

NRCoP, ANZSOG and AELERT present: What does it mean to be a regulator in local government?

Q&A Session

Question 1 – David MacLennan

Are there particular challenges from being relatively close to elected councillors compared to regulators that are more independent from the political process?

Answer

Yes, the elected Council can play a similar role to a Minister in State and Federal Governments. But the elected Councillors are members of the local community as well – and live and work with the community subject to local government rules and regulations. Good governance often depends on a strong understanding of respective roles and responsibilities between the governing board/Council/Minister and the public service performing their defined regulatory roles. The challenges often arise when the roles and responsibilities are not well understood or become blurred.

Question 2 – David MacLennan

How do you demonstrate transparency and accountability in your C&E activities, by for example publishing issues and action taken (that can be a good deterrent and be educative) and enhance community confidence? In doing so, how do you balance this transparency with people's right to privacy and reputation (in the Charter of Human Rights and Responsibilities Act in Vic) and natural justice principles more broadly?

Answer

This will depend on the nature and type of the regulatory function. A regulator needs to demonstrate transparency and accountability to those parties subject any enforcement and compliance activity. The Ombudsman can investigate any complaint if the regulatory authority is not undertaking its role in accordance with due process.

Protecting privacy is paramount. The City of Vincent provides its Council with a monthly report on the register of legal action and prosecutions, but this is confidential for obvious reasons.

Regulators should have clear policies and guidelines when pursuing enforcement and compliance activities. See: [development-compliance-enforcement-policy \(vincent.wa.gov.au\)](https://www.vincent.wa.gov.au/development-compliance-enforcement-policy)

Question 3 – Gregory Abood

What skills and training would be most useful for regulators in local government? Where are the gaps?

Answer

Local government regulatory practitioners find practical on ground capability building programs to be the most useful. That involves using a complete capability framework such as [Professional Development Programs | AELERT](#) and [Regulatory Officer Capability Framework | AELERT](#). These frameworks use a mix of formalised training programs, support and learning on the job as well as observing skilled and experienced operators who exercise good and credible regulatory practice. The most common gaps occur where local government practitioners do not have access to on ground support from skilled and experienced practitioners. Experienced and skilled support practitioners can be from local, state or national government agencies. Accordingly, being connected and engaged in a practical regulators network is an effective way of filling in this gap as it provides reliable access to getting that support from experienced operators that builds individual officer capabilities.

From the AELERT 2023 local government survey and 1:1 engagement with AELERT local government members, practitioners identified their priority capability needs to be stakeholder and community engagement, impact assessment, on-ground investigative standard operating procedures, legal proceedings, safety work practices and interpreting environmental laws. These are useful areas that AELERT is focusing on to build and maintain the capability of local government regulators.

Answered online by a participant.

ANZSOG Professional Regulator Program is highly recommended. Development of better tools to achieve compliance over enforcement.

Find out more about NRCoP - The Professional Regulators program.

<https://anzsog.edu.au/partner-with-anzsog/regulators/regulatory-professional-development/>

Question 4 – Susy Cenadese

Are there any tips or ideas on how local government regulations can be considered by the public as important as other legislation like the Criminal Codes enforced by police?

Answer

I think this relies on raising awareness about the purpose of the regulation in question and therefore why it's important (eg to protect people, amenity, public assets). This could start with education campaigns to familiarise people with what the rules are on a certain topic through to compliance campaigns, for example if non-compliance is still an issue. Unfortunately, people tend to be more aware of and heed the rules if they're being enforced!