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Legislation Amendment
(Councillor Conduct
Proceedings) Bill 2026**

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Overview

The *Local Government and Other Legislation Amendment (Councillor Conduct Proceedings) Bill 2026* (**Bill**) is a recently introduced Bill in NSW Parliament, which proposes to strengthen the disciplinary framework applying to Councillors elected to Local Government. Councils should continue to monitor the progress of this Bill and advise Councillors accordingly.

Key changes

Key changes proposed by the Bill include:

1. **Disqualification** - strengthening when a person is disqualified from holding civic office under s 275(1)(e) of the *Local Government Act 1993* (**LG Act**). Currently, amongst other things, a person will be disqualified when they have been found guilty of an offence that is punishable by a term of imprisonment for 5 years or more. This is proposed to be changed to having been convicted of an offence relating to "serious wrongdoing" or having been found by the ICAC of having engaged in corrupt conduct.
2. **Jurisdiction** - the jurisdiction for Councillor disciplinary proceedings is proposed to be transferred from the NSW Civil and Administrative

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Tribunal (**NCAT**) to the NSW Land and Environment Court (**LEC**). A new "Class 9" will be included in the *Land and Environment Court Act 1979 (LEC Act)* to deal with disciplinary related proceedings.

3. **Show cause requirements** –removing certain show cause requirements. The Minister is currently required to provide a show cause notice to a Councillor who has failed to take action required by a performance improvement order, prior to issuing any Compliance order. The amendments propose that neither the Department Chief Executive nor the Minister are required to issue a show cause notice prior to bringing proceedings in the LEC relating to such a failure. The wording does not appear to necessarily require that the Minister must issue a show cause notice prior issuing a compliance order. Show cause is also proposed to be not required prior to the Departmental Chief Executive bringing proceedings taking disciplinary action for misconduct.
4. **Misconduct** –failure by a Councillor to take action required by either a performance improvement order or a compliance order are proposed to be taken to be misconduct.
5. **Serious wrongdoing** –currently, a series of provisions relate to Ministerial powers concerning the dismissal and suspension of Councillors engaged in "serious corrupt conduct". This is proposed to be replaced with the wording "serious wrongdoing", with a number of provisions applying to this conduct. Serious wrongdoing is defined as corrupt conduct, an indictable offence punishable by imprisonment for 5 years or more, or an offence under the *Crimes Act 1900* Part 3 Div 10 (Sexual offences).
6. **Decision whether to conduct proceedings** – strengthens the power of the Departmental Chief Executive whether to conduct proceedings into a complaint about failure to disclose pecuniary interests or other misconduct matters. Currently, the Departmental Chief Executive must present a report to NCAT, which then decides whether to conduct proceedings. It is proposed that the decision whether to commence proceedings is left with the Departmental Chief Executive.
7. **Public interest proceedings** – new proposed provisions create a means by which the Minister, DPP, Departmental Chief Executive, Secretary of another Department, or another person granted leave may commence public interest proceedings against a Councillor for alleged contravention of either a law or the council's Code of Conduct. The provisions include powers for the LEC to make orders for suspension, disqualification, payment of compensation or civil penalties, and other disciplinary orders. Evidence given in public interest proceedings would not be admissible in criminal proceedings in particular circumstances. There are proposed provisions relating to when leave would be granted to third parties, including that the proceedings would be in the public interest, would not be an abuse of process, and would have reasonable prospect of success.
8. **Clarification interplay with orders and applications made to the Industrial Relations Commission** - new proposed provisions seek to provide clarification and avoid duplication between remedies under the LG Act and remedies under the *Industrial Relations Act 1996*.

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Actions for Council

Councils should continue to keep Councillors updated on these reforms. The proposed reforms put greater emphasis on discipline of Councillors and strengthening tools to address allegations of misconduct, serious wrongdoing, corruption, and other breaches of law or a council's Code of Conduct. It will remain to be seen whether these amendments more effectively deal with Councillor misconduct, and whether there is any increased potential for misuse or vexatious attempts to bring complaints or proceedings against a Councillor.

Councils should continue to ensure that Councillors are given suitable training and education to ensure that they understand their responsibilities and are equipped with the skills and knowledge required to carry out their duties.

If the legislation passes, Councils may also wish to review their insurance arrangements relating to coverage relating to claims concerning Councillor's conduct and Councillor's legal expenses.

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