide a revised report on the Code of Conduct complaints for the period 1 August 2022 to 30 September 2023, as required by the Office of Local Government (OLG).

EXECUTIVE SUMMARY:

- In accordance with Council's Code of Conduct - Councillors and Staff, Council's Complaints Coordinator must report on a range of complaint statistics to Council and the Office of Local Government by 31 December 2023, for the period to the end of September 2023.
- The number of Code of Conduct complaints received is as follows:

2019-2020	2020-2021	2021-2022	2022-2023
Two	Nil	Five	Two

- Council received a report on this matter in October 2023. However, a revised template has been issued by OLG, requiring the matter to be reconsidered by Council.

RECOMMENDATION:

1. THAT the revised Code of Conduct Statistics Report be received and provided to the Office of Local Government in accordance with Clause 11.2 of the Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW, 2020.

Background

In accordance with Council's Code of Conduct - Councillors and Staff, Council's Complaints Coordinator must report on a range of complaint statistics to Council and the Office of Local Government within three months of the end of September each year.

Council received a report on this matter on 23 October 2023. However, a revised template has been issued by OLG, requiring the matter to be reconsidered by Council. The new template contains a further breakdown of the figures contained in the survey, however, none of the totals relating to the number of investigations, or costs, are changed from those presented to Council in October

Code of Conduct Statistics

Clauses 11.1 and 11.2 of the *Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW, 2020*, state:

11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)*
- b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period*
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints*
- d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period*
- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period*
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and*
- g) the total cost of dealing with code of conduct complaints made about councillors and the General Manager during the reporting period, including staff costs.*

11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1, within 3 months of the end of September of each year.

Consultation requirements

Community engagement is not required.

Financial and Resource Implications

Costs incurred through the administration of the Code of Conduct in the reporting period were \$18,642.

Legislation

The report has been prepared in accordance with these provisions and is attached (Attachment 1) for information.

Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed, except as may be otherwise specifically required or permitted under the Procedures for the Administration of the Model Code of Conduct for Local Councils. As such, reporting and discussion is limited to numbers only as required under the Procedures.

Model Code of Conduct Complaints Statistics 2022-23 North Sydney Council		
Number of Complaints		
1	The total number of complaints received in the reporting period about councillors and the General Manager (GM) under the code of conduct from the following sources:	
i	Community	1
ii	Other Councillors	1
iii	General Manager	0
iv	Other Council Staff	0
2	The total number of complaints finalised about councillors and the GM under the code of conduct in the following periods:	
i	3 Months	1
ii	6 Months	0
iii	9 Months	4
iv	12 Months	0
v	Over 12 months	0
Overview of Complaints and Cost		
3	a The number of complaints finalised at the outset by alternative means by the GM or Mayor	0
	b The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement	0

c	The number of code of conduct complaints referred to a conduct reviewer	2
d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	0
e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
f	The number of finalised code of conduct complaints investigated by a conduct reviewer	1
g	Cost of dealing with code of conduct complaints via preliminary assesment	18,642
h	Progressed to full investigation by a conduct reviewer	1
i	The number of finalised complaints investigated where there was found to be no breach	0
j	The number of finalised complaints investigated where there was found to be a breach	1
k	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police	
i	ICAC	0
ii	NSW Ombudsman	0
iii	OLG	0
iv	Police	0
v	Other Agency (please specify)	0
	<input type="text"/>	
l	The number of complaints being investigated that are not yet finalised	1
m	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	18,642

Preliminary Assessment Statistics	
4	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:
a	To take no action (clause 6.13(a) of the 2020 Procedures) <input type="text" value="0"/>
b	To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2020 Procedures) <input type="text" value="0"/>
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2020 Procedures) <input type="text" value="0"/>
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2020 Procedures) <input type="text" value="0"/>
e	To investigate the matter (clause 6.13(e) of the 2020 Procedures) <input type="text" value="0"/>
f	Other action (please specify) <input type="text" value="0"/>
<input type="text"/>	
Investigation Statistics	
5	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:
a	That the council revise its policies or procedures <input type="text" value="0"/>
b	That a person or persons undertake training or other education (clause 7.40 of the 2020 Procedures) <input type="text" value="0"/>
6	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:
a	That the council revise any of its policies or procedures (clause 7.39 of the 2020 Procedures) <input type="text" value="0"/>
b	In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.37(a) of the 2020 Procedures) <input type="text" value="0"/>

c	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.37(b) of the 2020 Procedures)	1
d	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.37(c) of the 2020 Procedures)	0
7	Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2020 Procedures)	0

Categories of misconduct		
8	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a	General conduct (Part 3)	0
b	Non-pecuniary conflict of interest (Part 5)	1
c	Personal benefit (Part 6)	0
d	Relationship between council officials (Part 7)	0
e	Access to information and resources (Part 8)	0
Outcome of determinations		
9	The number of investigated complaints resulting in a determination that there was a breach in which the council:	
a	Adopted the independent conduct reviewers recommendation	0
b	Failed to adopt the independent conduct reviewers recommendation	0
10	The number of investigated complaints resulting in a determination where:	
a	The external conduct reviewers decision was overturned by OLG	0
b	Council's response to the external conduct reviewers recommendation was overturned by OLG	0
11	Date Code of Conduct data was presented to council	11-Dec-23