

LOCAL GOVERNMENT LAW JOURNAL

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ARTICLES

Review of the WA Local Government Standards Panel and its relationship to the Corruption and Crime Commission – Sarah Withnall Howe

This article examines the 2011 review of the Western Australian Local Government Standards Panel (LGSP) which was established in 2007. In particular this article focuses on the Review Committee’s recommendations in relation to the interaction between the LGSP and the Corruption and Crime Commission of Western Australia (CCC). The article acknowledges the value of Recommendation 4 and supports the Review Committee’s recommendation that a closer relationship between the LGSP and the CCC’s Corruption Prevention Directorate should exist. However, the article goes on to argue that despite what appears to be a contrary view being held by the Department of Local Government and LGSP, both of these bodies have a binding obligation to report a reasonable suspicion of misconduct to the CCC pursuant to s 28 of the *Corruption and Crime Commission Act 2003* (WA). The article supports Recommendation 32 which advocates for consistency between the general principles guiding council member behaviour currently contained in the Rules of Conduct, the proposed new Uniform Code of Conduct and the CCC Act, s 4 definition of misconduct. Finally, this article argues that Recommendation 31, which proposes legislative changes which seemingly mirror the legislative scheme in Queensland under the *Crime and Misconduct Act 2001* (Qld), are oversimplified and would be ineffective in the Western Australian context. 3

Obligation to report and manage pollution incidents – Zada Lipman and Melissa Farrugia

The obligation to report and disclose information about particular activities that cause or threaten pollution is assuming increasing importance in environmental law. All jurisdictions in Australia impose notification requirements. However, these requirements differ in each jurisdiction as to when notification is required, who must notify and be notified and as to the maximum penalty which can be imposed for failure to do so. More recently New South Wales has made significant changes to its legislation imposing more onerous notification and management requirements and drastically increasing penalties for non-compliance. This article will examine the changes to the NSW legislation and the factors giving rise to these changes – in particular the “Orica incident”. It will then compare the current NSW position with other jurisdictions in Australia. The article argues that greater standardisation is required in respect to reporting requirements and penalties. 18

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