

10.7. Code of Conduct Statistics 2023/24

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ATTACHMENTS	1. Code of Conduct returns 2023/24 [10.7.1 - 5 pages]
CSP LINK	5. Our Civic Leadership 5.2 Strong civic leadership and customer focussed services

PURPOSE:

To report on the Code of Conduct complaints for the period 1 September 2023 to 31 August 2024, 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 complaints statistics to Council and to the Office of Local Government by 31 December, for the period to the end of September.
- The number of Code of Conduct complaints received since 2019 is as follows:

2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
Two	Nil	Five	Two	Eight

RECOMMENDATION:

1. THAT Council receive the Code of Conduct Statistics Report and note that it has been 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 - Councillor and Staff, Council's Complaints Coordinator must report on a range of complaints statistics to the Council and to the Office of Local Government within three months of the end of September each year.

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.

As the due date for this Return was 31 December 2024, the information has already been provided to OLG.

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 \$5,486.00

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 2023-24 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	5	
ii	Other Councillors	2	
iii	General Manager	1	
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	8	
ii	6 Months	0	
iii	9 Months	0	
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	6
	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	1
e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	1
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	5,486
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	0
m	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	5,486

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)	0
b	To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2020 Procedures)	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)	2
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)	0
e	To investigate the matter (clause 6.13(e) of the 2020 Procedures)	0
f	Other action (please specify)	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	0
b	That a person or persons undertake training or other education (clause 7.40 of the 2020 Procedures)	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)	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)	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)	0
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) <input type="text" value="0"/>
b	Non-pecuniary conflict of interest (Part 5) <input type="text" value="0"/>
c	Personal benefit (Part 6) <input type="text" value="0"/>
d	Relationship between council officials (Part 7) <input type="text" value="0"/>
e	Access to information and resources (Part 8) <input type="text" value="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 <input type="text" value="0"/>
b	Failed to adopt the independent conduct reviewers recommendation <input type="text" value="0"/>
10	The number of investigated complaints resulting in a determination where:
a	The external conduct reviewers decision was overturned by OLG <input type="text" value="0"/>
b	Council's response to the external conduct reviewers recommendation was overturned by OLG <input type="text" value="0"/>
11	Date Code of Conduct data was presented to council <input type="text" value="10.02.25"/>