

20.6 MODEL CODE OF CONDUCT COMPLAINT STATISTICS - 1 SEPTEMBER 2017 TO 31 AUGUST 2018**Document ID: 393719****Author: Governance and Engagement Manager****Authoriser: Deputy General Manager Corporate and Community****Theme: Our Civic Leadership****Attachments: 1. Code of Conduct Complaints Report - Data Collection 2017-2018.pdf** [↓](#)**RECOMMENDATION**

That Council:

1. Acknowledge that no Code of Conduct complaints were received for the reporting year 1 September 2017 to 31 August 2018 then submit the report to the Office of Local Government by 30 November 2018.

PURPOSE

The purpose of this report is to provide Council with Code of Conduct complaint statistics for the reporting period 1 September 2017 to 31 August 2018.

SUMMARY

The Model Code of Conduct and the Model Code Procedures have been developed under Sections 440 and 440AA of the Local Government Act 1993 also the Local Government (General Regulation) 2005. Part 12 of the Model Code Procedures requires the complaints co-ordinator to report statistical information to Council and the Office of Local Government by the end of December annually.

BACKGROUND

The Local Government Act 1993 provides for the lodgement of a complaint where the alleged conduct on the part of a Council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under Council's Code of Conduct.

Part 12.1 of the Model Code Provisions requires the complaints co-ordinator to report to Council the complaint statistics within 3 months of the end of September each year.

Part 12.2 of the Model Code Provisions requires Council to report to the Office of Local Government the complaint statistics within 3 months of the end of September each year.

For the reporting year 1 September 2017 to 31 August 2018 there were no complaints were received.

RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES**Theme**

Our Civic Leadership

Strategy

5.1 - To have a Council that demonstrates effective management consistently, also a Council that communicates and engages well with the community and works collaboratively

Action

5.1.1 - Accountable, transparent and ensure open communication between the community and Council

ISSUES AND IMPLICATIONS**Policy**

The Model Code of Conduct

Financial

Nil

Legal / Statutory

Local Government Act 1993

Local Government (General Regulation) 2005

Model Code of Conduct

Model Code Procedures

Community Engagement / Communication

By presenting this report in an open forum of Council

Human Resources / Industrial Relations (if applicable)

Nil

RISKS

There are no perceived risks

OPTIONS

There were no complaints received during the reporting period and the statistical report will reflect this.

CONCLUSION

The Model Code of Conduct and the Model Code Procedures provide for the lodgement of complaints on the part of a Council official, if proven, would constitute a breach of the standards of conduct prescribed under Council's Code of Conduct. The procedures require that statistical information be provided to Council initially then to the Office of Local Government for the reporting period 1 September 2017 to 31 August 2018. For this reporting period our Council did not receive any such complaints.

The recommendation will be for Council to acknowledge the completed statistical return and then submit the report to the Office of Local Government by 30 November 2018.

RECOMMENDATION

That Council:

1. Acknowledge that no Code of Conduct complaints were received for the reporting year 1 September 2017 to 31 August 2018 then submit the report to the Office of Local Government by 30 November 2018.

Office of Local Government

Model Code of Conduct Complaints Statistics

Reporting Period: 1 September 2017 - 31 August 2018

Date Due: *31 December 2018*

To assist with the compilation of the Time Series Data Publication it would be appreciated if councils could return this survey by 30 November 2018.

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

Council Name:	Narrandera Shire Council
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Contact Name:	Craig Taylor
Contact Phone:	02 6959 5510
Contact Position:	Governance and Engagement Manager
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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 Narrandera Shire 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

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

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	<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:	
a	General conduct (Part 3)	<input type="text" value="0"/>
b	Conflict of interest (Part 4)	<input type="text" value="0"/>
c	Personal benefit (Part 5)	<input type="text" value="0"/>
d	Relationship between council officials (Part 6)	<input type="text" value="0"/>
e	Access to information and resources (Part 7)	<input type="text" value="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	<input type="text" value="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	<input type="text" value="0"/>

20.7 ENDORSEMENT OF THE COMMON SEAL OF COUNCIL TO EXECUTE DEED OF TERMINATION FOR THE SALE OF LAND - 17 DRISCOLL ROAD, NARRANDERA**Document ID:** 394012**Author:** Governance and Engagement Manager**Authoriser:** Deputy General Manager Corporate and Community**Theme:** Our Civic Leadership**Attachments:** Nil**RECOMMENDATION**

That Council

1. endorse the placement of the Common Seal of Council to the Deed of Termination for the sale of Lot 163 DP 1069082 (17 Driscoll Road, Narrandera) also for the Mayor and General to sign the Deed.

PURPOSE

This report seeks the endorsement of Council to place the Common Seal of Council to the following documentation:

- Deed of Termination for the sale of Lot 163 DP 1069082 (17 Driscoll Road, Narrandera).

SUMMARY

Council resolved at its 15 May 2018 meeting to prepare a Contract of Sale for Lot 163 DP 1069082 (17 Driscoll Road, Narrandera); unfortunately the intended purchaser recently advised that they do not wish to proceed with the purchase and it is now necessary to execute a Deed of Termination.

BACKGROUND

Council resolved to prepare a Contract of Sale for Lot 163 DP 1069082 however the intended purchaser has decided not to proceed with the purchase and it is now necessary to execute a Deed of Termination with the deposit to be forfeited to Council.

RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES

The decision to not proceed means that the sale of this vacant allotment at the Red Hill Industrial Estate will not proceed.

ISSUES AND IMPLICATIONS**Policy**

ES270 - Sale of Industrial Land Red Hill Estate

Financial

The agreed purchase price will not be received however the deposit amount paid at the date of exchange of contracts will be forfeited to Council and will offset the legal expenses incurred by Council to date

Legal / Statutory

Local Government Act 1993

Real Property Act 1990

Community Engagement / Communication

By presenting this report in an open forum of Council

Human Resources / Industrial Relations (if applicable)

There are no perceived human resources or industrial relations risks

Risks

There are no perceived risks

OPTIONS

Given that the intended purchaser will not be proceeding with the transaction, the only option available is to execute the Deed of Termination and for Council to receive the forfeited deposit amount.

CONCLUSION

The intended purchaser of Lot 163 DP 1069082 (17 Driscoll Road, Narrandera) has advised that they will not be proceeding and is aware that the deposit amount will be forfeited to Council.

The recommendation will be that Council execute the Deed of Termination.

RECOMMENDATION

That Council

1. endorse the placement of the Common Seal of Council to the Deed of Termination for the sale of Lot 163 DP 1069082 (17 Driscoll Road, Narrandera) also for the Mayor and General to sign the Deed.