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Association of NSW



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# FOREWORD

## FROM THE MINISTER FOR LOCAL GOVERNMENT

Councillors play an important role in overseeing the functions and services of a council. They provide vision, strategic direction and make policy decisions on behalf of and for the benefit of their local community. The decisions they make can impact directly on many aspects of our lives, our local community and our local environment.

In NSW, there are over 1500 councillors in 152 councils from all walks of life who bring different qualifications, life experiences and perspectives to the role. This diversity is important and helps to ensure that the decisions councils make better represent the different groups within the local community.

Local government in NSW today employs more than 50,000 people and spends more than 5 billion dollars annually. The services it provides range from the traditional town planning and waste management services to community development, environmental protection, economic development and much more.

The ability of each council to provide effective services and meet challenges largely depends on the calibre of the councillors. Being a councillor can therefore be both a challenging and a deeply rewarding experience.

Deciding to stand for local government election is not a decision to be taken lightly. This resource provides information to assist people to make an informed decision about whether or not to nominate for election as a councillor in local government in NSW.



The Hon Paul Lynch MP  
**Minister for Local Government**

# FOREWORD

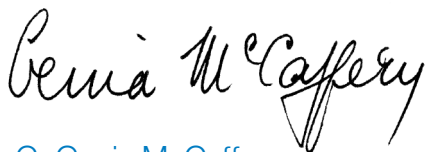
## FROM THE PRESIDENTS OF THE LOCAL GOVERNMENT AND SHIRES ASSOCIATIONS OF NSW

Councils provide their communities with a wide range of services and facilities which contribute significantly to the quality of life. As well as the 'Three Rs' – roads, rates and rubbish – councils are actively involved in an expanding range of issues reflecting community concerns in areas like community services, economic development, tourism promotion and environmental protection.

An important factor in responding to these concerns is the calibre of the councillors who, through a combination of vision, energy and commitment, provide leadership to meet the challenges facing local communities. It is in the community's interest that the local government elections attract a large field of candidates which reflects the diversity of the community.

This booklet has been designed by the Local Government Association of NSW and the Shires Association of NSW in conjunction with the Department of Local Government as a guide to becoming a councillor in New South Wales. It is intended primarily for those considering standing in the 2008 local government elections, but it is also a valuable information resource for anyone interested in the role of a councillor or the processes of local government generally.

We urge you to make a well informed decision about whether to stand for election as a councillor. Life as a councillor is a complex and hectic experience and provides a unique opportunity to develop your leadership skills, as well as to contribute to the future of your community.



Cr Genia McCaffery  
President  
Local Government Association of NSW



Cr Bruce Miller  
President  
Shires Association of NSW

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## **SECTION 1**

### **WHY DO I WANT TO BE A COUNCILLOR?**

Councillors are elected by their local community to represent community views on council, provide leadership and make sure local needs are met. They do this by directing a council's affairs, allocating resources for the benefit of the local area, developing policies and reviewing the council's performance in relation to delivering services and other matters.

A councillor's role is important. The decisions a councillor makes and the services provided by councils can impact on our lives, our local community and our local environment.

Being a councillor can be rewarding because it provides an opportunity to:

- make decisions that help people within the local community
- influence the long-term, strategic direction of a local community
- learn new skills such as public speaking and advocacy
- work with a diverse range of people on a diverse range of issues.

Being a councillor can also be challenging as councils need to:

- balance community needs and priorities, some of which are at odds with each other
- work within a limited budget and a complex set of laws.

Inevitably some decisions a council makes are not popular with some members of the community.

## Am I suited to the role of councillor?

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*THE MOST IMPORTANT THING FOR A COUNCILLOR TO HAVE IS A DESIRE TO HELP PEOPLE AND TO MEET THE CURRENT AND FUTURE NEEDS OF YOUR LOCAL COMMUNITY.*

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While you don't need any special formal qualifications to be a councillor, having or being able to develop the following skills, knowledge and attributes will help you in your role:

### ✓ **GOOD COMMUNICATION SKILLS**

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This includes good listening and interpersonal skills, public speaking skills, the ability to accept alternative points of view as well as the ability to negotiate, mediate and resolve conflict.

### ✓ **GOOD PROBLEM SOLVING AND ANALYTICAL SKILLS**

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This includes being able to get to the bottom of an issue and to think of different ways to resolve it, including advantages and disadvantages of each.

### ✓ **GOOD TEAMWORK SKILLS**

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This includes being able to work with others in meetings and on committees and being able to complete any tasks on time that you agree to do.

### ✓ **GOOD ORGANISATIONAL SKILLS**

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This includes being able to plan and manage your time, keep appointments and deadlines, make priorities and manage stress.

### ✓ **KNOWLEDGE OR UNDERSTANDING OF STRATEGIC PLANNING AND FINANCIAL PLANNING AND REPORTING PROCESSES**

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This includes strategic management and understanding the budgetary process and financial reports.

### ✓ **ABILITY TO ENGAGE WITH YOUR COMMUNITY**

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This includes why this is important and ways to consult such as through meetings, the media, the internet, public forums, debates and surveys.

### ✓ **KNOWLEDGE OR UNDERSTANDING OF SOCIAL JUSTICE PRINCIPLES**

This includes why it is important to make sure all people in the community are treated equally, have the right to be heard and are able to participate in public forums and events if they choose to. Groups of people whose voices are not always heard include Aboriginal people, people with a disability, people from non-English speaking backgrounds, older people, women and young people.

### ✓ **KNOWLEDGE AND UNDERSTANDING OF LOCAL GOVERNMENT FUNCTIONS**

This includes, for example, land use planning, environmental management or community development and services.

### ✓ **UNDERSTANDING OF RELEVANT STATE GOVERNMENT LEGISLATION**

This includes, for example, the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*.

### ✓ **LEADERSHIP QUALITIES**

This includes, for example, attributes such as energy and optimism, motivation, resilience, confidence, assertiveness, strategic thinking, advocacy, networking, active listening and negotiating.

### ✓ **ETHICAL AND ACCOUNTABLE BEHAVIOUR**

This includes being able to follow a code of conduct that involves, amongst other things, acting in the best interests of the community as a whole, transparent decision-making and accountability.

In the end, deciding whether or not to stand for council is a very personal choice. You need to consider your own circumstances and whether or not you think you are suited to the role, are able to make the commitment required and want to give it a go.

## SECTION 2

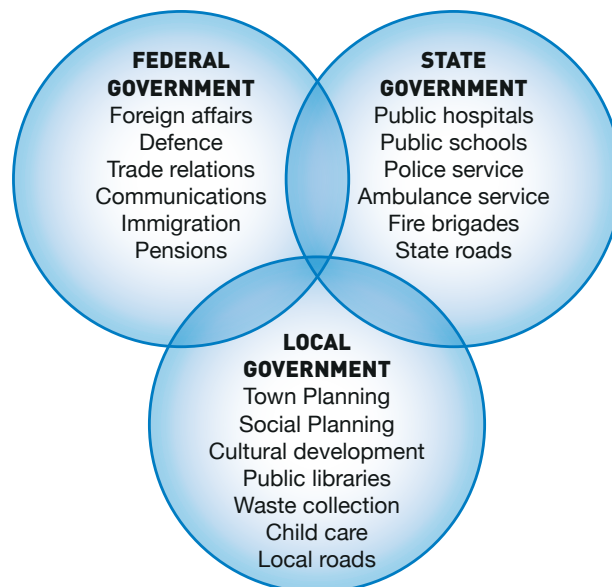
### WHAT IS LOCAL GOVERNMENT?

Local government is often called ‘the third sphere’ of government in Australia. It is an elected system of government directly accountable to the local community.

Each council is an independent, statutory corporation responsible for administering the local government area over which it has jurisdiction.

Leadership of councils is provided by ‘the council’. This is all of the elected representatives, or councillors, who work together to provide good governance for the benefit of their local community.

Councils control certain activities within their areas such as planning and development and building construction. Councils also have the power to order people to do certain things such as demolish a building or restrain a dog. They can also order people to stop doing things, such as running a business in a residential area or creating a noise nuisance.



**The three spheres of government**  
(including examples of typical responsibilities)

## What is the legal framework within which councils operate?

Councils work within laws established by the New South Wales Parliament. The *Local Government Act 1993* (the Act) sets out the major powers, functions and responsibilities of councils based on modern community expectations. The Act gives NSW councils broad powers to independently plan for and manage local community services and facilities in consultation with their local community.

While having quite a bit of autonomy, if a council acts outside of the law it may be found by a court to be acting beyond its power. A council may also be liable for actions carried out negligently that result in damage or injury to people or property. This can often result in financial loss to the council. Councils therefore need to take care to exercise their powers properly and in accordance with the law.

When a council has to make a decision involving a value judgement, it must do this fairly and without bias so that everyone whose rights and interests are affected is given the chance to express their views before the decision is made.

As well as the Local Government Act there are a number of other laws that councils are responsible for enforcing or complying with. These are listed in *Appendix I*.

## What is The Council's Charter?

The Local Government Act includes *The Council's Charter* (section 8). This sets out the things councils need to consider when carrying out their responsibilities including:

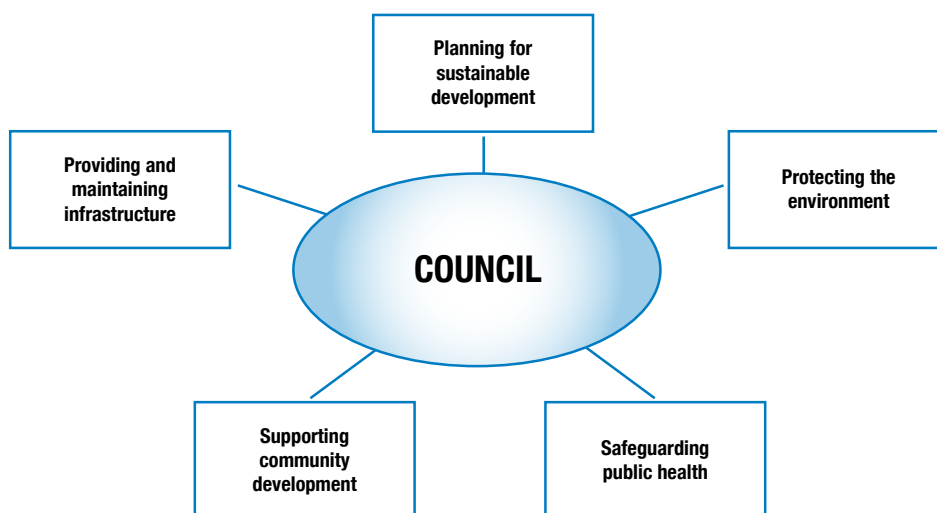
- providing directly, or on behalf of other levels of government, adequate, equitable and appropriate services and facilities for the community
- ensuring that provided services are managed efficiently and effectively
- exercising community leadership
- exercising its functions in a manner that is consistent with and actively promotes the principle of multiculturalism
- properly managing, developing, protecting, restoring, enhancing and conserving the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- having regard for the long term and cumulative effects of its decisions

- having regard to acting as the custodian and trustee of public assets
- effectively accounting for and managing the assets for which it is responsible
- facilitating the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and coordination of local government
- raising funds for local purposes by way of rates, charges and fees, investments, loans and grants
- keeping the local community informed about its activities
- ensuring that, in the exercise of its regulatory functions, it acts consistently and without bias
- being a responsible employer.

While following this Charter, in reality councils do far more than this. They pursue their community's visions and ideas, provide leadership, and express local ideas and concerns about important issues to other levels of Government. A community also often looks to its council to protect it from potential natural dangers, and for support in times of need.

## What services and functions do councils provide?

Councils provide a very wide range of services and functions. Broadly, these may be grouped into five categories, as shown below.



Examples of services that fall into each of these categories are below. These represent a sample only. Councils provide other services not listed.

### PROVIDING AND MAINTAINING INFRASTRUCTURE

Providing an appropriate and affordable level of infrastructure is one important contribution a council makes to its community. For example, councils provide and maintain local roads, bridges, public car parks, footpaths, sporting fields, parks and art galleries. Councils must consult with their local community about providing and maintaining these public assets.

### PLANNING FOR SUSTAINABLE DEVELOPMENT

Councils have a major role in providing long-term strategic planning for a local government area as well as town planning, zoning and subdivisions. In addition councils are responsible for processing development applications, for building site and compliance inspections, building regulations and connections to water and sewerage.

### PROTECTING THE ENVIRONMENT

Councils have a role in helping to protect the environment. They regularly assess the state of their local environment, provide environmental programs and use their regulatory powers to prevent pollution or restore degraded environments. They carry out activities such as garbage collection and recycling, street cleaning, regulating parking, controlling dogs and cats (or 'companion animals'), controlling noxious weeds, regulating pollution and building control.

## **SUPPORTING COMMUNITY DEVELOPMENT**

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Councils regularly consult with and assess the needs of their community with a view to supporting community development. They provide a range of services, including some aimed at groups in the community with special needs. Community services include libraries, retirement homes, home care services such as 'meals on wheels', swimming pools, playground facilities and child care centres.

## **SAFEGUARDING PUBLIC HEALTH**

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Councils help maintain high standards of public health and reduce the risk of exposure to a wide range of diseases through activities such as food shop inspections, waste disposal, pest and vermin control and hazardous material containment.

### **Why does local service provision vary between councils?**

While in theory councils can choose the range and quality of services they provide, in practice services may be limited depending on local factors including:

- availability of finance to fund certain services
- size, location and demographics of a local government area
- commitment to maintaining existing services
- the views, wishes and needs of the community.

Councils discuss service provision in meetings that are generally open to the public.

### **Why is diverse representation important?**

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***IT IS IMPORTANT TO TRY TO ENSURE THAT THE NEEDS OF DIFFERENT GROUPS IN THE LOCAL COMMUNITY ARE TAKEN INTO ACCOUNT WHEN A COUNCIL MAKES DECISIONS.***

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Decisions a council makes should be done in consultation with, and to meet the needs of, the community it represents.

Living and working in each local government area are people from a diverse range of cultural backgrounds, ages, occupations and life experiences. These include Aboriginal people, people from culturally and linguistically diverse backgrounds, people with a disability, men, women, young people and older people.

It is important to encourage representation by councillors from these different groups to broadly reflect the diverse make-up of the local government community they represent and serve. *Appendix II* of this document discusses some of the resources available to help promote diversity in representation in local government.

## **How are councils funded?**

Councils raise money from the local community by rates, charges and fees and they can borrow and invest money.

Councils get up to two-thirds of their regular income from ordinary land rates, which is an annual levy paid by landowners. Councils can also charge for services such as waste management, water supply and sewerage (outside metropolitan areas). Charges must be used specifically for the purposes for which they are collected.

Councils can get additional income from fees for the use of publicly owned facilities like swimming pools, halls and other user-pays services. Fees can also be charged for giving information, supplying products or receiving applications.

All councils receive a financial assistance grant every year, which is paid by the Commonwealth Government through the State Government. The amount of the grant varies from council to council. Councils receive grants from other sources from time to time.

They can choose to invest surplus funds and receive income from the interest.

It is also possible for councils to borrow money to increase their income, although only with the approval of the Minister for Local Government.

## **How are councils structured?**

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*THE IMPORTANCE OF TRUST AND MUTUAL RESPECT WITHIN THE COUNCIL TEAM AND BETWEEN COUNCIL AND SENIOR MANAGEMENT CANNOT BE UNDERESTIMATED.*

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Between five and fifteen elected councillors hold office as ‘the council’ for four years. The elected council’s role is a bit like that of the board of a public company as it oversees the activities of the council but is not involved in the day-to-day running of the council. Many councils also delegate functions to specialist committees that include councillors, council staff and members of the public.

Councils employ staff to administer the council. The general manager is the most senior member of staff and is responsible to the council for carrying out council decisions and policy and overseeing day-to-day operations of the council.

The general manager provides the link between the elected council and its employees. While all council staff have a duty to carry out council decisions they are responsible to the general manager, not the councillors. Individual councillors cannot direct staff in their day-to-day activities.

A good working relationship between councillors, the mayor, the general manager and other council staff is fundamental to an effective council.

The roles of key people in councils, including councillors and the general manager, are carefully defined in the *Local Government Act 1993*. This is done to limit any confusion about roles.

## **What is the role of a councillor?**

The Local Government Act divides the role of a councillor into two broad categories:

### **1) AS A MEMBER OF THE GOVERNING BODY OF THE COUNCIL TO:**

- direct and control the affairs of the council in accordance with the Act
- allocate the council's resources in the optimum way to benefit the area
- play a key role in the creation and review of the council's policies and objectives and criteria relating to the exercise of the council's regulatory functions
- review the performance of the council and its delivery of services, and the management plans and revenue policies of the council.

### **2) AS AN ELECTED PERSON TO:**

- represent the interests of residents and ratepayers
- provide leadership and guidance to the community
- facilitate communication between the community and the council.

Further explanation and discussion about the role, responsibilities and obligations of a councillor is provided in Section 3.

## What is the role of a mayor?

The mayor is often considered to be not only the voice of the council but also the leader of the local community. In addition to having responsibilities as a councillor, under the Local Government Act the role of the mayor is to:

- where necessary, exercise urgent policy-making functions of the governing body of the council between meetings of the council
- exercise such other functions of the council as the council determines
- to preside at meetings of the council
- carry out the civic and ceremonial functions of the mayoral office.

## What is the role of the general manager?

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*WHILE COUNCIL IS RESPONSIBLE FOR FORMULATING AND MONITORING POLICY  
THE GENERAL MANAGER IS RESPONSIBLE FOR IMPLEMENTING IT.*

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The general manager is the most senior employee of a council and is the only member of staff selected and appointed by councillors. The general manager is appointed on a renewable, fixed term, performance-based contract for a maximum of five years.

Under the Act the general manager's responsibilities include:

- efficient and effective operation of the council organisation and day-to-day management. This includes ensuring council decisions and policies are implemented
- appointing, directing and dismissing staff in accordance with an organisation structure and resources approved by the council
- implementing the council's equal employment opportunity management plan
- exercising other functions as delegated by the council.

The general manager may, in turn, delegate functions to other staff.

## What is the role of council staff?

Councils employ staff such as town planners, engineers, building surveyors, librarians, environmental officers, rangers and child care workers. They carry out the day-to-day operations of the council, and implement council policies and other decisions, as directed by the general manager.

## **How are councils held accountable to the community?**

The needs of the community should be reflected in the decisions of council. Councils are accountable to their community through consulting, making open and transparent decisions and through regular reporting.

Ultimately, councillors are accountable to the community on election day every four years.

## **What is the role of the Minister for Local Government and the Department of Local Government?**

The Minister for Local Government is responsible for overseeing local government in NSW, including the administration of the Local Government Act under which local councils operate. The Minister ensures councils operate within the law and in line with NSW State Government policies.

The Department of Local Government is the administrative body that carries out the Minister's directions on areas such as:

- developing and reviewing legislation
- providing advice and information on local government issues
- regulating, monitoring and evaluating councils' financial performance
- improving local government performance through working with local councils, issuing standards and guidelines, reviewing council operations and investigating issues or complaints.

The Minister may direct the department to formally investigate a council if there is a serious allegation made against it. If, after a formal investigation, the Minister decides that a council has failed in its duties in some way, the council may be ordered to improve its performance or it may be cautioned. Under serious circumstances and after a public inquiry, the Governor of NSW may decide to dismiss the councillors and replace them with an administrator.

The Ombudsman, the Independent Commission Against Corruption, the Commissioner of Police and the Director of Public Prosecutions also have investigative powers in relation to local councils.

## **What is the role of the Local Government Association of NSW and Shires Association of NSW?**

The Local Government Association of NSW and the Shires Association of NSW represent 152 general purpose councils and 14 special purpose councils.

The Associations represent the views of their members by:

- presenting councils' views to State and Federal governments

- promoting Local Government to the community
- providing specialist advice and services.

The Associations' annual conferences are important opportunities for councillors to be updated about important issues for Local Government, to vote on policy directions and to network with other councillors.

Contact details for all key organisations may be found in *Appendix I* of this publication.

## SECTION 3

### WHAT IS EXPECTED OF A COUNCILLOR?

#### **What does a councillor do as a 'member of the governing body'?**

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*ONE OF THE MOST IMPORTANT ROLES OF A COUNCILLOR IS TO PARTICIPATE IN POLICY DECISION-MAKING ON BEHALF OF THE COMMUNITY.*

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This involves working as part of a team of councillors to make decisions and policies that guide the activities of the council.

This includes setting the broad, strategic direction for your local community. In order to do this you have to understand your community, its characteristics and needs, as well as the types of services required to meet these needs.

Specifically, you would need to participate in:

- developing the policy framework for your council
- developing and overseeing the delivery of your council's strategic plans that shape the future direction for the local area
- making financial decisions about the funding of services and functions
- making sure that your council is fulfilling its regulatory functions appropriately
- making sure that the general manager, through performance measurement in his or her employment contract, carries out all of council's policies, plans and strategies appropriately.

In doing all of these things you must consider a 'Council's Charter' as outlined in Part 1 of this publication.

#### **What does a councillor do as 'an elected representative'?**

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*A COUNCILLOR'S ROLE AS A DEMOCRATICALLY ELECTED REPRESENTATIVE PROVIDES AN ESSENTIAL LINK BETWEEN THE COMMUNITY AND THE COUNCIL.*

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This involves representing the interests of your community, providing leadership, communicating and promoting the interests of your council to other spheres of government and relevant bodies.

As a councillor you have a responsibility to represent the broad needs and wishes of the whole community in making decisions, providing services and using resources efficiently and effectively, not merely the interests of special groups who may help get you elected, no matter how valid the issues of such groups may be. If you are thinking of standing for council because you have a special interest in one or two local issues you need to think carefully about this.

As a councillor you also need to provide leadership and guidance to your community. This is especially important when communities face challenges such as, for example, drought, high unemployment or skill shortages.

### **How do councillors balance their dual roles?**

Although you may hold particular views on certain issues, and may consider your views to have been endorsed by the community that elected you, in practice you must attempt to find a balance between:

- the obligation to represent the interests of *individual* constituents
- the need to make decisions on behalf of the *whole* community.

This dilemma can cause some interesting debates in council. Councillors need to display leadership and integrity to help resolve such debates.

As a councillor you can best help individual members of the community by satisfying yourself that your council's policies are being carried out correctly. If you think a policy needs changing you need to debate this in a full meeting of council. It is not appropriate for a councillor to informally attempt to arrange for a council policy to be ignored or acted upon differently, following the demands or wishes of a resident or ratepayer.

As the community expects every councillor to provide representation in relation to all council activities and responsibilities it is important that you fairly quickly become familiar with the whole council area and the important issues affecting your community.

### **How much time will I need to undertake the role?**

Being a councillor is a time consuming role and it is important to be realistic about whether or not you have the time to do this.

Although the time actually required to attend meetings may only take a few hours each week there are many informal duties to be performed, such as preparing for meetings, consulting with the community, resolving the grievances of constituents, attending civic and community functions and the like. You may also be required to attend various conferences and seminars.

All of these duties often need to be juggled alongside other commitments such as full-time employment, study or raising children.

According to research the majority of councillors spend a minimum of ten to fifteen hours a week on council-related activities.

Life as an elected member of council is largely dictated by the frequency of, and preparation for, council meetings. A typical meeting business paper may contain a large number of items. For larger councils at times the sheer volume of the council's business papers can be daunting. While all matters before council are important, over time councillors tend to become skilled at recognising items which may require more attention, such as potentially contentious issues. Councillors need to allow adequate time to prepare for debate and make decisions on such issues.

### **How do councils consult with the community?**

As a councillor you will need to spend some time undertaking formal and informal community consultation. It is important that the community is able to contact and meet with you to discuss and contribute their views and ideas. This helps ensure that a council's policies and programs are acceptable to and meet the needs of the community.

When a council is developing important policies, strategies and plans, for example, a council's annual management plan and budget, it is required by law to put the drafts on public exhibition and take into consideration any comments or submissions made by members of the public.

Some of the methods used to consult include public notices, surveys, task force groups, strategic planning meetings, focus groups and public meetings.

The Local Government Act also contains important mechanisms to enable a council to more formally consult with its community. It may conduct a poll on an important issue to get an understanding of the community's views on a matter, such as whether to impose an environmental levy.

Councils may also hold constitutional referendums on some matters such as whether to increase or decrease the number of councillors, whether to divide an area into wards or abolish wards or to change the method of election of the mayor.

## How do councils plan and report?

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*PLANNING DECISIONS AFFECT COMMUNITIES, THE ENVIRONMENT AND QUALITY OF LIFE AND USUALLY HAVE LONG-LASTING CONSEQUENCES.*

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As a councillor you will be involved in overseeing the development, carrying out of and reporting on many council plans and activities. Some council plans and reports have strict legal requirements about what needs to be included in them and how and when a council needs to consult with its community during their development.

### **STRATEGIC PLANNING**

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Many councils prepare long-term, strategic plans that include a vision statement for the future and key outcomes to be achieved.

### **MANAGEMENT/OPERATIONAL PLANNING**

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Councils must prepare a management/operational plan that sets out the council's program of activities for the coming financial year. After the plan is adopted the general manager reports quarterly to the council about progress in achieving the plan during that quarter.

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*THE RESPONSIBILITY AND ACCOUNTABILITY FOR FINANCIAL MANAGEMENT RESTS WITH COUNCIL.*

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### **FINANCIAL PLANNING**

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A council's management or operational plan also contains its revenue policy about how a council plans to pay for its activities. It gives details of council's estimated income and expenditure for the next year, describes the rates, charges and fees it plans to use, outlines council's pricing policy and announces proposed borrowings.

It is very important that councillors are aware of what they are approving when they adopt the revenue policy. Councillors should encourage the general manager to recommend options for cost effective service delivery and strategies for raising revenue. Similarly, councillors should make suggestions and ask the general manager to report on their viability.

### **SOCIAL/COMMUNITY PLANNING AND REPORTING**

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Councils must prepare a social/community plan at least once every 5 years that includes a demographic profile of the community and the needs of the community, including the needs of Aboriginal people, children, people from culturally and linguistically diverse backgrounds, people with a disability, older people, women and young people.

## **ENVIRONMENTAL PLANNING AND REPORTING**

Councils must prepare a regular report on the state of the local environment. This report considers land, air, water, biodiversity, waste, noise, and heritage issues and what the council is doing in response to those issues.

## **ANNUAL REPORTING**

Each council must prepare a report each year on the extent to which it has met the objectives and targets set out in its management plan. The report must contain many things including a copy of the council's audited financial reports. The report must be made available to the public and provided to the Minister for Local Government.

## **How do councils debate and make decisions?**

Councillors make decisions regarding policies and programs of the council in council meetings. These meetings can consider any issue of importance to the community.

As a councillor you will be expected to attend all council meetings and all meetings of any committee of which you are a member, unless leave is sought and approved. You will also need to do a good deal of reading in preparation for meetings.

As all council decisions are made on a majority basis, as a councillor you will need to understand the meeting process and the need to work as a team to get the best outcome for the community. For this you will need good communication skills to state your position as well as a willingness to compromise when necessary.

## **How often are council meetings held and how are they conducted?**

How and when council meetings are held is up to each council to decide, although the Local Government Act requires every council to meet at least 10 times a year, each time in a different month.

Some councils meet only once a month, although many larger councils meet more frequently because they have a higher volume of business. As a councillor you should be given at least three days notice of regular meetings, unless there are extraordinary circumstances that make it important to have a more urgent meeting.

All council meetings must be held in accordance with requirements in the Local Government Act, the Local Government (General) Regulation and the council's Code of Meeting Practice and Code of Conduct.

This is because meeting procedures contribute to good public decision-making and increase council's transparency and accountability to its community.

A council meeting can only take place when a majority of the councillors, or a 'quorum', is present.

The mayor is usually the chairperson unless he or she is absent or wishes otherwise. The chairperson maintains order at the meeting and keeps discussions to the point and to the agenda, amongst other things. This helps ensure meetings are conducted with decorum and decisions are made in an open, transparent way.

The public has the right to see the agenda and business papers for each meeting, free of charge, and attend all council meetings and council committee meetings except in special circumstances outlined in the Act.

While councillors have one vote each, the chairperson has a casting vote if there is a split decision, so it is particularly important that the chairperson sees that the debate is conducted in a fair and orderly manner, regardless of his or her own views about the issue under discussion. The chairperson may exercise their second or 'casting' vote as he or she sees fit.

## **What is the Code of Conduct?**

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*THE ADOPTION OF A CODE OF CONDUCT IS AN IMPORTANT MEANS OF ENSURING COUNCILS ARE RESPONSIBLE FOR THEIR OWN CONDUCT AND ACCOUNTABLE TO THEIR COMMUNITIES.*

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The role of a councillor is a public one. Whenever councillors appear in public, even though they may not be doing anything related to their council position, they are usually seen as acting in their councillor role and judged in this light. This means the position of councillor is really a 'Twenty-four/Seven' one.

If you become a councillor, when you are in public, you need to act at all times in a way which does not bring disrepute to either yourself or your council. Some of the special obligations and protocols you must follow are outlined in a council's Code of Conduct, which the Local Government Act requires every council to adopt.

The Code of Conduct covers ethical and appropriate conduct including general conduct, disclosure of interest and personal benefit, relationships between council officials, access to council resources and information, reporting breaches of the Code and misbehaviour.

Specifically, the Code includes when and how a councillor must disclose a possible **conflict of interest** when participating in council debate and decision-making. This occurs when there is conflict between the public duty and private interest of a councillor that may affect his or her ability to be objective about an issue. In such cases the councillor should declare their interest and manage their involvement according to the options provided in the Act and their council's code of conduct.

**Pecuniary conflict of interest** arises where a councillor, or someone close to them, is reasonably likely to make or lose money because of a decision the council might make. In such a case the Act requires the councillor to declare the interest and withdraw from the meeting while the matter is being debated and voted on. Complaints regarding non-disclosure of a pecuniary interest may be made by anyone to the Department of Local Government and these may be investigated and referred to the Local Government Pecuniary Interest and Disciplinary Tribunal for adjudication. Significant penalties may apply.

Councillors also need to submit an annual written return of interests including property, gifts, interests and positions in corporations, sources of income, and debts. These may give rise to a pecuniary interest at a meeting and are made publicly available to make sure councillors are seen to be acting openly, honestly and without bias in the decisions they make.

The Code also discusses how a councillor can get **access to information and other council resources** such as the expertise of council staff. Councillors have the same rights of access to council information as any other member of the public. Councillors also have access to council staff expertise but this must generally happen through the general manager, except where he or she has authorised another council officer to undertake the role.

There are certain protocols that councillors must follow when asked by **the media** to comment on council policy or decisions. Many councils have a policy which only allows the mayor, the general manager or the public officer to speak on behalf of the council. In such cases individual councillors can make personal comments but not speak on council's behalf.

## **Is a councillor protected from legal action taken against them?**

The Local Government Act provides councillors with a level of protection from civil liability action for undertaking council-related and council-endorsed activities as a councillor. However, this protection is only provided where a councillor's actions are undertaken in the manner referred to in the relevant sections of the Act, *including in good faith and for purposes related to the council activities*. Councillors must read and understand the sections in the Act that provide protection. In the event that a councillor does not understand an issue, it is the obligation of that councillor to seek and be guided by their own legal advice.

In relation to defamation action, a council may be sued for defamation, although it cannot itself sue for defamation. Individual councillors and council employees may also be sued for defamation, whether in their private or public capacities.

Generally speaking, councillors at meetings of council (or council committees) are protected from defamation by the defence of 'qualified privilege,' but *only to enable them to speak freely and publicly in undertaking their duties in council meetings*. Any comment or statement a councillor makes at a council meeting must be relevant to the council business, made in good faith and without malice.

## SECTION 4

### WHAT SUPPORT IS PROVIDED TO COUNCILLORS?

#### **What fees are provided to councillors?**

Although some people believe that being a councillor is a full-time job, the law does not technically consider it to be a “job”, so if you become a councillor you will not be entitled to wages, workers compensation or sick pay etc. However under the Local Government Act you are entitled to receive an annual fee for carrying out your councillor duties. This is paid in monthly instalments.

The fee paid will depend on the size of the council, the number of people it serves and the assets it manages. A councillor in a small rural council will generally get paid less than a councillor in a big city council. For example, in 2007 the fees ranged from \$6,610 per year to \$29,080 per year. The mayor gets an additional fee for the additional duties he or she carries out.

An independent group called the Local Government Remuneration Tribunal decides each year what the councillor fees will be. Your council is not allowed to pay you more than the set councillor fee.

The fee is subject to tax, so you need to think about how it might affect your assessable income for tax purposes.

You can request that you are paid below the fee fixed by the Tribunal if the full fee will adversely affect your entitlement to a pension, benefit or other allowance.

A council may decide to reduce or withhold your fees from you if you do not attend meetings for more than three months. You are not entitled to receive a fee if you are suspended from office.

If you want more information about fees you can read the latest determination on fees from the Remuneration Tribunal, the contact details for which are in *Appendix I* of this publication.

#### **What expenses and facilities are provided to councillors?**

As well as setting and providing councillor fees, under the Local Government Act councils cover some expenses you will incur from carrying out a councillor’s duties such as travel and telephone expenses. Councils also provide some special facilities to councillors such as access to cars, telecommunication equipment and stationery.

The range of expenses and facilities provided to councillors varies between councils. Each year, the council decides what expenses it will cover and what facilities it will provide as well as limits on these. This has to be set out in a policy and adopted at an open council meeting. There are rules about what councils can put in their policies, but they may include expenses for:

- training courses
- conferences
- travel to and from meetings, conferences and training
- accommodation, meals and refreshments
- phone calls or internet use associated with councillor duties
- the cost of providing care for children or other dependants while performing council duties.

Councils may also provide special facilities for councillors such as computers, fax machines, mobile phones, stationery or secretarial assistance.

Councillors may only use the facilities provided to them for performing official duties. For example, a councillor cannot make personal calls from the mobile phone that the council gives you unless there is a mechanism for declaring and reimbursing private usage.

If you want further information about this you can read the guidelines on preparing councillor expenses and facilities policies on the Department of Local Government's website or ask your council to provide you with a copy of its councillor expenses and facilities policy.

## **What training is provided to councillors?**

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***ALL COUNCILLORS ARE STRONGLY ENCOURAGED AND EXPECTED TO PARTICIPATE IN TRAINING AND ONGOING PROFESSIONAL DEVELOPMENT.***

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A Councillor Development Strategy is being implemented to assist councillors.

All councillors, including councillors that have served a previous term, are expected to attend an information seminar being organised by the Department of Local Government and the Local Government and Shires Associations of NSW, with assistance from other organisations and agencies. The seminar will be held at various metropolitan and regional locations in October and November 2008.

The primary purpose of this seminar is to inform councillors about major issues they will need to consider during their term and to make them aware of resources that are available to help them fulfil their role.

The seminar will also provide the opportunity for councillors to learn about the role of the Department and the Associations, to meet councillors from other councils and to learn from more experienced councillors.

Local councils will provide councillors with a briefing on the key tasks to be undertaken by the new council, at its first meeting and prior to the end of the 2008/2009 financial year. This briefing will be provided as soon as possible after the election.

Councils will also provide access to an induction program to introduce new councillors to the council, its key policies and protocols and to provide an opportunity to meet key staff.

The Associations additionally provides a councillor induction program for both new and returning councillors.

The Department of Local Government will also provide access to an information resource for councillors wanting to know more about particular topics and issues relevant to their role.

### **What other professional development is available to councillors?**

Councils will develop and implement a councillor training program for councillors based on a systematic training needs analysis. The nature of this program will vary from council to council, as the analysis will identify different needs. New councillors will need to be prepared to tell council about their training needs.

As a service to their members, the Local Government and Shires Associations of NSW provide professional development and training specifically catering to the needs councillors and council staff. The Associations have developed a comprehensive development program to assist councillors to understand their role and enhance their skills. The workshops are delivered in large regional centres as well as in metropolitan areas or on the council's own premises.

The Associations' Councillor Professional Development Program includes the following modules:

- Induction for NSW Local Government Councillors
- Conflict of Interest and Model Code of Conduct
- Financial Skills
- Good Governance
- Planning Legislation Skills and Knowledge

- Effective Meeting Skills
- The Effective Chair in Local Government
- Strategic Management
- Councillors as Change Initiators
- Understanding Sustainability for Councillors
- Media Skills
- Advanced Media Skills
- Dynamic Presentation Skills
- Connecting with the Community
- Lobbying for Success
- Community Leadership
- Handling Difficult People for Councillors
- Speed Reading Skills for Councillors

Information on the program can be obtained by contacting the Associations, the contact details for which are in *Appendix 1* of this publication.

### **What other support and resources are available to councillors?**

New councillors may also benefit from establishing informal support networks and informal mentoring arrangements with more experienced councillors either in their council or in other councils. Many experienced councillors are often happy to mentor new councillors and share their knowledge, experience and advice.

Publications, such as *Bluett's Local Government Handbook NSW* by David Clark, may also provide a handy reference for new councillors. This guide explains how councils operate in NSW, their services and regulatory functions and gives an overview of relevant local government and planning laws.

# SECTION 5

## HOW DO I GET ELECTED?

### **Am I eligible to nominate as a candidate for election?**

Anyone who is entitled to vote at elections for a council is eligible to stand for election as a councillor or as the mayor for a council (if the mayor is popularly elected). To both vote and stand for election you must be:

- at least 18 years and an Australian citizen (or a British subject on an Australian roll on 25 January 1984)
- a resident or ratepayer of the council's area or an occupier of rateable land in the area
- on the electoral roll for the council's area before it closes
- not disqualified from standing for office (see below).

#### **THE ELECTORAL ROLL**

After the electoral roll for each council area closes no further names can be added. It is wise to check that you are on the electoral roll for the local government area you want to stand for election in rather than simply assume you are on it. To do this contact the NSW Electoral Commission, the contact details for which are in the appendices.

#### **DISQUALIFICATION**

Under the Local Government Act some people are disqualified from standing for civic office. These include people currently serving a prison sentence, people convicted of certain election or property offences, and people prohibited from managing companies. Serving judges, the returning officer for elections of the council concerned and employees of the council concerned are also excluded.

If you have any doubts about your eligibility to become a candidate seek advice from a legally qualified person. It is an offence to act in a civic office while disqualified from holding the office.

### **When do ordinary local government elections take place and who conducts them?**

The Local Government Act provides that ordinary elections of councillors and popularly elected mayors are held on the second Saturday in September every four years in the year immediately following a State election. Exceptions to this are sometimes made by legislative amendment or ministerial order.

The next ordinary local government election will be held on 13 September 2008 and the one following that in September 2012.

All local government elections (except for the elections of mayors by councillors and county council elections) are conducted by the NSW Electoral Commissioner. The Commissioner appoints a returning officer for each council area. The returning officer, in turn, appoints electoral officials.

### **What are the important dates for the 2008 Local Government Elections?**

Important dates for the upcoming elections are available from the NSW Electoral Commission (NSWEC). The most critical dates for potential candidates are those listed below.

Close of electoral rolls:	Monday 4 August 2008
Close of nominations:	Wednesday 13 August 2008
Registration of How-to-Vote material closes:	Refer to NSWEC website
Ballot paper draw:	Refer to NSWEC website
Application to form groups on ballot paper:	Refer to NSWEC website
<b>Election day:</b>	<b>Saturday 13 September 2008</b>

### **When and where is public notice of election given?**

Public notice is given of elections prior to close of electoral rolls, generally by advertisement in local newspapers.

## How do I nominate as a candidate for election?

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*IT IS ESSENTIAL TO GET THE NOMINATION PROCESS RIGHT, AS ONLY PEOPLE WHO HAVE BEEN CORRECTLY NOMINATED CAN BE ELECTED. THE FOLLOWING IS A SUMMARY OF THE REQUIREMENTS. MORE INFORMATION IS AVAILABLE FROM THE NSWEC WEBSITE AT [WWW.ELECTIONS.NSW.GOV.AU](http://WWW.ELECTIONS.NSW.GOV.AU).*

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Nomination proposals can be submitted in one of two ways:

- you can be proposed for nomination as a candidate by at least two eligible proposers enrolled for the same ward or area as the one for which he or she is being nominated. It is wise to have more than two nominators just in case it turns out that one is not eligible.
- you can be proposed for nomination by the registered officer of a registered political party.

You must complete a number of forms, officially lodge them with the returning officer by 5.00pm on the day on which nominations close and pay an election deposit of \$125.

### **FILLING IN THE FORMS**

After the nomination form with proposers' details is completed you need to complete and sign the form of consent. You also need to provide statistical information which is kept confidential and used only to compile aggregated statistics.

You need to also lodge a candidate's information sheet. Only your full name and residential address have to be shown on this sheet. However, as this is an opportunity for you to present yourself and your policies to the electors, in practice it is a good idea to give other relevant details such as your occupation, experience, qualifications, policies and beliefs.

As it is an offence to make a false statement on election papers it is important to check and verify all information you provide on the nomination forms.

### **LODGING THE FORMS**

Completed nomination papers must reach the returning officer by 5 pm on the Wednesday before nomination day. The papers can be delivered personally, posted or faxed and the returning officer will provide a receipt if you ask for one. Nomination forms will not be accepted by email.

## **ELECTION DEPOSIT**

When you lodge a nomination paper you must pay a deposit of \$125 to the returning officer in cash or by bank cheque. Personal cheques and credit cards won't be accepted.

The deposit will be refunded in a number of circumstances including if you withdraw, are ineligible, are elected or receive a certain proportion of the vote.

The nomination deposit for candidates included in a group of more than 5 candidates is always limited to 5 times the deposit for one candidate, divided by the number of candidates in the group. For example, in a group of 8, each person's deposit would be  $\$125 \times 5$  (\$625 in total)  $\div 8 = \$78.12$ .

A forfeited deposit is retained by the council.

## **What are wards and how do these affect my nomination?**

Council areas may be subdivided into districts called wards. Each ward may be represented by one or more elected councillors. Not all councils are organised this way; some do not have wards, in which case all councillors are elected by all electors enrolled in the whole council area.

It is wise to check with your local council or on the NSWEC website about the electoral arrangements for your local council area because whether a council area is divided into wards or not affects the system of election. Check the following:

- the total number of councillors to be elected
- if there are wards, how many there are
- number of councillors for each ward
- which ward you reside in.

Where a council area is divided into wards you can only stand for election as a councillor for one ward otherwise all of your nominations will be invalid.

## **What happens on nomination day?**

After nominations close the returning officer prepares a list of all people proposed for nomination and makes it publicly available. The list states each candidate's full name and address and the name the candidate wants to appear on the ballot paper.

At noon on nomination day the returning officer reads out the details of the candidates, announces any withdrawals and then formally nominates as candidates each person whose nomination paper is valid and has not been cancelled. The returning officer also determines by ballot the order of the groups on the ballot papers and the order of any ungrouped candidates.

If the number of candidates nominated is less or equal to the number of councillors to be elected the candidates are automatically elected. If more candidates are nominated than there are vacancies to be filled, an election will be held.

### **How can candidates be grouped?**

Two or more candidates may lodge a claim with the returning officer to have their names included in a group on the ballot papers and to have a group voting square to allow 'above the line' voting for the group.

A group voting square gives electors the option of voting for the group of their choice simply by showing "1" in a square above a horizontal line on the ballot papers instead of having to show preferences for individual candidates below the line. However, voters still have the option to vote 'below the line', showing preferences for individual candidates. This is similar to Senate and Legislative Council voting.

Group voting squares are only available where more than one group has requested a group voting square (that is, there cannot only be one group voting square on the ballot papers). Other restrictions apply that depend on whether the council area is divided into wards or not.

### **How are political parties registered for council elections?**

While many candidates stand for elections as 'Independents', many other candidates choose to affiliate themselves with a registered political party. A party that is registered for the State elections is automatically registered for local government elections.

A local government party must have at least 100 members to be eligible to register and an application for registration of the party must be accompanied by declarations of party membership signed by 100 party members.

Other party registration provisions apply and party registration kits are available from the NSWEC's website.

The time to register a political party to contest the September 2008 local government elections has now closed.

## **What are the rules about election material?**

There are strict rules about information which candidates and their supporters are allowed to publish or distribute to ensure that electors are not misled.

All election material must contain the name and address of the person who authorised the material to be printed. It must also contain the name and address of the printer.

On election day, a person must not distribute any electoral material, including 'how to vote' cards, unless the material has been registered with the NSWEC. An application to register electoral material may be made between nomination day and 8 days after nomination day.

Electoral advertisements or 'how to vote' material that contains misleading directions or statements about how voters should cast their votes are banned. Also prohibited is material that suggests a link between a candidate and a political party when no such link exists.

Rules also apply about where election material can be placed. You can obtain these rules from the NSWEC website. A person who publishes and distributes election material unlawfully can be fined or even dismissed from civic office under certain circumstances.

## **How is the mayor elected?**

A mayor can be elected in two ways: by popular vote or by a vote of councillors. Mayors elected by the community hold office for the full four years and those elected by councillors hold office for one year. The powers of the mayor are the same whichever way he or she is elected. Check with your local council as to which way your mayor is elected.

In cases in which the mayor is elected directly by the community, candidates can nominate both for election as mayor and for election as a councillor.

## **What happens on election day?**

Electors vote at polling places on election day between 8 am and 6 pm. Candidates or groups can appoint scrutineers in writing to observe the electoral process and to protect the interests of the candidate or the group.

Remember, there is no absentee voting at local government elections. Electors must vote at a polling place in their council area or ward if applicable. Information regarding polling places is available on the NSWEC website. Electors who qualify are able to vote before election day as either a postal voter or a pre-poll voter.

## **How are votes counted?**

In local government elections, votes are counted under either the ***proportional system*** or the ***optional preferential system***.

Under the proportional system a candidate must gain a quota of votes, either directly or by transfer, in order to be elected. The percentage of votes required to be elected will vary, depending on the number of candidates to be elected. For example, if three councillors are to be elected to a ward, a candidate must receive just over 25% of the votes to be elected.

Under the optional preferential system a candidate must receive an absolute majority (50% plus one) of votes, either directly or by transfer, in order to be elected.

The voting system used will depend on the number of vacancies to be filled in a ward or undivided area. Go to the NSWEC website for more information on voting systems.

A candidate can make a written request for a vote recount up to 24 hours after being notified of the original count result. They must pay a deposit to cover the cost of the recount and the deposit is refunded only if the recount changes the election result. In certain circumstances the Electoral Commissioner can direct that a recount be conducted.

## **How is the election result declared?**

First preference votes for each candidate will be counted on election night at each polling place. These results will be published on election night from 7.00pm on the NSWEC website.

The Electoral Commissioner gives approval for the returning officer to declare the result of the election who then sends a written declaration of the result of the count to all candidates. The declaration states the number of votes recorded for each candidate, the names of the successful candidates, and the ward or area for which they have been elected.

The community is notified of the election result by placing the declaration of the results in the principal polling place, by notifying the general manager of the council, and by publishing the declaration in the local newspaper.

If a person considers that someone has been wrongly or irregularly elected to civic office they may, within three months of the election, ask the Administrative Decisions Tribunal to consider dismissing that person from office.

## **How are electoral expenses and donations disclosed?**

Within four months after the elections, candidates are required to lodge a declaration with the Election Funding Authority (EFA) of donations they have received and electoral expenditure they have incurred.

All candidates are required to keep detailed records of people and organisations who have contributed to a candidate's or group's campaign. The EFA website at [www.efa.nsw.gov.au](http://www.efa.nsw.gov.au) has all the information regarding a candidate's obligations.

Candidates should be aware of their obligations to disclose.

Candidates who accept contributions from people and organisations are required to inform such donors that they may be required to lodge a declaration with the EFA. Details are available on the EFA website.

Where candidates may form a group the group will also have disclosure obligations.

Candidates are not entitled to payment from the Election Funding Authority for election expenses.

## **Who do I contact for more information about the nomination, voting and election processes?**

Go to the NSW Electoral Commission website ([www.elections.nsw.gov.au](http://www.elections.nsw.gov.au)) for detailed information about nomination, voting and election processes.

Go to the Election Funding Authority website ([www.efa.nsw.gov.au](http://www.efa.nsw.gov.au)) for information regarding candidates', registered political parties' and donors' obligations to disclose.

Each council can also provide information on the timetable and nomination forms.

# APPENDIX I

## KEY ORGANISATIONS, RESOURCES AND LEGISLATION

Further information on local government and/or local government elections can be obtained from the following organisations or their websites.

### DEPARTMENT OF LOCAL GOVERNMENT

Levels 1 & 2, 5 O’Keefe Avenue, NOWRA NSW 2541

**Phone:** 02 4428 4100

**Fax:** 02 4428 4199

**TTY:** 02 4428 4209

Level 9, 323 Castlereagh Street, SYDNEY NSW 2000

**Phone:** 02 9289 4000

**Fax:** 02 9289 4099

**Email:** [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au)

**Website:** [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)

#### **Publications:**

- The Model Code of Conduct for Local Councils in NSW (2004)
- Guidelines for the payment of expenses and the provision of facilities for mayors and councillors for NSW councils (2006)
- Practice Note No. 16—Meetings Practice Note (2006)

### LOCAL GOVERNMENT ASSOCIATION OF NSW AND THE SHIRES ASSOCIATION OF NSW

#### **Street address:**

Level 8, 28 Margaret Street  
SYDNEY NSW 2000

**Phone:** (02) 9242 4000

**Email:** [lgsa@lgsa.org.au](mailto:lgsa@lgsa.org.au)

#### **Postal Address:**

GPO Box 7003  
SYDNEY NSW 2001

**Facsimile:** (02) 9242 4111

**Website:** [www.lgsa.org.au](http://www.lgsa.org.au)

#### **Publications:**

- Planning the local government response to ageing and place (October 2004)
- Councils at Work—An Education Kit for Local Government Studies (rev. 1998)
- Resourcing Communities—The 1999 Community Planning and Services Audit (2000)

#### NEW SOUTH WALES ELECTORAL COMMISSION

**Street address:**

Level 25, 201 Kent Street  
SYDNEY NSW 2000

**Phone:** (02) 9290 5999

**TTY:** (02) 9247 3568

**Email:** [enquiries@elections.nsw.gov.au](mailto:enquiries@elections.nsw.gov.au)

**Website:** [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au)

Publications:

- A general guide to the local government electoral system
- A Guide For Candidates in Local Government Elections
- 2008 election timetable

#### ELECTION FUNDING AUTHORITY

**Website:** [www.efa.gov.au](http://www.efa.gov.au)

#### COUNCIL WEBSITES

Most NSW councils have their own websites. These may be accessed by searching by the council's name, or via the website of the Local Government and Shires Associations (under 'Council websites') or from the Department of Local Government's website (under 'Local Government Directory').

#### INDEPENDENT COMMISSION AGAINST CORRUPTION

**Street address:**

Level 21, 133 Castlereagh St  
SYDNEY NSW 2000

**Phone:** (02) 8281 5999

**TTY:** (02) 8281 5773

**Email:** [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)

**Postal Address:**

GPO Box 500  
SYDNEY NSW 2001

**Facsimile:** (02) 9264 5364

**Toll Free:** 1800 463 909

**Website:** [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)

#### NSW OMBUDSMAN

**Street address:**

Level 24, 580 George St  
SYDNEY NSW 2000

**Phone:** (02) 9286 1000

**TTY:** (02) 9264 8050

**Email:** [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)

**Website:** [www.nswombudsman.nsw.gov.au](http://www.nswombudsman.nsw.gov.au)

**Postal Address:**

As for street address.

**Facsimile:** (02) 9283 2911

**Toll Free:** 1800 451 524

#### LOCAL GOVERNMENT GRANTS COMMISSION

**Phone:** (02) 4428 4132

#### LOCAL GOVERNMENT BOUNDARIES COMMISSION

**Phone:** (02) 9289 4000

#### LOCAL GOVERNMENT PECUNIARY INTEREST AND DISCIPLINARY TRIBUNAL

**Phone:** (02) 9267 9216

#### LOCAL GOVERNMENT REMUNERATION TRIBUNAL

**Phone:** (02) 9228 3570

## Key Legislation

Key legislation administered by the Minister for Local Government includes:

- *Local Government Act 1993*
- Local Government (General) Regulation 2005
- *Companion Animals Act 1998*
- *Impounding Act 1993*
- *Swimming Pools Act 1992*

Other key legislation includes:

- *Environmental Planning and Assessment Act 1979*
- *Protection of the Environment Operations Act 1997*
- *Roads Act 1993*

Councils also have functions under many other Acts and regulations. The NSW *Local Government Act 1993* and all other NSW Acts and regulations may be accessed on the website of the Parliamentary Counsel's Office at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

## APPENDIX II

### PROMOTING DIVERSE REPRESENTATION IN LOCAL GOVERNMENT

Living and working in each local government area are people from a diverse range of cultural backgrounds, ages, occupations and life experiences. These include Aboriginal people, people from culturally and linguistically diverse backgrounds, people with a disability, men, women, young people and older people.

It is important to try to ensure that councillors broadly reflect the diverse make-up of the local government community they represent and serve. This helps ensure that the decisions taken by councils are representative of different groups within the local community. Diversity on council also serves to bring different perspectives to issues and decision-making.

To encourage diversity in local government the Department of Local Government, the Local Government and Shires Associations and Local Government Managers Australia are working on a joint *Promoting Diversity in Leadership Project* to develop and implement strategies to bring about a more diverse representation in leadership and decision-making positions at both the staff and the elected representative level.

Linked to and additional to this project are a number of programs, publications and other resources available to encourage and assist participation in local government by diverse groups.

DEPARTMENT OF LOCAL GOVERNMENT

[WWW.DLG.NSW.GOV.AU](http://WWW.DLG.NSW.GOV.AU)

- Local Government in NSW: Issues and Information for Aboriginal Communities (2008)
- Engaging with local Aboriginal Communities: a resource kit for local government in NSW (2008)
- Implementing the Principles of Multiculturalism Locally: A planning framework for councils (2008)
- National Framework for Women in Local Government Information Kit for Councils (2005)
- Report on Findings from the Evaluation of the Aboriginal Mentoring Program (2000)
- How Local Councils Consult with Young People (1997).

- Hands up for Women in Council: a kit for newly elected women councillors in local government (2003 and 2008 *pending*)
  - An information and participation kit that provides practical information, case studies and advice for women considering running for council and for newly elected women councillors
- Support Strategies for Women Councillors (2003)
  - A 10 point plan that provides councils with a best practice framework to enable councils to better reflect the ethnic, gender and cultural diversity in their communities
- In Focus (2002)
  - A gender analysis of NSW local government social plans
- NSW Action Plan for Women (2002-2004)
  - Sets out the Government's policy commitments to increasing the representation of women in local government, responsible agencies and specific initiatives
- Women and Decision Making (1998)
  - A resource kit to assist women become involved in boards, committees and so on.

**COMMUNITY RELATIONS COMMISSION****FOR A MULTICULTURAL NSW**[WWW.CRC.NSW.GOV.AU](http://WWW.CRC.NSW.GOV.AU)

- Implementing the Principles of Multiculturalism: A planning framework for councils (2008)
- Guidelines for the operation of Regional Advisory Councils
  - Outlines the role of RACs in identifying issues that affect communities, and resolving them through co-operation and partnership between community and Government
- White Paper—Cultural Harmony The Next Decade.

**DEPARTMENT OF ABORIGINAL AFFAIRS**[WWW.DAA.NSW.GOV.AU](http://WWW.DAA.NSW.GOV.AU)

- Local Government in NSW: Issues and Information for Aboriginal Communities (2008)
- Engaging with local Aboriginal Communities: a resource kit for local government in NSW (2008)
- Yarn Up 2: Growing up our leaders (2002)

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