

You can type details into this form
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Confidential

Code of Conduct complaint

made under the Office of Local Government's
Procedures for Administration of the Model Code of Conduct (2013)

Address the complaint to:

The General Manager
Eurobodalla Shire Council
PO Box 99 Moruya NSW 2537
council@eurocoast.nsw.gov.au

Or, if the complaint is about the General Manager, to:

The Mayor
Eurobodalla Shire Council
PO Box 99 Moruya NSW 2537

If you need help with your complaint:

Call our Complaints
Coordinator on
(02) 4474 1267
or email
council@eurocoast.nsw.gov.au

Office use only

Received date

File No.

Refer to conduct reviewer? Yes No

Reviewer

Referred date

A Code of Conduct complaint is defined as:

"a complaint that alleges 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".

Council's Code of Conduct can be viewed at: www.esc.nsw.gov.au/inside-council/council/council-policies

• Only Code of Conduct complaints should be reported using this form.

• Complaints that do not satisfy the above definition of a 'Code of Conduct complaint' will be dealt with under Council's routine complaint management procedures or referred to the appropriate agency.

The following people/ agencies may be informed about this complaint, as applicable under the [Procedures](#):

- Council's General Manager or Mayor, and Complaints co-ordinator
- the councillor(s) or Council officer(s) you are complaining about
- an independent Conduct Reviewer
- the Office of Local Government, ICAC or the NSW Ombudsman.

Part 1: Your details

Please tell us which best describes you:

Mr Mrs Miss Ms Dr Other

We need your full name and contact details so that we can respond to your complaint in writing.

Family name

Full given name(s)
no initials

Postal address for
mail about this complaint

Daytime phone

Mobile

Email address

I prefer to receive correspondence about my complaint at this email address

In dealing with matters under the Code of Conduct Procedures, information that identifies or tends to identify complainants (other than councillors) is **not to be disclosed** unless the complainant consents in writing to the disclosure, or under certain other circumstances (see **part 4** of this form).

Do you consent to the disclosure of your identity in relation to this complaint? Yes No

Important: your obligations as a complainant

You should not make public allegations of suspected breaches of the Code, or disclose information about the consideration of a matter under the Code.

If you are a council official: such conduct may constitute a breach of the Council's Code of Conduct.

If you are a councillor: such breaches will be referred to the Office of Local Government and dealt with under the misconduct provisions of the *Local Government Act 1993*.

Your signature

Date

Part 2. Complaint Details

Please provide the name(s) of the Council official(s) you believe to have breached the Code of Conduct:

Title	<input type="text"/>	Given name	<input type="text"/>	Family name	<input type="text"/>
Title	<input type="text"/>	Given name	<input type="text"/>	Family name	<input type="text"/>
Title	<input type="text"/>	Given name	<input type="text"/>	Family name	<input type="text"/>
Title	<input type="text"/>	Given name	<input type="text"/>	Family name	<input type="text"/>
Title	<input type="text"/>	Given name	<input type="text"/>	Family name	<input type="text"/>
Title	<input type="text"/>	Given name	<input type="text"/>	Family name	<input type="text"/>
Title	<input type="text"/>	Given name	<input type="text"/>	Family name	<input type="text"/>
Title	<input type="text"/>	Given name	<input type="text"/>	Family name	<input type="text"/>
Title	<input type="text"/>	Given name	<input type="text"/>	Family name	<input type="text"/>
Title	<input type="text"/>	Given name	<input type="text"/>	Family name	<input type="text"/>

A Code of Conduct complaint must be made within three months of the alleged conduct occurring, or within three months of the complainant becoming aware of the alleged conduct.

Date that the alleged breach occurred

Date that you became aware of the alleged breach

Does this complaint involve any of the following? (please select any that apply)

- a breach of the pecuniary interest provisions of the Local Government Act 1993
- a failure to comply with a requirement under the Code of Conduct to disclose and appropriately manage conflicts of interests arising from reportable political donations (see section 328B)
- a breach of Part 8 of the Code of Conduct relating to the maintenance of the integrity of the code
- the subject of a special complaints management arrangement with the Office of Local Government under clause 5.40 of the Procedures for administration of the model Code of Conduct

This section to be completed by public officials only:

Is this complaint made as a **public interest disclosure** under the Public Interest Disclosures Act 1994 ? (PID Act)

defined as: "a disclosure made by a public official to a public or investigating authority in accordance with any procedure established by the authority concerned for the reporting of allegations of corrupt conduct, maladministration, serious and substantial waste of public money or government information contravention by that authority or any of its officers."

No Yes - see below:

For a Code of Conduct complaint to be dealt with as a public interest disclosure, the complainant must state at the outset and in writing at the time of making the complaint that it is made as a public interest disclosure. Code of Conduct complaints that are made as public interest disclosures under the PID Act are to be managed in accordance with the requirements of that Act, Council's internal reporting policy and any guidelines issued by the NSW Ombudsman that relate to public interest disclosures.

Where a councillor makes a Code of Conduct complaint about another councillor or General Manager as a public interest disclosure, the complainant councillor must consent in writing to the disclosure of their identity as the complainant before the matter may be dealt with under these procedures. Where a councillor declines to consent to the disclosure of their identity as the complainant, the General Manager or Mayor must refer the complaint to the Office of Local Government for consideration. Such a referral must be made under section 26 of the PID Act.

Part 3. Description of Complaint

It is important that you provide at this point all of the information that you wish to have taken into account by the reviewer, to help them decide what action to take on your complaint.

You should explain in detail what the Council official(s) did, that you believe has breached the Code of Conduct.

If you are complaining about more than one person, you should clearly explain what each individual person did, that you believe has breached the Code.

In your explanation, it is helpful for you to identify the part(s) of the Code which you consider to have been breached (quoting section or clause numbers can assist with this). You should:

- provide relevant background information
- be specific, wherever possible, about exactly what you are alleging the person said or did.
e.g. instead of writing that the person insulted you, you should state what it was they said.
- confirm whether there are any witnesses to the alleged conduct, providing their details if possible.

Please provide details of your complaint and the part(s) of the Code allegedly breached, below.

You can continue on a separate sheet if there is not enough space on this form.

You can also attach other documents which are relevant to the complaint.

Details of Complaint

Description of Conduct

Part(s) of Code

allegedly breached

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Dealing with your complaint

The General Manager, Mayor and/ or conduct reviewer must consider your preferences in deciding how to deal with your complaint. If your preference is for your complaint to be resolved informally, by mediation, or other alternative means, please tell us below:

- Informal resolution Mediation Other (please specify)

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4. Disclosure of your identity as the Complainant

Clause 5.29 of the Procedures provides that information that identifies or tends to identify complainants is **not to be disclosed** unless:

- (a) the complainant consents in writing to the disclosure, or
- (b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
- (c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
- (d) a conduct reviewer or conduct review committee is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
- (e) it is otherwise in the public interest to do so.

Reasons for non-disclosure

Please provide reasons why you believe we should withhold your name and/ or the details of your complaint. For example:

- risk of physical harm if your identity was disclosed;
- fear that the consequences of your action might affect your employment;
- serious health grounds or medical risks associated with your disclosure.

Note: If your request for confidentiality cannot be guaranteed, we may allow you the option of withdrawing your complaint. However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we may be obliged to proceed with an investigation or other action which may require disclosure of your identity.

For councillors only:

Clause 5.29 above does not apply to Code of Conduct complaints made by councillors about other councillors or the General Manager (clause 5.30).

Where a councillor makes a Code of Conduct complaint about another councillor or the General Manager and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed (clause 5.31).

A request made by a complainant councillor under clause 5.31 must be made at the time they make a Code of Conduct complaint, and must state the grounds upon which the request is made (clause 5.32)

There is no obligation for any person dealing with the complaint to comply with the request.

Privacy Statement: The information on this form is being collected by Council for purposes associated with investigation of your complaint. It will be used by Council staff for purposes relating to acting upon the complaint and may be disclosed to persons and/or organisations outside of Council. Supply of this information is voluntary but without it Council cannot act on your complaint. Visit www.esc.nsw.gov.au/privacy for more information.