

**Report to General Manager**

Attachments:

1. Code of Conduct Statistics Report

SUBJECT: Code of Conduct Statistics Report**AUTHOR:** Ian Curry, Manager Governance and Committee Services**ENDORSED BY:** Margaret Palmer, Director Corporate Services**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 the Council and to the Office of Local Government by 30 November 2019, for the period 1 September 2018 to 31 August 2019.

The number of Code of Conduct complaints received is Nil, the same as for the period 1 September 2017 to 31 August 2018.

FINANCIAL IMPLICATIONS:

Costs incurred through the administration of the Code of Conduct in the previous reporting period was Nil this period.

RECOMMENDATION:

1. THAT the Code of Conduct Statistics Report be received.

LINK TO COMMUNITY STRATEGIC PROGRAM

The relationship with the Community Strategic Plan is as follows:

Direction: 5. Our Civic Leadership

Outcome: 5.2 Council is well governed and customer focused

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 by 30 November 2019.

CONSULTATION REQUIREMENTS

Community engagement is not required.

SUSTAINABILITY STATEMENT

The sustainability implications are of a minor nature and did not warrant a detailed assessment.

DETAIL

1. 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, 2018* 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*
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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.

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

2. Comparison with Previous Reporting Period 1 September 2018 to 31 August 2019

By way of comparison, costs incurred through the administration of the Code of Conduct is Nil, the same as for the 2017/18 reporting period.

The number of Code of Conduct complaints received during the current reporting period is also Nil, as it was for the 2017/18 period.

Office of Local Government

Model Code of Conduct Complaints Statistics

Reporting Period: 1 September 2018 - 31 August 2019

Date Due: *31 December 2019*

*To assist with the compilation of the Time Series Data Publication it would be appreciated if councils could return this survey by
30 November 2019.*

Survey return email address: codeofconduct@olg.nsw.gov.au

Council Name:	North Sydney Council
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Contact Name:	Ian Curry
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All responses to be numeric.

Where there is a zero value, please enter 0.

Enquiries: Performance Team
Office of Local Government
Phone: (02) 4428 4100
Enquiry email: olg@olg.nsw.gov.au

Model Code of Conduct Complaints Statistics North Sydney Council

Number of Complaints

- | | | | |
|---|---|---|---|
| 1 | a | The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct | 0 |
| | b | The total number of complaints finalised in the period about councillors and the GM under the code of conduct | 0 |

Overview of Complaints and Cost

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|---|---|---|---|
| 2 | 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 under a special complaints management arrangement | 0 |
| | c | The number of code of conduct complaints referred to a conduct reviewer | 0 |
| | 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 | 0 |
| | g | The number of finalised code of conduct complaints investigated by a conduct review committee | 0 |
| | h | The number of finalised complaints investigated where there was found to be no breach | 0 |
| | i | The number of finalised complaints investigated where there was found to be a breach | 0 |
| | j | The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police | 0 |
| | k | The number of complaints being investigated that are not yet finalised | 0 |
| | l | The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs | 0 |

Preliminary Assessment Statistics

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|---|---|-------------------|---|
| 3 | 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 | 0 |

b	To resolve the complaint by alternative and appropriate strategies	<input type="text" value="0"/>
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies	<input type="text" value="0"/>
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	<input type="text" value="0"/>
e	To investigate the matter	<input type="text" value="0"/>
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter	<input type="text" value="0"/>

Investigation Statistics

4	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	<input type="text" value="0"/>
5	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	<input type="text" value="0"/>
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach	<input type="text" value="0"/>
c	That the subject person be counselled for their conduct	<input type="text" value="0"/>
d	That the subject person apologise to any person or organisation affected by the breach	<input type="text" value="0"/>
e	That findings of inappropriate conduct be made public	<input type="text" value="0"/>
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach	<input type="text" value="0"/>
g	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	<input type="text" value="0"/>
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action	<input type="text" value="0"/>
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures and clause 7.20 of the new Procedures	<input type="text" value="0"/>

Categories of misconduct

7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
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a	General conduct (Part 3)	0
b	Conflict of interest (FMCC Part 4) and Non-pecuniary conflict of interest (NMCC Part 5)	0
c	Personal benefit (FMCC Part 5 / NMCC Part 6)	0
d	Relationship between council officials (FMCC Part 6 / NMCC Part 7)	0
e	Access to information and resources (FMCC Part 7 / NMCC Part 8)	0
Outcome of determinations		
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	0
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office	0