

Local Government Act - Reform Package

22 April 2022

3 min. read

Worthwhile read for: Local government / Local Government Review Panel

[Planning and development](#)

In May 2020, the Local Government Review Panel released its final report following its review of the *Local Government Act 1995* (LGA). The report contains 65 recommendations aimed at, among other things, clarifying the role and responsibilities of Council Members.

In this alert we provide an overview of the report's recommendations with respect to the regulation of Councillor behaviour pending an announcement of the outcome.

Key Points

The proposed reforms include:

- the removal of the local government's complaint officer from the complaints process;
- the abolition of the Local Government Standards Panel;
- the creation of a new "one stop shop" to deal with complaints administered by the Chief Inspector of Local Government, supported by an Office of the Local Government Inspector; and
- the appointment of Monitors who may take over the functions of the local government.

Councillor behaviour - Complaints under the current legislation

Currently, reforms to the LGA in 2019 and 2021 saw the adoption of the Local Government (Model Code of Conduct) Regulations 2021 (Model Code) which contain the Rules of Conduct to be observed by Council Members. The Model Code:

- enabled a complaints officer, typically a CEO, to investigate and deal with complaints of a minor nature, with breaches of the Rules of Conduct referred by the CEO to the Local Governments Standards Panel for review;
- provided for all complaints, at first instance, to be directed to the complaints officer of the local government; and
- with respect to minor breaches of the Model Code, enabled local governments to address Councillor behaviour through the imposition of further education requirements or other remedial action the Council considered appropriate.

Complaints and the proposed reforms

Under the proposed reforms:

- further Code of Conduct provisions will be required;
- the complaints officer is removed from the complaints procedure, with all complaints initially to be directed to the Office of the Independent Assessor;
- where the complaint refers to Councillor behaviour, the Office of the Independent Assessor may refer the matter back to the Council which may impose further education requirements or other remedial action the Council considers appropriate;
- with respect to more serious issues, the Office of the Independent Assessor can refer the matter to the State Administrative Tribunal, Corruption and Crime Commission, Public Sector Commission or the Ombudsman; and

- Monitors may be appointed who could effectively take over the function of the local government where good governance practices are not being observed.

Comment

Although the proposed reforms are wide ranging and largely address the adoption of additional transparency measures, which are to be welcomed, it is the potential removal of the CEO's role in relation to complaints and the imposition of Monitors which represent a major shift in a local government's ability to self-regulate.

If the proposed reforms have sought to clarify the role and responsibilities of Council Members, it is at the cost of imposing a complex and costly monitoring regime on the sector which does little to encourage the observance of good governance and Councillor accountability.

Instead of a 'new Act' we have yet another ad-hoc amendment to an already unruly Act.

The public comment period on the proposed reforms closed on 4 February 2022 and we await the outcome.

22 April 2022

[Planning and development](#)

[Previous article](#) [Next article](#)