

Councillor Maher - MoN - Behavioural Standards Panel Report 25BSP-0005

Tuesday, 8 September 2026
Council

Council Member
Councillor Patrick Maher

Public

Contact Officer:
Anthony Spartalis, Chief Operating Officer

MOTION ON NOTICE

Councillor Patrick Maher will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

'That Council:

1. Notes the Behavioural Standards Panel Final Report Panel Reference 25BSP-0005, and paragraph 188 of the report.
2. Notes the provisions of the Local Government Act 1999 Member behaviour—Part A1, and section 262W(4).
3. Urgently commences advocacy for amendments to the Local Government Act 1999 regarding referral of former elected members to the South Australian Civil and Administrative Tribunal.'

ADMINISTRATION COMMENT

1. The decision of the South Australian Civil and Administrative Tribunal (SACAT) in *McMahon v Knight [2024] SACAT 45 (Knight)* identified a limitation within the current legislative framework, namely that SACAT does not have jurisdiction to hear and determine complaints against former members of a council in the absence of an express statutory provision conferring that jurisdiction. The decision further highlights circumstances where the operation of the member conduct framework may be frustrated where a member ceases to hold office before disciplinary processes have been finalised.
2. There is merit in advocating for legislative reform to address these limitations and improve the effectiveness of the local government member conduct framework. In particular, consideration could be given to amendments that extend SACAT's jurisdiction to former members of council, provide a pathway for matters concerning former members to be determined following their resignation or departure from office, and ensure that the outcomes of investigations and determinations by relevant regulatory bodies are not rendered ineffective solely because a person has ceased to hold office.
3. Should Council resolve to support the proposed motion, it is proposed that the Chief Executive Officer write to the Office of Local Government, and that the Lord Mayor write to the Minister for Local Government, expressing Council's concerns regarding the limitations of the current provisions of the *Local Government Act 1999* (SA) and advocating for legislative amendments that extend SACAT's jurisdiction to include former members of council.

Should the proposed motion be supported by Council, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	Not applicable
Legal advice / litigation (eg contract breach)	Not applicable
Impacts on existing projects	Not applicable
Budget reallocation	Not applicable
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	Not applicable
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4.5 hours.

- END OF REPORT -