

BREWARRINA SHIRE COUNCIL

Agenda Submission for Ordinary Meeting held on 30th June 2011

TITLE:	Code of Conduct Reporting to Council	DOC REF: Item 6
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REPORT BY:	Glenda Tasker General Manager	DATE: June 2011
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ATTACHMENTS:	Nil	
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EXECUTIVE SUMMARY

The General Manager is required to report annually to the council in relation to reported, alleged breaches Code of Conduct.

Council's Code of Conduct provides the following direction in relation to the handling of complaints.

Clause 12.3 Complaint handling procedures – staff, delegate and council committee members conduct (excluding the general manager)

The general manager is responsible for making enquiries, or causing enquiries to be made, into complaints alleging breach of the code of conduct regarding members of staff of council, delegates of council and/or members of council committees (other than councillors), and will determine such matters.

Clause 12.8 Complaint Handling procedures – councillor conduct.

The general manager is responsible for assessing complaints, made under Section 11.1, alleging breaches of the code of conduct by councillors, in accordance with the assessment criteria provided at Section 13 of this Code, in order to determine whether to refer the matter to the conduct review committee/reviewer.

Complaint handling procedures – general manager conduct.

Clause 12.10: The Mayor is responsible for assessing complaints, made under clause 11.1, alleging breaches of the code of conduct by the general manager, in accordance with the assessment criteria provided at Section 13 of this Code, in order to determine whether to refer the matter to the conduct review committee/reviewer.

Part 3, PROCEDURES, incorporating *Complaint Handling Procedure and Sanctions*

Complaints are required to be in writing before action may be taken

The following table details actions finalised during the year or still in progress.

Complaint by	Against	In Writing ?	Nature of Complaint	Issues raised - Possible Code breaches	Action
Councillor	Staff Member	No	Racist allegation by staff member	Potential breach General Conduct Clause 6.1 (b), (f); 6.3. Harassment and discrimination, Clause 6.7	GM investigated matter following Extraordinary Council meeting. Matter unproven but staff member reminded of responsibilities. The following action was taken: a. The staff member was cautioned against making any comments that might be capable of being misconstrued. b. The Council was advised that the matter should have been presented to the Council. Procedural fairness. c. The Council is now advised that the issue should have been dealt with by the General Manager under the Code of Conduct. d. The Councillor making verbal assertions that caused the action is advised that any future actions must be reported, in writing to the General Manager, as per the Code of Conduct.
GM	Councillor	Yes	Conflict of Interest	Pecuniary interest Clause 7.1; 7.3, 7.5, 7.6 Sec 451 and 469 LGA	Division of Local Government to consider the complaint and whether it necessitates referral to the Disciplinary Tribunal
Community Member	Councillor	Yes	General conduct	General Conduct Clause 6.1 (c) (e); 6.3, 6.7 Harassment & Discrimination	In progress - to be referred to a Code of Conduct reviewer
Staff member	Staff member	Yes	General conduct	General Conduct Clause 6.1 (c)(d) (e); 6.3, 6.7 Harassment & Discrimination	GM investigated - staff members received disciplinary warnings
GM	Councillor	Yes	General conduct	General Conduct Clause 6.1 (c) (e); 6.3, 6.7 Harassment & Discrimination	In progress - being referred to a Code of Conduct Reviewer
Community Member	Staff Member	Yes	General conduct	Clause 6.1 (e)	Investigation by GM - staff member received warning. Complainant advised of outcome.
Councillor	GM	Yes	General conduct	Clause 6.1 (e), 6.3	Mayor investigated - unproven

FINANCIAL IMPLICATIONS:

4th quarter budget adjustment may be necessary to cover the costs involved in external investigations.

LEGAL IMPLICATIONS:

All staff and councillors are required to abide by the Code of Conduct and with the relevant sections of the Local Government Act, 1993.

RECOMMENDATION:

That:

- 1. Council notes the Code of Conduct Report including a summary of Code of Conduct issues raised with the General Manager for the year ended 30th June 2011.**

Glenda Tasker
General Manager