

## Who is accountable under the Code?

All council officials are accountable under the Code. The Code defines “council officials” as a Councillor, including the Mayor, the General Manager, council staff, contractors, delegates of council (including volunteers) and administrators.

## What is defined as a code of conduct complaint?

A code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the Council's Code of Conduct if proven.

The following are not “code of conduct complaints” for the purposes of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (procedures):

- a) complaints about the standard or level of service provided by the Council or a Council official.
- b) complaints that relate solely to the merits of a decision made by the Council or a Council official or the exercise of a discretion by the Council or a Council official.
- c) complaints about the policies or procedures of the Council.
- d) complaints about the conduct of a Council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the Council's Code of Conduct.

Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the Council's routine complaints management processes.

# Port Stephens Code of Conduct

General guide



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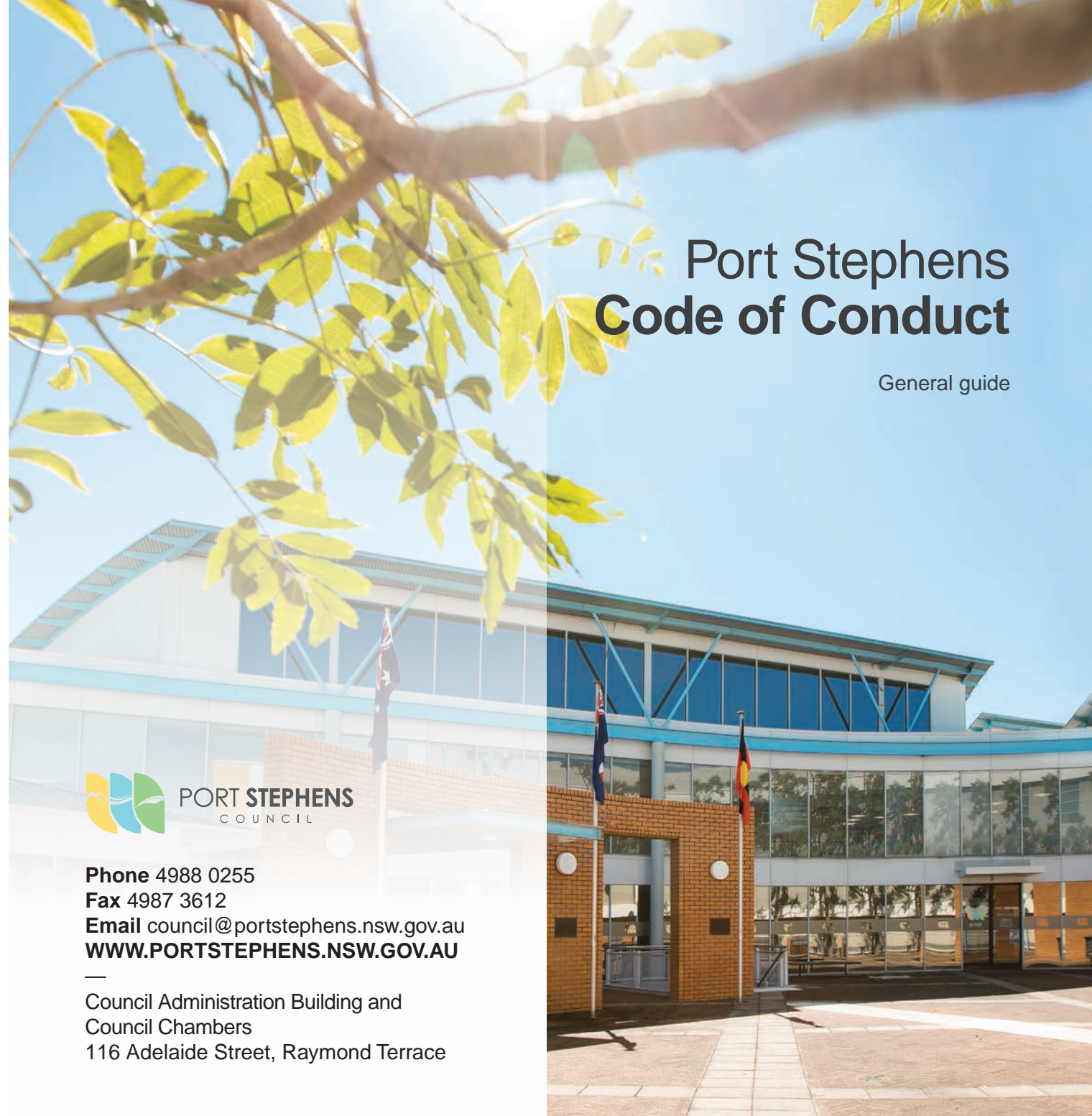
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### **Who can make a complaint under the Code?**

A complaint can be lodged by a member of the community, a councillor, staff member or any other person.

### **Who assesses the complaints made under the Code?**

The General Manager is responsible for assessing all complaints made under the Code, except complaints made about the General Manager. Complaints made about the General Manager are assessed by the Mayor.

### **How are complaints assessed?**

Complaints are assessed in accordance with the procedures released by the Office of Local Government. All complaints are managed by the Complaints Coordinator.

### **How are complaints made about councillors, administrators or the general manager investigated?**

Complaints about the Mayor, a councillor or an administrator will be considered by the General Manager and resolved informally if appropriate to do so. If the complaint cannot be resolved informally, the General Manager must refer the matter to the Complaints Coordinator to engage a sole reviewer (investigator).

Complaints about the General Manager will be considered by the Mayor and resolved informally if appropriate to do so. If the complaint cannot be resolved informally, the General Manager must refer the matter to the Complaints Coordinator to engage a sole reviewer (investigator).

The sole reviewer will then consider the matter and advise if an investigation should proceed in accordance with the procedures.

### **How are complaints made about council staff, contractors, volunteers or other council delegates investigated?**

If a decision is made to formally investigate a complaint then the matter can be investigated either by council staff or an external party can be engaged to undertake the investigation

### **What happens after an investigation has been completed involving the mayor, councillor, administrator or the general manager?**

The appointed sole reviewer or conduct review committee is required to provide a written report to the Complaints Coordinator. The Complaints Coordinator will then liaise with the Mayor or General Manager, as applicable.

The Mayor or General Manager are then required to implement the findings of the investigation. In limited circumstances a report may be table at a Council meeting.

### **What happens after an investigation has been completed involving a council staff member, volunteer, contractor or a delegate of council?**

A report is provided to the General Manger for consideration of the finding/recommendations. There are a number of outcomes which may include:

- Council staff be counselled, given a warning, required to attend training or employment terminated.
- A volunteer may be given a warning, offered training or removed from the committee or group.
- A contractor may be given a warning or have the contract terminated.
- Delegate of council may be given a warning or have their engagement terminated.

### **If I make a complaint will I hear anything further about my complaint?**

The General Manager and the Mayor are required to advise the complainant of the outcome of the complaint. If it is determined that no further action will be taken on the complaint, then the complainant is required to be informed in writing of the reason/s why no further action will be taken.