

ITEM 13 MODEL CODE OF CONDUCT COMPLAINTS STATISTICS REPORT 2018-2019

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 August each year.

RECOMMENDATION

- 1 The report on Model Code of Conduct Complaints Statistics Report for 2018-2019 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 Model Code of Conduct Complaints Statistics - Wollongong City Council - 2018 to 2019

BACKGROUND

Under Part 12.1 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 August 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 end of August.
- b The number of Code of Conduct complaints referred to a Conduct Reviewer.
- c The number of Code of Conduct complaints finalised by a Conduct Reviewer at the preliminary assessment stage and the outcome of those complaints.
- d The number of Code of Conduct complaints investigated by a Conduct Reviewer.
- e The number of Code of Conduct complaints investigated by a Conduct Review Committee.
- f Without identifying particular matters, the outcome of Code of Conduct complaints investigated by a Conduct Reviewer or Conduct Review Committee under these procedures.
- g The number of matters reviewed by the Office and, without identifying particular matters, the outcome of the reviews.
- h The total cost of dealing with Code of Conduct complaints made about Councillors and the General Manager in the year to end of August including staff costs.

Under Part 12.2 of the Procedure, Council is to provide the office of Local Government with a report containing the statistics referred to in Part 12.1 within three months of the end of August each year.

CONSULTATION AND COMMUNICATION

The complaint statistics were reported to the Office of Local Government via email on 8 November 2019.

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 Administration Service Plan 2019-20.

CONCLUSION

The report presents to Council the complaint statistics relating to the Model Code of Conduct for 2018-2019.

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	1
	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		
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	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 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	1
	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

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 | <input type="text" value="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

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 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