

Report by Neale Redman, Director Corporate Services

RECOMMENDATION

That Council note the report on documented instances of Councillor/Staff incidents that have occurred during this current term of Council.

PURPOSE OF REPORT

Council, at its meeting on 2 February 2010, resolved (minute no. 09/10):

“That Council authorises the General Manager to prepare a report on documented instances of Councillor/Staff incidents that have occurred during this current term of Council.”

This report has been prepared in response to the resolution.

REPORT

In the current term of Council, the following Councillor/Staff incidents have been reported to the General Manager:

Incident 1	Strathfield Children’s Week Event
Ref.	Code of Conduct Matter No. 0007
Date	21 October 2008
Complainant	Cr Danny Lim
Subject	Staff member 1 (refer to the confidential attachment)
Description	Cr Lim alleged that as he attempted to attend the Strathfield Children’s Week Event on 21 October 2008 staff member 1 blocked his path and physically “man-handled” him. Staff member 1 denied the allegation and advised that he had requested Cr Lim to refrain from handing out political material to members of the public at the event.
Outcome	A witness statement was provided by a Council officer corroborating staff member 1’s version of events. The General Manger determined that there was no prima facie evidence of a breach of the Code of Conduct and determined to take no further action.

Incident 2	Verbal Abuse
Ref.	Code of Conduct Matter No. 0051
Date	3 August 2009
Complainant	Staff member 2 (refer to the confidential attachment)
Subject	Cr Danny Lim
Description	Staff member 2 alleged that in a meeting with a resident in the Customer Services area on 3 August 2009, Cr Lim walked towards them and told the resident not to “waste anymore time” with staff member 2 and in a raised

	<p>voice swore at staff member 2 including saying words to the effect that staff member 2 was “talking bullshit”. This was said in front of other Council officers and several members of the public. Staff member 2 reported that he felt intimidated and belittled by having a Councillor shout at him in the Customer Services area.</p> <p>Cr Lim denied the allegation.</p>
Outcome	<p>The General Manager determined that the allegation was sufficiently serious to warrant referral to the Conduct Reviewer.</p> <p>The Conduct Reviewer investigated the matter including interviewing two Council officers who witnessed the incident. Their evidence confirmed staff member 2’s version of events. Cr Lim was invited to respond to the allegation in writing and orally but did not do so.</p> <p>The Conduct Reviewer found that Cr Lim had breached the Code of Conduct by:</p> <ol style="list-style-type: none"> 1. Acting in a way that is an abuse of power or otherwise amounts to misconduct (clause 6.1(d) Code of Conduct). 2. Acting in a way that causes, comprises or involves intimidation, harassment or verbal abuse (clause 6.1(e) Code of Conduct). 3. Failing to treat others with respect at all times (clause 6.3 Code of Conduct). <p>The Conduct Reviewer has recommended that:</p> <ol style="list-style-type: none"> 1. Council formally censure Cr Lim for misbehaviour. 2. Cr Lim apologise to staff member 2. <p>A report by the Conduct Reviewer regarding this incident will be provided to Council separately.</p>

Incident 3	Race Discriminatory Statement at Council Dinner on 8 December 2009
Ref.	Code of Conduct Matter No. 0065
Date	8 December 2009
Complainant	Cr Danny Lim
Subject	Staff member 3 (refer to the confidential attachment)
Description	Cr Lim alleged that staff member 3 made a race discriminatory statement at the dinner.
Outcome	Investigation pending.

Incident 4	Property Damage – Coronation Parade, Enfield
Ref.	Code of Conduct Matter No. 0066
Date	23 November 2009
Complainant	Cr Danny Lim
Subject	Staff member 4 (refer to the confidential attachment)
Description	Cr Lim alleged that staff member 4 provided false and misleading information in response to a Councillor Question from Cr Lim regarding

	damage to a property at Coronation Parade, Enfield.
Outcome	Investigation pending.

Incident 5	Strathfield Lunar New Year Event – 7 February 2009
Ref.	Code of Conduct Matter No. 0075
Date	7 February 2009
Complainant	Staff member 5
Subject	Cr Danny Lim
Description	Staff member 5 alleged that Cr Lim continually followed and swore at him in front of other Council officers and members of the public while he was working at the Strathfield Lunar New Year Event at the Strathfield Town Centre on 7 February 2009.
Outcome	Investigation pending.

Incident 6	Telephone Communications between Staff Member 6 and Cr Lim
Ref.	Code of Conduct Matter No. 0071
Date	12 June, 16 October and 3 December 2009
Complainant	Staff member 6 (refer to the confidential attachment)/Cr Lim
Subject	Cr Lim/staff member 6
Description	Staff member 6 has alleged that on 12 June, 16 October and 3 December 2009, Cr Lim telephoned him and harassed and threatened him in relation to the performance of his work and recommendations that he had made. Cr Lim has requested the General Manager to investigate staff member 6's behaviour in relation to comments made by staff member 6 over the telephone on 3 December 2009.
Outcome	Investigation pending.

Incident 7	Behaviour of Staff Member 7 at Burwood Local Court
Ref.	Code of Conduct Matter No. 0076
Date	8 January 2010
Complainant	Cr Lim
Subject	Staff member 7 (refer to the confidential attachment)
Description	In relation to the AVO Application by staff member 7 against Cr Lim, Cr Lim has alleged that while in the Burwood Local Court building on 8 January 2010 staff member 7 loudly made a comment regarding Cr Lim's shoes.
Outcome	Investigation pending.

Incident 8	Inappropriate interaction
Ref.	N/A
Date	3 November 2009
Complainant	Confidential
Subject	Cr Danny Lim
Description	A Council officer has alleged that Cr Lim approached the officer to discuss the officer's work and threatened the officer regarding the officer's loyalty to the General Manager and that the officer should be very careful in the future. The officer allegedly advised Cr Lim that the officer could not discuss his concerns directly with Cr Lim and that he should raise them with the General Manager.

Outcome	Investigation pending.
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Incident 9	Verbal abuse in Customer Service area
Ref.	Code of Conduct Matter No. 0077
Date	26 November 2009
Complainant	Customer Service staff
Subject	Cr Danny Lim
Description	<p>Customer Service staff have alleged that Cr Lim attended the Customer Service area on 26 November 2009 to pay his rates.</p> <p>It is alleged that Cr Lim ignored a 'No Animals Allowed' sign at the door and a request by a security guard to remove his dog from the area.</p> <p>It is also alleged that Cr Lim then verbally abused a number of Customer Service officers in front of several other officers, a security guard and customers. Cr Lim allegedly refused to comply with the security guard's request to lower his voice.</p> <p>It is alleged that Cr Lim's conduct intimidated and distressed some of the customers and officers, causing them to cry and/or be shaken and to leave the area.</p>
Outcome	Investigation pending.

Incident 10	Street Sweeping Contractor – Corner The Boulevard and Liverpool Road, Strathfield South
Ref.	Code of Conduct Matter No. 0078
Date	12 December 2009
Complainant	Contractor
Subject	Cr Danny Lim
Description	A Council street sweeping contractor has alleged that while working at the corner of The Boulevard and Liverpool Road, Strathfield South on 12 December 2009, he requested Cr Lim to move his car to allow him to clean the area on which Cr Lim had parked. The contractor has alleged that Cr Lim swore at him in response.
Outcome	Investigation pending.

Incident 11	Australia Day Event – 26 January 2010
Ref.	Code of Conduct Matter No. 0079
Date	26 January 2010
Complainant	Confidential
Subject	Cr Lim
Description	A Council officer working at the Australia Day Event on 26 January 2010 has alleged that Cr Lim accused the officer of mocking him by assisting with a thong-throwing contest. It is alleged that Cr Lim harassed the officer, disrupted events during the day and displayed offensive/inappropriate signs.
Outcome	Investigation pending.

The matters set out above concern interactions between Councillors and Council staff. Councillor/Councillor incidents and Councillor/resident (or other parties) incidents have not been included.

Each matter is being investigated as a Code of Conduct complaint. Reports of the outcomes of the investigations including any findings and recommendations will be provided to Council in due course.

REFERRAL FROM OTHER DEPARTMENT

No referral was required.

FINANCIAL IMPLICATIONS

Other than the Council resources that are being used in managing these complaints, there are no financial implications.

ATTACHMENTS

1. Confidential attachment to be circulated to Councillors under separate cover.