

8.21. Code of Conduct Statistics Report

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ENDORSED BY: Carrie Chan, Executive Governance Manager

ATTACHMENTS:

1. 2020 Code of Conduct Statistics Report [8.21.1 - 4 pages]

PURPOSE:

To report on the Code of Conduct complaints for the period 1 September 2019 to 31 August 2020, 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 the Council and to the Office of Local Government by 30 November 2020, for the period 1 September 2019 to 31 August 2020.

The number of Code of Conduct complaints received is two (2), compared to Nil for the period 1 September 2018 to 31 August 2019.

FINANCIAL IMPLICATIONS:

Costs incurred through the administration of the Code of Conduct in the reporting period were Nil.

RECOMMENDATION:

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

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

5. Our Civic Leadership

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 2020.

CONSULTATION REQUIREMENTS

Community engagement is not required.

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, 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.

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)

The number of Code of Conduct complaints received during the current reporting period is two (2), compared to Nil for the 2018/19 period.

By way of comparison, the costs incurred through the administration of the Code of Conduct were Nil, the same as for the 2018/19 reporting period.

Office of Local Government

Model Code of Conduct Complaints Statistics

Reporting Period: 1 September 2019 - 31 August 2020

Date Due: 31 December 2020

To assist with the compilation of the Time Series Data Publication it would be appreciated if councils could return this survey by 30 November 2020.

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

Council Name:	North Sydney Council
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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	2
	b	The total number of complaints finalised in the period about councillors and the GM under the code of conduct	2
Overview of Complaints and Cost			
2	a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	1
	b	The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement	1
	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 complaints investigated where there was found to be no breach	1
	h	The number of finalised complaints investigated where there was found to be a breach	1
	i	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	0
	j	The number of complaints being investigated that are not yet finalised	0
	k	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			
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 (clause 6.13(a) of the 2018 and 2020 Procedures)	0
	b	To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2018 and 2020 Procedures)	1

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 2018 and 2020 Procedures)	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 2018 and 2020 Procedures)	1
e	To investigate the matter (clause 6.13(e) of the 2018 and 2020 Procedures)	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	0
b	That a person or persons undertake training or other education (clause 7.37 of the 2018 Procedures or clause 7.40 of the 2020 Procedures)	1
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 (clause 7.36(a) of the 2018 Procedures or 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 7.36(h) of the 2018 Procedures or 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 7.36(i) of the 2018 Procedures or 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 7.36(j) of the 2018 Procedures or clause 7.37(c) of the 2020 Procedures)	0
6	Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2018 or 2020 Procedures)	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:	
a	General conduct (Part 3)	0
b	Non-pecuniary conflict of interest (Part 5)	0
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		

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 OLG	0