

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



categories. The power effectively enables the amount of a rate levied in a financial year to be tied to the amount of a rate levied in the preceding financial year, i.e., no increase, or the amount of the rate levied last year increased by a certain percentage.

### **Minimum General Rate Levy**

Section 967 of the LGA provides that a local government may identify rateable land for the purpose of making and levying a minimum general rate levy in any way it considers appropriate. Should a local government make and levy a differential general rate for the financial year, the local government may make and levy a different minimum general rate levy on rateable land in each category; but must not make and levy more than 1 minimum general rate levy for rateable land in a category.

### **Separate Rates & Charges**

Under Section 972 of the LGA a local government may make and levy a separate rate or charge for a service, facility or activity in the way it considers appropriate.

The local government may fix a minimum amount of a separate rate.

A local government may make and levy a separate rate or charge for a service, facility or activity whether or not the service, facility or activity is supplied by the local government itself.

### **Special Rate**

Section 971 of the LGA provides that a local government may, by resolution, make and levy a special rate or charge on the bases it considers appropriate.

A local government may make and levy a special rate or charge on rateable land if the rate or charge is for a service, facility or activity and in the local government's opinion the land, or the occupier of the land, has or will specially benefit from, or has or will have special access to, the service, facility or activity or the occupier of the land, or the use made or to be made of the land has, or will, specially contribute to the need for the service, facility or activity.

The local government may fix a minimum amount of a special rate.

### **Utility Charges**

A local government may make and levy a utility charge for a service whether or not the service is supplied by the local government itself and on whatever bases it considers appropriate. It may make and levy a utility charge on any land, whether vacant or occupied, and whether or not it is rateable land or a structure. A utility charge may be for supplying water, gas, sewerage services, or supplying cleansing services to occupied land or a structure.



### Fees and Charges

Councils provide a range of services to the community that may involve a fee or a charge. Charges for water and sewerage services are common as are charges for garbage collection services. Charges for utility services, e.g. water and sewerage, may be levied as a rate rather than a fixed or variable charge.

Section 1071A provides that a local government may, by local law or resolution, fix a fee (a regulatory fee) for providing a particular activity, e.g., the cost of issuing a licence for a regulated activity may include administration, compliance and enforcement costs and other relevant costs associated with the regulatory regime. It is not intended to authorise a fee that is in fact a device for the raising of revenue to fund an unrelated activity. A regulatory fee must not be more than the cost to the local government of providing the service or taking the action for which the fee is charged.

### Grants and Subsidies

Local governments can receive funding from the State and Commonwealth Governments. The State Government funding can come from a number of State Departments, not just from the Department of Local Government and Planning.

Under the *Local Government (Financial Assistance) Act 1986*, local governments receive grants from the Commonwealth that can be used for any purpose the local government chooses. These grants are distributed between local governments on the recommendation of the Queensland Local Government Grants Commission.

In addition to this, local governments are able to access a range of other grant and subsidy programs made available by the State and Commonwealth Governments. These monies are generally provided for specific purposes. For example, under the Local Bodies Capital Works Subsidy Scheme which is administered by the Department of Local Government and Planning, local governments can receive a percentage-based subsidy for capital works projects such as water supply and sewerage.

### Borrowings

Under the *Statutory Bodies Financial Arrangements Act 1982*, Councils may not borrow without the approval of the State Treasurer. The Department of Local Government and Planning has the Treasurer's authority to approve all local government borrowings from Queensland Treasury Corporation (QTC). The need for the Department to approve Council borrowings arises because the State guarantees local government borrowings through QTC. The Department would also be concerned if Councils were entering into financial transactions that might jeopardise their ability to provide and maintain essential services.



Councils intending to borrow must notify the Department of the expected amount prior to the beginning of the year so that the Department can estimate the total loan funds required for the year. When seeking approval for borrowings, Councils must provide a ten-year cash forecast to the Department. This cash forecast must be signed by the Mayor and the CEO stating that it is a genuine reflection of the Council's future intentions and that the borrowings will be applied to lawful capital purposes. All council borrowings are approved for a maximum term of 20 years, although councils may draw the loans over a shorter term.

### **Developer Contributions / Infrastructure Charges**

When land is developed for sale, the developer may be required to make a contribution to the Council for the supply of development infrastructure items. Charges can be levied on the land to pay for water supply, sewerage and drainage, roads and public recreation land. Alternatively, assets constructed by the developer may be donated to Council.



Candidates for local government elections come from many and varied backgrounds. They bring with them a diversity of skills, life experiences and perspectives. The range of responsibilities expected of a Councillor will require flexibility, patience and a willingness to learn.

Being a Councillor can be an extremely rewarding experience. It can also be time consuming, demanding and complicated. Nominating for election to Council is therefore a matter which requires careful consideration before you make the decision.

### Qualifications

The *Local Government Act 1993* (LGA) states that to become a Councillor a person must be an Australian citizen, an elector and must live in the local government area for which they are nominating.

### Skills for Councillors

These are some of the skills that you will require to become an effective Councillor:

- interpersonal
- time management
- strategic management
- consultative processes
- public speaking
- good listening
- the ability to accept alternative points of view
- team work
- an understanding of financial management
- an understanding of the relevant legislation
- problem solving and analytical skills
- negotiation, mediation and conflict resolution

Relevant legislation would include the LGA and the *Integrated Planning Act 1997*.

### Matters to consider

Some specific legislative requirements that prospective candidates should be aware of:

- The LGA states a Councillor has a material personal interest in an issue if they (or an associate) stand to gain a benefit or suffer a loss following consideration at a Council or committee meeting of that issue. The Councillor must:
  - disclose the interest to the meeting
  - not be present at, or take part in, the meeting while the issue is being considered or voted on.
- A Register of Interests must be kept by the Chief Executive Officer of the Council detailing the financial and non-financial interests of each Councillor and related persons. The Register of Councillor's Interests is open to public inspection. The register of the interests of a related person is only open to Councillors and persons permitted by law to have access to the register. Any person seeking access to a register must apply in writing to the Council's Chief Executive Officer.



- Councillors are jointly and severally liable for expenditure which has not been budgeted for under the terms of the LGA i.e. any expenditure which has been made illegally.

### **Will it be a full time job?**

The amount of time you dedicate to Council will depend to a large extent on the size of your Council and your commitment to public office. Being a Councillor in the large urban Councils can take up as many hours as a full time job but, with proper planning, Councillors can find a way to balance all the facets of their lives.

You should also consider the number of meetings Councillors attend. General and committee meetings can be held during the day or night. Councillors are also involved in attending many other kinds of meetings, functions and events in the community. All this takes time.

Councillors also have to be available to members of the community. This may mean meeting with people and receiving telephone calls at any hour of the day or night.

If you are thinking of becoming a Councillor, you need to decide whether you have the time and the inclination to do all these things.

### **Help is available**

Remember the Council's Chief Executive Officer is there to assist you to do your job effectively and will offer information, advice and administrative support when required. Working as a team with your fellow Councillors, Chief Executive Officer and staff will help to secure effective outcomes for your Council and the community.

### **Payments to Councillors**

The LGA provides that Councillors set their own rates of remuneration by resolution of Council. This must occur within six months of elections. The resolution setting out the basis on which remuneration will be made must be advertised in the local newspaper for at least 4 weeks before the resolution can be passed. This gives the community the opportunity to observe and comment on how the remuneration system will operate.



There are a few things to consider before nominating.

### **What does it mean to be a Councillor?**

There are many responsibilities associated with the role of a Councillor. Those candidates who are elected are required to represent the interests of the whole community - not just individual people or narrow sectoral interests. Councillors are part of a team giving high quality service and representation to the community. It means being accessible to people and making a positive contribution to the community's future. Above all, it means repaying the trust the community has placed in you by showing commitment, integrity, leadership and vision in making the decisions to build that future.

### **Who is qualified to be a Councillor?**

A person is qualified to become a Councillor of a local government if they:

- are an Australian citizen
- live in the local government's area
- are entitled to vote under the *Electoral Act 1992*, i.e. a person must live at a particular place for one month before being entitled to be enrolled for that address.

### **Who is not qualified to be a Councillor?**

The *Local Government Act 1993* (LGA) states that the following people are not qualified to be Councillors:

- people subject to bankruptcy proceedings under the *Bankruptcy Act 1996 (Commonwealth)*
- people in prison
- people who are members of an Australian Parliament
- people who, for some reason, are not entitled to be elected as a member of the Legislative Assembly
- people who have been convicted of certain offences under the LGA within certain prescribed times.

Candidates should also be aware that if they are an employee of the local government they will be taken to have resigned as an employee on the day they become a Councillor.

### **Running for a Division**

Some local governments are divided for electoral purposes. This means the electors of a part of the local government area elect one or more Councillors to represent that area or division. In other cases, where no electoral divisions exist, Councillors are elected by the electors for the whole local government area.

The Council's Chief Executive Officer (CEO) will be able to tell you whether your local government has electoral divisions and, if so, which division you reside in.





If your local government has electoral divisions, it is not necessary that you live in the division you are nominating for. You have only to live in the local government area. For example, you could live in Division 1, but be elected to represent people of Division 2.

### **How to Nominate for Election**

Between 63 and 31 days before the election, the Returning Officer for the area (usually the Council's CEO) will publish a notice of election in a local newspaper advising of nomination day and where nomination forms can be obtained. Nominations close at 12:00pm (noon) on nomination day.

The 2004 local government elections will be held on 27 March 2004. The earliest nomination date is 14 February, 2004 and the latest date for nomination is 5 March, 2004. Therefore, the newspaper notice advising of the elections and calling for nominations will appear some time between 24 January, 2004 and 23 February, 2004.

### **Getting your name on the Ballot Paper**

There are a few more steps to get your name on the ballot paper. You must:

- obtain the signatures of at least six electors who are enrolled for the local government area, or the division for which you are nominating (or if you are representing a political party endorsed by the registered officer of that political party)
- give the form to the Returning Officer before noon on the nomination day
- give the Returning Officer a deposit of \$150 (this deposit is payable in cash or by a cheque drawn by a financial institution and will be refunded to you if you are elected or if, despite being unsuccessful at the election, you receive a prescribed percentage of the formal votes).

### **A rewarding experience**

Although most Councillors receive some form of payment for performing their duties, it is unlikely the actual payment truly reflects the commitment required in most cases.

For most Councillors the overwhelming reward is the sense of satisfaction gained from 'serving the community'. Councillors have the opportunity to 'make their mark' by influencing and being involved in the planning and development of their local environment.

Currently, there are proposals to amend the law relating to the qualifications and disqualifications of Councillors and Candidates. All intending candidates are advised to consult the LGA and the department's website at [www.dlgp.qld.gov.au/local\\_govt/elections](http://www.dlgp.qld.gov.au/local_govt/elections)



### *Local Government Act 1993 – Sections 266 – 407*

#### **Types of Elections**

Local government elections require enrolled electors to cast their vote in two elections, one being for the office of Mayor and the other election being for a Councillor or Councillors. Voting is compulsory in local government elections in Queensland.

#### **Election for Mayor**

An election for the Mayor of a local government is an election for the whole of the local government's area. This means all electors within the local government area must vote in a Mayoral election.

#### **Election for Councillor**

Elections for other Councillors of a local government are dependent on whether the local government is divided for electoral purposes or is undivided.

#### **Undivided local government**

Where a local government is undivided the election for Councillors is for the whole of the area, in which all electors of the area must vote for the election of the required number of Councillors.

#### **Divided local government**

Where the local government area is divided a separate election must be held for each division within the local government area. Electors can only vote in the election for the division in which the elector is enrolled.

If you are in doubt about the electoral status of your Council i.e. undivided or divided and which division you reside in, contact the Council.

#### **By-Election**

If a vacancy occurs in the office of the Mayor or a Councillor in the first three years of the term of the local government, a by-election must be held to fill the vacancy. By-elections are held on the same basis as normal local government elections.

#### **Appointment to Councillor**

If a vacancy occurs after the 1<sup>st</sup> March of the year before the next local government quadrennial elections, the vacancy is filled by way of an appointment. If the vacating councillor was the nominee of a registered political party, that political party will be invited to nominate the replacement councillor. Otherwise, the Council will nominate a replacement for the vacant position.



### **Who conducts the Election**

The Chief Executive Officer (CEO) is usually the Returning Officer (RO) for the election, and is solely responsible for the proper conduct of the election. Where the CEO cannot perform the duties of RO because of other commitments the Council may appoint another person to be the RO.

### **Returning Officers Duties**

The duties of the RO include publication of election notices, certification of nominations, preparation of voters roll, organisation of polling booths, the draw of order of listing candidates on ballot papers, printing of ballot papers, counting of the poll and declaration of poll.

The RO may appoint Assistant Returning Officers and must appoint Presiding Officers who are responsible for the proper conduct of the poll at a polling booth. Issuing Officers are appointed to issue ballot papers, etc. to electors at polling booths and to assist in the counting of votes. The RO may delegate any of the RO's functions to an Assistant Returning Officer, Presiding Officer or Issuing Officer. All electoral officers must make a declaration they will perform the duties of office in accordance with the law.

### **Two types of Ballots**

#### **Postal ballots**

May be used for those local governments with large rural sectors and can be full or part postal ballots. Where a local government conducts a full postal ballot, all electors receive their ballot papers and supporting documentation in the mail. The electors must complete the ballot paper and declaration envelope provided and return the ballot paper in the declaration envelope to the RO in the return envelope provided. A postal ballot elector can have a further ballot paper issued, where the first ballot paper is undelivered, defaced or destroyed, etc.

A postal ballot may be used in either all of the local government area or in part of the area.

#### **Ordinary Ballots**

Under this ballot system you may vote at an electoral booth on the election day. However, if this is unsuitable, electors may cast a declaration vote (postal vote) or a pre-poll vote at the booth, which is normally at the Council office, under the following circumstances:

- if they are absent on election day
- working or travelling on election day
- have an illness, disability or are pregnant
- have religious beliefs which prevent voting on election day
- are serving a prison sentence.



People who cannot vote on election day for any of these reasons need to complete a declaration stating the reason for having a declaration vote. The RO is the contact for sending out declaration votes.

RO's can also declare institutions as mobile polling booths and only residents of the institution can vote at the institution at the times and places publicly advertised by the RO.

Electoral visitor voting can also be arranged by the RO where election officials visit an elector's home to enable electors who are, or are caring for someone who is, ill, disabled or in advanced pregnancy, to vote.

#### NOTE!

There is NO absentee voting outside of a local government area for local government elections. This is different to the practice in State and Commonwealth Government elections.

#### Scrutineers

Scrutineers may be appointed by all candidates for the election. Candidates must appoint scrutineers by completion of *Appointment of Scrutineer* form. This form, Electoral Form 23 is available for downloading from the departmental website at [www.dlgp.qld.gov.au/local\\_govt/elections/return\\_officer/](http://www.dlgp.qld.gov.au/local_govt/elections/return_officer/)

Scrutineers may, on a candidate's behalf, inspect ballot boxes prior to the election commencing, observe polling, on a candidate's behalf, at any place where it is conducted including polling booths, declared institutions and electoral visits. Scrutineers may also observe the examination and re-examination of postal votes and the counting and recounting of votes.

#### Election Date

Elections must be held every 4th year on the last Saturday in March. In 2004, the election will be held on 27 March 2004, and polling booths will be open between 8am and 6pm on election day.

#### Closing Date of Electoral Rolls

Electoral Rolls for all local government elections close on 31 January 2004.

#### Voting System

There are two systems of voting at local government elections depending on the divisional arrangement of your Council.



### **First past the post**

Is conducted in all local governments which are not divided into single Councillor divisions. This voting system covers only undivided local governments and local governments which have a division or divisions with two or more Councillors representing the divisions.

Under this voting system a vote in the election for Mayor must be cast by marking the ballot paper with a '1' or a '✓' or an 'X' in the square opposite the name of the candidate the elector prefers. NO markings can be placed in the square opposite the other candidates or the vote will be informal.

### **Election of a Councillor**

Under this system the elector casts a valid vote by:

#### **If one candidate is to be elected**

Electors place a '1' or a '✓' or an 'X' in the square opposite the name of the candidate the elector prefers.

#### **If two or more candidates are to be elected**

Placing a '1' or a '✓' or an 'X' opposite the name of one of the preferred candidates and then placing a '2' or '2', '3' and so on in numerical order in the squares opposite the names of the other preferred candidates, up to the number of candidates to be elected. For example if there are eight Councillors required with twelve candidates the elector would mark the ballot paper to indicate which eight candidates they wished to vote for.

### **Optional Preferential Voting**

Is required where the local government is divided into single member divisions i.e. one Councillor represents each division.

Under this system the elector has a choice about how they mark the ballot paper:

- they can place a '1' or a '✓' or an 'X' in the square opposite the candidate they prefer to indicate their choice
- the elector may vote giving preferences by marking a ballot paper with a '1' or a '✓' or an 'X' in the square opposite the name of the preferred candidate to record the electors first preference. The elector then marks the required number of preference i.e. '2', '3', '4' and so on in numerical order in the other squares to record the order of preference for one or more other candidates. The elector need not give a preference to all candidates.



### Election of Mayor

The Mayor is elected by the whole of the local government area using the same method of voting used to elect the Councillors. For example, if a Councillor is elected by using the “first past the post” method, the Mayor is elected by the same method.

### How votes are counted

The counting of votes is perhaps the most demanding aspect of the duties of the electoral staff and, in particular, the Returning Officer. The counting of votes varies from Council to Council and depends on the mode of voting and whether a Council area is divided or undivided for electoral purposes.

The common factors and requirements of counting votes include:

- ascertaining the number of ballots (votes) to be admitted to the count
- obtaining a count of the marked ballot papers, i.e. assembling the ballot papers according to the candidates voted for and, with the exclusion of informal ballot papers, tally the vote for each candidate
- reckoning of the proportion of the total number of formal votes attributed to each candidate
- establishing where a majority has been obtained
- declaring the result
- documenting required statistical information.



The office of Councillor in a local government is one that carries with it many responsibilities as well as rights.

The *Local Government Act 1993* (LGA) requires Councillors to carry out their duties with a high level of probity, especially when dealing with matters which may affect their material well being or where conflicts of interest exist.

Being in public life means upholding and applying a larger set of values than the average person might apply in day to day life. It means upholding the public interest above all other private or sectoral interests.

The community is entitled to expect that:

- the business of the Council is conducted with efficiency, effectiveness and impartiality
- Councillors and staff obey the spirit and letter of the law and, in particular, the provisions of relevant statutes, regulations and local laws.

### **Declaration of Office**

When elected or appointed, a Councillor must make the following declaration before the Chief Executive Officer:

"I, ....., having been elected/appointed as a Councillor of the Council of the City/Town/Shire of ....., declare that I will faithfully and impartially fulfil the duties of the office, including perform the role of a Councillor under the LGA Section 229, to the best of my judgement and ability."

Failure to make the declaration within one month of being elected (or appointed) could result in the Councillor losing office.

### **Disclosure of Election Donations**

All candidates must disclose all donations of more than \$200, which they receive for the purposes of conducting their election campaign.

All candidates who are a member of a "group of candidates" designed to promote the election of the candidate must also individually disclose all donations of \$200 or more given to the group.

Donations received by a third party (e.g. campaign manager) of more than \$1,000 must also be disclosed if the third party has incurred election expenditure of \$1,000 or more.



All candidates need to be aware of the date from when the duty of disclosure of election gifts commences. For example, for an existing Councillor elected in 2000, the disclosure period for the 2004 elections commenced 30 days after the conclusion of the 2000 elections.

Successful candidates will be required to disclose their election donations prior to taking the "Declaration of Office" to become a Councillor by submitting a return in the appropriate form. This return may be in the form of a final or an interim disclosure. A final return can be given at this stage if the candidate declares that no further donations are expected and none are subsequently received. If an interim return is given, the full return must be made within 3 months of the conclusion of the election declaring all donations received after the interim return.

The election deposit cannot be refunded until the end of the disclosure period i.e. 30 days after the conclusion of the election in which the candidate is successful or not.

Failure to disclose election donations could result in the Councillor losing office.

Unsuccessful candidates must disclose their donations within 3 months of the conclusion of the election.

Third parties must disclose donations within 3 months of polling day for the election.

Candidates who are members of a group of candidates also have 3 months to disclose donations, if donations were received.

All disclosures are kept in a Register of Election Donations, which is maintained by the Chief Executive Officer.

The Department of Local Government and Planning is revising guidelines for candidates and others on election donations. These guidelines are expected to be available by December 2003. If you have any doubts about what is required, you should contact the Chief Executive Officer of your local government or the Department of Local Government and Planning.

### **Public Interest, Duty of Care and Professionalism**

In our democratic system, it is expected the public interest will be given greater weight than the interests of governments or individual politicians or political parties. Pursuing the public interest can be defined as that course which provides the greatest good for society as a whole.

Duty of care goes hand in hand with concern for the public interest. This principle has often been upheld in law, and to ignore it may leave a Council or Councillor vulnerable to a claim for





damages. Where a Council action or lack of action can affect the well being of members of the public, the Council is obliged by its duty of care to consider this and proceed accordingly.

Professionalism is also an important principle and is the responsibility of all Councillors. This principle requires Councillors to support the democratic functions of the Council through making the best use of their skills; upholding society's values, beliefs and practices through appropriate use of authority and power; and promoting to the public the benefits of the allocation and use of public resources. Acting in a professional manner cultivates respect between the public and the Council, as well as among Council staff.

### ***Public Sector Ethics Act 1994***

These guiding principles of ethical decision making complement specific principles included in the *Public Sector Ethics Act 1994*. This Act requires local governments to develop Codes of Conduct for their employees.

Although there is no requirement at present in relation to Councillors, many local governments have adopted voluntary Codes of Conduct to which their Councillors are willingly bound. You should ask if your Council has such a voluntary Code of Conduct for Councillors.

The ethical principles included in the Act are:

- respect for the law and the system of government
- respect for persons
- integrity
- diligence
- economy and efficiency.

These specific principles of ethical behaviour and decision making complement the broader principles of public interest, duty of care and professionalism, as they relate to decision making by Councillors.

### **Conflict of Interest**

The LGA states that a Councillor represents and must serve the overall public interest of the local government area and, if elected for a division, the overall public interest of that division. If conflict arises between the public and private interests of a Councillor, the Councillor must give preference to the public interest.

Councillors must ensure there is no conflict between their private interests and the honest performance of their roles as Councillors.



### Material Personal Interests

Under Section 244 of the LGA, a Councillor who has a material personal interest in an issue to be considered at a meeting of the local government, or any of its committees:

- must disclose the interest to the meeting
- must not be present at or take part in the meeting while the issue is being considered or voted on.

A Councillor who is barred from a meeting for this reason must not be in the chamber where the meeting is being conducted, including any area set apart for the public.

A material personal interest in an issue is said to exist if a person has, or should reasonably have, a realistic expectation that, whether directly or indirectly, the person or an associate stands to gain a benefit or suffer a loss depending on the issue's outcome.

It is important to note that a material personal interest can exist in cases where a loss might be suffered - not just a gain!

The Local Government Minister may, in certain circumstances, remove the disability of a Councillor from voting on an issue in which that Councillor has a material personal interest. For example, the disability might be lifted if the number of Councillors prevented from voting on an issue means the Council cannot obtain a quorum to hold its meeting.

Whether something is, or is not, a material personal interest will depend on the facts in each particular case. It is up to each Councillor to decide whether they have a material personal interest or not. If there is any doubt, it is recommended Councillors be guided by their own legal advice and/or leave the meeting.

### Register of Interests

On taking office, a Councillor is required to record details of their interests. The interests of people related to the Councillor (e.g. spouse) also have to be recorded. Financial and non-financial interests have to be recorded and include:

- share holdings
- real estate interests
- gifts received of more than \$500
- savings and investment account details.

This information is recorded in a Register of Interests kept by the Chief Executive Officer and in the case of a Councillor's Register of Interest, can be inspected by members of the public.



### Access to Information

Councillors are given access to all Council held information necessary for them to properly perform their duties and meet their responsibilities but Councillors must not improperly use this information:

- to gain advantage for themselves or for any other person or body
- to harm the Council
- in any way which is inconsistent with their responsibility to be impartial.

### Insurance Protection

Councils can take out insurance to cover Councillors in the event that they are injured while performing their duties. Under the LGA, a Councillor does not incur civil liability in respect of actions taken, or not taken, in good faith while performing their role as Councillor.

### Privilege

Councillors are not protected from defamation action for statements they make in the Council Chamber in the same way other politicians are protected for statements they make in Parliament. In addition, Council meetings do not fall into the category of proceedings protected from legal action by absolute privilege or the courts.



Planning is one of the most important responsibilities of Councillors. The community elects Councillors to make planning decisions on its behalf. While this planning takes on varying forms, it makes sense that all plans steer the local government in the same direction or towards a common goal for the community. There are several planning frameworks in place to help Councils achieve these goals.

### **Corporate Planning**

The Corporate Plan sets the Council's direction for the future. This is a strategic planning process undertaken by Councillors, with input from the community, to set a vision for the local government, and establishes the objectives the Council wishes to achieve over its elected term. The planning process will involve a review of the current environmental factors as well as the key issues identified through the campaigning and election processes. Once these have been considered and a plan is developed, clear performance indicators will be identified for each of the objectives.

Each Council will adopt a different consultation process with the community. As a minimum Councils are required to advertise the Draft Corporate Plan before it is adopted to allow input from the community. This process gives the community an opportunity to assist the Council in steering a course towards outcomes that the community supports. To ensure the Council's financial resources are allocated as efficiently as possible in achieving the stated objectives, the Council's budget must be based on the programs set out in the Corporate Plan.

Similarly the Council's Corporate Plan then acts as the 'umbrella' in the planning hierarchy from which all other local government plans are derived.

Regional, strategic and local area land use plans for example, reflect Council's corporate objectives as well as providing a statutory mechanism for their implementation. Council's environmental management, equal employment opportunity management, transport and social plans are other types of plans that act in a similar way.

### **Land Use Planning - *Integrated Planning Act 1997***

The Council is responsible for preparing and administering integrated planning for the community. The *Integrated Planning Act 1997 (IPA)* outlines the function and powers of local governments in making planning decisions. The purpose of the IPA is to seek to achieve ecological sustainability, through coordinating, planning, and managing the process by which development occurs, and managing the effects of development on the environment (including managing the use of premises).

The IPA seeks to achieve these objectives by ensuring that decision-making processes:

- Are accountable, coordinated and efficient
- Take account of short and long-term environmental effects of development



- Apply the precautionary principle (Section 1.2.3(2) of the IPA defines the precautionary principle as “the principle that lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment if there are threats of serious or irreversible environmental damage.” For the layperson, this could be interpreted as “just because something cannot be 100% proved, it’s not a reason to avoid doing anything about the problem.”
- Seek to provide equity between present and future generations
- Ensure the sustainable use of renewable natural resources and prudent use of non-renewable natural resources
- Avoid, if practicable, or otherwise lessen adverse environmental effects of development
- Supply infrastructure in a coordinated, efficient and orderly way, including encouraging urban development in areas where adequate infrastructure exists or can be provided efficiently
- Apply standards of amenity, conservation, energy, health and safety in the built environment that are cost effective and for public benefit
- Provide opportunities for community involvement in decision making

Integrated planning is an area in which all Councillors will be required to make decisions which will have major impacts on their community. Whether or not a Councillor is a member of a standing committee responsible for dealing with land use planning matters, all Councillors have an opportunity to vote in the full Council meeting on the decisions made by standing committees.

### **Examples of Land Use Planning Decisions made by Councils:**

This function falls into two broad categories:

- Approval or refusal of specific development applications in rural or urban contexts
- Setting the policy direction for new planning documents. This can range from very detailed local issues to strategic or regional planning.

### **Infrastructure Planning**

Roads, water supply, sewerage, rubbish disposal, parks, recreational facilities and community services constitute major investments by government. These investments need to be carefully planned within the frameworks provided by the Council’s Corporate and Land Use Plans.

Infrastructure Plans will help determine the location, timing and sequencing of Council investment in infrastructure to meet community needs. Consultation with State and Commonwealth Government agencies will be part of the planning process. These plans will also help your Council determine the charges to be levied for infrastructure and services on developers and ratepayers.



### **Economic, Social and Environmental Plans**

Where the Council has a statutory obligation, or it would be beneficial, it can undertake a range of economic, social and environmental planning initiatives. These plans need to be consistent with the Council's Corporate and Land Use Plans and are often prepared in partnership with the relevant community organisations and government agencies.

These plans can address such topics as local economic development strategies, health and welfare services (aged care, child care, youth recreation, etc.), total water management and integrated catchment management and other issues the Council determines should be addressed in serving the community.

### **Employment and Equity Planning**

To effectively manage its employees the Council may have a Human Resource Plan. In addition, Councils are required to implement an Equal Employment Opportunity Management Plan which aims to ensure a fair and equitable workplace for employees.

Planning is about 'steering' not 'rowing'. Why not ask your local Councillor, the Chief Executive Officer or the appropriate Council staff what plans your Council has for the future?



### Documenting Your Plans and Being Accountable for Your Decisions

All levels of government are required to account for their activities to the community. Local government is no different.

The *Local Government Act 1993* (LGA) establishes a framework for open and accountable local government in Queensland, which allows individuals and organisations in the community access to a local government's forward planning and decision making processes.

There are a number of important elements to the accountability cycle.

#### The Corporate Plan

A local government is responsible for the good rule and government of its area. If a local government is to do this effectively, it must ensure the issues facing the community are identified and an appropriate plan to address these issues is established.

The Corporate Plan must identify:

- the Council's vision for the community
- the goals and objectives the Council wants to achieve over at least a four year period
- the strategies to achieve these goals
- measures which allow the Council and the community to determine how well a strategy is working and whether it is achieving the stated goal i.e. to measure how the Council is performing.

Consultation with the community is important throughout the corporate planning process to ensure everyone is aware of and understands the direction in which the Council is heading. After all, the Corporate Plan is the community plan for the future of the area.

As a minimum the Corporate Plan must be advertised for 30 days before it is formally adopted by Council to allow input and comment from the community.

#### The Operational Plan

The Corporate Plan looks at least four years ahead. Every year, Councils are required to prepare an Operational Plan. The Operational Plan is an annual plan for the implementation of the strategies in the Corporate Plan.

The Operational Plan details, very clearly, exactly how the objectives of the Corporate Plan will be achieved in the following year. So, the Operational Plan should state what is to be achieved, by which functional area of the Council, by when and within what budget.



### The Budget

Each Council must adopt a budget for the coming financial year between 1 June and 31 August. The budget identifies how the Council will spend the money it receives from rates and other sources of revenue during the year.

The budget is required to be consistent with the Corporate and Operational Plans.

### The Annual Report

Another valuable tool in the accountability cycle is the annual report. The annual report allows local governments to report on performance and provides the community with the opportunity to assess this performance against the goals in the Council's Corporate Plan and Operational Plan.

A Council's annual report must include:

- details of action taken in relation to, and expenditure on, a service, facility or activity:
  - for which the local government made and levied a special rate or charge for the financial year
  - supplied by another local government under arrangements entered into under section 59
- a list of all action taken under section 488(2) (changes to tender) during the year
- a list of all resolutions made during the year under section 489(1) (short listing after calling for expressions of interest)
- a list of the registers kept by it and open to inspection
- a summary of all rebates and concessions allowed by the local government in relation to rates
- a copy of any resolution made during the year authorising the payment or provision of remuneration to councillors or members of committees of the local government
- particulars of:
  - the total remuneration paid or provided by it to each of its councillors during the year
  - (ii) the total superannuation contributions paid by it for each of its councillors during the year
- details of the number of meetings attended by each councillor during the year
- a statement including the information prescribed under a regulation about its activities during the year to implement its plan for equal opportunity in employment
- particulars of other issues relevant to making an informed assessment of its operations and performance in the financial year
- particulars of issues required by the Local Government Finance Standards
- names of shareholder's delegates of the local government for its Local Government Owned Corporations for the year under section 643
- particulars required to be included under section 847 (Annual report to include summary of complaints and decisions by local governments.)





An annual report must also contain:

- the financial statements for the year as audited by the auditor-general
- the Auditor-General's report on the financial statements.

Copies of the annual report must be available at the Council office for inspection and purchase. The annual report for 2002/03 must be adopted by the Council by 30 November 2003.

### Community Financial Report

A local government's annual report must include a community financial report.

The community financial report is a report containing a summary and analysis of the local government's financial performance and position for the financial year.

The community financial report must be:

- consistent with, but not part of, the local government's financial statements
- in a form that is readily understood by the community.

In effect this means that, as a minimum requirement, each local government must publish a commentary on, and a summary of its Statement of Financial Performance, its Statement of Financial Position, and its Statement of Cash Flows. It may also publish additional information in the Community Financial Report to further explain these matters.

The Community Financial Report is intended to give members of the community who may not readily understand formal financial statements a better understanding of the financial performance and the financial position of the Council.

### Freedom of Information (FOI)

FOI legislation aims to encourage public participation in the processes of government.

The Queensland *Freedom of Information Act 1992* (FOI Act) gives people a legally enforceable right to access documents held by Ministers, State Government Departments, most semi-government agencies and local government. Under the FOI Act, members of the public are able to apply to local governments to:

- access any documents held by Council
- if they believe information held in Council records about their private affairs is inaccurate, incomplete, misleading or out-of-date, have the information changed.



All documents must be made available except those in which a matter has been properly exempted from disclosure under FOI legislation. The FOI Coordinator must provide the applicant with reasons for exempting documents.

If dissatisfied with the FOI Coordinator's decision on access to documents, an applicant can apply for a review of the decision.

Fees are not charged for reviews or applications that are confined to the personal affairs of the applicant.

An application fee of \$32.50 is charged for access to non-personal documents. Hourly charges and photocopy charges may also apply for dealing with the application. Applications for information can be made to each local government's FOI Coordinator on official forms or by writing to explain which documents are required.

### Judicial Review

Under the *Judicial Review Act 1991*, a person adversely affected by a defined administrative decision, conduct leading up to a decision or failure to make a decision has a right to seek a written explanation of the decision. This explanation is called a Statement of Reasons.

Broadly speaking, the *Judicial Review Act* requires an administrator to give reasons for a decision if asked by the person whose interests have been adversely affected by the exercise of a statutory decision-making power. This means a citizen has a virtual right to obtain a statement of reasons for most administrative decisions.

The Statement of Reasons must contain:

- the finding of fact
- a reference to the evidence or other material on which the finding was based
- the reason for the decision.

An aggrieved person also has the right to apply to the Queensland Supreme Court for review of the decision to determine whether it has been made properly and in accordance with administrative duty, relevant statutes and rules. The Court reviews the legal validity but not the merits of the decision.



One of the most important roles for a Councillor is participating in the development and adoption of local laws, to implement and enforce its policies.

### What is a Local Law?

A local law is a law adopted by the Council that reflects the community's needs with respect to the good rule and government of the area.

The *Local Government Act 1993 (LGA)* provides a Council with the jurisdiction to make local laws for the good rule and government of its territorial unit. Council's broad local law making power is limited to:

- laws Parliament could validly make
- local laws which are consistent with State legislation
- local laws which do not purport to exclude or limit the future repeal or amendment of the law.

Examples of matters generally covered by local laws include:

- regulated parking
- licensing of roadside vending and entertainment venue operators
- swimming pools
- the keeping and control of animals
- local government meetings procedures
- libraries
- roads
- camping grounds and caravan parks

For further examples of matters regulated by local law and access to all local laws in place in Queensland, go to [www.dlgp.qld.gov.au/local\\_govt/council\\_info/local\\_laws/local\\_laws\\_disclaimer](http://www.dlgp.qld.gov.au/local_govt/council_info/local_laws/local_laws_disclaimer)

Local laws allow a Council to regulate matters in a number of different ways including the creation of offences for unacceptable behaviour, allowing for the issuing of compliance or abatement notices and the establishment of permit or licence regimes for activities Council wants to regulate.

### Types of Local laws

#### Model Local laws

A model local law is a law about a matter within the jurisdiction of local government that has been proposed by the Minister as suitable for adoption by local governments as a local law.



**Interim Local Laws**

An interim local law is a local law with a life of six months which, the local government and the Minister agree, may be made without public consultation provided the process of making it as a permanent local law, including public consultation, is undertaken during that six months. Interim laws are intended principally to provide "gap coverage" during the public consultation process to prevent transgressions being made against the proposed local law in the time leading up to it becoming a permanent local law.

**Other Local laws**

Other local laws include a new local law developed independently by a local government, an amendment local law that amends an existing local law and a repealing local law which repeals an existing local law.

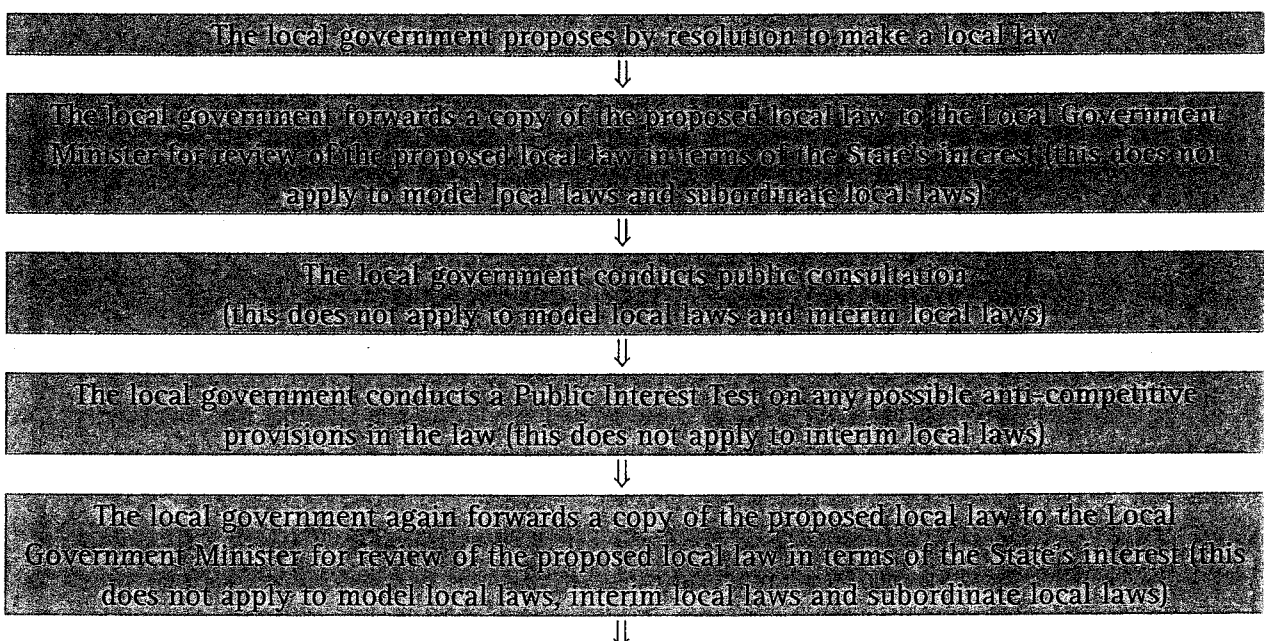
**Subordinate Local Laws**

A subordinate local law is a law made by a local government under an express head of power contained in a local law. Subordinate local laws provide specific information required for the operation of the local law and are essential for the successful implementation of the Model Local Laws.

**How are Local Laws Made ?**

The LGA sets out the procedures for making local laws. The local law making process is slightly different for each type of local law.

The basic process is as follows:



The local government makes the local law by resolution and publishes a public notice of the making of the local law in the Gazette (the notice is published in a newspaper for subordinate local laws)

This process gives local governments flexibility in their law making function and increases their ability to respond to a dynamic environment.

Each Council has its own set of local laws. These can be viewed on-line at the Department's website ([www.dlgp.qld.gov.au](http://www.dlgp.qld.gov.au)) or hard copies can be viewed by visiting your Council's public office.



### Community participation in Local Government

A desire by both Councils and the community to keep the 'local' in local government has seen a trend towards increased consultation with the community over a wide range of Councils' core responsibilities.

### Legislative shift to more Consultation

Involving the community in decisions affecting the community's quality of life has been promoted by a number of factors, including:

- the *Local Government Act 1993* encourages Councils to consult with the community before making decisions on a wide range of issues eg. local laws, Councillors' remuneration and corporate planning
- other legislation requiring greater emphasis on community involvement, eg. the *Integrated Planning Act 1997*
- increasing public demand for input into decisions being made by governments on the public's behalf
- heightened awareness by local government of the need to be more accountable to the community.

### Consulting with the Community

Consultation occurs with differing levels of involvement by the community. For example, some information is just made available to the community, which is not so much consultation as communication, while participation in the corporate planning process would be a form of consultation. Consultation involves being able to engage in open debate, or provide feedback and input ideas into the issues being addressed by the Council.

Effective consultation benefits both the community and the Council by:

- increasing the quality of Council decision making
- providing a sense of community ownership of the outcomes of the consultation process
- increasing Council effectiveness in providing outcomes acceptable to the community and appropriate to the community's needs
- meeting local government accountability standards in the management of resources
- ensuring the community is well informed regarding Council's processes and responsibilities.



### Consultation Approaches

The way that consultation is approached is based on the type of issue to be addressed. Public meetings are the most common means of consultation with the community. Some other approaches include:

- Resident surveys
- Advisory committees
- Workshops
- Polls
- Focus Groups
- Interactive events or exhibitions.



### **Meetings, Meetings , Meetings!!!**

How many times have you heard a member of the public say, "My Councillor does nothing but sit in meetings!?" A good deal of a Councillor's time is taken up in meetings because, for the most part, the business of Councils is dependent on Councillors getting together to make decisions on what needs to be done. The amount of time a Councillor spends in meetings will depend on the size of the Council and the decision-making process each Council adopts.

### **Post Election Meetings**

Under the *Local Government Act 1993 (LGA)*, a meeting of the full Council must be held within 14 days after the conclusion of the election i.e. when Councillors are declared elected by public notice. This meeting decides:

- the day and time for holding other meetings
- the appointment of the deputy mayor
- the appointment of standing committees.

### **Ordinary Meetings**

Ordinary meetings of the Council are generally those where the "standard" business of the Council is discussed and decisions made. All Councillors are expected to attend ordinary meetings.

A Councillor ceases to be a Councillor if, without the local government's leave, they are absent from three or more consecutive ordinary meetings of the local government over at least three months.

### **Standing Committee Meetings**

Standing Committees deal with a variety of Council business and can include Standing Committees on Finance, Planning and Development, Community and Health, Works and Water Supply and Sewerage. Standing Committees meet separately from the full Council as required e.g. perhaps once a fortnight for a full day. Councillors are appointed by the Council to be members of the various Standing Committees. A notice of the meeting of Standing Committees must be displayed in the Council office in an area the public has access to.

Decisions taken or recommendations made by the Standing Committees must be ratified by the full meeting of Council before they become official Council decisions unless the Council has resolved to delegate this authority to a Standing Committee.





### **Advisory Committees**

A Council may from time to time establish an Advisory Committee to bring together people with specific expertise in an area of interest to the Council to provide advice and information to the Council to help it make decisions. Advisory Committees may include Councillors but may also include members of the community.

### **Other Meetings a Councillor Might Attend**

If your Council meets only once a month, don't think that is the only work Councillors will be required to do.

Apart from ordinary Council meetings and meetings of Standing and Advisory Committees, the work of a Councillor can also include attendance at other meetings and social events including public meetings, naturalisation ceremonies, official openings, etc. Community groups will also invite Councillors to address meetings of welfare groups, local action groups and special interest groups. Councillors may also be invited to attend sporting functions and to perform such duties as award and trophy presentations. Councillors are also often appointed to other committees such as local Ambulance and Fire Brigade Committees.

Councillors are sometimes required to participate in inspections to ensure they are familiar with developments and events occurring in the area.

Councillors may also be requested to meet with individual ratepayers or groups of ratepayers to discuss matters of concern. Being a Councillor can mean being 'on call' 24 hours a day.

***Remember - you represent the community on Council and that is what the community expects you to do - represent them!***

### **General Requirements for Meetings**

Meeting procedures, to a large extent, will be laid down in the Council's local laws (i.e. the Meetings and Procedures Local Law) or the Council's Standing Orders made under the local law. All Councillors should familiarise themselves with these procedures to ensure their conduct at meetings is appropriate and they are able to contribute to meetings in a meaningful way. Copies of the relevant local law are available from the Council.

The LGA establishes certain requirements and standards which must be met. These include:

- generally, all meetings of Council must be held at its public office
- if Council intends to hold a meeting elsewhere, the location must be fixed by resolution at a Council meeting
- a Council must publish, at least annually, in a newspaper circulating generally in its area a notice advising of the days and times when its ordinary meetings, and the ordinary meetings of its Standing Committees, will be held



- a City or Town Council must meet at least once a month and a Shire Council at least once every three months (Councils may meet more frequently if they so choose)
- business may be conducted at a meeting of a local government only if a quorum is present (a quorum of a Council is a majority of its Councillors or one-half of its Councillors if the number of Councillors is even)
- voting must be open i.e. there are no secret ballots
- questions are decided by a majority of the votes of the Councillors present
- each Councillor present has a vote on each question to be decided and, if the votes are equal, the Councillor presiding at the meeting (usually the Mayor) has a casting vote
- Councillors who have a material personal interest in an issue being considered at a meeting of the local government must disclose the interest to the meeting and must not be present at or take part in the meeting while the issue is being considered or voted on
- if a Councillor present fails to vote the Councillor is taken to have voted in the negative
- minutes are kept of the proceedings of the meeting (in the case of a Committee, the Committee must report to the Council as directed by the Council)
- all meetings are open to the public unless the Council or Committee has resolved that the meeting be closed
- meetings can be closed to the public only where certain prescribed matters are to be discussed including:
  - the appointment, dismissal or discipline of employees
  - industrial matters affecting employees
  - the Council's budget
  - rating concessions
  - contracts proposed to be made by the Council
  - starting or defending legal proceedings involving the Council
  - any action to be taken by the Council under the *Integrated Planning Act 1997*, including deciding applications made to it under that Act
  - other business for which a public discussion would be likely to prejudice the interests of the Council or someone else, or enable a person to gain a financial advantage
- a Council cannot make a decision at a closed meeting. Recommendations made at a closed meeting must be adopted at an open meeting of Council to be binding
- agendas and relevant papers must be circulated to Councillors in advance of meetings
- at meetings at which the Mayor is present, the Mayor is responsible for chairing the meeting and ensuring its orderly conduct
- at meetings where the Mayor is not present, the Deputy Mayor is responsible for chairing the meeting and ensuring its orderly conduct. If both the Mayor and Deputy Mayor are absent, the members present at the meeting will appoint a Chair.



### Meeting Minutes

A local government must keep minutes of its proceedings. These minutes must be taken and confirmed.

The minutes of each meeting must include the names of Councillors or Committee members present at the meeting and if a division is called on a question - the names of all persons voting on the question and how they voted.

At each meeting, the minutes of the previous meeting must be confirmed by the Councillors or members present and agreed by the person presiding at the meeting.

A copy of the minutes of each meeting of a local government must be available for inspection at its office within 10 days.

After the end of the meeting, and when the minutes have been confirmed, they must be made available for purchase at the public office.



### Roles and Responsibilities

Some local governments are multi-billion dollar businesses. Councillors are responsible for ensuring Council businesses work well. This means Councillors should be strategic in their approach and leave the day to day operational matters to the Chief Executive Officer and Council staff.

The *Local Government Act 1993* (LGA), sets out the roles and responsibilities of Mayors, Councillors and Chief Executive Officers and the relationships between these roles. If you are elected to Council it is important to understand these roles and relationships.

### Councillors (Section 229)

A Councillor's role is to:

- represent the overall public interest of the local government's area, and if the Councillor is a Councillor for a division of the area, also represent the public interest of the division
- take part in deciding the facilities, services and enterprises that are appropriate for the area
- take part in formulating, adopting and reviewing:
  - the corporate and operational plans
  - the policies and goals of the local government
- take part in making decisions for achieving the goals and implementing the policies of the local government.

### Mayor (Section 231)

In addition to carrying out the role of Councillor, the Mayor has added duties. The Mayor of a local government:

- presides at, and is responsible for, the orderly conduct of meetings of the local government at which the Mayor is present
- ensures the carrying out of the local government's decisions
- exercises the powers and performs the duties given to the Mayor by the local government
- ensures the appropriate representation of the local government at civic or ceremonial functions.

### Deputy Mayor (Section 232)

The Deputy Mayor is appointed by a vote of the Councillors at the first meeting of Council after the elections. In addition to the role of Councillor, the Deputy Mayor performs the role of Mayor in the Mayor's absence, or during a period when the position of Mayor is vacant.

### The Chief Executive Officer (Section 1131)

The Chief Executive Officer (CEO), is the senior employee of the local government and is responsible for implementing the policies and decisions of the local government and the day-to-day management of Council business. In this capacity the CEO represents the link between Councillors and the staff.



The CEO is solely responsible for:

- organising the presentation of reports and reporting to the local government
- conducting correspondence between the local government and other persons
- managing and overseeing the administration of the local government and its corporate plan
- coordinating the activities of all employees of the local government.

### **Relationships between Mayor, Councillors and Chief Executive Officer (Section 1135)**

There are parallels between the operations of a local government and a public company. The Councillors represent the Board of Directors, the Mayor the Chairperson, while the CEO is the Managing Director.

In their communities, most local governments represent significant businesses, are responsible for a high level of local economic activity and are a major employer.

Consequently, while Councillors may be individually elected to represent a specific division, collectively Councillors are responsible for making business decisions for the future of the whole community.

Councillors today need to assume a corporate rather than ad hoc decision making role and focus their efforts on strategic matters and policy rather than taking responsibility for day to day administrative operations.

Implementation of Council decisions and policies is the responsibility of the Chief Executive Officer and Council staff.

To encourage this, the LGA specifically provides:

- the CEO is responsible for all staff appointments unless, in the case of senior executive staff, the Council resolves to make the appointment
- Councillors (other than the Mayor) may ask for help or advice only from the CEO except in the case where the CEO has provided guidelines on how staff members may be approached
- Councillors, including the Mayor, are not permitted to 'direct' employees in their duties.



The media is a useful communication tool both for nominating candidates and for the Council and Councillors once elected. The media is an excellent forum for disseminating information, and includes the press, radio and television, (mass media) as well as billboards and bus stop advertising.

Media coverage can be paid or unpaid. Paid coverage is in the form of advertising space bought either directly from the mass media or through an advertising company.

Unpaid coverage includes news, general stories and editorial features presented by the different media. While a paid advertisement will carry the messages that you prescribe, the media will choose whatever aspect of the editorial information provided that they see will make a story. So it is important to consider carefully the information that is disseminated to the media and to focus on the areas that you think will be of interest in a story.

### **The Media and the Council**

If there is conflict or controversy within Councils, between Councils and the community or during the lead up to elections there is a good chance the media will report it. The media cannot be ignored and is a constant reminder of the scrutiny with which the Council and all persons and events associated with it are regarded.

However, the media can be a positive force for individuals and the Council when managed well, through actively drawing their attention to achievements or outcomes.

Understanding the media is the starting point. The media seeks to identify the facts behind a story and upholds the public's right to information. One of the Media's main objectives is to satisfy and communicate with viewers and readers - to gain the biggest distribution or the widest audience. Most often, reporting controversies, conflicts or human interest stories achieve this.

### **Working with the Media - rules to remember when working with the media**

- Stay on top of the local news. What are the issues? Listen, watch and learn
- Focus on the local news outlets - the local newspaper and radio
- Determine what medium dominates the market. Direct most of your energy to that medium
- Be aware of defamation laws
- Find out who the local media identities are

### **Some rules to remember when talking to the media**

- Always return phone calls promptly
- Have a clear purpose for talking to a reporter. Prepare this before the meeting



- Try to anticipate the 'angles' that the reporter may take
- Know what the newspaper's deadlines are
- Make sure that you and the reporter have the same understanding of terms such as 'not for publication' and 'off the record'. It is wise to clarify these terms with the reporter every time you meet
- Be careful of joking with a reporter - a joke in print is not always as funny as it seemed when you said it
- Do not pass on rumours about your opponents or anyone else to reporters
- Be clear about the major points that you wish to make; stick to them and do not get distracted
- Be concise and to the point
- Clarify whether you are speaking as an intending candidate, a Councillor or a citizen
- Be aware of the image that you portray - colourful, reliable, controversial etc
- Demonstrate an understanding of the media's needs

#### Do Not:

- Lie or bend the truth
- Make factual errors
- Be ashamed to say 'I don't know'
- Promise what you cannot deliver
- Assume that the reporter is your best friend
- Be afraid to disagree with the reporter. Explain why you do not agree
- Feel obligated to fill silences in a conversation with a reporter

#### Media Releases

Media releases need to be prepared professionally and are useful to provide at or prior to an interview with a reporter. Media releases are intended to generate interest in a particular issue, event or individual and need to highlight the key points of interest to the media and their audience.

Media releases are likely to lead to stories when:

- they are prepared in the appropriate format
- provided in a timely manner
- confined to the key issues - one page is best
- in the case of media print - the appropriate form of photographic material is provided
- contact names and numbers are included for easy follow up.



### Other ways to communicate with the Community

Activity	Impact	Cost	Resources required
Leaflet / letterboxing	Low	Low	People, time
Garden Signs	Low	Moderate	People, time, money
Doorknocking	High	Low	People, time
Morning teas	High	Low	Time, money
Shopping Centres - introducing yourself to the public	Moderate	Low	People, time
Existing events	Low	Low	People, time
Created events	High	High	People, time, money
Telephoning	High	Moderate	People, time
Direct Mail	High	High	Time, money





Once you have decided to nominate as a candidate, a campaign strategy needs to be developed. This will outline the campaign strategies, timing and who is responsible for each activity. This can be anywhere from 6 months to 3 weeks depending on the campaign. Typically in rural areas a little less time is spent on the campaign trail than for metropolitan areas. Some candidates may even plan for 12 months before the election, even if they do not announce their nomination until much later. The table below highlights the tasks, responsibilities, and a time frame as an example of a campaign plan.

Campaigning tasks and time lines		
Task	Responsibility	Time Frame
Identify and contact key people for advice, such as past or present councillors who have run effective campaigns. Look for a mentor.	You	Up to 12 months before the election
Announce that you are going to nominate - tell your friends and group or club that you are a member of, as well as other organisations you think will be important to you.	You	Up to 6 months before the election
Appoint a campaign manager - someone that you trust to run things for you.	You	Up to 6 months before the election
Select the campaign committee - people prepared to help.	You / campaign manager	Up to 6 months before the election
Identify relevant community groups and organisations to target	You	Up to 6 months before the election
Set meeting dates for campaign committee	You / campaign manager	Up to 4 months before the election
Plan your campaign strategy - What will your message be? Why should people elect you?	You / campaign manager	Up to 4 months before the election
Work out your campaign budget - How much will it cost and where will the money come from?	You / campaign manager / treasurer	Up to 4 months before the election
Set up your campaign office - Where will it be and what will you need?	You / campaign manager / campaign committee	Up to 3 months before the election
Check all the relevant dates - remember that you need to nominate by the advertised closing day	You / campaign manager	Up to 3 months before the election
Be aware of the deadlines for postal votes. Think about a strategy for attracting postal votes.	You / campaign manager	Up to 3 months before the election
Arrange photographs for leaflets and publicity material.	You / campaign manager	Up to 3 months before the election
Check deadlines for local newspapers, submit media releases, and advise journalists you are available for interviews. Do not forget letters to the editor.	You / campaign manager	Up to 3 months before the election



### Campaigning tasks and time lines

Task	Responsibility	Time Frame
Contact other candidates, decide on a preference strategy and allocate preferences. Ensure that you include preferences on how to vote cards and other materials.	You / campaign manager	Up to 2 months before the election
Plan and produce campaign materials and advertising. These include leaflets, billboards and garden signs.	You / campaign manager / campaign committee	Up to 2 months before the election
Meet the people, be seen in public places, and ask to address local groups.	You	Ongoing until the election day
Doorknock and letterbox.	You / campaign committee	Ongoing until the election day
Prepare for election day - draw up rosters for polling booths, appoint scrutineers, ensure that there's a phone to take calls from voters for information, assistance and transport.	Campaign manager / campaign committee	one to 2 weeks before the election
Prepare speech for declaration of the poll.	You	2 days before the election
The night before the election day. Get a good nights sleep.	You	Night before
On the day, if voting is at booths, move around the booths to meet the voters or stay at the booths with the biggest enrolments.	You	Day of the election
Ensure that there is a worker at every booth on the day.	Campaign manager	Day of the election
After the poll, celebrate the results. Publicly and privately thank all your friends and supporters.	You / campaign manager / campaign committee	On the night of the election
Evaluate the election result. What went right? What went wrong? Could you do better next time?	You / campaign manager / campaign committee	1 week after the poll

Volunteers are crucial in a campaign. They help to maximise effectiveness and minimise costs. It is important to remember two things about volunteers. First they are not paid and so if they do not like a particular task they may leave and not come back. Second, they can burn out, they have other responsibilities and there is only so much time and energy that they can contribute to your campaign. It is therefore very important to recognise the work of volunteers and thank them personally and often, and to understand the extent of the contribution that they are able to make.



Every city, town or shire is unique in the profile, size and skills base of its community. Equal Employment Opportunity is about striving to ensure that the demographic make up of each community is reflected in the profile of its work force. Councils need to carefully consider the widest possible pool of people available within the community to avoid denying itself access to the skills and talents of people from all sectors of the community.

In adopting the principles of Equal Employment Opportunity, a Council will reflect the community's diversity in the services it provides and the way it reacts to issues that arise.

### What is EEO all about??

EEO legislation and programs are designed to:

- identify and eliminate discrimination from the workplace
- prevent sexual, racial and other forms of harassment that can threaten employees' job security, work performance and self-esteem
- ensure that everyone is treated with respect
- establish and implement positive steps to help members of identified target groups to compete on merit for recruitment, promotion and training opportunities
- promote acceptance and to recognise the equality of all people
- ensure all people are given fair and equal consideration in the workplace.

### The Council's role with EEO

Councils are required by the Queensland *Anti-Discrimination Act 1991* to provide employees with a safe and fair work environment free from discriminatory practices and harassment. The *Local Government Amendment Regulation (No. 3) 1995*, which introduced EEO into local government more directly, requires Councils to adopt an EEO Management Plan by the end of each financial year and monitor and annually report on progress towards the Plan.

The production of these plans ensures that the Council is focusing regularly on promoting EEO and eliminating unlawful discrimination.

### Vicarious Liability

The vicarious liability provisions of the Anti-Discrimination Act can make Council legally liable for any acts of discrimination which occur in the workplace. This provision means that if any of a Council's employees or agents contravenes the Anti-Discrimination Act both the employee or agent and the Council could be held to be liable for the contravention.

As such, courts costs and compensation pay outs may fall on the shoulders of the Council. It is a defence, however, if the Council can prove, on the balance of probabilities, that it took reasonable steps to prevent the worker or agent contravening the Act. Where it can prove this, the employee or agent could be solely liable for court and compensation costs.



### Benefits of EEO

Staff are able to focus on carrying out the duties required of them and not be distracted by concerns of harassment and unfair work practices. This flows on as improved efficiency of service to the community.

Staff retention rates increase and the costs of staff turnover decrease. These costs include severance pay, the hiring of casual staff to fill temporary vacancies, recruitment and retraining.

Providing the right environment can lead to good publicity about the Council as an employer. This will tend to attract a quality of worker interested in employment with a progressive organisation that values its people.

In implementing EEO principles, Councils:

- implement and promote EEO management plans
- implement and promote EEO and sexual harassment policies
- ensure all employment practices are non-discriminatory
- conduct EEO education and training programs for staff
- ensure all managers and supervisors are aware of their responsibilities and report annually on performance review mechanisms
- ensure recruitment and selection is merit based
- establish a legitimate and reliable complaints mechanism.

### Councillors' role in EEO

Councillors can play an important and active role in promoting the acceptance and implementation of EEO strategies in the Council and the community. Councillors can do this by:

- being aware of relevant legislative requirements and provisions in relation to EEO;
- being aware of the possible impacts on the Council and its staff of not adhering to legislative requirements and provisions;
- supporting Council's Chief Executive Officer in implementing EEO principles;
- endorsing EEO management plans; and
- upholding and demonstrating EEO principles within the Council and community.

Fostering fairness and equity in the workplace



In Queensland, women from all walks of life have taken the opportunity to share their unique skills and perspectives by actively participating in decision making processes at the local level. This has included putting themselves forward for community leadership positions such as Councillors and Mayors. They have been successful in increasing the percentage of women elected representatives to the present level of 30% of local government Councillors in Queensland (i.e. 314 Councillors), and 15% of Mayors (19) in the State. There are currently 314 women - out of 1031 Councillors, and 19 female Mayors out of 125.

When women consider entering public life, they often have doubts about what standing for Council will involve. They are particularly concerned about the possible impact this may have on their families and on them personally. Sometimes they do not feel confident that their life experiences and the skills they have acquired in the home and community will be sufficient for the role of a Councillor.

The stories of existing women Councillors hold lessons in courage, strength, tenacity, humour, success and failure and reflect a wide profile of women with a mixture of political shades, personalities and backgrounds.

### **What Women Can Bring to Local Government**

Women in local communities represent a pool of talent and energy, which is vital to the development of good government at the local level. They possess skills and life experiences which can often enrich the decisions made on the community's behalf by the Council. Some of the specialised skills women can bring to local government include:

- an appreciation of community issues at the ground level
- heightened awareness of the impact of government decisions on the lives of the more vulnerable members of the community
- an interest in child care, aged care and community and cultural development issues
- the ability to work collaboratively and utilise networks to the community's advantage;
- well developed listening and negotiating skills
- a practical approach to problem solving.

### **The Path to Council**

Assistance and advice is always available to women who wish to become more actively involved in local government affairs. Once elected, training and education is available to Councillors to provide the necessary understanding of all issues they may address. Women have become chairs of works and finance committees and have quickly grasped the necessary knowledge to contribute.



Councils also employ professional officers including engineers, accountants and community development officers who can provide reports and information to Councillors to help them interpret facts and make well-informed decisions.

Being a woman Councillor is not always easy. However, there are strategies which will help you to become an effective Councillor:

- secure the support and understanding of your family and friends and cultivate many “helpers”
- become involved in community groups and professional women’s associations - be highly visible
- cultivate public speaking and mediation/negotiation skills
- access education and training opportunities that will expand your existing skills
- attend Council meetings
- be aware of issues affecting your local community and develop your response to these issues
- campaign on a wide range of topics affecting your community, not just a few issues
- become familiar with the *Local Government Act 1993* and other relevant legislation.

### A Rewarding Experience

The personal benefits you stand to gain from being a local government Councillor can include:

- an opportunity to make a significant contribution in shaping the future of your community
- increased self-esteem and confidence and an ability to deal with a range of situations
- public speaking and facilitation skills
- increased awareness of the workings of government at all levels
- the opportunity to meet people from all walks of life and learn from their experiences.

“ It has allowed me to meet so many interesting people - I think this is one of the greatest rewards of being on council. Solving problems and receiving the gratitude of ratepayers also gives you a wonderful feeling of achievement.”

Junita (“Nita”) Cunningham, Minister for Local Government and Planning,  
State Member for Bundaberg

For more information about Women in Queensland Local Government please call the Department of Local Government and Planning (07 3225 8942) for a free copy of *Local Leaders Local Women - Stories of Women in Local Government*.

For further information about women in local government please contact the Australian Local Government Women’s Association (ALGWA) - Queensland Branch

President - Cr Julie Arthur - Maryborough City Council - Phone 07 4121 4545  
Email: [Juliearthur@bigpond.com](mailto:Juliearthur@bigpond.com)



### **Achieving a Balance**

A local government is responsible for the good rule and government of its area. Decisions taken should therefore reflect the ethnic and cultural diversity of the community.

As the level of Government closest to the people, local government is in the best position to respond quickly to the needs of local residents.

To do this, it is important that the views of all groups in the community are considered. Broad community participation in Council decision-making should be encouraged to achieve this at both an elected and non-elected level.

The involvement of women in local government is discussed in Fact Sheet 17. The Department has no current figures on ethnic or indigenous participation in local government.

### **Working Together**

Local government plays an important role in improving living standards by providing many services and facilities used by people every day. Community participation and involvement in Council decision making processes assists Councils in offering services which meet people's needs. Councils have always provided services like roads and sewerage, but more and more Councils are becoming involved in the social, economic and cultural development of their communities.

For example, a number of Councils are now actively working with the local Aboriginal community to ensure their potential contribution to the development of the community is not overlooked. Some Councils have established special committees which include Aboriginal people for this purpose and to capture the energy and ideas which exist.

Similarly, a number of Councils have established Community Relations Committees and are developing Community Relations plans to ensure the needs of the ethnic communities are addressed.

The challenges facing indigenous and ethnic Australians can be assisted through their participation in local government processes. By working together with local Councils, or actually standing for Council, the level of co-operation and understanding between Aboriginal and Torres Strait Islander and ethnic communities and the broader community can increase.



### Why Get Involved in Local Government?

Councils are there to support everyone in the community. So it is very important for Councils to work with their communities. If you would like to get involved in your local Council perhaps you could:

- attend Council meetings
- nominate as an advisory committee member
- talk to your Council about local projects
- check Council's corporate plan and annual report;
- offer comments on local law proposals when they are advertised
- talk with your local Councillor or Council staff about how you can contribute.

### You Can Stand for Council

You can stand for election as a Councillor if you:

- are an Australian citizen
- are on the electoral roll
- live in the area
- are not disqualified for specific reasons like bankruptcy

Some things you should think about doing to help you become a Councillor are:

- developing public speaking skills
- creating a community profile by becoming vocal on local issues
- enlisting a group of family and friends to offer practical and moral support
- talking to current Councillors about their experiences in local government
- accessing education and training that will help you develop the necessary skill (the Open Learning Institute (OLI) of TAFE offer a 60-hour, accredited course "Councillors as Leaders in Local Communities" 39097QLD. For further information on this, please see attached leaflet
- underpinning a campaign with a wide range of topics affecting your community, not just narrow issues
- becoming familiar with the *Local Government Act 1993* and other relevant legislation.

Local government is there for each one of us. Think how you can participate in a positive way and develop greater understanding of our ethnic and cultural diversity.





As a Councillor and as a member of Council your actions are open to scrutiny and any person can lodge a complaint in relation to your decisions.

Both the Ombudsman and the Crime and Misconduct Commission (CMC) play an important role in receiving and responding to these complaints.

The CMC's role is to fight major crime and improve the integrity of the public sector. The CMC will assess how a complaint should be handled and if a complaint is capable of investigation it may refer the complaint to the agency concerned, to the Queensland Police Service, conduct an investigation itself or investigate in conjunction with another agency.

The Ombudsman investigates complaints from people who believe they have been adversely affected by an unjust or wrong decision or action of Council. The Ombudsman may make recommendations to overturn a decision made by a Council and may also make suggestions for improving administrative decision making processes to avoid complaints in the future.

### **More about the CMC**

On 1 January 2002 the Criminal Justice Commission and Queensland Crime Commission merged to form the Crime and Misconduct Commission, or the CMC. The *Crime & Misconduct Act 2001* requires the CMC to help public sector agencies (including local councils) prevent and deal with misconduct by increasing their capacity to do so while retaining its power to investigate cases of serious misconduct.

The CMC is required to raise standards of integrity and conduct in government agencies and to ensure that complaints about misconduct are handled appropriately, having regard to the principles of cooperation, capacity building, devolution and the public interest. It also works with agencies to prevent major crime and misconduct and monitors and promotes reform of police services and the criminal justice system.

### **What is Official Misconduct?**

Official misconduct is any conduct relating to the performance of an officer's duties (including elected members) that:

- is dishonest or lacks impartiality; or
- involves a breach of trust; or
- is a misuse of officially obtained information.



The conduct must be a criminal offence or serious enough to justify dismissal. Examples are:

- Accepting money or other benefits in exchange for helping someone to gain a government approval or to win a contract
- Stealing an employer's property or cash
- Gaining a personal benefit by not revealing a conflict of interest

### **More about the Ombudsman**

The Ombudsman's primary role is to investigate complaints regarding the administrative decisions made by Council or its staff. The types of administrative decisions the Ombudsman has jurisdiction to investigate include the imposition of rates and charges, the granting of approvals (eg licences and registrations) and the enforcement of local laws and planning schemes.

The Ombudsman can recommend Council take action to rectify an administrative decision which:

- appears to have been taken contrary to law or based on a mistake of law
- was unreasonable, unjust, oppressive or improperly discriminatory
- was made after taking into account irrelevant considerations.



To find out more about your local government, the Council's Chief Executive Officer or one of the Council's staff would be the first place to go.

The next Local Government Elections will be held on 27 March 2004. The returning officer appointed to conduct the elections will determine the date that nominations close and give public notice to call for nominations. Once this has occurred you can direct questions about the election to the returning officer who may or may not be the Chief Executive Officer.

The following is a list of other organisations that can provide you with advice and assistance in relation to local government matters:

### Queensland Department of Local Government and Planning

#### Local Government Services

Local Government Services delivers the Department's Local Government Program. Local Government Services comprises three Divisions:

- |                                   |                   |                    |
|-----------------------------------|-------------------|--------------------|
| • Operations and Development      | Ph (07) 3225 8654 | Fax (07) 3225 1350 |
| • Local Government Funding        | Ph (07) 3225 8673 | Fax (07) 3225 8685 |
| • Policy and Legislation Division | Ph (07) 3225 8649 | Fax (07) 3225 1351 |

Local Government Services empowers communities by developing a responsive and effective local government system which enables Councils to efficiently deliver services, foster local democracy and develop local solutions to challenges which their communities face. This is commensurate with contemporary best practice and appropriate accountabilities.

#### Planning Services

Planning Services implements and manages best practice planning and development assessment systems.

- Ph (07) 3237 1809      Fax (07) 3237 1812

#### Building Codes Queensland

Building Codes Queensland is responsible for administering Queensland's building and plumbing legislation.

- Ph (07) 3237 0777      Fax (07) 3235 4586

Please direct written correspondence to:  
Department of Local Government and Planning  
PO Box 31, BRISBANE ALBERT STREET Qld 4002  
Website: [www.dlgp.qld.au](http://www.dlgp.qld.au)



**Other organisations that will assist you with local government matters include:**

### **Local Government Association of Queensland Inc**

The Local Government Association of Queensland (LGAQ) is constituted under the *Local Government Act 1993*. The Association is the peak body representing local governments in their dealings with other governments, unions, business and the community.

Executive Director: Greg Hallam  
Local Government Association of Queensland  
PO Box 2230, FORTITUDE VALLEY BC Qld 4006  
Ph (07) 3000 2222 Fax (07) 3252 4473

### **Local Government Managers Australia**

The Local Government Managers Australia (LGMA) is the leading professional association representing managers and aspiring managers, and was established to provide professional support to council managers.

The LGMA offers opportunities for continuing professional development, training programs and seminars, and registration of professional development achievements. LGMA Queensland is part of a national organisation with divisions in each State.

The LGMA is committed to maintaining high professional and ethical standards throughout the profession and to ensuring its members are at the forefront of change and innovation.

Executive Director: Tony Whelow  
Local Government Managers Australia  
PO Box 2173, Fortitude Valley BC 4006  
Ph (07) 3000 2288 Fax (07) 3252 8055



## Queensland Department of Local Government and Planning

The Department produces a wide range of booklets, reports, guidelines, papers and brochures about issues relevant to local government. The Department's publications cover topics such as finance, legislation, planning, conservation, housing, population, water supply and sewerage and provide a range of statistical and factual information about local governments in Queensland.

The Department charges a fee for some publications while others are free. Most publications are available from the Department and some are sold by GoPrint on the Department's behalf. A full listing can be found on the Department's website - [www.dlgp.qld.gov.au](http://www.dlgp.qld.gov.au)

Shop online for our publications with our new e-store facilities.

As an intending candidate or community member wanting to know more about local government, you may be interested in:

Publication	Price
Locally Speaking - Newsletter	Free
Why We Need Councils - Brochure	Free
Annual Reporting - Local Government end-of-year Checklist	Free
If In Doubt - A Resource Kit for Building Ethical Cultures in Local Government	\$44
Gaining Entry to Land	\$22
Election Gifts	(TBA)
Intending Candidates Information Kit	Free
Local Leaders - Local Women	Free
Complaints Management - Guidelines for Local Governments	\$22
Agenda Management and Minute Recording: Best Practice Guidelines	Free
Candidates Handbook	TBA

For copies of these publications please contact: 3225 1713



The aim of the Community Education Seminars conducted by the Department of Local Government and Planning is to provide community members, particularly those considering running for the 2004 Local Government Elections, with sufficient information to allow them to make a well informed decision about whether to proceed with nomination.

### Do you have enough information?

Perhaps you'd like to test your knowledge by completing the quiz below.

### True or False?

1.	A Council does not have to give the community an opportunity to comment before it adopts its Corporate Plan.	T	F
2.	A quorum of a Council is a majority of its Councillors or one-half of its Councillors if the number of Councillors is even	T	F
3.	You must have tertiary qualifications to become a Councillor.	T	F
4.	Councillors may set their own pay rates without giving the community the opportunity to comment.	T	F
5.	Councillors must declare before the Chief Executive Officer within one month of being elected that they will faithfully and impartially fulfil the duties of their office to the best of their judgement and ability.	T	F
6.	Councillors are always protected from defamation action for statements they make in the Council Chamber the way politicians are for statements they make in Parliament.	T	F
7.	The <i>Local Government Act 1993</i> (LGA) was designed to provide for a strong, independent, efficient, effective and accountable system of local government which responds to community needs.	T	F
8.	Scrutineers appointed by candidates to represent them during the conduct of the elections must be careful to abide by the rules set down in the LGA as failure to do so may constitute an offence under the Act.	T	F
9.	Failure to disclose election donations could result in the Councillor losing office.	T	F



## Fill in the Blanks

1.	A Councillor who stands to gain a benefit or suffer a loss following the consideration at a Council meeting of a particular issue is said to have a ..... in that issue.
2.	A Councillor that aims to draw from the widest possible pool of people available to it and accesses the skills and talents of all sectors of the community is likely to be one that has embraced .....principles.
3.	A law adopted by a Council which reflects the community's needs with respect to the good government of its area is called a .....
4.	A Councillor ceases to be a Councillor if, without the local government's leave, they are absent from..... or more meetings of the local government over at least ..... months.



# Evaluation Sheet

## Intending Candidates Fact Sheets 2003-2004

### What do you think of this publication?

To help us to improve our publications and services, your feedback is important. Could you please complete this questionnaire and send it to Local Government Services on Fax: (07) 3225 1350 or PO Box 31 Brisbane Albert St QLD 4002.

Please tick (✓) the appropriate response to each question which best describes your impression of this resource.

Questions	Excellent - Satisfactory - Poor				
	5	4	3	2	1
Did you find the document informative?					
Was the format and language of the document easy to follow?					
Was the document visually interesting?					
What was your level of satisfaction with the publication?					
(Optional) Was the publication good value for money?					

### Comments:

Please indicate the additional material that you would like to have seen included in the publication and/or general comments.

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*Thank you for taking the time to comment on this publication.*

### Optional:

Name of Organisation: .....
Name: .....
Telephone: (.....).....

Intending Candidates





# Intending local government councillors

Local government elections in Queensland will be held on 27 March 2004. Councillors need to understand the challenges and complexity of their duties.

The Open Learning Institute of TAFE (OLI) and the Queensland Department of Local Government and Planning are currently offering the following course:

## Councillors as Leaders in Local Communities 39097QLD

This 60-hour course covers:

- the structure, powers and functions of local government in Queensland
- the legislative framework and environment in which local government operates
- corporate and financial management in local government
- roles and responsibilities of elected councillors
- community leadership and development.

The course contains essential information of benefit to individuals who are considering nominating for local government office at the March 2004 elections, or are interested in learning more about how local government works.

The Open Learning Institute is the leading provider of open learning courses in Queensland. Enrol at any time of the year, study at your own pace, when and where convenient.

For more information or enrolment in this exciting new course:

Freecall 1800 657 387

Fax (07) 3259 4377

Email [oli.info@tafe.net](mailto:oli.info@tafe.net)

Web [www.oli.tafe.net](http://www.oli.tafe.net)

### REQUEST FOR ENROLMENT PACKAGE

Please send me enrolment details on the Councillors as Leaders in Local Communities 39097QLD

Mr/Mrs/Ms/Miss: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Fax to: Customer Care Centre (07) 3259 4377

Post to: The Open Learning Institute of TAFE, GPO Box 1326, Brisbane, Qld 4001



**Queensland Government**  
Department of Local Government and Planning



**TAFE Queensland**  
Queensland Government  
Department of Employment and Training



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