

**MINISTERIAL STATEMENT TO THE PARLIAMENT
ON THE
LOCAL GOVERNMENT REGISTERS OF INTERESTS**

GIVEN ON WEDNESDAY 04 OCTOBER 2000

THE HON. DOROTHY KOTZ, MINISTER FOR LOCAL GOVERNMENT

In recent weeks I have watched with great concern events surrounding the local government elected members' Registers of Interest with great concern.

Members will be aware that a large number of elected members of councils failed to lodge primary returns for the new public local government registers of interest. The effect of such a failure under the Local Government Act 1999 is that the seat of the elected member becomes vacant. The only available remedies are reinstatement by the District Court or supplementary elections.

Applications were made to the District Court on behalf of the approximately 293 former members of local government councils. I am pleased to inform the House that advice to me at this stage is that all but two have been restored to office. I understand that the two outstanding are overseas, and applications for them are yet to be completed and heard.

I commend the local government sector for acting promptly once the problem became apparent. I commend more strongly the 26 out of the 68 councils that got it right and whose elected members submitted both Primary and Ordinary returns in order and on time. Open Registers of Interest are a central element of an accountable and responsive local government system in South Australia.

By setting out the major private interests of elected members, the registers provide the community at large with the information they need to be assured

that private interests do not dominate public decision making. The establishment of public registers, with new information now required by parliament, following the May 2000 elections, required the extra step of primary returns from re-elected council members as well as new members.

In view of recent public statements, I want to make perfectly clear that after future elections the Local Government Act will require only Ordinary returns from people in this position, that is, up-dated returns from persons who were elected members immediately prior to elections. Both primary and ordinary returns will be required of newly elected members only.

I also want to make it clear that the extra step of primary returns from all elected members following the first elections under the new Act was both clear and necessary. As most members of this House would recall, the *Local Government (Implementation) Act* was debated in November 1999, was proclaimed and gazetted on 9 December 1999 and came into operation from 1 January 2000. This means that all members of councils had at least five months before the May 2000 elections to read the relevant legislation and become aware of their statutory responsibilities.

Before contesting the May elections, they should have known that there would be need to establish the new publicly available registers with all the information now required by parliament.

I am extremely disappointed so many members and chief executive officers got this wrong. I am disappointed, too, that it is apparent that some mayors are still insufficiently acquainted with the *Local Government Act 1999* and the *Local Government (Implementation) Act 1999*.

These Mayors, according to their publicly expressed opinions, appear still not to understand that the implementation provisions for re-elected members were a one-off requirement following the May 2000 local government elections which ensured that the information contained in the register of interests would be brought to the public record.

To suggest that there will be long term problems with duplicated reporting indicates that these mayors have failed to grasp the concept of implementation provisions. It further suggests the need to gain a better understanding of their public reporting responsibilities. This week's experience has shown that the consequences of non-compliance with legislative obligations can be very serious indeed. All Councils, elected members, chief executive officers and employees are expected to comply with the provisions of the new Acts.

I reiterate the advice I have given to many councils in recent months. If they have questions about any matters of compliance they may raise these with the Office of Local Government or the Local Government Association. I will, however, be checking compliance with all aspects of the new Local Government Acts early in the new year.