

Local Government Standards Panel

ANNUAL REPORT 2007 / 2008



Government of **Western Australia**
Department of **Local Government**
and **Regional Development**
www.dlgrd.wa.gov.au

LOCAL GOVERNMENT STANDARDS PANEL

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OVERVIEW

The *Local Government (Official Conduct) Amendment Act 2007* amended the *Local Government Act 1995* ("the Act") to provide a new complaints system whereby the conduct of an individual council member can be reviewed. The amendments came into operation on 21 October 2007.

The amendments provide for the establishment of a Standards Panel by the Minister for Local Government. The Panel's function is to receive and deal with complaints, made by any person, of alleged breaches by a council member of the *Local Government (Rules of Conduct) Regulations 2007* ("the Regulations").

If the Standards Panel finds that a council member has committed a minor breach, the Standards Panel is required to deal with the breach by:

- (a) dismissing the complaint;
- (b) ordering that the council member:
 - (i) be publicly censured as specified in the order;
 - (ii) apologise publicly as specified in the order; or
 - (iii) undertake training as specified in the order; or
- (c) ordering 2 or more of the sanctions described in paragraph (b).

If a council member has previously been found to have committed 2 or more other breaches of the Regulations, and the breach alleged in a complaint, if it were found to have been committed, would be a 3rd or recurrent breach, the Panel may send the complaint to the Director General (who in turn may send it to the State Administrative Tribunal (SAT) to deal with). In the 8 months that the legislation has been operating the Panel has not had occasion to consider any such complaint.

In addition to the above mentioned courses of action that can be taken by the Panel, SAT can order a member be suspended or disqualified from holding office.

COMPOSITION OF THE STANDARDS PANEL

The Standards Panel is comprised of three members and three deputy members, all of whom having been appointed by the Minister for a term expiring on 31 December 2008.

The members and appointees to the Standards Panel are:

- (1) Quentin Harrington, the Department's Director Governance and Statutory Support or the person acting in that position. The deputy member is the person who is the Department's Director Strategies and Legislation or the person acting in that position.

- (2) Councillor Clive Robartson, a current elected member of the City of Melville. His deputy member is Councillor Moira Girando, the President of the Shire of Coorow.
- (3) Mr John Lyon, a former Deputy State Solicitor. His deputy member is Mr Graham Castledine, a legal practitioner.

ADMINISTRATION AND SUPPORT SERVICES

The Standards Panel's administration and support services are provided by officers of the Department of Local Government and Regional Development ("the Department"). These officers form the Panel Administration.

REQUIREMENT FOR ANNUAL REPORT

Clause 11 of Schedule 5.1 of the Act requires that:

- "(1) By 31 August in each year, the primary standards panel is to prepare and provide to the Minister a report on the complaints dealt with by all standards panels during the previous financial year.
- (2) The annual report must not include information that identifies or enables the identification of a council member against whom a complaint was made if the complaint was not dealt with under section 5.110(6)(b) or (c)."

This report covers the period from 21 October 2007 to 30 June 2008.

NUMBER OF STANDARDS PANELS ESTABLISHED

Although the Act provides for the establishment of more than one standards panel, to date the Minister has established only one standards panel.

COMPLAINTS RECEIVED

In the period 21 October 2007 to 30 June 2008 the Standards Panel received 29 Complaints of Minor Breach. These complaints included some with multiple allegations about the same council member, some with one or more allegations about two council members, and some with an allegation or allegations in common with another complaint or other complaints about the same council member.

FINDINGS OF MINOR BREACH

In relation to the 29 Complaints of Minor Breach received, 20 of the 24 complaints considered by the Standards Panel have resulted in the following findings being made by the Standards Panel:

- 15 findings of no breach;
- 2 findings that the allegation made was an allegation of a serious breach (and thus not able to be dealt with by the Standards Panel); and
- 3 findings of a breach.

COMPLAINTS NOT DEALT WITH UNDER SECTION 5.110(6)(b) OR (c)

During 2007/2008 the Standards Panel dealt with 17 complaints without making an order under s 5.110(6)(b) or (c) of the Act.

COMPLAINTS DEALT WITH UNDER SECTION 5.110(6)(b) OR (c)

In 2007/2008 the Standards Panel did not deal with any complaint under s 5.110(6)(b) or (c) of the Act.

As at 30 June 2008 there were 3 findings of breach in regard to which the council members concerned were given an opportunity to make submissions on how the Standards Panel should deal with the complaint under s 5.110(6) of the Act.

Quentin Harrington
Presiding Member
Local Government Standards Panel

July 2008