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**Government
of South Australia**

Behavioural Standards Panel

2023-24 Annual Report

BEHAVIOURAL STANDARDS PANEL

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To:

The Hon Joe Szakacs MP
Minister for Trade and Investment
Minister for Local Government
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 30/09/2024 Signature

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Overview: about the agency

Our Purpose

The Behavioural Standards Panel (the 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.

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 section 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.

Members during 2023-24 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

During 2023-24 there were no changes to the agency's structure and objectives as a result of internal reviews or machinery of government changes.

Our Minister

The Hon Joe Szakacs MP is the Minister for Local Government.

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.

The agency's performance

Performance at a glance

The Panel maintains a website which includes information on the role of the Panel and how to contact them. The Panel's website provides an interactive form that assists councils 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.

The Panel has published the following guidance papers and practice directions on its website, these publications are reviewed regularly and updated as required by the Panel:

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	Accepted for inquiry
2	Did not meet requirements

Reports

23BSP-0002 – Interim Report

During the reporting period the Panel published an Interim Report for inquiry 23BSP-0002. This report outlines the progress of the Panel's inquiry into complaints relating

to former Councillor Severina Burner (Cr Burner) of the City of Salisbury. While the Panel was inquiring into the complaints action was taken by the City of Salisbury to remove former Cr Burner from office. As a result of this action, the Panel was unable to finalise its inquiry.

The Interim Report is available here:

https://www.bsp.sa.gov.au/data/assets/pdf_file/0008/1279106/Interim-Report-23BSP-0002-v1.0.pdf

Behavioural Standards Panel Meetings

The Behavioural Standards Panel meets as required to consider inquiries and administrative business. A summary of Panel Meetings held during 2023-24 is provided below.

Meeting Date	Meeting Participants
6 September 2023	Ms Thilan Legierse, apologies received from Mr Adam Crichton and Ms Rosie Jervis. Meeting converted to out of session.
16 November 2023	Panel Members Ms Thilan Legierse, Mr Adam Crichton, Ms Rosie Jervis Executive Officer: Ms Fran Hurley Office of Local Government: Ms Alex Hart, Mr David Whiterod, Ms Jayne Anggang
5 December 2023	Panel Members Ms Thilan Legierse, Mr Adam Crichton, Ms Rosie Jervis Executive Officer: Ms Fran Hurley Office of Local Government: Ms Alex Hart, Mr David Whiterod, Ms Jayne Anggang
13 February 2024	Panel Members Ms Thilan Legierse, Mr Adam Crichton, Ms Rosie Jervis Executive Officer: Ms Fran Hurley Office of Local Government: Ms Alex Hart, Mr David Whiterod, Ms Jayne Anggang
2 April 2024	Panel Members Ms Thilan Legierse, Mr Adam Crichton, Ms Rosie Jervis

	<p>Executive Officer: Ms Fran Hurley</p> <p>Office of Local Government: Ms Alex Hart, Mr David Whiterod, Ms Jayne Anggang</p>
17 April 2024	<p>Panel Members</p> <p>Mr Adam Crichton, Ms Rosie Jervis</p> <p>Executive Officer: Ms Fran Hurley</p> <p>Office of Local Government: Ms Alex Hart, Mr David Whiterod, Ms Jayne Anggang</p>

Employment opportunity programs

The Panel’s Executive Officer 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.

The [Office of the Commissioner for Public Sector Employment](#) has a [workforce information](#) page that provides further information on the breakdown of executive gender, salary and tenure by agency.

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 2023-2024 are attached to this report.

Statement of Comprehensive Income	2023-24 Actual \$000s
Total Income*	\$13520.50
Expenses	
Board Remuneration	\$5783.00
Supplies and services	\$5476.41
Total Comprehensive Result	\$2261.09

***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	\$5476.41

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

Nil engaged

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

Fraud detected in the agency

There has been no fraud detected in any of the Panel's activities during 2023-24.

Strategies implemented to control and prevent fraud

The Management of the Panel's finances is supported by the Department's financial management framework. The Panel and its administrative support adhere to the financial controls and policies of the Department 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

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

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's Customer Complaints and Feedback Policy.

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 2023-24

Behavioural Standards Panel 2023-24	
Income Description	Actual Income (GST Excl.)
2022/23 cost recovery from the LGA	\$13,513.64
Total Income	\$ 13,513.64

Cost Description	Actual Expenditure (GST Excl.)
Behavioural Standards Panel Remuneration	\$5,783.00
Contractors	\$5,453.74
Total Expenditure	\$ 11,236.74