

ITEM 17 CODE OF CONDUCT COMPLAINT STATISTICS REPORT 2019-2020

The Procedure for the Administration of the Codes of Conduct requires the Complaints Coordinator to provide complaint statistics to Council within three months from the end of September each year.

RECOMMENDATION

The report on Code of Conduct Complaint Statistics for 2019-2020 be received and noted.

REPORT AUTHORISATIONS

Report of: Todd Hopwood, Manager Governance and Customer Service
Authorised by: Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

- 1 Code of Conduct Complaints Statistics - Wollongong City Council - 2019 to 2020

BACKGROUND

Under Part 11.1 of the Procedure for the Administration of the Codes of Conduct, the Complaints Coordinator must arrange for the following statistics to be reported to the Council within three months of the end of September 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
- g) particular matters, the outcome of the reviews, and
- h) the total cost of dealing with Code of Conduct complaints made about Councillors and the General Manager during the reporting period, including staff costs.

Under Part 11.2 of the Procedure, Council is to provide the office of Local Government with a report containing the statistics referred to in Part 11.1 within three months of the end of September each year.

CONSULTATION AND COMMUNICATION

The complaint statistics were reported to the Office of Local Government via email on 16 November 2020, a copy of the reported complaint statistics is attached to this report.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal "We are a connected and engaged community". It specifically delivers on core business activities as detailed in the Governance and Customer Service, Service Plan 2019-20.

CONCLUSION

The report presents to Council the complaint statistics relating to the Code of Conduct for 2019-2020.

Model Code of Conduct Complaints Statistics Wollongong City 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	3
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	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	1
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	0
h	The number of finalised complaints investigated where there was found to be a breach	0
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	1
k	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	3,850

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) 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 2018 and 2020 Procedures) 1
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) 0
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) 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 (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