

GUIDE: HOW TO LODGE A CODE OF CONDUCT COMPLAINT AGAINST COUNCIL OFFICIALS

What is a Code of Conduct complaint?

- A Code of Conduct complaint must demonstrate that a Council Official has breached the standards outlined in the Council's **Code of Conduct**.
- A complaint must be lodged within **three (3) months** of the alleged breach or within **three (3) months** of the complainant becoming aware of the breach. A complaint made after 3 months may only be accepted if serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

What is NOT a Code of Conduct complaint?

A complaint **does not** qualify as a Code of Conduct complaint if it relates to:

1. Dissatisfaction with the **standard of service** provided by the Council or its officials.
2. A **decision** made by the Council or a Council official, or the **exercise of discretion** in a matter.
3. A **policy or procedure** prescribed by the Council.
4. Conduct of a Council official that, despite an **error**, was carried out in **good faith** and does not amount to a breach.

Additionally, a complaint may be declined at the outset if:

- It does not meet the **definition** of a breach.
- It is **not submitted** within the required three-month timeframe.
- It is deemed **trivial, frivolous, vexatious, or not made in good faith**.
- The matter has **previously been dealt with** and no further action is necessary.
- A breach **cannot be clearly identified** in the complaint.

How to make a Code of Conduct complaint

All code of conduct complaints (other than those relating to the general manager) are to be made to the **General Manager in writing**.

Code of conduct complaints about the General Manager are to be made to the **Mayor in writing**.

You may suggest whether you believe the complaint could be resolved through **mediation or alternative dispute resolution**. The Council must consider this request.

Note: While Councils are required to refer certain matters to OLG, complaints should always be made to Council in the first instance.

For further information on "How May Code of Conduct Complaints Be Made", refer to clause 4 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.