

# 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](mailto:codeofconduct@olg.nsw.gov.au)

<b>Council Name:</b>	<b>Kempsey Shire Council</b>
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All responses to be numeric.

**Where there is a zero value, please enter 0.**

Enquiries: Performance Team  
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## Model Code of Conduct Complaints Statistics Kempsey Shire Council

### Number of Complaints

- |   |   |   |   |
|---|---|---|---|
| 1 | a | The total number of complaints <b>received</b> in the period about councillors and the General Manager (GM) under the code of conduct | 7 |
|   | b | The total number of complaints <b>finalised</b> in the period about councillors and the GM under the code of conduct                  | 7 |

### Overview of Complaints and Cost

- |   |   |   |        |
|---|---|---|--------|
| 2 | a | The number of complaints <b>finalised at the outset</b> by alternative means by the GM or Mayor   | 3      |
|   | b | The number of complaints <b>referred to the Office of Local Government</b> under a special complaints management arrangement                        | 0      |
|   | c | The number of code of conduct complaints <b>referred to a conduct reviewer</b>  | 4      |
|   | d | The number of code of conduct complaints <b>finalised at preliminary assessment</b> by conduct reviewer   | 4      |
|   | e | The number of code of conduct complaints <b>referred back to GM or Mayor</b> for resolution after preliminary assessment by conduct reviewer        | 0      |
|   | f | The number of finalised code of conduct complaints <b>investigated by a conduct reviewer</b>  | 0      |
|   | g | The number of finalised code of conduct complaints <b>investigated by a conduct review committee</b>  | 0      |
|   | h | The number of finalised complaints investigated where there was found to be <b>no breach</b>  | 3      |
|   | i | The number of finalised complaints investigated where there was found to be <b>a breach</b>   | 1      |
|   | j | The number of complaints referred by the GM or Mayor <b>to another agency</b> or body such as the ICAC, the NSW Ombudsman, the Office or the Police | 0      |
|   | k | The number of complaints being investigated that are <b>not yet finalised</b>   | 0      |
|   | l | The <b>total cost</b> of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs          | 15,402 |

### 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   | 4 |

- |   |   |   |
|---|---|---|
| b | To resolve the complaint by alternative and appropriate strategies  | 0 |
| c | To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies   | 0 |
| d | To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police | 0 |
| e | To investigate the matter   | 0 |
| f | To recommend that the complaints coordinator convene a conduct review committee to investigate the matter   | 0 |

## Investigation Statistics

- |   |  |   |
|---|--|---|
| 4 | The number of investigated complaints resulting in a determination that there was <b>no breach</b> , 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   | 0 |
| 5 | The number of investigated complaints resulting in a determination that there <b>was a breach</b> in which the following recommendations were made:    |   |
| a | That the council revise any of its policies or procedures  | 0 |
| b | That the subject person undertake any training or other education relevant to the conduct giving rise to the breach                                    | 0 |
| c | That the subject person be counselled for their conduct  | 0 |
| d | That the subject person apologise to any person or organisation affected by the breach   | 0 |
| e | That findings of inappropriate conduct be made public  | 0 |
| f | In the case of a breach by the GM, that action be taken under the GM's contract for the breach   | 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   | 0 |
| h | In the case of a breach by a councillor, that the matter be referred to the Office for further action  | 0 |
| 6 | Matter referred or resolved after commencement of an investigation under clause 8.20 of the 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	Conflict of interest (Part 4)	0
c	Personal benefit (Part 5)	0
d	Relationship between council officials (Part 6)	0
e	Access to information and resources (Part 7)	0
<b>Outcome of determinations</b>		
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