

OP GRAND

EXHIBIT No. 64  
*Alkhamis* CLERK

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## Local Government Elections March 2004

### Aim

The aim of this "Intending Candidates" Kit and the supporting presentation is to provide prospective candidates with a sound understanding of the statutory election processes and the roles and responsibilities of being a councillor so that they can make an informed decision whether to nominate for election in March 2004. For more detailed information on the roles and responsibilities of councillors, intending candidates should consider enrolling in the 60-hour, accredited course *Councillors as Leaders in Local Communities* (please see attached leaflet), which is offered by distance education by the Open Learning Institute of TAFE.

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Intending Candidates



**Queensland Government**

Department of Local Government and Planning

### **The *Local Government Act 1993 (LGA)***

The LGA establishes what local governments do

The LGA is 904 pages in length and has 1,271 Sections

The LGA was introduced in December 1993 and came into force in March 1994. It replaced the *Local Government Act 1936*. Under the 1936 Act, the principal focus of local governments was the 3 "R's" - roads, rates and rubbish - and strict limits were placed on local governments in terms of how they exercised their powers. The provision of basic community infrastructure and property related services were the important issues being addressed by Councils.

These matters are still important, however, community expectations have changed. Local governments are now being asked to take on greater responsibilities in terms of the economic, social and environmental well-being of their communities and are being given much more freedom to do so. For example, more and more local governments are now becoming involved in strategies to address issues such as drug abuse, youth suicide, unemployment and caring for the ageing population.

The LGA establishes a modern framework, which allows local governments to respond to a changing environment by giving Councils extensive powers and authorities to provide services and initiate action on behalf of their communities.

The objects of the LGA are to:

- provide a legal framework for an effective, efficient and accountable system of local government
- recognise a jurisdiction of local government sufficient to allow a local government to take autonomous responsibility for the good rule and government of its area with a minimum of intervention by the State
- provide for community participation in the local government system
- define the roles of participants in the local government system, and
- establish an independent process for ongoing review of certain important local government issues.

The LGA was designed to provide for a strong, independent, efficient, effective and accountable system of local government, which responds to community needs.

The underlying theme of the LGA is to give Councils more autonomy in what they can do and more flexibility in how they do it, balanced by increased accountability for their performance.



### Structure of the LGA

The LGA comprises the following chapters:

#### Chapter

- 1 Preliminary
- 2 The Local Government System
- 2A Townville-Thuringowa Water Supply Joint Board
- 3 Interaction With the State
- 4 Local Government Councillors
- 5 Local Government Elections
- 6 General Operation of Local Governments
- 7 Financial Operation and Accountability of Local Governments
- 8 National Competition Reform of Significant Business Activities
- 9 Conduct of Competitive Business Activities
- 10 Reform of Certain Water and Sewerage Services
- 11 Complaints about Competitive Neutrality
- 12 Local Laws and Subordinate Local Laws
- 13 Local Government Infrastructure
- 14 Rates and Charges
- 15 Provisions Aiding Local Government
- 16 Local Government Staff
- 17 Superannuation
- 17A Regulation of Restricted Dogs
- 18 General
- 19 Traditional Validation and Savings Provisions, Repeals and Amendments

### Autonomy

Councils can:

- make local laws on virtually any matter the State Government can make a law on
- form advisory committees comprising non-elected members of the community
- pursue economic development opportunities and become involved in private enterprise activities
- set remuneration rates of pay for Councillors without reference to the State Government
- develop, adopt and implement policies appropriate to the needs of their areas
- not be dismissed or dissolved except in certain prescribed circumstances and then only after a Council has been given an opportunity to respond, and
- generally make decisions for the overall public interest of the area.



### Flexibility

The LGA provides Councils with flexibility:

- in the appointment of staff and the design of an organisational structure appropriate to need
- through wide ranging revenue raising powers
- in contracting and in the disposal of goods and land, and
- through the availability of extensive delegation powers.

### Accountability

Local government accountability has been improved by:

- introduction of better management performance systems e.g. annual reports and corporate plans
- requiring Council and committee meetings to be open to the public other than in certain prescribed situations
- encouraging greater community participation and consultation in local government planning and decision making processes e.g. corporate planning and local law making
- requiring annual budgets to be based on the Council's stated program of activities
- requiring the remuneration of Councillors, Council meeting arrangements, to be publicly advertised
- establishing accounting standards with which Councils must comply
- specifying that Councillors and senior officers must register their interests and, in the case of Councillors, not be present at meetings in which a matter in which they stand to gain a benefit or suffer a loss is being discussed, and
- requiring local governments to adopt equal employment opportunity (EEO) management plans which allow all members of the community to compete for employment where Council vacancies arise.

Many of these issues are explained in more detail in other Fact Sheets which form part of this Community Information Kit.

### Integrated Planning Act (IPA)

The IPA, which commenced in March 1998, fundamentally reforms the State's planning and development approval system.

The purpose of the IPA is to seek to achieve ecological sustainability by:

- coordinating and integrating planning at local, regional and State levels
- managing the process by which development occurs, and
- managing the effects of development on the environment.

The IPA provides processes for the making of various planning instruments, including local government planning schemes and State planning policies, and for community infrastructure proposals to be reflected in planning schemes through the designation process.



The Integrated Development Assessment System (IDAS) provides the framework for the approval of development anywhere in the State through a uniform process based on a single application. Planning, building and environmental licensing systems have been integrated into the IDAS so far. It is proposed that a large number of other separate development approval processes will be integrated in the IDAS as part of an ongoing consequential amendment program of other State legislation over the next two years.

# Intending Candidates



With 125 local governments spread across the State, the third tier of government represents a powerful economic and community force. Our local governments provide services which have an impact on almost every aspect of our day-to-day lives.

### Looking after essential infrastructure

- Queensland Councils own and manage public infrastructure with a nett value of at least \$35 billion.
- Roads and public works - Councils maintain over 147,000 kilometres of local roads.
- Councils are also responsible for:
  - building new roads and bridges under areas of Council control
  - controlling traffic flow
  - building and maintaining halls and other public buildings
  - building footpaths and bikeways.
- Sewerage - Councils are responsible for piping sewerage for treatment and disposal.
- Water - Councils care for the local water supply by:
  - treating water for drinking
  - piping water to homes, shops and factories
  - removing used water through drains and sewers.

Councils provide other infrastructure where it is needed, including flood control, sporting facilities, and aerodromes.

### Looking after the environment

Councils are responsible for regulating activities which affect the quality of the environment, including:

- Land Use Planning
  - commercial development areas
  - where housing development should go
  - what areas are protected as bushland and reserves.
- Building Control - plans for all new buildings must be approved prior to construction to ensure a high standard of safety and construction. The Council can give the approval.
- Waste Management - the management of a community's garbage is a major role of local government. Councils are responsible for:
  - obtaining and managing sites for garbage tips
  - arranging the collection and recycling of garbage
  - providing wheelie bins to residents
  - cleaning streets and other public places.
- Control of declared pests and noxious weeds
- Control of dogs and other animals



### People Services

Councils provide a range of services for the health and well-being of the community including:

- immunisation programs
- controlling mosquito breeding
- child care centres and family day care schemes
- respite services for the frail and/or aged
- libraries and toy libraries
- recreation areas, parks, gardens and swimming complexes.

Community development is now a recognised sphere of Council services and generally comprises:

- youth programs and development
- arts, cultural and heritage activities
- assistance to welfare groups
- the promotion of Council services.

### Economic Development

Councils promote their areas to encourage business development to provide employment for residents and access to the goods and services businesses can provide.





**In 2001/02, local government expenditure was \$3.02 billion. More than \$2.6 billion was raised through rates and charges levied on properties.**

The first step in a local government receiving its money, from whatever source, is in framing its budget for a financial year. The *Local Government Act 1993* (LGA) provides that a local government must adopt a budget for each financial year. In normal circumstances, a budget must be adopted between 1 June and 31 August each year.

### **The Budget Process**

The works and services supplied by a local government are determined by the planning framework each local government is required to follow. A local government must first develop its Corporate Plan, which is a strategic document looking a period of several years. It then frames its Operational Plan, which determines how it will operate for a particular year. A local government must also determine its Revenue Policy for a particular financial year. The Policy will determine how the local government raises the revenue needed for it to operate during the year. The annual budget must be drawn up in such a way as to be consistent with the aims and direction of the Corporate Plan, the Revenue Policy and the Operational Plan. There should be a strong and clear linkage between the budget and Councils' Corporate and Operational Plans.

### **Raising Revenue**

There are five main ways that local governments raise money to provide infrastructure and services to communities. These are:

- Rates
- Fees and Charges
- Grants and Subsidies
- Borrowings
- Developer Contributions/Infrastructure Charges

A brief description of each method is given below.

#### **Rates**

The LGA contains powers to make rates at the annual budget meeting of the local government and levy those rates by the issue of a rate notice to the owner of the land. Section 963 of the LGA provides for the making of the following rates and charges:

- general rate or differential general rate
- minimum general rate levies
- separate rates and charges
- special rates and charges
- utility charges



### General Rate

A local government must make a general rate or differential general rates for each financial year, based on the unimproved value of land effective for the current financial year. The rate is made each year as part of the local government's budget process (Section 964). All decisions regarding the method of rating and the amount of the rate are entirely at the discretion of the local government concerned.

While the LGA provides that councils must use unimproved land valuations developed under the *Valuation of Land Act 1944* in the rating process, the scope of rating methods provided to local governments in the LGA, means that they have the ability to deal with inequities arising from annual changes in valuations. The methods available to them including differential rating, averaging of valuations over two or three years and rate capping to place a ceiling on rate increases.

### Differential General Rating

Differential rating (Section 966) was included in the LGA to provide a mechanism whereby Councils have the ability to correct any anomalies associated with the use of a single general rate. A local government may categorise the land within its area, by grouping all lands used for a particular purpose into separate categories. It can then impose different rate levels on each category of land use. Section 983 imposes certain requirements on a local government using differential rates.

### Averaging

Where there is a marked increase in the valuations in all parts of the local government area since the last valuation a local government may decide, by resolution, to average valuations for rating purposes (sections 959-960 of the LGA). This will help alleviate the impact of rapid or significant rises in unimproved value so that rates do not rise as rapidly as land values. The valuations can be averaged either over a two, or three-year period.

A minimum general rate levy can still apply if, on the basis of the averaged value, a ratepayer would have paid less rates than the minimum amount of the general rate, or differential general rate levy determined by the local government.

### Rate Capping - Limitation of Increase in Rate Levied

Section 1036 of the LGA provides that a local government may, by resolution, limit the amount of an increase in rates that would otherwise be levied on land by the application of its rating strategy or where large or rapid valuation increases have occurred. The local government may resolve to place a limitation of increase in relation to all land or to stated classes of land. A local government does not need to have differential rating to have stated classes of land. The stated classes of land do not necessarily have to correspond with any differential rating

