

Fact Sheet – Adjudicators and transition from Local Government Standards Panel

‘Minor breaches’ to become ‘conduct breaches’

The *Local Government Amendment Act 2024* (the 2024 Amendment Act) received Royal Assent on 6 December 2024. Transitional arrangements under the 2024 Amendment Act will take effect from 1 January 2026.

Under the old section 5.105 of the *Local Government Act 1995* (the Act), a ‘minor breach’ is a situation where a council member contravenes:

- a rule of conduct; or
- contravenes a local law under this Act which the regulations specify to be a minor breach.

This extends to a contravention of a rule of conduct that occurred when the council member was a candidate for election.

A contravention of a local law under the Act cannot be a minor breach if contravention of the local law would, in addition to being a minor breach, also be a serious breach.

The legislation governing minor breaches is the [Local Government \(Model Code of Conduct\) Regulations 2021](#), and [Local Government \(Administration\) Regulations 1996](#).

From 1 January 2026, as part of key sections of the 2024 Amendment Act being commenced, minor breach complaints will be changing to conduct breach complaints.

Under the new Act’s provisions, a council member commits a conduct breach if the member

- contravenes a rule of conduct; or
- contravenes a local law made under this Act which the regulations specify to be a conduct breach.

This extends to a contravention of a rule of conduct that occurred when the council member was a candidate for election.

A contravention of a local law under the Act cannot be a conduct breach if contravention of the local law would, in addition to being a conduct breach, also be a specified breach under section 8A.4 of the Act.

Examples of conduct breaches under the Act can be found in **Error! Reference source not found.** below.

How complaints are dealt with and how to submit a complaint

Situation for complaints until 31 December 2025

Minor breaches of the Act are dealt with by the Local Government Standards Panel (the Standards Panel), which is established under Part 5, Division 9 and Schedule 5.1 of the Act.



The Standards Panel will receive and deal with complaints made by any person, of alleged minor breaches by a council member of any rule of conduct in the Local Government (Model Code of Conduct) Regulations 2021 or a provision of a local government's code of conduct.

A person can only make a complaint of a minor breach within 6 months after the breach alleged in the complaint has occurred and minor breach complaints against a council member must be lodged through the complaints officer at the relevant local government.

The Standards Panel does not accept complaints direct from complainants and a complaint cannot be made after 6 months has elapsed.

Information on making a minor breach complaint is available on the Department's [Making a complaint of a minor breach](#) webpage.

The Standards Panel will continue to receive new complaints until 31 December 2025.

Any complaints underway following 31 December 2025 will continue to be managed to completion by the Standards Panel before its eventual dissolution following its final annual report.

There is no mechanism for complaints to be transferred by the Standards Panel to the new Adjudicator model once submitted to the Standards Panel.

[Minor breach findings](#) will continue to be published on the LGIRS website.

Situation for complaints from 1 January 2026

From 1 January 2026, minor breach complaints will be known as conduct breach complaints and dealt with through the new Adjudicator model, not the Standards Panel.

Adjudicators will be able to receive any alleged conduct breach complaint that has occurred within the past 12 months (including the relevant time period that may be prior to 1 January 2026).

The Adjudicators will consist of a Principal Adjudicator and multiple Deputy Adjudicators appointed by the Minister for Local Government, as required by section 8B.19 of the Act. Adjudicators are required to be individuals with a minimum of 5 years' legal experience.

From 1 January 2026, alleged conduct breach complaints will need to be submitted to the Local Government Inspector (the Inspector) and be submitted within 12 months of the alleged conduct breach occurring.

A conduct breach complaint will need to be provided in the Breach Complaint Form made available by the Inspector, which will require information such as:

- the name of the complainant who is making the complaint;
- specify the council member who is alleged to have committed the conduct breach; and
- provide details of the contravention that is alleged to have resulted in the conduct breach.

The process and form to make a conduct breach complaint will be made available through the Inspector's website from 1 January 2026.

On receipt of an alleged complaint, the Inspector will undertake an assessment and, if required, an investigation to gather relevant information.



The alleged conduct breach complaint is then referred by the Inspector with the gathered information, to the Principal Adjudicator to either deal with it themselves or allocate it to a Deputy Adjudicator.

The relevant Adjudicator will consider the complaint and seek submissions (as may be necessary) from the parties involved, before making a finding. Should a breach be found, an appropriate sanction can be ordered. Examples of sanctions include public apology or to undertake counselling or training.

As Adjudicators consider complaints independent of the Inspector, this ensures a division of investigative and sanction-based functions.

All findings and decisions of Adjudicators will be published on the Inspector's website.

Table 1: Examples of conduct breaches

Conduct breaches	Regulation
Improper disclosure of information	r. 21
Securing personal advantage or disadvantaging others	r. 18
Misuse of local government resources	r. 17
Prohibition against involvement in administration	r. 19
Relations with local government employees (directing or influencing)	r. 20(2), (4)
Non-disclosure of interest adverse to impartiality	r. 22
Compliance with plan requirement	r. 23(2)
Breach of a local law relating to conduct at meetings	r. 34D