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**Government
of South Australia**

BEHAVIOURAL STANDARDS PANEL

2022-23 Annual Report

Behavioural Standards Panel

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2022-23 ANNUAL REPORT for the Behavioural Standards Panel

To:


The Hon Geoff Brock MP
Minister for Local Government
Minister for Regional Roads
Minister for Veterans Affairs

This annual report will be presented to Parliament to meet the statutory reporting requirements of the *Local Government Act 1999* and the requirements of Premier and Cabinet Circular *PC013 Annual Reporting*.

This report is verified to be accurate for the purposes of annual reporting to the Parliament of South Australia.

Submitted on behalf of the Behavioural Standards Panel by:

Thilan Legierse
Presiding Member
Behavioural Standards Panel



Date 29/09/2023 Signature

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Overview: about the agency

Our strategic focus

Our Purpose

The Behavioural Standards Panel is an independent statutory body that has been established under the *Local Government Act 1999* (the Act) to consider complaints relating to alleged misbehaviour, repeated misbehaviour and serious misbehaviour by council members, as defined by section 262E of the Act.

The Panel commenced its functions on 17 November 2022.

Our functions, objectives and deliverables

The Panel considers complaints relating to the alleged misbehaviour, repeated misbehaviour and serious misbehaviour by council members under section 262E of the Act:

misbehaviour means—

- (a) a failure by a member of a council to comply with a requirement of the council under section 262C(1); or
- (b) a failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or
- (c) a failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1;

repeated misbehaviour means a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2 (Member behaviour);

serious misbehaviour means a failure by a member of a council to comply with section 75G (Health and safety duties).

In accordance with s 262Q of the Act, complaints may be referred to the Panel by resolution of the council; the principal member of the council, at least 3 members of the council; or a responsible person in accordance with section s 75(G)(5) of the Act.

The Panel may inquire into a complaint in such manner as the Panel considers appropriate, conducting the inquiry in accordance with the principles of procedural fairness (section 262T(2) of the Act).

The Act also provides that, in exercising or performing a power or function in relation to inquiring into a complaint, the Panel—

- must proceed with as little formality and technicality and with as much expedition as the requirements of the Act or any other Act and a proper consideration of the matter permit; and
- is not bound by rules of evidence but may inform itself of any matter in any manner that the Panel considers appropriate (section 262U(4)).

After inquiring into a complaint, the Panel may, order one or more of the following actions to be taken:

- reprimand the member (including by means of a public statement);
- direct the council to pass a censure motion in respect of the member;
- require the member to issue a public apology (in a manner determined by the Panel);
- require the member to attend a specified course of training or instruction, or to take other steps; require the member to reimburse the council a specified amount (which may include the reimbursement of the council's costs relating to investigation of the complaint and giving effect to an order);
- remove or suspend the member from one or more offices held in the member's capacity as a member of the council or by virtue of being a member of the council (other than the office of member of the council);
- suspend the member from the office of member of the council for a period not exceeding three months, with or without an allowance (as determined by the Panel);
- direct the council to lodge a complaint against the member with the South Australian Civil and Administrative Tribunal (SACAT).

The Panel may also, at any time, arrange for mediation, conciliation, arbitration or other dispute or conflict resolution measures to be conducted in order to resolve a matter (section 262V of the Act).

Our organisational structure

Members

The Act provides for three members of the Panel, who are appointed by the Governor. Members are appointed for terms of up to five years. At the conclusion of their term, members are eligible for renomination.

The three inaugural members of the Panel were appointed by the Governor on 17 February 2022 and commenced on 28 March 2022. These appointments enabled the Panel members to establish the practice directions, guidance papers, and standard operating procedures that were necessary to have in place before the Panel formally commenced its functions.

Members during 2022-23 were:

- Ms Thilan Legierse, Presiding Member from 28 March 2022 to 9 November 2025, joint nominee of the Local Government Association and the Minister for Local Government.
- Mr Adam Crichton, Member from 28 March 2022 to 9 November 2025, nominee of the Minister for Local Government
- Ms Rosie Jervis, Member from 28 March 2022 to 9 November 2025, nominee of the Local Government Association.

Administrative Support

Section 262K of the Act provides that the Panel will have such staff (comprised of persons employed in the Public Service of the State) as is necessary for the purposes of the performance of the Panel's functions. Staffing support for the Panel was provided for by the Department for Infrastructure and Transport (the Department). The Panel has a dedicated Executive Officer, and further administrative support is also provided by the Department (Office of Local Government).

Changes to the agency

There were no changes to the Panel's structure and objectives as a result of internal reviews or machinery of government changes.

Legislation administered by the agency

The Panel is established under the *Local Government Act 1999*. The functions of the Panel are undertaken in accordance with the Act.

Other related agencies (within the Minister's area/s of responsibility)

The Panel is an independent statutory authority and is not related to any other State Agency.

The agency’s performance

Performance at a glance

Upon becoming operational the Panel released a website which includes information on the role of the Panel and how to contact them. The Panel’s website provides an interactive form to assist with the referral process.

Under section 262N of the Act, the Panel may publish practice directions relating to practices and procedures in respect of matters before the Panel, and publish guidance material relating to the performance of its functions.

Upon its commencement, the Panel has published the following guidance papers and practice directions on its website:

Guidance Papers

About the Behavioural Standards Panel

About the new council member conduct management framework

Bullying

Sexual Harassment

Types of behavioural matters that may be referred to the Panel

Practice Directions

Practice Direction 1: Lodgement of complaint

Practice Direction 2: Assessment of complaint

Practice Direction 3: Inquiry Process

Practice Direction 4: Alternative dispute resolution

Practice Direction 5: Action and report on inquiry

During the reporting period* the Panel received the following referrals for consideration:

No. of Referrals	Status
1	Did not meet requirements
4	Accepted and combined into one inquiry
4	Accepted for inquiry
2	Pending assessment

* The Panel commenced operations on 17 November 2022

Behavioural Standards Panel Meetings

Initially, during the establishment phase the Behavioural Standards Panel met monthly, however, once operational the Panel now meets as required. A summary of Panel Meetings held during 2022-23 is provided below.

Meeting Date	Meeting Participants
27 July 2022 Establishment	<p>Panel Members</p> <p>Ms Thilan Legierse, Mr Adam Crichton, Ms Rosie Jervis</p> <p>Office of Local Government and Local Government Association representatives: Ms Alex Hart, Mr David Whiterod, Ms Jayne Anggang, Ms Fran Hurley, Ms Tami Norman, Mr Andrew Lamb</p> <p>Guests: Mr Wayne Lines, Ombudsman, Mr Steven Strelan, Deputy Ombudsman, Mr Benjamin Authers, Office of the Ombudsman</p>
7 September 2022 Establishment	<p>Panel Members</p> <p>Ms Thilan Legierse, Mr Adam Crichton, Ms Rosie Jervis</p> <p>Office of Local Government and Local Government Association representatives: Ms Alex Hart, Mr David Whiterod, Ms Jayne Anggang, Ms Fran Hurley, Ms Tami Norman, Mr Andrew Lamb</p> <p>Guest: Ms Emma Townsend, Director, Office for Public Integrity</p>
5 October 2022 Establishment	<p>Panel Members</p> <p>Ms Thilan Legierse, Ms Rosie Jervis</p> <p>Office of Local Government and Local Government Association representatives: Ms Alex Hart, Mr David Whiterod, Ms Jayne Anggang, Ms Fran Hurley, Ms Tami Norman, Mr Andrew Lamb</p> <p>Guest: Mayor Moira Jenkins, City of Victor Harbor</p>
25 October 2022 Establishment	<p>Panel Members</p> <p>Ms Thilan Legierse, Mr Adam Crichton, Ms Rosie Jervis</p> <p>Office of Local Government and Local Government Association representatives: Ms Alex Hart, Mr David Whiterod, Ms Jayne Anggang, Ms Fran Hurley, Ms Tami Norman, Mr Andrew Lamb</p>

	Guests: Mr Matt Barton, Manager LGA Workers Compensation Scheme, Ms Kirsty Gold, Divisional Manager LGA Mutual Liability Scheme, and Mr Stevie Sanders, Manager WHS & Risk LGA Workers Compensation Scheme
29 November 2022	Panel Members Ms Thilan Legierse, Mr Adam Crichton, Ms Rosie Jervis Office of Local Government and Local Government Association representatives: Ms Alex Hart, Mr David Whiterod, Ms Fran Hurley, Ms Tami Norman, Mr Andrew Lamb
23 March 2023	Panel Members Ms Thilan Legierse, Mr Adam Crichton, Ms Rosie Jervis Executive Officer Ms Fran Hurley Office of Local Government representatives: Ms Alex Hart, Mr David Whiterod, Ms Jayne Anggang
28 March 2023	Panel Members Ms Thilan Legierse, Mr Adam Crichton, Ms Rosie Jervis Executive Officer Ms Fran Hurley Office of Local Government representatives: Ms Alex Hart, Mr David Whiterod
1 May 2023	Panel Members Ms Thilan Legierse, Mr Adam Crichton, Ms Rosie Jervis Executive Officer Ms Fran Hurley Office of Local Government representatives: Mr David Whiterod, Ms Jayne Anggang
17 May 2023	Panel Members Ms Thilan Legierse, Mr Adam Crichton Executive Officer Ms Fran Hurley Office of Local Government representatives: Ms Alex Hart, Mr David Whiterod, Ms Jayne Anggang

6 June 2023	Panel Members Ms Thilan Legierse, Mr Adam Crichton, Ms Rosie Jervis Executive Officer Ms Fran Hurley Office of Local Government representatives: Ms Alex Hart, Mr David Whiterod, Ms Jayne Anggang
27 June 2023	Panel Members Ms Thilan Legierse, Mr Adam Crichton, Ms Rosie Jervis Executive Officer Ms Fran Hurley Office of Local Government representatives: Ms Alex Hart, Ms Jayne Anggang

Employment opportunity programs

The Panel’s Executive Officers is managed within the human resources management framework provided by the Department.

Agency performance management and development systems

Agency performance management and development systems are managed within the human resources management framework provided by the Department.

Work health, safety and return to work programs

Work, health and safety and return to work programs are managed through the human resources management framework provided by the Department.

There have been nil incidents involving workplace injuries, nil notifiable incidents and nil provisional improvement or prohibition notices issued.

Executive employment in the agency

There was no executive employment undertaken by the Panel during the reporting period.

Financial performance

Financial performance at a glance

The following is a brief summary of the overall financial position of the agency. The information is unaudited. Full audited financial statements for 2022-2023 are attached to this report.

Statement of Comprehensive Income	2022-23 Actual
Total Income	-
Board Remuneration	4 983.44
Supplies and Services	14 717.54
Total Expenses*	19 700.98

***Note:** The Panel's operational costs are recoverable by agreement with the Local Government Association of South Australia. Costs incurred as part of Panel inquiries are recoverable from individual councils.

Consultants disclosure

The Panel has not hired any consultants during the reporting period.

Contractors disclosure

The following is a summary of external contractors that have been engaged by the agency, the nature of work undertaken, and the actual payments made for work undertaken during the financial year.

Contractors with a contract value below \$10,000

Contractors	Purpose	\$ Actual payment
All contractors below \$10,000 each - combined	Various	\$14 317.10

Contractors with a contract value above \$10,000 each

Nil engaged.

Data for previous years is available at: n/a

The details of South Australian Government-awarded contracts for goods, services, and works are displayed on the SA Tenders and Contracts website. [View the agency list of contracts.](#)

The website also provides details of [across government contracts.](#)

Risk management

Risk and audit at a glance

Fraud detected in the agency

There has been no fraud detected in any of the Panel's activities during 2022-23.

Strategies implemented to control and prevent fraud

The management of the Panel's finances is supported by the Department for Infrastructure and Transport's financial management framework. The Panel and its administrative support adhere to the financial controls and policies of the Department for Infrastructure and Transport and relevant policies relating to Boards and Committees issued by the Department of Premier and Cabinet.

Data for previous years is available at: n/a reporting commenced in 2022-23

Public interest disclosure

Number of occasions on which public interest information has been disclosed to a responsible officer of the agency under the *Public Interest Disclosure Act 2018*:

nil

Data for previous years is available at: n/a reporting commenced in 2022-23

Note: Disclosure of public interest information was previously reported under the *Whistleblowers Protection Act 1993* and repealed by the *Public Interest Disclosure Act 2018* on 1/7/2019.

Reporting required under any other act or regulation

Not applicable

Reporting required under the *Carers' Recognition Act 2005*

Not applicable

Public complaints

Number of public complaints reported

No public complaints were received about the Panel during the reporting period.

Public complaints will be managed in accordance with the Department Customer Complaints and Feedback Policy.

Data for previous years is available at: n/a this is the first reporting period

Service Improvements

Not applicable.

Compliance Statement

The Behavioural Standards Panel is compliant with Premier and Cabinet Circular 039 – complaint management in the South Australian public sector	Y
The Behavioural Standards Panel has communicated the content of PC 039 and the agency’s related complaints policies and procedures to employees.	Y

Appendix: Audited financial statements 2022-23

The Panels financial statements have been audited as part of the Department's financial statements.

See below for a summary of the Panel's actual expenditure for 2022-23

Behavioural Standards Panel 2022-23	
Cost Description	Actual Expenditure (GST Excl.)
Behavioural Standards Panel Remuneration	\$5,283.44
Contractors	\$14,317.10
Administrative Expenditure	\$100.44
Total Expenditure	\$19,700.98