

**ITEM 9 CODE OF CONDUCT - COMPLAINT STATISTICS REPORT 2023-24**

The Procedure for the Administration of the Codes of Conduct requires the Code of Conduct 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 2023-2024 be received and noted.

**REPORT AUTHORISATIONS**

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

**ATTACHMENTS**

- 1 Code of Conduct Complaint Statistics - Wollongong City Council 2023-24

**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 state 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.

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.

Council's Manager Customer and Business Integrity is the appointed Code of Conduct Complaints Coordinator for Wollongong City Council.

**PROPOSAL**

For the period 1 September 2023 to 31 August 2024 there were no Code of Conduct complaints received about a Councillor or the General Manager.

Attached to this report is the full Model Code of Conduct Complaints Statistics report for Wollongong City Council that has been submitted to the Office of Local Government in accordance with the Procedures.

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 4 “We are a connected and engaged community. It specifically delivers on the following:

Community Strategic Plan 2032	Delivery Program 2022-2026
Strategy	Service
4.7 Demonstrate responsible decision-making based on our values, collaboration, and transparent and accountable leadership.	Governance and Administration

## FINANCIAL IMPLICATIONS

Responsibility for the management of Code of Conduct complaints relating to Councillors and the General Manager is the responsibility of the Complaints Coordinator utilising existing resources.

Management of Code of Conduct complaints may also require resourcing to support investigations of matters referred for formal investigation. Such matters are generally referred to Council’s panel of Code of Conduct reviewers on a fee for service basis. No such referrals were required in this reporting period.

## CONCLUSION

Clause 11.1 of the Procedures for Administration of the Codes of Conduct require Council’s Code of Conduct Complaints Coordinator to report details of any complaints received about Councillors and the General Manager under the Code of Conduct, within three months of the end of September of each year. This report is now presented to Council in accordance with these requirements and has also been provided to the Office of Local Government within required timeframes.

Model Code of Conduct Complaints Statistics 2023-24 Wollongong City Council		
Number of Complaints		
1	The total number of complaints <b>received</b> in the reporting period about councillors and the General Manager (GM) under the code of conduct from the following sources:	
i	Community	<input type="text" value="0"/>
ii	Other Councillors	<input type="text" value="0"/>
iii	General Manager	<input type="text" value="0"/>
iv	Other Council Staff	<input type="text" value="0"/>
2	The total number of complaints <b>finalised</b> about councillors and the GM under the code of conduct in the following periods:	
i	3 Months	<input type="text" value="0"/>
ii	6 Months	<input type="text" value="0"/>
iii	9 Months	<input type="text" value="0"/>
iv	12 Months	<input type="text" value="0"/>
v	Over 12 months	<input type="text" value="1"/>
Overview of Complaints and Cost		
3 a	The number of complaints <b>finalised at the outset</b> by alternative means by the GM or Mayor	<input type="text" value="0"/>
b	The number of complaints <b>referred to the Office of Local Government (OLG)</b> under a special complaints management arrangement	<input type="text" value="0"/>
c	The number of code of conduct complaints <b>referred to a conduct reviewer</b>	<input type="text" value="0"/>
d	The number of code of conduct complaints <b>finalised at preliminary assessment</b> by conduct reviewer	<input type="text" value="0"/>
e	The number of code of conduct complaints <b>referred back to GM or Mayor</b> for resolution after preliminary assessment by conduct reviewer	<input type="text" value="0"/>
f	The number of finalised code of conduct complaints <b>investigated by a conduct reviewer</b>	<input type="text" value="0"/>
g	Cost of dealing with code of conduct complaints via preliminary assesment	<input type="text" value="0"/>
h	Progressed to <b>full investigation by a conduct reviewer</b>	<input type="text" value="0"/>
i	The number of finalised complaints investigated where there was found to be <b>no breach</b>	<input type="text" value="0"/>
j	The number of finalised complaints investigated where there was found to be <b>a breach</b>	<input type="text" value="0"/>
k	The number of complaints referred by the GM or Mayor <b>to another agency</b> or body such as the ICAC, the NSW Ombudsman, OLG or the Police	
i	ICAC	<input type="text" value="0"/>
ii	NSW Ombudsman	<input type="text" value="0"/>
iii	OLG	<input type="text" value="0"/>

Page 2 of 4

iv	Police	0
v	Other Agency (please specify)	0
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l	The number of complaints being investigated that are <b>not yet finalised</b>	0
m	The <b>total cost</b> of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	0

### 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)	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 2020 Procedures)	0
e	To investigate the matter (clause 6.13(e) of the 2020 Procedures)	0
f	Other action (please specify)	0

### 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
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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)	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		
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	0
b	Failed to adopt the independent conduct reviewers recommendation	0
10	The number of investigated complaints resulting in a determination where:	
a	The external conduct reviewers decision was overturned by OLG	0
b	Council's response to the external conduct reviewers recommendation was overturned by OLG	0
11	Date Code of Conduct data was presented to council	28-Oct-24