



LOCAL GOVERNMENT ACT REFORM ►► TRANSFORMING LOCAL GOVERNMENT

## Standards Panel complaints Frequently Asked Questions

### What changes are being made?

- Key changes to the Local Government Standards Panel processes include:
  - Introducing the ability for the Panel to request mediation between parties;
  - Introducing powers to order the council member to reimburse the local government the cost of the panel proceedings for adverse findings, rather than these being borne by ratepayers;
  - A reduction in the period to lodge a complaint from two years to six months; and
  - Expansion of the confidentiality of complaints.
- Improvements to local government reporting requirements include:
  - Publishing of council member censures on the local government's official website; and
  - Publishing an up-to-date register of complaints on the local government's official website outlining all complaints where the Standards Panel has found a minor breach.

### Why is the time limit for lodging a minor breach complaint being reduced?

- This is to provide greater natural justice to the person alleged to be in breach of a Rule of Conduct.
- The Rules of Conduct deal with council member behaviour.
- Complaints are considered by the Standards Panel on the basis of the documents and claims put before it. The council member accused is requested to provide a response to the allegation.

- This can be very difficult if the alleged conduct occurred some time ago, particularly if this is the first time it has been brought to their attention.
- If the conduct of a person is inappropriate, then a complaint should be made quickly so the behaviour can be addressed.
- 92% of complaints between 2007 and 2015 were lodged within six months.

### **Why is confidentiality being extended outside the election period?**

- The fact that a complaint has been lodged is being used by some complainants to make public statements which imply guilt and tarnishes the reputation of the council member.
- This can encourage poorly evidenced complaints with little or no chance of success because the complainant's goal is achieved through the adverse media exposure.
- 22% of the complaints lodged in 2017/18 were found by the Standards Panel to be frivolous, trivial, vexatious, misconceived or without substance.
- A person has a right to have an allegation dealt through due process.

### **To whom do the confidentiality provisions apply?**

- The person who makes a complaint;
- the person against whom a complaint is made;
- anyone who performs a function under the Local Government Act in respect of a complaint; and
- anyone who becomes aware of any detail of a complaint knowing it to be relevant to the complaint.

### **What types of complaints are required to be kept confidential?**

- Allegations of
  - Minor breaches
  - Serious breaches and
  - Recurrent breaches.

### **What happens if someone does breach confidentiality?**

- It is an offence to breach confidentiality and a \$5,000 fine applies.

### **Doesn't this go against the principle of greater transparency?**

- It was considered that the principle of natural justice should take precedence until a breach is found to have occurred.
- There will be increased transparency of council members found to be breaching the Rules of Conduct as these breaches will be included in a register and published on the local government's website.
- The reasons for findings of breach are published [here](#) on the Department of Local Government, Sport and Cultural Industries website.

### **What other changes are being made?**

- A new Code of Conduct, incorporating the Rules of Conduct, is being developed and should be released for comment in the next month.
- The new Code of Conduct will apply to candidates of local government elections.