

New Local Government Provisions taking effect today

New provisions in the *Local Government Act 1999* that strengthen local councils' public accountability and transparency come into effect today.

The *Local Government (Accountability and Governance) Amendment Act* contains a range of reforms that require councils to include the public in their debate and decision making as far as possible.

Local Government Minister, Geoff Brock said, "these reforms addressed previous concerns raised by the Ombudsman, including perceptions that councils were making important and sensitive decisions behind closed doors outside of formal council meetings."

"I agree that informal gatherings and workshops are important for elected members to be fully informed on council matters"

"They can include council planning sessions associated with policy development or strategies, briefings or training sessions and workshops to better inform staff and council members."

"However these gatherings should be—and should be seen to be—used to share information but not make decisions."

"That's why councils will now need to hold these meetings in public unless a council decides on a case-by-case basis that their discussion needs to be held in confidence."

"I also expect that councils will let their communities know when they are having informal meetings in confidence and why that is the case."

"This helps to underpin the key principle that full council meetings are the prime forum for decision making," Mr Brock said.

"The new provisions also include measures providing greater clarity about how members can be supported to manage their personal interests during council deliberations.

"This includes amendments providing clarity relating to the differences between material and perceived conflicts of interest."

"The conflict of interest provisions in the old Act were confusing and difficult for council members to navigate and have been subject to differing legal opinions," Mr Brock said.

"For instance, the old Act contained only one category of conflict of interest ranging from minor through to very serious."

"The new Act recognises that conflicts of interest can take different forms—serious conflicts should be dealt with seriously—council members with a material interest in a decision should leave the room."

"However council members should also have the ability to publicly note they have a perceived conflict of interest and explain how they will deal with it."

The changes follow extensive consultation including the release of a discussion paper in 2014 by the State Government and the Local Government Association.

“The comprehensive responses to that paper included opinions from the Ombudsman, the Independent Commissioner Against Corruption (ICAC), the Crown Solicitor, the Local Government Association and individual councils.

“These changes will provide more assurance to ratepayers that their councils’ decisions are made openly and in the public’s interest,” Mr Brock said.