Thinking about becoming a councillor?
A guide for candidates in NSW

Division of Local Government, NSW Department of Premier and Cabinet, in cooperation with the Local Government Association of NSW and the Shires Association of NSW
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Monday to Friday 8.30am to 5.00pm
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ISBN 1 920766 96 0

Produced by the Division of Local Government, Department of Premier and Cabinet

Acknowledgements
The Division of Local Government and the Local Government Association of NSW and the Shires Association of NSW thank the NSW Electoral Commission and the NSW Election Funding Authority for assistance in reviewing and providing information for the update of this publication.
Foreword from the Minister for Local Government

Councillors are a vital part of our local communities.

Local government in NSW is made up of 152 councils, employs over 50,000 people and spends more than $9.4 billion annually. The services it provides range from traditional town planning and waste management to community development, environmental protection, economic development and much more.

The over 1,500 councillors that serve on local councils play a vital role in meeting the needs of local communities. They serve their communities by listening to people in the local area and then representing those views on council. They make decisions that can change local communities and environments.

The communities that councillors represent are made up of a mix of people with different needs and interests from a diverse range of backgrounds. Effective councils are made up of councillors that reflect this mix.

There has never been a more exciting time to be involved in local government. Communities face a range of demographic, economic, technological and environmental challenges and change. State and local government are working together to ensure strong local government that can rise to meet these challenges and create strong communities. Councillors will be critical to the success of this project, known as Destination 2036, and shaping the future of local government in NSW.

Being a councillor is a rewarding opportunity.

If you have a passion for your community and an ability to learn new skills, show leadership and work with others then becoming a councillor could be for you. I hope that this publication will assist you to make a decision in an informed way.

The Hon Don Page MP
Minister for Local Government
Thinking about becoming a councillor?
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Becoming a councillor is your opportunity to contribute to your community at this important and influential time. Our industry is embarking on a comprehensive program of consultation and meaningful community engagement. We aim to consult, advocate and lead our communities and deliver to them improved services and infrastructure while upholding the highest ethical standards.

Local Government is big business for NSW. We are an industry worth $89 billion in assets and infrastructure, we bring more than $9 billion into the NSW economy every year and we directly employ more than 50,000 people.

Local government is the level of government closest to the community, and councils provide more daily, essential services to our local community than any other level of government. Many of the vital services councils supply - such as town water and sewerage, food safety inspections, waste management and roads - are so ingrained in our daily lives, we don’t often think about how much our communities would miss them if they weren’t there.

In the current climate, NSW councils face immediate and serious economic, social, environmental and governance challenges. We have a significant infrastructure backlog, increased demands from our communities and are in the midst of regulatory, legislative and constitutional reform.

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 best interest that local government elections attract a broad field of candidates who reflect the diversity of their community and represent their interests and will advocate for their key concerns.

This booklet has been designed by the Division of Local Government, Department of Premier and Cabinet, in conjunction with the Local Government and Shires Associations as a guide to becoming a councillor in NSW. It is intended for those considering standing in the 2012 local government elections, but it is also a valuable information resource for anyone interested in the role of a councillor.

We urge you to make a well informed and considered decision about whether to stand for election as a councillor. We encourage you to contact your council, speak with them and attend any information sessions they are holding about becoming a councillor. Life as a councillor is a complex, challenging and extremely rewarding experience and provides a unique opportunity to develop your leadership skills and contribute to your community.

Cr Keith Rhoades AFSM
President
Local Government Association of NSW

Cr Ray Donald
President
Shires Association of NSW
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Councillors: Ordinary people with an extraordinary passion for their community

Who can be a councillor?

If you are passionate about your local community then you already have the main thing it takes to become a councillor. Everything else you need to know about taking the step and nominating for election is in this guide.

There are no special qualifications to become a councillor other than a desire to serve your community. There are some skills you’ll benefit from developing - and you can learn most of these on the job.

A councillor’s role is important. The decisions a council makes and the services it provides can change local communities and environments.

Being a councillor is a rewarding opportunity to:

- Make decisions that help people in your local community
- Influence the long term vision and direction for your community
- Learn new skills, such as leadership, public speaking and advocacy
- Work with diverse and passionate people on a range of issues
- Balance the needs and priorities of your community
- Show leadership and make the best decisions for your community.

More information about who can be a councillor is contained later in this guide.

Being a voice for the local community:
why is diverse representation on council important?

Local communities are made up of a mix of people with different needs and interests. People from a diverse range of backgrounds live and work in each local government area. This includes people from groups who may not usually have a say in council decisions. These groups include Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse backgrounds, people with a disability, women, young people and older people.

There is an under representation of diverse groups of people among elected representatives and in the workforce of many NSW councils.

Elected council representatives should represent their community - and if a community is diverse then the councillors should be too. This should lead to better leadership and decision making to create stronger councils and better outcomes for local communities.

Diverse representation helps to ensure the needs of different groups in the local community are taken into account when council makes decisions.

Information and statistics on representation can be found in the Candidates and Councillors 2008 Report available at www.dlg.nsw.gov.au.
Councillors: Ordinary people with an extraordinary passion for their community

What does it take to be a councillor?

As well as enthusiasm, passion and caring about the local community, councillors should be willing to learn new skills. Skills, knowledge and attributes which are helpful for councillors to have include:

> Communication skills, including listening and interpersonal skills, public speaking, respecting different opinions, negotiation, mediation and conflict resolution skills
> Problem solving and analytical skills, in order to get to the core of a problem and come up with good solutions
> Teamwork skills, because councillors need to work together to benefit the community
> Organisational skills, including time management and priority setting
> Understanding of financial and reporting processes, including understanding budget processes and financial reports
> Ability to engage with the community
> Understanding of social justice principles
> Understanding of the role and services of local government
> Ability to understand relevant State Government legislation
> Leadership qualities, such as energy, optimism, motivation, resilience, confidence, assertiveness, strategic thinking, advocacy and networking
> Ethical and accountable behaviour - and a commitment to acting in the best interests of the community as a whole.

This may seem like a long list – but councillors receive lots of information and training to help them in all of these areas.

Being a councillor is an opportunity to serve your community, and this opportunity involves a commitment of your time. There are a range of factors that determine how busy councillors are. Many councillors report that they spend 10-15 hours each week on council activities, depending on the size of the council and the issues that arise.

Councillors are expected to attend all council meetings. The exact number of meetings each year depends on the council, but each council must meet at least 10 times each year.

To get a good idea of the time it takes to be a councillor in your area, talk to a local councillor – past or present.

In the end, standing for council is a personal choice only you can make because you understand your own circumstances and what the time commitment means for you. It is a good idea to talk to your family and support networks about your plans to serve your community and run for election.
Councillors: Ordinary people with an extraordinary passion for their community

How do councillors serve their communities?

Councillors serve their communities by listening to people in the local area and then representing those views on council.

Councillors work together to make decisions about what the council will do to meet community needs and how money should be spent in the best interests of the community as a whole.

Councillors do not get involved in the day-to-day running of the council. This is the role of the General Manager. More information on the role of a General Manager is contained later in this guide.

Different communities have different needs

This means councillors can be involved in a range of issues. The size and make up of local communities, and whether they are metropolitan, regional or rural areas, can impact the issues that councillors get involved in.

Some things a councillor does are:

> Take part in council meetings, often in the evenings and usually at least once a month
> Read council business papers and prepare for council meetings
> Review a council’s strategic plans, policies and budget on a regular basis to check if progress is on track
> Speak to members of the community about their needs and concerns.

Some other activities that a councillor might typically get involved in are:

> Take part in special council committees, such as local traffic or planning committees
> Inspect progress on council projects, such as road works or the building of a new library
> Keep an eye out for problems with council assets that may need to be reported, such as damage to sports fields or broken signs
> Participate in civic events, such as presenting sporting and other awards and attending citizenship ceremonies
> Represent the council at events and conferences, such as the Local Government Association Conference or Shires Association Conference.

In addition, councillor actions are guided by a Code of Conduct that holds them accountable to the communities they serve.
Local government: What it is and why it matters

Councils in NSW provide a very wide range of services and activities. The first things which often spring to mind when people think about the role of a local government are services such as garbage collection. But councils have a much wider and more important role than many people realise.

The big picture: How do Federal, State and Local Governments relate?

Local government does not exist in isolation. It is important for councils to maintain strong relationships across different levels of government, between and within councils, and within the community.

Federal, State and Local Governments each play distinct and important roles. The diagram below gives examples of the typical responsibilities of the three spheres of government in Australia.

Federal, State and Local Governments also have important working relationships with groups such as:

- Local Government Association of NSW
- Shires Association of NSW
- Local Government Managers Australia (NSW)
- Australian Local Government Women’s Association.

Guiding principles: Introducing the Council’s Charter

The Council’s Charter outlines a set of principles to guide councils in carrying out their functions, including to:

- Provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- Exercise community leadership
- Exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- Promote, provide and plan for the needs of children
- Properly manage, develop, protect, enhance and conserve the local environment in a manner that is consistent with and promotes the principles of ecologically sustainable development
- Have regard to the long term and cumulative effects of its decisions
- Bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible
- Engage in long-term strategic planning on behalf of the local community
- Exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights
- Facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government
- Raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
Planning for sustainable development
Councils play a role in providing long term strategic planning for local government areas, as well as in town planning, zoning and subdivisions. In addition, councils are responsible for processing most development applications, building site and compliance inspections, building regulations and connections to water and sewerage.

Providing & maintaining infrastructure
Providing local infrastructure is an important contribution councils make to their communities. For example, councils provide and maintain local roads and bridges, public car parks, footpaths, sporting fields, parks, libraries and art galleries. Councils must consult with their communities about providing and maintaining these assets.

Protecting the environment
Councils regularly assess the state of their local environments, 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 and controlling noxious weeds.

Providing community services and development
Councils consult with and assess the needs of their communities – and use the information to target community development activities. 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
Councils help maintain high standards of public health and reduce the risk of exposure to a wide range of diseases through activities such as inspections of cafes and restaurants, waste management, pest and vermin control and hazardous material containment.

The community benefits: What services and functions do councils provide?

Councils provide services that fall under five broad categories. The list below provides a sample of some of the services provided by councils – but there are many other activities councils undertake.

The range and quality of services provided by a council is shaped by a number of factors, including the:

- Availability of funds
- Size, location and demographics of the area
- Commitment to maintain existing services
- Views, wishes and needs of the community.

Money matters: Services cost money, but where does it come from?

Councils raise money from the local community through rates, charges and fees. They can also borrow and invest money. All councils receive a Financial Assistance Grant each year, which is paid by the Federal Government through the State Government via the NSW Grants Commission. The amount of the grant varies from council to council. Councils may also be eligible to receive grants from a variety of other sources.

> Keep the local community and the State Government (and through it, the wider community) informed about its activities
> Ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
> Be a responsible employer.

Councils adhere to, and go above and beyond, the principles of the charter. Councils pursue their community’s visions and ideas, provide leadership, and express concerns about important issues to other levels of government.

Local government: What it is and why it matters

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Local government: How it works

Working relationships: How do councillors and staff work together?

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 to avoid any confusion.

What is the role of the mayor?

The mayor is often considered the voice of the council and the leader of the community. The mayor has the same roles and responsibilities as councillors, with a few extra responsibilities. Mayors:

- Preside at meetings of the council
- Carry out civic and ceremonial functions
- Exercise urgent policy making functions, where necessary
- Exercise other functions, as determined by the council.

The mayor can be elected in two ways: by the community or by the councillors. Mayors elected by the community hold office for the full four years, while mayors elected by councillors hold office for one year. Check with your local council to learn how your mayor is elected.

What is the role of the general manager?

The general manager is responsible for implementing the policies formulated and monitored by council.

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

Under the Local Government Act 1993, a general manager’s responsibilities include:

- Ensuring the efficient and effective operation of the council’s organisation and the implementation of decisions of the council
- Assisting the council with the development and implementation of the strategic plans and policies
- Running the day-to-day operations of the council
- Appointing staff
- Directing and dismissing staff
- Exercising functions which are delegated by the council.

The general manager may 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. These staff carry out the day-to-day operations of the council, and implement council policies and other decisions, as directed by the general manager.
Being a councillor: What help is available

Being a councillor is an important commitment to the local community – but in NSW it is not a full time job. As such, councillors are not entitled to wages, workers’ compensation or sick pay. But there is support in place for Councillors and this support is explained below.

What fees are provided to councillors?

Under the Local Government Act 1993 councillors are entitled to an annual fee, paid in monthly installments. The fee depends on the size of the council, the number of people it serves and the assets it manages. For example, in 2012-13 the fees range from $7,740 per year for a small rural council to $25,580 for a big metropolitan council.

The mayor of a council also receives an additional fee.

The fees paid to councillors are subject to tax, and may affect your assessable income for tax purposes.

A council may decide to reduce or withhold fees if a councillor does not attend meetings for more than three months. Councillors who are suspended from office are not entitled to receive a fee.

What expenses and facilities can be accessed by councillors?

As well as setting councillor fees, the Local Government Act 1993 allows councils to cover some of the expenses that councillors incur in carrying out their duties, including travel and telephone expenses.

The range of expenses and facilities provided to councillors varies between councils. Each year, a council decides what expenses it will cover and what facilities it will provide to councillors.

Councillor expenses covered by councils may include:

> Training courses
> Conferences
> Travel to and from meetings, conferences and training
> Accommodation, meals and refreshments
> Phone calls and internet use associated with councillor duties
> Child care associated with councillor duties.

Councils may also provide facilities for councillors such as computers, fax machines, mobile phones, stationery or secretarial assistance. Councils are also encouraged to provide equipment and facilities to assist councillors with disabilities and special needs to access the services and information they need in order to perform their role.
Being a councillor: What help is available

What training and professional development is available to councillors?

One of the great personal benefits of becoming a councillor is the opportunity to undertake structured professional development. All councillors are encouraged to participate in training and ongoing professional development.

The Division of Local Government, and the Local Government Association of NSW and Shires Association of NSW, provide a wide range of support for councillors, including training and induction programs.

For example, the Associations provide professional development and training specifically catering to the needs of councillors. The Associations’ Councillor Professional Development Program includes the following modules:

- Asset Management for Councillors
- Community Leadership
- Conflict of Interest
- Connecting with the Community
- Councillors as Change Initiators
- Development Approvals - The Heritage Perspective
- Dynamic Presentation Skills
- Effective and Fair Meeting Procedures
- Financial Issues in Local Government
- Handling Difficult People for Councillors
- Know Your Planning Legislation
- Long Term Strategic and Financial Planning
- Managing Time and Stress
- Managing Information Overload - Speed Reading
- Media Skills
- Mediation Skills for Councillors
- Pre-Election Prospective Candidate Briefings
- Preventing Bullying and Harassment Training for Councillors
- The Effective Chair in Local Government
- The Elected Life.

Information on the program can be obtained by contacting the Associations, the contact details for which are at the end of this guide.

Individual councils are also strongly encouraged to provide training programs for councillors. The nature of these programs will vary from council to council. As a new councillor, you will be encouraged to tell your council about your personal training needs.
Check point: Who is eligible to nominate as a candidate?

Anyone who is entitled to vote at council elections in NSW is also eligible to stand for election as a councillor.

Before setting off to become a councillor, ensure you are on the electoral roll for the council area and be clear that you’re not disqualified from standing for office.

People disqualified from standing for office include people who are:
> Currently serving a prison sentence
> Convicted of certain election or property offences
> Prohibited from managing companies.
> Currently state members of Parliament.

Serving judges, the returning officer for elections of the council and council employees are also excluded.

How do I nominate as a candidate?

Getting the nomination process right is an essential step in becoming a councillor. It may sound like a complex process, but if you work through it step by step you will find it is much easier than it seems.

Firstly, you need to submit a nomination proposal. This 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 you are 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.

There are a number of forms to complete at this stage - and these need to be officially lodged with the returning officer. These forms include a form of consent and a candidate information sheet. There is also a nomination deposit of $125, payable to the returning officer in cash or by bank cheque.

Make sure you check and verify all information provided on the nomination forms before lodgement, as it is an offence to make a false statement on election papers.

Completed nomination papers must reach the returning officer by noon on nomination day. The papers can be delivered personally, emailed, posted or faxed and the returning officer will provide a receipt if you ask for one.

Local government elections: When and how are they conducted?

Local government elections in NSW are generally held on the second Saturday in September every four years in the year immediately following a State Government election.

The next ordinary elections in NSW will be held in September 2012.

In 2012, councils will be able to choose whether elections are administered by the general manager or the NSW Electoral Commissioner. The process for nominating as a candidate is the same, regardless of who administers the elections.

Being ready: When and how will nominations be called?

Public notice of a council election must be given at least one week before nomination day. Look out for notices of the elections, and the call for nominations, in your local newspaper. If there are more nominees than vacancies on council, public notice of a contested election is then given as soon as possible after the nomination day.

How are political parties registered for council elections?

While many candidates stand for election as independents, other candidates choose to affiliate themselves with a political party. Any party that has been registered for 12 months prior to the nomination day is entitled to put up candidates for election. A party that is registered for State
Making it happen: How to stand for election

Government elections is automatically registered for local government elections.

If you need further information on the registration of a political party, contact the NSW Electoral Commission, whose details are provided at the end of this guide.

What are the rules about election material?
To keep elections fair and ensure that voters are not misled, there are strict rules about information which candidates and their supporters are allowed to publish or distribute. All election material published or distributed from the day the election rolls close until election day must contain the name and address of the person who authorised the material. It must also contain the name and address of the printer.

All election material distributed on election day, including ‘how to vote’ cards, must have been registered with the NSW Electoral Commission. An application to register electoral material may be made between nomination day and eight days prior to election day.

Electoral advertisements and ‘how to vote’ material that contains misleading directions 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 to where election material can be placed. You can obtain these rules from the NSW Electoral Commission’s website. A person who publishes and distributes election material unlawfully can be fined or even dismissed from civic office under certain circumstances.

Counting the votes: How is it done?
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 councillors to be elected. For example, if three councillors are to be elected to a ward, a candidate must receive just over 25 per cent of the votes to be elected.

Under the optional preferential system a candidate must receive an absolute majority (50 per cent 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 NSW Electoral Commission’s 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 are electoral expenses and donations disclosed?
All electoral candidates need to lodge a declaration with the Election Funding Authority of donations they have received and electoral expenses they have incurred.

Candidates are also required to keep detailed records of people and organisations that have contributed to their campaign. The Election Funding Authority website has information about a candidate’s obligations – go to the end of this guide for contact details.

Candidates who accept contributions from people and organisations are required to inform their donors that they may be required to lodge a declaration with the Election Funding Authority.

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

Candidates are not entitled to payment from the Election Funding Authority for election expenses.
Next steps: Where to get more information

This guide has been prepared as an introduction to the role of councillors and the operation of councils. It is a starting point to help you decide whether you’d like to run in the next council election.

For more information about nomination, voting and election processes, as well as important dates and deadlines, go to the NSW Electoral Commission website www.elections.nsw.gov.au.

The Election Funding Authority website www.efa.nsw.gov.au has information about your obligations to disclose donations and electoral funding, as well as information about the upcoming Candidate Information Seminars.

Remember, your local council is able to provide information on the election timetable and the nomination process, including nomination forms.

Further information on becoming a councillor in NSW can be obtained from the organisations listed on the following pages.
NSW Ombudsman

Street address: Level 24, 580 George Street
SYDNEY NSW 2000

Postal Address: As for street address

Toll Free: 1800 451 524
Phone: (02) 9286 1000
Facsimile: (02) 9283 2911
TTY: (02) 9264 8050
Email: nswombo@ombo.nsw.gov.au
Website: www.ombo.nsw.gov.au

Community Relations Commissioner for a Multicultural NSW

Street address: Level 8  175 Castlereagh Street
Sydney NSW 2000

Postal Address: PO Box A2618
Sydney South NSW 1235

Phone: (02) 8255 6767
Facsimile: (02) 8255 6868
TTY: (02) 8255 6758
Interpreting & Translation:
Phone: 1300 651 500
Facsimile: (02) 8255 6711
Email: languageservices@crc.nsw.gov.au

Australian Local Government Women’s Association (NSW Branch)

Contact details for the President and other office bearers are available on the website.

Email: secretary@algwa.net.au
Website: www.algwa.net.au

Council Websites

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 Association of NSW and the Shires Association of NSW (under ‘Council websites’) or from the Division of Local Government’s website (under ‘Local Government Directory’).