

THINKING OF BECOMING A COUNCILLOR?

Make a difference today

**A GUIDE FOR CANDIDATES
IN EXMOUTH**



Dear Prospective Candidate

LOCAL GOVERNMENT ORDINARY ELECTION 2019

Thank you for considering becoming a candidate in the 2019 Ordinary Local Government election for the Shire of Exmouth.

Councillors play a vital leadership role, working together with the community and Shire staff to create and implement the community's vision, strategic direction and values. If you want to make a difference in your community and have a say in local decision making, then becoming a councillor is a great way to do that.

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

- **Ability to engage with your community**

Engaging with the community is a vital part of a councillor's role, and it is important to consult and communicate with the community through meetings, the media, public forums, debates and surveys.

- **Good communication skills**

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

- **Good problem solving and analytical skills**

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

- **Good teamwork skills**

This includes being able to work with others in meetings and on committees and being able to create and sustain functional working relationships with other councillors, community stakeholders and Shire staff.

- **Knowledge or understanding of strategic planning and financial planning and reporting processes**

You will be provided with access to professional development opportunities to enable you to evaluate, develop and review Shire of Exmouth strategies and financial management reports.

- **Knowledge or understanding of social justice principles**

It is important to make sure that all community members are treated equally, have the right to be heard and are able to participate in the public forums and events if they choose to do so.

- **Leadership qualities**

Attributes such as energy and optimism, motivation, resilience, confidence, assertiveness, strategic thinking, advocacy, networking, active listening and negotiating.

- **Ethical and accountable behaviour**

Both councillors and Shire staff are expected to follow a code of conduct that involves, among other things, acting in the best interests of the community as a whole, transparent decision making and accountability, and respect for your fellow councillors, the community and staff.

In the end, deciding whether or not to stand for council is a very personal choice. You need to consider your own circumstances and whether or not you think you are suited to the role, and if you are able to make the commitment in time and energy required to fulfil the role.

There are three vacancies in this election.

An information session for eligible electors in the Shire of Exmouth (who are 18 years of age and older and who are not disqualified) will be held on:

Date	Time	Location
Tuesday 3 September	3.30pm – 5.00 pm	Bundegi Boardroom, Ningaloo Centre

If you would like to find out more about what is involved in becoming a candidate in the election, you are most welcome to attend the session and meet with the Shire President and Chief Executive Officer. You will have the opportunity to speak in a relaxed and informal atmosphere, and ask any questions you may have.

Key Dates

Date	Election Activity
Thursday 5 September	Nominations for Local Government Elections Open.
Thursday 12 September	Nominations for Local Government Elections Close at 4.00pm.
Saturday 19 October	Local Government Election Day. Poll closes at 6.00 pm and commencement of ballot count.

This information pack has been prepared as a guide only. More information can be obtained from the Department of Local Government website www.dlg.wa.gov.au or the WA Electoral Commission website www.waec.wa.gov.au.

Should you have any further queries with regards to this matter, or to register you for one of the above information sessions please do not hesitate to contact the Michelle Head, Executive Secretary on (08) 9949 3000 or via email es@exmouth.wa.gov.au

Yours sincerely

Cameron Woods
Chief Executive Officer



An introduction to local government

2019 Local Government Elections - Fact Sheet 1

Why do local elections count?

Local government is an integral part of the system of government both in Western Australia and nationally. It is also an economically crucial sector as local governments in Western Australia spend close to five billion dollars each year.

Local government is the “grass roots” level of government in Australia. Its council members are ideally placed to monitor the changing needs of local communities, to plan and implement strategies to meet those needs, and to bring local concerns to the attention of the State and Commonwealth Governments.

Local government’s strength is its closeness to the community and its ability to take account of, and to respond to, local views and ideas.

The Western Australian picture

The State is divided into districts, each with its own local government. Currently, there are 137 local governments in Western Australia. The *Local Government Act 1995* and its regulations also apply to the Commonwealth Indian Ocean Territories comprising the Shires of Christmas and Cocos (Keeling) Islands. Local governments vary greatly in their characteristics.

Recent statistics indicate that:

- the size of local governments ranges from less than 1.5 to over 370,000 square kilometres;
- the populations of local government areas range from just over 100 to more than 220,000;

- the number of staff employed in each local government varies from less than 10 to over 1,000; and
- in 2017-18 total revenue for local governments in Western Australia ranged from just over \$2 million to just under \$225 million.

Local governments are defined in three categories – Shires, which are generally local governments with mainly rural populations; Towns, which are generally small (mainly urban) population centres; and Cities, with larger urban population centres.

Local governments' power under legislation

The powers of local governments to provide services and facilities, and make local laws, are derived from legislation passed in the State Parliament. The principal Act from which local governments gain power is *the Local Government Act 1995* (the Act).

The Act provides for a system of local government by creating a constitution for elected local government in the State. It describes the functions of local governments, how elections should be conducted and establishes a framework for the administration and financial management of local governments, including the scrutiny of their affairs.

Local governments also derive powers from numerous other Acts. Of these, the most prominent are the *Public Health Act 2016*, which vests wide ranging powers in local governments to ensure the health of each community is safeguarded, and the *Planning and Development Act 2005*, which gives local governments the power to prepare local planning schemes and ensure orderly development.

Other important statutes include the *Bush Fires Act 1954*, the *Cemeteries Act 1986*, the *Dog Act 1976*, the *Cat Act 2011* and the *Environmental Protection Act 1986*.

General power to provide good government

Under the *Local Government Act 1995*, local governments have the general power to provide for the good governance of people in their district. This means that local governments can make decisions if the Act or any other written law does not prevent them from doing so. A local government can make local laws (legislative function) and provide services and facilities (executive function).

Legislative function

A local government can make a local law for the good governance of the people in its district. However, a local law will be inoperative to the extent that it is inconsistent with

any other written law (for instance, because there is already a similar State law covering the same area).

Local governments can make local laws about health and safety, street trading, reserves and foreshores, signs, parking, cats and dogs, and much more.

Executive function

The executive functions of local government include the administration of local laws and the provision of services and facilities. A local government can provide any service or facility that is necessary or convenient for the good governance of the people in its district or for the performance of any other function under the Act.

However, before commencing a service or providing a facility, a local government must satisfy itself that the service or facility it provides integrates with State or Commonwealth services, does not duplicate inappropriately any State, Commonwealth or private service, and is managed efficiently and effectively.

Contemporary issues

The *Local Government Act 1995* gives local governments freedom to make decisions for their communities, promotes public participation, and demands accountability, efficiency and effectiveness in local government. This requires strategic thinking by local government, including how to:

- best respond to community needs;
- ensure public participation and accountability in local government processes;
- respond to the growing demand for more efficient and effective local government.

In addition to dealing with constantly changing legislative requirements and reforms, local governments are asking themselves, “What is the best way to organise physical, financial and human resources to achieve a competitive and productive organisation that meets the needs and desires of the community we serve?” Reform can involve changes to the boundaries of local governments, resource sharing, and competitive tendering to name but a few.

Revenue of a local government

To undertake activities, local governments need revenue, which is acquired from a variety of sources.

Rates

Rates are a tax on property and forms the principal source of revenue for many local governments. The *Local Government Act 1995* and the *Valuation of Land Act 1978* prescribe the methods for assessing the rateable value of property and the types of rates which can be levied. Each local government then determines the amount and type of rate to levy.

Commonwealth Government financial assistance

Each local government in Western Australia receives an annual grant from the Commonwealth Government. This money is allocated and distributed to local governments by the Western Australian Local Government Grants Commission.

Borrowings

Local governments can borrow money. They may take up loans to embark on large scale capital activities for which normal rates and other sources of revenue are insufficient.

Fees and charges

Most local governments receive a small percentage of their income from fees and charges. Local governments can impose a fee or a charge in a range of circumstances. These circumstances include:

- use of, or admission to, facilities owned, managed or maintained by the local government;
- supply of a service or work at a person's request;
- supply of goods;
- provision of information from records;
- receiving an application for approval, inspecting or issuing a licence or permit.

A local government can also impose a service charge on owners or occupiers of land within the district or a defined part of the district. A common example of a service charge is to meet the cost of placing powerlines underground.

Commercial enterprises

Local governments have some scope for being involved in commercial enterprises to generate revenue.

Where does council fit in? - The structure of local government

A local government is made up of several components.

The community comprises electors that include residents, non-resident property owners, and non-resident property occupiers. Other members of the community include workers, visitors, and users of facilities who live outside the local government. All decisions made by a local government should be aimed at meeting the needs of the community.

The council is the governing body of a local government. It is made up of councillors and a mayor or president. The number of council members can vary from six to fifteen.

Each local government is a corporate body. All power to act for the local community is vested in this legal entity. It can sue and be sued.

Many local governments appoint committees to share the decision-making work as well as using expertise effectively. These committees can include council members, staff from the local government and members of the public.

Local governments employ staff to administer the local government. The Chief Executive Officer (CEO) heads the administration and manages the day to day operations of the local government and implements council policies and decisions.

Roles of council, mayor or president and councillor

The roles of key people within the local government structure have been carefully defined by the *Local Government Act 1995*.

The council

- governs the local government's affairs;
- is responsible for the performance of the local government's functions;
- oversees the allocation of the local government's finances and resources; and
- determines the local government's policies.

Mayor or president

Mayor is the title given to the chief elected officer of a city or town council. President is the title given to the chief elected officer of a shire council.

The role of the mayor or president is to:

- preside at council meetings (ensure meetings are conducted in a correct and orderly manner while remaining impartial);
- carry out civic and ceremonial duties (such as conducting citizenship ceremonies);
- speak on behalf of the local government as a corporate entity;
- liaise with the CEO on the local government's affairs and the performance of its functions; and
- provide leadership and guidance to the community.

The role of a mayor or president also includes the role of a councillor. A mayor or president has no authority to make decisions as an individual other than to authorise expenditure in an emergency.

Note: Mayors or presidents may be elected either by the members of the council for two years, or by the electors of the district for four years. A mayor or president has the same 'deliberative' vote as other councillors. However, the mayor or president must cast a second vote (that is, a deciding vote) if the vote on a matter is tied.

Councillors

- represent the interests of electors, ratepayers and residents;
- provide leadership and guidance to the community;
- facilitate communication between the community and the council and vice versa; and
- participate in decision making processes at meetings.

The staff of a local government

Each local government must employ a CEO and staff to:

- advise council members on matters under discussion;
- administer the day to day operations of the local government; and
- carry out the policies of council and implement its decisions.

CEOs are ultimately selected by the council and are generally employed on a fixed term contract basis. This contract contains performance criteria which are evaluated by the council in the CEO's performance review on an annual basis.

CEO's function

The CEO is the chief executive (non-elected) officer and his or her function is to:

- advise council in relation to the local government's functions;
- ensure that information is available to council to guide decisions ;
- cause council decisions to be implemented;
- manage the day to day operations of the local government;
- liaise with the mayor or president on the local government's affairs and performance of functions;
- speak on behalf of the local government if the mayor or president agrees;
- be responsible for the employment, management, supervision, direction and dismissal of other employees; and
- ensure that the records and documents of the local government are properly kept.

The CEO acts as the conduit between the council members and the council staff. All other council staff, including engineers, planners, financial managers, administrators and outside workers, ultimately receive their direction from, and are responsible to, the CEO. Council members acting individually do not have the authority to influence the activities, duties and operations of these staff directly.

How does it all come together?

The local government's council and staff

The local government is the corporate body. Council members are the elected policy and decision makers. Staff provide information, advice and carry out the council's decisions.

The electors

The electors of each district include residents and non-resident owners and occupiers of rateable land. Although incoming workers, visitors and tourists are not electors, it should be noted that local governments still have a role to provide services and facilities for these people.

Where can I get more information?

For more information visit the Department of Local Government, Sport and Cultural Industries website at: www.dlgsc.wa.gov.au or contact your local government.

This publication was prepared by:

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The role of a council member

2019 Local Government Elections - Fact Sheet 2

Generally, local government council members, who include the mayor or president and councillors, do not have any authority to act or make decisions as individuals. They are members of an elected body that makes decisions on behalf of a local government through a formal meeting process.

Included with this fact sheet is a “Snapshot of the role” to provide some context for the most useful attributes. The role of each councillor is to:

- represent the interests of electors, ratepayers and residents;
- provide leadership and guidance to the community;
- facilitate two-way communication between the community and the council; and
- participate in decision making processes at meetings.

Key Concept: A councillor is a member of a team, shaping the district’s future in consultation with the community.

Councillors represent the interests of **all** electors and residents. The representational role of a councillor does not mean that he or she has a duty to support all suggestions made. A councillor should consider the varying views of the community and then make decisions in the best interests of the whole district.

What it means to be a councillor

Councillors represent the community’s interests in many ways. They can pass on electors’ views, support initiatives, and report complaints and problems they perceive, by informing the CEO or raising such matters in council meetings. The representation of electors’ views is complicated in councils that operate under a ward system. Here, the councillor has both a duty to present the views of electors in his or her ward and to consider the good of the district as a whole when making a decision.

Explanation: A ward system occurs when the district is divided into sections for electoral purposes. These wards often reflect communities of interest within a district. For example, in the district of Ashburton there are six wards: Ashburton, Onslow, Pannawonica, Paraburdoo, Tableland and Tom Price.

Providing leadership and guidance to the community

People often look to their elected representatives to provide leadership and guidance. This can be done by highlighting directions that could be followed, putting forward options, and presenting arguments or possible solutions to a problem at community forums and council meetings.

Developing a vision for the community and deciding what needs to be done to achieve that vision is an important role for council members. Convincing the community to endorse and follow that vision (and associated plans) requires leadership.

It is important to recognise that the most fundamental task is trying to achieve a strong sense of shared purpose and commitment. The needs and desires of the community are constantly changing and evolving. Councillors must be prepared to initiate new policies and activities in response to these changes.

Facilitating communication between the community and the council

To be effective, council members need to understand the views of the people they represent. Communication is a multi-faceted process that needs to flow both ways to be effective. Councillors provide information to the community about the policies and decisions of council, and the community relays its desires, concerns and opinions to the council through the councillors.

To represent both electors and the council effectively, a councillor needs to be a good communicator and keep in touch with the local community.

Councillors can keep in touch with electors in a variety of ways including:

- attending meetings of local organisations;
- being available and responding to residents who wish to raise issues or concerns;
- attending events arranged by the local government;
- participating in functions held in the local area;
- communicating with the community via a newsletter, email or website; and
- reading the local newspaper.

Key concept: If you explain to electors why and how decisions were made in council, they are less likely to be critical when decisions do not go their way.

Decision making

Determining policy

The policy making role of a councillor includes:

- assessing and evaluating community needs;
- establishing priorities for the various needs identified;
- considering the allocation of local government resources;
- convincing fellow councillors of these needs and obtaining their support.

To initiate new policies and activities successfully, a councillor will often need to gather information and obtain advice. This may be achieved through the council staff, following an approach to the CEO.

However, it should be remembered that while a policy may begin with an individual idea, decisions are not made by the individual councillor alone. They are made by the whole council .

This democratic process means that a councillor must accept the majority decision when the council votes upon a motion. Consequently, if a council member feels strongly about an issue, and does not have a conflict of interest in the matter, he or she should present a well-constructed and researched argument during the debate on the motion. If the result of the vote is against the wishes of an individual councillor, he or she should accept that result graciously. Each council member has the right to have their dissent recorded in the minutes.

Planning for the future

All local governments must plan for the future, and this process starts with a Strategic Community Plan and a Corporate Business Plan.

The Strategic Community Plan is a 10-year plan which states the aspirations, vision and objectives of the community, and needs to be developed with input from the community and adopted by council.

The local government's administration then needs to develop a four-year Corporate Business Plan which prioritises all the important projects, services and activities needed to implement the Strategic Community Plan. It should state how much each will cost, what assets will be involved, and who will implement them.

It is recommended that the Corporate Business Plan be developed using "Informing strategies", particularly asset management, long term financial planning and workforce planning. These inform the local government how capable it is of delivering the services

requested by the community. Informing strategies about specific issues, such as community safety or major infrastructure works, also assist the local government to deliver these services.

Council does not need to approve the operational plan or business unit plans referenced in the Corporate Business Plan, but should regard the community's long-term objectives and the local government's capacity to deliver when deciding its priorities.

Council can review the Strategic Community Plan every two years through a "desktop review", to make sure it is meeting the changing needs of the community. Council is required to conduct a major review of the plan every four years. The council will also review the Corporate Business Plan annually, to respond to changes inside and outside the local government. This process also helps council in setting the annual budget.

More information is available in the DLGSC's Integrated Planning and Reporting Framework and Guidelines publication.

Managing assets

All local government services and projects are delivered with assets. Local government assets include everything from roads, bridges, buildings and parks, to computers and telephones, software and intellectual property (IP).

Although assets are managed by the local government's administration, council has responsibility for making sure that the community gets the best possible value from its assets. It does this by setting affordable and achievable priorities in the Corporate Business Plan, and by making sure that the local government's Asset Management Strategy is developed and implemented, with appropriate resources for that process.

More information is available in the DLGSC's Asset Management Framework and Guidelines publication.

Governing finances

The local government's Corporate Business Plan and Long Term Financial Plan will set out the projects, services and activities that the local government will deliver and how much these will cost. This information is used by council in the setting and adoption of the annual budget.

Throughout the year, reports are prepared to enable councillors to review council finances, ensure that the council is adhering to its budgets or make appropriate modifications. As with all local government business, finance is a matter for discussion and resolution by the full council. Nevertheless, the individual councillor should maintain an active interest in budgeting since the council is responsible to the community for the

results achieved. A councillor may also be called upon to explain the results to the community.

More information is available in the DLGSC's Long Term Financial Planning Framework and Guidelines publication.

Reviewing policy

Another aspect of the councillor's role is to review policy occasionally. This involves assessing whether a policy is fulfilling the community's needs at any given time and examining the costs associated with the policy's implementation.

To review activities effectively, councillors need to obtain relevant information from both community members and local government staff through appropriate channels.

Important to note: People who are prompted to stand because of one local issue need to appreciate that a) they will be responsible for a much wider range of issues if elected, and b) may not be able to be involved in decisions on that issue if they have a conflict of interest.

Attending meetings

Council members have a duty to attend all council meetings to ensure that electors are adequately represented. In recognition of this, under the *Local Government Act 1995* a councillor who is absent from three consecutive ordinary council meetings without leave being granted by the council, is automatically disqualified. If a member wishes to be absent for more than six consecutive ordinary meetings, Ministerial approval is necessary as well as council approval.

It should be noted that applications for leave of absence are usually supported but must be approved by council before (or at) the meeting(s) the council member is to be absent from. Leave of absence cannot be approved retrospectively.

Many local governments operate using a system of committees to reduce the work at council meetings. These committees are established to consider specific aspects of a local government's operation such as finance, works, community services or planning. Each committee usually includes a small number of councillors who generally make recommendations to full council. Many councils also operate using committees which include non-elected members such as employees, consultants or community members.

The number of meetings a councillor must attend each month will vary according to the frequency of council meetings and the number of committees on which the elected member sits. (Most local governments have monthly or fortnightly council meetings and

committee meetings may be held several days prior to the full council meeting or on the same day.)

Some local governments have other types of meetings outside the formal council meeting framework which allow councillors and officers to meet and discuss matters.

Being informed

Voting at meetings

If a council member is present at a council meeting, he or she has a duty to vote on all matters before that meeting unless he or she has a financial interest in the matter. Therefore, it is important for councillors to read the agenda items and officers' reports before the council meeting.

Without this background reading, it is extremely difficult for councillors to make effective assessments of issues and provide constructive input to council debate and decision making. It is also recommended that further information be requested if there is insufficient material available to make an informed decision.

Background reports and papers can often be lengthy. Consequently, councillors must set aside adequate time for preparation prior to each council meeting. The lodging of proxy votes is not permitted at meetings of council or its committees.

Being aware of local issues

Because councillors are required by law to vote on all issues before the meeting, ward councillors should obtain information on, and remain informed about, issues occurring outside their ward but within other areas of the local government district.

Councillors should also endeavour to remain informed about current affairs at a state and national level. This will give an elected member a broader perspective on issues affecting council.

Following up problems

It is very important that a councillor ensures that all electors' enquiries and complaints receive appropriate responses, either by telephone, email, or letter. Electors are then reassured that their local government takes notice of them.

Setting aside time and gaining the support needed

Maintaining contact with electors, attending meetings of council, performing other civic duties and remaining informed about all relevant local issues is time consuming. This is particularly so for newly elected councillors who are unlikely to have background knowledge of many of the issues being considered.

Newly elected councillors will need to examine their present commitments and establish priorities to manage their time effectively.

If it is important for you to have the support of your family or friends. This support should be gained before standing for election. Additionally, you will often need assistants, especially for running an election campaign.

Where can I get more information?

For more information visit the Department of Local Government, Sport and Cultural Industries website at: www.dlgsc.wa.gov.au or contact your local government.

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Local government councillor - Snapshot of the role

Context – the general function of local government

Why local governments exist.

- The *Local Government Act 1995* (section 3.1) establishes that:
 - the general function of a local government is to provide for the good government of persons in its district;
 - the scope of what a local government can do is broadly what its community requires and can reasonably be provided with available resources and within the constraints of the Act or any other written law; and
 - a liberal approach is to be taken to the construction of the scope of the general function of a local government.
- The notion of “good government” is illustrated by the provisions of section 1.3(2) which summarises the outcomes intended:
 - “This Act is intended to result in –
 - a) better decision making by local governments;
 - b) greater community participation in the decisions and affairs of local governments;
 - c) greater accountability of local governments to their communities; and
 - d) more efficient and effective local government.”
- Section 1.3(3) establishes that “in carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity”.

1. Role (and responsibilities), as prescribed by the *Local Government Act 1995*

A local government councillor is required to:

- represent the interests of electors, ratepayers and residents of the district;
- provide leadership and guidance to the community in the district;
- facilitate communication between the community and the council;
- participate in the local government’s decision-making processes at council and committee meetings; and
- perform such other functions as are given to a councillor by the *Local Government Act 1995* or any other written law.

2. Accountabilities, as prescribed by the *Local Government Act 1995*

The accountabilities of the position of local government councillor are:

- to the council, which:
 - governs the local government's affairs;
 - is responsible for the performance of the local government's functions; and
 - is to oversee the allocation of resources and determine the local government's policies.
- to the electors of the local government district.

Skills, abilities and knowledge

- An understanding of the role and structure of local government as prescribed by the *Local Government Act 1995* and Regulations;
- An understanding of the quasi-judicial town planning role of local government, as prescribed by the *Planning and Development Act 2005*;
- An understanding of Integrated Planning and Reporting which comprise the strategic plans for the future of the local government, the processes involved and the strategic role of a councillor;
- An understanding of the process of managing the CEO's performance;
- Ability to read and understand financial statements and reports; and
- A basic understanding of legal processes.

3. Governance and ethical standards

A local government councillor is expected to:

- promote and support good governance of the council and its affairs;
- promote and support open and transparent government;
- support, and adhere to respectful, appropriate and effective relationships with employees of the local government; and
- adhere to the *Local Government (Rules of Conduct) Regulations 2007* and the local government's internal Code of Conduct.

Skills, abilities and knowledge

- An understanding of the 'separation of powers' between councillors and the administration (the difference between governing and managing);
- An understanding of meeting process, including Standing Orders (the local law containing rules used to manage a meeting);
- An understanding of policy development processes;
- An awareness of risk management strategies; and

- An understanding of the accountability framework prescribed by the *Local Government Act 1995* and the *Corruption, Crime and Misconduct Act 2003*, and other legislation.

4. Values, characteristics and commitment to the role

These are the values, characteristics and commitments that are expected of a councillor:

- Openness and transparency with making decisions;
- Honesty and integrity in dealing with issues being considered;
- Tolerance and respect in relationships at all levels;
- Equality and fairness in promoting community issues;
- A commitment to attend meetings and be fully prepared to participate in the decision-making process;
- A collegiate approach to serving the community;
- A commitment to networking and community consultation;
- Willingness to listen to and consider other peoples' views and accept challenge from others;
- Awareness and management of conflicts of interest; and
- Preparedness to share the workload with other councillors.

Skills, abilities and knowledge

- The ability to communicate, debate and actively participate in meetings; ability to enhance discussion and assist discussions to reach closure; ability to disagree, without being disagreeable;
- The ability to develop and maintain effective working relationships and to manage interpersonal conflicts; and
- Ability to exercise independent judgement.

Personal and role development

- Participate in opportunities for local government training and development provided for elected members. All candidates must complete online induction prior to nominating for election, and every council member will be expected to undertake further training within 12 months of their next election after the training provisions come into effect.



Council members' responsibilities and rights

2019 Local Government Elections - Fact Sheet 3

Council members' accountability to the community

Public access to information

Members of the public can attend all local government council meetings and certain committee meetings. They are also given a right of access to certain local government records and information.

Any person can visit a local government's website and inspect certain local government information whether it is current or not. Some examples of the documents that can be accessed are:

- the register of financial interests;
- confirmed minutes of council and committee meetings;
- unconfirmed minutes of council and committee meetings;
- notice papers, agenda, reports and other documents that will be tabled or presented at a meeting (these documents must be available to the public at the same time they are available to the members of the council or a committee);
- map showing the district and ward boundaries; and
- local laws.

Members of the public do not have a right to inspect notice papers, agenda or minutes for closed meetings. In most cases only a part of the meeting will be closed. Discussion from that closed part of the meeting will not be accessible to the public either. However, details of each decision made during that time are available.

Meetings can only be closed in a limited number of circumstances prescribed by legislation.

Disclosure of financial interests

It is pointless to seek election to a local government on a single issue in which you have a financial interest, because you would be unable to vote on that issue. In this case it may be better for you to join a community group which lobbies council about that issue.

Councillors must disclose certain financial interests:

- in matters before council and committee meetings; and
- in primary and annual returns.

This is an important area about which councillors need to inform themselves because there are several offences that can be committed. Fines of up to \$10,000 or imprisonment of up to two years can be imposed.

Disclosures at meetings and in primary and annual returns are recorded in a register to which the public has access. This enhances the accountability of councillors to the public. At the same time, protection is given to councillors because it is an offence for a person to publish information from the register unless under specified circumstances.

Key concept: A councillor's right to privacy is balanced by the public's right to be aware of the benefits a council member could gain from a decision.

The Department of Local Government, Sport and Cultural Industries has prepared guidelines on financial interest disclosures in both meetings and annual returns, which can be accessed at www.dlgsc.wa.gov.au.

Disclosure of interests affecting impartiality

In addition to financial interests, councillors must declare interests that the community may perceive would affect their ability to act with impartiality. Interests which commonly fall within this definition are when a councillor is a member of a group, club or association and that organisation requires council to decide on an application it has made. In addition, if a member's parents, siblings or children (not living at home) have an item before council, the member is required to disclose an interest affecting impartiality.

It is important to note that if members have an interest affecting impartiality, once they have declared their interest they can still take part in debate and vote on the matter.

The department has produced a guideline in relation to disclosure of interests affecting impartiality, which is available from the DLGSC's website.

Freedom of information

Local government is subject to the *Freedom of Information (FOI) Act 1992* which gives the public a legally enforceable right to access any document held by a local government, unless it has been exempted for a limited number of reasons. Personal information can be exempted from release.

Both FOI legislation and the access provisions in the *Local Government Act 1995* are aimed at encouraging public participation in government and maximising the accountability of local governments to their community.

Financial protection and liability

A councillor is not personally liable for the actions of a local government where that person has acted in good faith and is properly exercising his or her powers and functions under the *Local Government Act 1995*.

However, councillors are effectively the trustees of local government funds and property. Any unauthorised act, such as use of a local government's assets in a wilful way, may result in councillors being personally liable for any loss or damage.

If a councillor is convicted of misapplying money and ordered to repay it, the person may be disqualified from acting as a councillor for up to five years, even if the money has been voluntarily repaid.

Defamation

Council members are not protected from defamation in the same manner as Members of Parliament for statements they make in the council chamber. Defamation is the aspect of law that protects people's reputations. It may be divided into libel, which relates to written or pictorial material, and slander, which relates to oral comments. Defamation can be defined as anything that tends to lower a person in the estimation of members of society.

In a council meeting, the elected member fulfils a public duty and is therefore given limited protection from legal actions of defamation. However, unlike a Member of Parliament, the councillor's privilege is qualified. This means that protection is only provided if the statements are made in good faith. Statements made with malice or made recklessly are not protected by qualified privilege.

Statements made outside council meetings are unlikely to attract qualified privilege. This is particularly pertinent in relation to social media. While it can be a powerful tool for communicating ideas and policy platforms directly with the community, care should be used. The *Local Government Act 1995*, *Defamation Act 2005* and the *Local Government (Rules of Conduct) Regulations 2007* apply in the virtual world, just as they do in real

life. The test is whether a councillor would feel comfortable saying something on social media that could still be said in a public forum like a council meeting, or on the front page of a newspaper.

Declarations of office

A person elected as a councillor or elected at large as a mayor or president must make a declaration to observe the code of conduct of the local government before acting in the office. This declaration includes an undertaking to abide by the *Local Government (Rules of Conduct) Regulations 2007*.

The declaration must be made within two months of election and will be organised by the local government's CEO.

Council members' rights

Right to request that votes be recorded

In council or committee meetings, a member can request that either his or her vote, or the votes of all members present, be recorded in the minutes. If such a request is made, the vote(s) must be recorded.

Right to be on at least one committee

A council member is entitled to be on at least one committee (comprising council members only, or council members and employees), if the council operates using a committee structure.

The council determines the committee(s) on which the councillor is placed.

Right to request further information when making decisions

Council and committee members have rights to access information additional to those given to the public. These rights ensure members are properly informed on matters that are relevant to their functions.

Members can access the following additional information held by a local government:

- all written contracts of the local government;
- all documents relating to written contracts which the local government proposes to enter; and
- any information that is relevant to their functions.

The functions of council members in this context are likely to include:

- any function that a member is appointed or authorised to carry out by the council (such as attending a meeting or conference);
- preparations for an upcoming meeting agenda item decision; or
- anything the member is doing in carrying out his or her role as mayor or president or councillor.

The access provisions do not give members unlimited licence to information held by the local government. Members may only seek access to information that is relevant to the performance of a specific function. Access arrangements should be made through the CEO.

Important to note: Council members, committee members or employees who make improper use of information acquired in the performance of their functions to:

- gain an advantage for themselves or any other person either directly or indirectly; or
- cause detriment to the local government or any other person,
- may be liable to a penalty of up to \$10,000 or two years in jail. The *Local Government Act 1995* does not define the term “improper use”, but it is likely to include wilfully taking advantage of confidential or restricted information held by a local government.

Key concept: Council members have a right to be informed before making decisions, and they should always ask for further information if they need it.

Meeting attendance fees

Each council member has a right to be paid meeting attendance fees. The fee for attending a meeting is not a salary but a recognition of the amount of time and effort members must put into preparing for council and committee meetings.

The council decides the amount of the fee within the maximum and minimum amounts determined by the Salaries and Allowances Tribunal (SAT) under the *Salaries and Allowances Act 1975*.

Fees for individual meetings apply unless council decides to pay an annual fee. If the council omits to set the amount of the individual meeting fee payable, members are entitled to claim the minimum amount.

Council members cannot claim fees for attending committee meetings unless they are formally appointed members of that committee.

It should be noted that meeting attendance fees are taxable. Budgets and annual financial reports (accessible by the public) are required to disclose the amount of fees, expenses and allowances paid to council members.

Right to reimbursement of expenses

There are two types of expenses to be considered – those that must be reimbursed by the local government and those that may be reimbursed by council discretion. It is important to note that some expenses may be tax deductible. The Western Australian Local Government Association (WALGA) can provide information regarding taxation matters.

Expenses that must be reimbursed

Each council member is entitled to be reimbursed for information and communications technology expenses, child care expenses, and travel costs.

As with the amount payable for meeting fees, the extent to which the above expenses can be reimbursed is established by the Salaries and Allowances Tribunal (SAT) under the *Salaries and Allowances Act 1975*.

Additionally, where the SAT determines that annual allowances may be paid toward these expenses, councils can decide to pay their members those allowances at the amount, or within the range, set by the SAT.

While there is capacity for councils to reimburse their members for expenses incurred beyond these allowances, the SAT does impose limits on the level of some of these reimbursements.

Expenses that may be reimbursed

A council member who incurs expenses in performing a function under the express authority of the local government; and expenses incurred by a person who accompanies a council member while performing a function of the local government may be reimbursed.

A local government may also decide upon further types of expenses to be reimbursed. Reimbursement of the actual amount is to be verified by the council members providing sufficient information (such as a receipt).

Additional allowance for mayors and presidents

Mayors and presidents are entitled to an annual allowance in addition to their meeting attendance fee. This allowance can be used for any local government related purpose. The right to claim this allowance rests only with the mayor or president and cannot be refused by the council.

The council may decide the amount to be paid, provided it is within the minimum and maximum limits set by the SAT.

Tax deductions are available for the cost of providing entertainment for the public at large in relation to official duties. (Professional advice should be sought on the issue before costs are incurred.)

Additional allowance for deputy mayors and deputy presidents

Councils also have the discretion to provide an annual allowance for the deputy mayor or deputy president of a certain percentage of the annual allowance to which the mayor or president is entitled, as determined by the SAT.

Tip: The Salaries and Allowances Tribunal now reviews the appropriate amounts for meeting fees, allowances and reimbursements on an annual basis. For up to date information on the amounts set by the SAT, look for the most current determination in the 'Local Government Elected Members' section of the SAT website, at www.sat.wa.gov.au.

Where can I get more information?

For more information visit the Department of Local Government, Sport and Cultural Industries website at: www.dlgsc.wa.gov.au or contact your local government.

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Nominating to be a council member

2019 Local Government Elections - Fact Sheet 4

Are you eligible to nominate for council?

To stand for election as a councillor, or a mayor or president elected by the people of a local government district, you must:

- be 18 years of age or older;
- be an elector of the district (if you are only an elector because you are a nominee of a body corporate then you are not eligible to stand for council);
- (if a current council member) have a term that ends on election day, unless you are standing for mayor or president directly elected by the public.

You are not eligible to nominate for council if you:

- are a member of State or Federal Parliament;
- are an insolvent under administration;
- are serving a prison sentence for a crime;
- have been convicted of a serious local government offence within the last five years, (unless the court has waived the disqualification);
- have been convicted on indictment of an offence for which the penalty was or included imprisonment for life, or imprisonment for more than five years;
- are a member of another council;
- are subject to a court order disqualifying you from being a council member because you have misapplied local government funds or property;
- are on the local electoral roll as the nominee of a body corporate;
- propose standing for two positions on council (unless you are standing for mayor or president as well as councillor); or
- are currently disqualified by the State Administrative Tribunal from holding office as a member of a council.

Training prior to nomination

All candidates must complete an online induction prior to nominating for election so they are fully aware of what to expect as an elected member and the rules related to campaigning.

How to make an effective nomination

For a nomination to stand for council to be effective:

- You must fill out the nomination form, which must be received by the returning officer (person running the election) within the period beginning the 44th day before election day and ending 4.00pm on the 37th day before election day.
- The nomination form must be accompanied by a candidate profile (more information on that is included later in this fact sheet).
- If you are nominated by an agent, the form must be accompanied by a written authorisation from you (or such authorisation must follow before nominations close).
- The nomination form and candidate profile must be accompanied by a deposit of \$80 or the deposit must be paid before nominations close.

Key Concept: For an effective nomination, you must have a nomination form, candidate profile, deposit (and authorisation if using an agent to lodge).

The earlier you lodge your nomination, the easier it will be for the returning officer to notify you of any errors or irregularities. For a full election timetable which includes the nomination period for this year's elections, refer to the DLGSC's website.

Name on nomination

The name to be printed on the ballot paper for a local government election must be your surname and one or more of your given names (or an initial or a commonly accepted variation). You must use the same name on your candidate profile. To ensure fairness between candidates, the returning officer may rule that a name is inappropriate for inclusion on the ballot paper. If so, he or she may ask you to nominate another name or choose one he or she considers appropriate. Talk to the returning officer if you are uncertain about whether you can use a certain variation.

Forwarding of a nomination

A nomination can be:

- delivered by you or your agent (if your nomination is signed and delivered by someone else you must provide written authorisation signed by you before nominations close);
- posted or faxed; or
- sent by any electronic means if a hard copy of the nomination can be printed in full including your signature.

An electronic nomination is deemed to be received when a hard copy is printed. Note that the receipt of your nomination does not mean that it has been accepted as an effective nomination. Also, the \$80 deposit must be paid before a nomination can be accepted.

Tip: If faxing or emailing your nomination, phone your local government's returning officer to check if he or she has received and made a hard copy of it before the close of nominations.

Payment of nomination deposit

The \$80 deposit can be paid by cash, bank draft or postal order made out to the local government. It can also be paid in other ways such as by bank cheque or electronic funds transfer, subject to the approval of the returning officer. The reason that a deposit is required is to discourage frivolous nominations.

Return of nomination deposits

Nomination deposits are to be returned to any successful candidate, and any candidate who receives at least 5 per cent of the total number of votes in the count.

Deposits are also to be returned if a candidate withdraws before 4.00pm on the 38th day before election day, or if a candidate in both an election for councillor and an election for mayor or president is elected as mayor or president.

Candidate profiles

When you nominate for council, your candidate profile is to:

- be written in English;
- be not more than 150 words (excluding your name and contact details);
- be confined to information about you, your policies and beliefs;
- not contain information that is false, misleading or defamatory;

- be on a single-sided A4 page (it can be handwritten, typed or printed);
- include your full name, address and contact numbers (your name must be in the form in which you have asked for it to be shown on the ballot paper), and

can include a recent head or head and shoulders photograph no larger than a passport photo if you wish.

The purpose of the profile is to provide information to electors about your policies and beliefs as well as your personal details so that they can make an informed choice when voting.

You may wish to tell them what you think are important services and facilities for your community and what you would like your local government to consider providing. You could highlight new areas where council could develop policies; and tell them what you would work towards on their behalf should you be elected.

Statements could be worded:

- I believe ...
- I support ...
- I participated in ...
- I raised the idea (or concept) in council of ...
- To illustrate my beliefs (or policies I have been involved in) ...

A candidate who has not been an elected member previously could relate their beliefs or policies to positions, decisions or outcomes they would encourage the council adopt. They could indicate their involvement with community groups that may have aims or agendas with which the candidate agrees.

Take care to avoid negative comments about other candidates or anyone else. Such comments could be viewed as defamatory. Make sure that the statements you make are practical and will not mislead.

The returning officer can amend your profile if it does not meet these requirements. Preferably, this will be done in consultation with you. This can be done before or after nominations close. If a profile is changed, the returning officer will promptly provide you with written notice of the change and the reason for it.

Where there is a 'voting in person' election, the returning officer will arrange for the display of your profile at each polling place as well as the local government's public notice board. For this purpose, the returning officer may reproduce it in the same form or another form.

In a postal voting election or where a postal voting package is sent to a person in a 'voting in person' election, the profile will be included in the package. Again, it may be reproduced in the form in which you submitted it, or it may be reformatted.

Tip: Read the notes on the back of your nomination form before you fill it out and before you write your profile. Adhere to the conditions set down for candidate profiles as your nomination could be rejected if it does not conform to the requirements.

Should you wish to submit a photo, it is suggested that you use one with a light background as this provides better quality reproduction. The photo is included in the overall size limitation of the profile (single-sided, A4).

Key concept: The purpose of the candidate profile is to enable electors to make an informed choice when voting.

Examples of candidate profiles

Below are two examples of how a candidate profile could be used to promote a candidate within the community:

No.1 Peter Barlow

Your candidate for Oxford

A vote for Peter is a vote for independence and integrity.

31 years of age, married to Simone with three children, Tim 5, Jane 3 and James 1.

31 years resident of Oxford who enjoys and values the unique hills lifestyle.

Through his business, will ensure easy access for all residents to a sympathetic ear.

Loves and wants to keep our forest environment.

Positive thinking individual who believes in teamwork.

Will ensure strong support for our volunteer organisations (SES, Bush Fire Brigade, Scouts).

Keen to support open and accountable government – giving residents and ratepayers an opportunity to be part of the team.

Keen to see the implementation of the district conservation strategy in the Shire's new planning scheme.

Keen to support council's investment policy and plan.

Keen to see continuation of discounts for early payment of rates.

Contactable on tel: 123 4567 (H), 987 6543 (W), and at 16A Valley Road, Oxford.

No.2 Jennifer Simmonds

I am married with two children and live in Tuart Street, Smithdale.

I am a small businessperson and am therefore very aware of the problems faced by small business people in the community. I am also supportive of living in a healthy and safe environment.

I believe that a local government should be open and accountable in the way it conducts its business and that people in the community should have every opportunity to participate in their local government.

I am therefore keen to promote steady and careful growth in our community and to promote the principles and aims of the new local government legislation.

My contact details are:

Address: 21 Tuart Street, Smithdale

Telephone: 9999 9999

Rejection of nomination

A nomination can be accepted or rejected. It can only be rejected if it is ineffective (for instance, does not meet one of the requirements listed at the beginning of this fact sheet, or is not properly completed and signed, or if the deposit fee is not received by the end of nominations).

When a nomination is rejected, the returning officer must give you written notice of the decision and the reasons for it, without delay. This is another reason for lodging your nomination early.

Display of nomination and profile

When a nomination has been accepted, the returning officer will arrange for your nomination details (but not your nomination form), and your profile to be displayed on a public notice board at the local government's offices. Nomination details include the candidate's name, the name to appear on the ballot paper, the ward (if any), mayor, president or councillor position, and the type of election (for instance, ordinary or extraordinary).

The details and profile will stay on display at the local government's offices until the result is declared if no election is required or until 6.00pm on election day.

Depending on the type of election, a copy of the profile will also be displayed in a prominent position in each polling place and/or will accompany each set of postal voting papers.

Cancellation of nominations

A nomination is cancelled if you withdraw it before nominations close. Nominations can only be withdrawn by a written notice to the returning officer. If the notice is from your agent it must be accompanied by, or be followed by, a letter of authorisation from you before the close of nominations. A withdrawal notice or letter of authorisation can be transmitted in the same way as a nomination paper. (See "Forwarding of a nomination", earlier in this fact sheet.)

When a nomination is cancelled, nomination details and profiles will be removed from display and replaced by a notice of the cancellation until nominations close.

If you withdraw after 4.00pm on the day before nominations close, you will forfeit your deposit. Withdrawing of nominations can only occur up to the close of nominations, (4.00pm on the 37th day before election day). Your nomination cannot be withdrawn after the close of nominations.

For the full election timetable which includes the nomination period for this year's elections, refer to the DLGSC's website.

Is there going to be a vote?

Equal or less candidates than vacancies - No

If the number of candidates equals the number of vacancies to be filled at the election, the candidates are declared elected unopposed and no formal election (poll) is held.

If the number of candidates is less than the number of vacancies to be filled at the election, the candidates are also elected unopposed and an extraordinary election will be held later to fill the remaining vacancies.

More candidates than vacancies - Yes

If there are more candidates than vacancies to be filled, an election (poll) will be held.

The returning officer will draw lots to determine the order in which the names of the candidates will appear on the ballot paper.

Where can I get more information?

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Rights and obligations in campaigning

2019 Local Government Elections - Fact Sheet 5

Rights and obligations of candidates

Candidates to have completed training

Prior to nomination, candidates must complete an online induction to be fully aware of what to expect as an elected member and the rules related of campaigning.

Candidates are to receive copies of electoral rolls

As a candidate, you are entitled to a copy of the electoral roll (hard copy or electronic) for that election free of charge. You may be charged for any additional copies. This will depend upon the policy of your local government.

Candidates may be present for the acceptance of nominations

After nominations close, the returning officer (person running the election) must announce the nominations that have been accepted in front of any candidates (and anyone else) present. This will normally occur shortly after 4.00pm but it could be delayed, for example, if the returning officer has decided to amend a candidate's profile. You can expect to be advised if there is a delay. You can also be present for the drawing of positions on the ballot paper.

Candidates and donors must disclose electoral gifts

Both candidates and donors are to disclose information about any election related gift with a value of \$200 or more that was given or promised within the six-month period prior to election day. For example, the reporting period for the 19 October 2019 elections commence on 19 April 2019.

In addition, any gifts from unidentified donors must be disclosed and provided to the CEO of the local government for disposal.

Within three days of nomination, a candidate will need to disclose any gifts received within the relevant period prior to nomination and disclose any further gifts received thereafter. Details about each gift are to be submitted within three days of receiving the gift once a nomination has been made. Donors will also need to disclose any gifts made within the relevant period and candidates should advise donors of their reporting responsibilities.

A 'gift' includes a gift of money, a gift which is non-monetary but of value, a gift in kind or where there is inadequate financial consideration such as the receipt of a discount (where the difference or the discount is worth more than \$200). A 'gift' could also include a financial or other contribution to travel, the provision of a service for no consideration or for inadequate consideration, and a firm promise or agreement to give a gift at some future time.

A 'gift' does not include a gift by will, a gift by a relative, a gift that does not relate to the candidate's candidature, or the provision of volunteer labour.

The disclosure of a gift is to be made to the CEO of the local government. Information to be supplied includes the name of the candidate, the name and address of the donor, the date the gift was received (or promised), the value of the gift and a description of the gift.

The disclosure period finishes three days after election day for unsuccessful candidates and on the start day for financial interest returns for successful candidates.

Candidates may observe counting of votes

You may be present at the place the votes are counted, subject to any directions of the returning officer. This place will be identified in the election notice that the local government publishes. If you do not see the notice, you should ask the returning officer for your local government where the votes will be counted.

Candidates must also be given advance written notice of when and where the electors' certificates for postal voting papers will be checked. They may also be present for the checking of certificates for absent voting papers. However, ballot papers for postal and absent votes will not be checked until after voting closes.

Where a postal election is conducted by the Western Australian Electoral Commissioner, to expedite the count, the returning officer may arrange for the opening of the ballot paper envelopes prior to 6.00pm on polling day. Without examining the ballot paper, the returning officer may remove the ballot paper from the envelope and place it into a sealed ballot box which must remain sealed until the close of voting.

Candidates may be present at the result declaration

As soon as practicable after the result of an election is determined, the returning officer must declare in the presence of any candidates or other persons, the names of each candidate, the order in which they were elected or excluded, and the terms of office of those declared elected.

Candidates can appoint scrutineers

A scrutineer is a person who observes the conduct of an election on behalf of a candidate. After an election is called and polling places are identified you can appoint your scrutineers. Any number of scrutineers may be appointed but only one of your scrutineers may be actively representing you at any one polling place at any one time.

A scrutineer must be 18 years of age or over to be appointed.

You cannot be appointed to act as a scrutineer for elections at which you are a candidate.

Before acting, each scrutineer must make a declaration on a form prescribed by the *Local Government (Elections) Regulations 1997*, before an authorised witness. This may be the returning officer, the returning officer's deputy or a presiding officer. The declaration sets out rights and duties for scrutineers.

Scrutineers must be identifiable as scrutineers at the polling and counting places. They can observe proceedings to see that legal requirements are being met. However, they must not interfere with the process or conduct of an election. This means that they are not to impede work, slow down the checking of votes or interfere with automated processes, nor expect a returning officer to provide them with lists of information such as who has voted.

Only one scrutineer for a candidate can be present at a count. However, a returning officer may permit one scrutineer per candidate for each counting table.

Scrutineers must comply with the directions of the returning officer and with reasonable requests made by an electoral officer.

Rights and obligations of a scrutineer

What a scrutineer **may** do

As a scrutineer you **may**:

- attend at a polling place mentioned in your notice of appointment to observe the conduct of the election and to make sure that the *Local Government Act 1995* is being complied with;
- observe the checking of absent and postal votes; and
- attend when ballot boxes are opened, when preferences indicated on ballot papers are recorded electronically and when votes are being counted.

What a scrutineer **must** do

As a scrutineer you **must**:

- wear identification of your appointment as a scrutineer;
- have your copy of your scrutineer appointment form with you at all times and produce it when requested to do so by the presiding officer at a polling place; and
- comply with all directions given by the returning officer and all reasonable requests made by any other electoral officer.

What a scrutineer **must not** do

As a scrutineer you **must not**:

- enter a polling place if another scrutineer appointed by the same candidate is already there (unless one of you is in the polling place just to cast your vote);
- take part in the conduct of the election;
- while in or within six metres of a polling place, you must not:
 - canvass for votes;
 - solicit the vote of an elector;
 - induce an elector to vote for a candidate;
 - induce an elector not to vote at the election; or
 - record the name of a person who attends a polling place to vote, or record any information given by a person to an electoral officer to receive a ballot paper.

Offences

Electoral offences

There are several other offences set out in the *Local Government Act 1995* (the Act) that you need to be aware of, some of which are as follows.

It is an offence to:

- bribe or exert undue influence to get someone else to commit an electoral offence;
- print, publish or distribute deceptive material about others;
- not disclose to the CEO of a local government, an election gift received in the period six months before an election;
- publish unfair or inaccurate information derived from an electoral gift register;
- make false statements in your nomination;
- canvass voters, solicit the vote of an elector, or induce an elector not to vote for a particular candidate or not to vote at the election, within six metres of the polling place, unless the presiding officer or returning officer relaxes this requirement;
- forge, deface or destroy a ballot paper;
- fraudulently put a ballot paper into a ballot box;
- interfere with any ballot box or ballot paper;
- assume the identity of an elector;
- supply a ballot paper or mark a ballot paper without authority;
- communicate with, assist or interfere with an elector while the elector is marking a ballot paper from a postal voting package;
- apply undue influence or pressure on an elector to apply for a postal vote, interfere with an elector while the elector is applying for a postal vote or take custody (or cause any other person who is not the elector to take custody) of an envelope in which there is a postal vote (these offences specifically relate to candidates, or a person expressly authorised to act on behalf of candidates such as a scrutineer);
- not include the name and address of the person authorising electoral (campaign) material to be printed along with the name and business address of the printer.

The offences listed above carry maximum penalties ranging from \$2,000 to \$10,000 and/or imprisonment for two years.

For a general understanding of electoral offences, it is suggested that you peruse sections 4.85 to 4.95 of the Act. Copies of the Act can be downloaded from the Parliamentary Counsel's Office website at www.legislation.wa.gov.au.

Where can I get more information?

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Running an election campaign

2019 Local Government Elections - Fact Sheet 6

This information is designed to assist people who have never campaigned for a local government election before. There are many ways to campaign. This is merely an introduction to the subject.

Tip: You may not need to run a campaign (as there is always a possibility of being elected unopposed) so it may be unwise to spend money before nominations have closed.

Tax deduction for campaign expenses

Under the *Income Tax Assessment Act 1997* (Cth), councillors are entitled to claim the first \$1,000 of their campaign expenses as a tax deduction.

Unsuccessful candidates are also entitled to claim the first \$1,000 of their campaign expenses as a tax deduction.

Preparing for a local government election campaign

To begin organising a campaign, a candidate needs information about the electorate and about whether voting in the election is 'in person' or postal.

Tip: Your formal campaign should begin at least as soon as notice is given to hold the election.

The returning officer (person running the election) can provide details of electors in ward or district boundaries, while the Australian Bureau of Statistics can provide demographic information on the population living in the area. Each candidate, when nominating, will be supplied free of charge with the relevant electoral roll identifying all voters in their electorate.

As a candidate you will want to become familiar with the election processes and with your local government's existing policies, activities and latest initiatives because many questions are likely to be asked about these matters. For example, you could have a look at your local government's strategic plan, policy register, budgets and minute books.

You would have also already completed online training prior to nomination, which provided an outline of the rules of campaigning.

Planning your campaign

It is worth remembering that voting in local government elections is voluntary. Before you can convince people to vote for you, you must first motivate them to vote.

When organising a campaign, three key points need to be remembered:

- Voting is voluntary, and people are more likely to vote if they believe that you can achieve something for the district.
- Local government is locally based and personalised, so a campaign should reflect this.
- You may need assistants.

There are many methods of campaigning, including:

- telephoning people you know;
- distributing leaflets and pamphlets;
- doorknocking;
- contacting local organisations;
- meeting people in public areas like shopping centres;
- preparing articles for local newspapers;
- paying for press advertisements;
- providing a profile of your background to the local paper;
- building a social media presence;
- addressing public meetings; and
- giving interviews to local radio stations.

The methods used, and the type of campaign you choose to run, will depend on several factors, including:

- the likely strengths of opponents;
- the most effective media for reaching voters in the district;
- time availability;

- the number of assistants who can be organised;
- the size of the district to be covered;
- the funds available for the campaign;
- the type of election (voting 'in person' or postal); and
- the structure of your local government, i.e. is it divided into wards or do elections cover the whole district?

Campaigning techniques

Doorknocking

Apart from nominating, doorknocking is usually the most important pre-election task for a candidate. Although it may be the most effective form of communicating, it can also be the most frustrating. It is a slow process and you will be lucky to cover 15 houses in an hour and many of these will be unattended.

It can also be disappointing. Many people will show no interest whatsoever, some may be abusive, while others will have little knowledge of anything to do with local government.

Tip: When you find a home unattended do not announce this fact to potential thieves by leaving visiting cards or election material on the door step, tucked into screen doors or under doormats – anywhere visible. Potential voters will not view such actions favourably. If you or your assistants wish to leave any messages or election material, it might be best to place it in the letterbox.

To doorknock effectively, try the following steps:

- Be positive – you are offering to perform a voluntary service for the people of the community.
- Briefly explain the purpose of the call – if the person is busy, ask for a time to call back.
- Be friendly and listen to the issues people want to talk about – do not push ideas on to people.
- Write down details of the person's concerns and reactions to the visit – assistants could phone back supportive electors to remind them to vote for you on election day.
- Limit the time spent at each dwelling or business.
- Be prepared for complaints and be able to suggest ways in which people can pursue them through the current council.

- Explain who can vote and try to speak to everybody in the household who is eligible to vote.
- Finish the conversation by seeking support.
- Leave a handout or a leaflet behind – this will serve as a reminder of the visit.

Tip: Respect the privacy of people who have expressed concerns or ideas to you. Discussing ideas and concerns with other residents can be an effective means of gauging public feeling on important issues. This can be done without revealing the identities of people who have previously commented.

When doorknocking, be cautious about making promises which require the support of others. You can only assure people that you will endeavour to keep issues of concern on the council's agenda. Additionally, you should not be afraid of saying that you do not have an answer to a question. In such situations, you should subsequently research the issue and provide the elector with any information requested as soon as possible.

You are unlikely to be able to visit all the houses in your electoral area. You might target suburbs or groups within the community which are most likely to support you. You may also consider using assistants to cover suburbs which you cannot. However, they need to be well informed and briefed on your views as they are speaking on your behalf.

Many people are suspicious of strangers and will not unlock security screen doors to speak to you. Respect their right to that security and ensure that you and your helpers wear prominent identification.

For 'in person' elections, you may wish to offer transporting electors to the polling place, particularly if the voters are aged or infirm.

Printed election material

In addition to the candidate profile, it is common for candidates to distribute other forms of election material to inform voters they are running for council. This material can take the form of pamphlets, posters, 'how to vote' cards and letters. Campaign material needs to be authorised for use in an election campaign. To appropriately authorise campaign material, you must include the name and street address (not a post office box) of the person who authorised the material to be printed. Usually, though not always, that will be you. You also need to include the name and business address of the printer (this includes someone who photocopies election material for you).

There are offences associated with the printing and publication of defamatory or unauthorised electoral material.

Tip: Although the candidate profile must be printed in English for nomination, there is nothing to prevent you from producing additional promotional material in other languages if you believe it would be beneficial.

Any printed material should contain a wide variety of information in a concise and readable form. This must include your name and could include some personal details such as your occupation and involvement with community groups; issues of concern and suggested ways to address these. It may also be useful to include your photograph on the printed material. You should note that, before having any documents printed, it is advisable to ask a friend or supporter to read and check the information for clarity.

Ideally, every household in your electorate should receive a leaflet. If your ward or district has many absentee property owners, you may wish to send pamphlets to them along with instructions for postal and absent voting.

Distributing these leaflets can be time consuming and you should try to get supporters to deliver the leaflets where possible. Your time will be better spent in personal contact with electors. Advise your helpers to respect the 'No Junk Mail' signs on letterboxes.

If your budget allows, you may wish to use a professional distribution company to deliver your leaflets.

Personally addressed letters, either from yourself or other people in the local community can also be an effective way to gain support for your campaign. However, before deciding on whether you will use somebody else to send a letter on your behalf, you will need to seriously consider whether it will be of benefit to you.

Posters are also a useful way to publicise that you are standing for council. In general, posters are only allowed to be placed on private property. However, if you are in any doubt, check with your council before affixing any signs.

Newspaper advertisements are commonly used by candidates. Advertisements must be authorised. However, the name and business address of the printer of the newspaper should be on the newspaper, so it does not need to appear in the advertisement.

Important to note: If a person photocopies a printed advertisement, this person is "printing" and is required to put his or her name and address on the photocopy.

Names and addresses of authorising people and printers do not have to appear on car stickers, clothing, lapel badges, pens, pencils, balloons and other similar promotional material.

Social media

Social media has revolutionised the way people communicate and interact with each other. For candidates, it can be a powerful tool for communicating ideas and policy platforms directly with the community.

However, care (and common sense) should be exercised when posting material on Facebook and other social media platforms. The *Local Government Act 1995*, *Local Government (Elections) Regulations 1997*, and *Defamation Act 2005* apply in the virtual world of social media, just as they do in real life.

The nature of social media commentary and the widespread availability of these platforms is accessible to anyone. That means your detractors in the community as well as supporters. Consequently, there are inherent risks for candidates who feel the need to 'speak their mind' on social media, in response to an inflammatory or critical comment from a member of the public or political opponent. A retaliatory post written on Facebook in the heat of the moment about a contentious issue, could end up being shared with an audience of hundreds or even thousands.

Tip: The test is whether you would feel comfortable saying something on social media that could still be said in a public forum, or on the front page of a newspaper. Does it add any value to your public role? Would you appreciate someone else using the same language about you? Always be courteous and respectful of current council members, local government staff, members of the public and other candidates – even if they have opposing views. Consider the best approach to get your message across.

Important to note: According to best practice, if social media is used to create election material, the name and address of the authorising person should appear. However, it is not necessary to include the name and address of the "printer".

But if a person downloads and prints your election material with the intent of distributing it, then the name and business address of the "printer" (e.g. Facebook) should also be included.

Where can I get more information?

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Conduct of local government elections

2019 Local Government Elections - Fact Sheet 7

Types of local government elections

There are three principal types of elections under the *Local Government Act 1995*.

Ordinary local government elections

Local government elections are held every two years. Councillors, and mayors or presidents elected by electors, are elected for four-year terms. One half of the councillors retire from each district or ward at each election.

Extraordinary local government elections

In cases where a councillor (or a mayor or president elected by electors) dies, resigns or is disqualified during his or her period of office, an extraordinary election may be held to fill the vacancy. In such cases, a person is elected for the remainder of the term of the former councillor, mayor or president.

Inaugural local government elections

When a local government is newly established, an inaugural election must be held to elect the first council.

Who conducts local government elections?

A returning officer runs each local government election. By default, this is the CEO of the local government, but the council may (with the approval of the Western Australian Electoral Commissioner) appoint another person. An alternative returning officer could be another staff member, a CEO from another local government, the Electoral Commissioner or any other person approved by the Electoral Commissioner. If the

election is to be a postal election, then the Electoral Commissioner will conduct the election and appoint a returning officer.

Who can vote in local government elections?

An elector will come from one of three groups of people who are eligible for enrolment:

- Residents who are on the Legislative Assembly roll for a residence within the district or ward (the electorate);
- Non-resident owners or non-resident occupiers of rateable property within an electorate who are on a State or Commonwealth Government electoral roll for a residence outside the electorate;
- Non-resident owners or non-resident occupiers of rateable property within an electorate who are not on a State or Commonwealth Government electoral roll (not Australian Citizens) but who:
 - were enrolled on the last completed owners and occupiers roll of the local government before the introduction of the *Local Government Act 1995*; and
 - have owned or occupied rateable property within the district continuously since that roll was prepared.

Residents

Residents on a State or Commonwealth Government roll for the district are automatically enrolled, while owners and occupiers of rateable property must apply for enrolment.

Owners of rateable property

Once owners of rateable property have made a successful application for enrolment, their enrolment will continue for as long as they own the relevant property.

Occupiers of rateable property

For non-resident occupiers of rateable property, a successful application for enrolment will only operate for two ordinary elections before a new application needs to be made. Occupants will have six months after the second ordinary election to re-apply.

To be a non-resident occupier, a person must have a right of continuous occupation under a lease, tenancy agreement or other legal instrument. The right of continuous occupation must extend for a period of at least three months from the time the person claims enrolment.

Co-owners and co-occupiers

Where rateable property is owned or occupied by two persons, both are eligible to be enrolled. If property is owned or occupied by more than two owners or occupiers or the owner or occupier is a company, only two people can be nominated to enrol. The same two people must be nominated for all the properties within the district that are owned or occupied by the company or people concerned. This ensures that in any election, a company or multiple owners or occupiers have no greater voting rights than a couple who own or occupy rateable property.

Properties in more than one local government district

If an elector's property is divided by local government district boundaries, a person can go on to the roll for each district. If property is divided by ward boundaries, a person is entitled to be enrolled only for the ward they nominate. If they fail to nominate a ward, the CEO will do so.

If there are separate occupancies within a building or property, up to two people can be enrolled for each occupancy.

Important to note: Electoral rolls close at 5.00pm on the 50th day before polling day. For a full election timetable, refer to the DLGSC's website at www.dlgsc.wa.gov.au.

Method of voting in local government elections

Each local government can choose to conduct an election as either a voting 'in person' election or as a postal voting election.

Voting 'in person' elections

The principal method of casting votes is by the elector personally voting at a polling place in the local government district on election day. However, votes can also be cast in person before election day at a polling place in the local government district (early vote), in person at another local government district up to 4.00pm on the fourth day before election day (absent vote) or by post (postal vote).

Voting on election day

Voting in person at an appointed polling place on election day is between the hours of 8.00am and 6.00pm.

Casting an early vote

An early vote can be cast as soon as the election notice is published state-wide. The notice will be published as soon as the preparations for the election have been made.

This could be any time after nomination day (36 days before the election) and not later than 19 days before election day.

The latest an early vote can be cast is by 4.00pm on the day before election day. The places and times for early voting will be published in the election notice.

Casting an absent vote

As with an early vote, an elector will be able to cast an absent vote as soon as the election notice is published. An absent vote can be cast at any local government office other than the office of the local government for which the elector wishes to vote.

The latest they will be able to do so will be 4.00pm on the fourth day before election day.

Casting a postal vote in a “voting in person” election

Electors can make an application for a postal vote at any time, but the latest they will be able to apply will be 4.00pm on the fourth day before election day.

Postal voting papers will be sent to all electors who have applied for a postal vote after the election notice is published.

Completed papers can be returned to the local government or one of its polling places at any time up to 6.00pm on election day but some post offices will be closed on election day (Saturday).

A postal vote can be cast as soon as the election package is received (this could be any day after the 37th day before election day).

Important to note: An election candidate who applies undue influence on an elector to apply for a postal vote, interferes with an elector while they are applying for a postal vote, or takes custody of an envelope in which there is a postal vote commits an offence.

Postal elections

Each local government can choose to conduct an election as a postal election in preference to a voting ‘in person’ election. All postal elections must be conducted by the Western Australian Electoral Commission (WAEC). Postal voting is more expensive but removes a lot of the administrative requirements usually performed by the local government.

Candidates participating in a postal voting election should also obtain the candidate pack including *Information for Candidates*, which is available from your returning officer or the WAEC. The candidate pack may also be downloaded from the WAEC website at www.elections.wa.gov.au/elections/local-government-elections/local-government-forms-and-guides.

A postal voting election package is sent to all electors on the local government's roll automatically. The package can be sent as soon as practicable after the close of nominations.

The postal voting package contains:

- voting instructions;
- candidate profiles (reproduced in such form as the returning officer determines);
- a ballot paper;
- a ballot paper envelope;
- an elector's certificate; and
- a pre-paid envelope for return of the papers to the returning officer.

Completed postal voting papers can be checked by the returning officer at any time prior to the close of polling, and candidates may be present.

Important to note: An election candidate who communicates with, assists or interferes with an elector while the elector is marking a ballot paper from a postal voting package, commits an offence.

A candidate or a person assisting a candidate should ensure that they do not take possession of a postal voting envelope containing postal votes.

System of voting in local government elections

'First past the post' system

Local government elections are conducted using the 'first past the post' system, in which electors indicate the candidate, or candidates, of their choice by placing a tick in the box opposite the names of the chosen persons, up to the number of vacancies to be filled.

If an elector ticks fewer boxes than the number of vacancies the vote is still valid. However, if the elector ticks more boxes than vacancies the vote will be invalid as the voter's intention will be unclear.

The result of an election is determined by counting the number of votes received by each candidate in the count.

In cases where there is a single vacancy, the candidate with the most votes is elected, while in cases where there is more than one vacancy, candidates are elected in order according to the number of votes received by each, until all vacancies are filled.

Where a person is a candidate for a mayoral or presidential vacancy and a councillor vacancy, the mayoral or presidential election is decided first. If the candidate is successful in the mayoral or presidential election, the candidate's votes are not counted for the councillor election.

Declaration of result

After the result of an election is determined, the returning officer is to declare the name of each candidate, the votes received by each candidate and the terms of office of those declared elected. The returning officer must then give local public notice of the result.

Issues that may follow local government elections

Courts of disputed returns

Any person can make a complaint to a Court of Disputed Returns (Magistrates Court) within 28 days after notice is given of an election result. The 28 days is calculated from the publication of the notice in a local newspaper.

The Court has the power to declare that:

- an election is invalid;
- a candidate should be declared elected in place of another candidate;
- the term of office of a candidate should be longer or shorter than the term determined by the returning officer;
- the result is tied, and lots need to be drawn to determine the result; or
- the invalidity complaint is rejected.

Complaints to the returning officer or Electoral Commission

Rather than make a complaint to a Court of Disputed Returns, a person may complain to the returning officer or the Electoral Commission. The returning officer or the Electoral Commission can investigate any complaint of electoral misconduct, malpractice or maladministration. An investigation could also be carried out regardless of whether there has been a complaint. Any person may prosecute for an offence against the electoral provisions.

Candidates' deposits

After the time that a Court of Disputed Returns can deal with a complaint, the returning officer should ensure that nomination deposits are returned to eligible candidates.

Where can I get more information?

For more information visit the Department of Local Government, Sport and Cultural Industries website at: www.dlgsc.wa.gov.au or contact your local government.

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What happens when you become a council member?

2019 Local Government Elections - Fact Sheet 8

Learning the job

Some new councillors will begin with a knowledge of local government and the relevant legislation. For others, it will be new and perhaps a little daunting at first.

Some of the principal areas of local government powers are listed below and it would greatly assist your work as a councillor if you become familiar with these as soon as possible. You will then feel more comfortable in your role.

- *Local Government Act 1995* and the associated regulations.
- Other key legislation such as town planning, health and environmental protection legislation.
- Meeting procedures, including the standing orders of your local government.

Asking for assistance

It is a primary function of the CEO of a local government to provide information and advice to councillors on legislative requirements and related matters. This will be supported by further information, including reports, provided by other members of staff of your local government.

The Department of Local Government, Sport and Cultural Industries has produced the *Local Government Operational Guidelines Number 4: Elected Member Induction*, which includes a checklist to assist new councillors prepare for their role. It ensures newly elected councillors are briefed on the different aspects of local government. The guideline is available from the DLGSC's website. Another guide to assist councillors is

A Guide to Council and Committee Meetings which supports effective elected member participation in meetings.

Councillors are now required to complete five modules of training within 12 months of being elected to office. Please check with your local government about the details.

A Councillor's Guide has been produced by the Western Australian Local Government Association outlining training options.

Developing skills

If elected as a councillor, you will find yourself in a wide range of situations including:

- taking telephone calls from people in the district, some with ideas to put to you, others irate or wanting you to fix a problem;
- speaking to small groups of people in public places;
- putting forward motions at council or committee meetings;
- participating in debates on complex issues at meetings;
- reading and making notes from a large assortment of material in preparation for council meetings;
- dealing with situations involving major change;
- listening to the views of people at community meetings and forums; and
- contributing in planning and review workshops.

Skills you have already acquired in everyday life will often assist you. They include:

- conflict resolution;
- interpersonal skills;
- team skills;
- active listening skills;
- time management;
- forward planning;
- problem solving and analytical skills;
- understanding of financial (such as budgeting) and legislative processes;
- public speaking;
- negotiating;
- managing change; and
- patience.

If you would like to sharpen your skills in some areas or perhaps learn new ones as part of the challenge and enjoyment of being a councillor, there are many workshops and short courses available. You should discuss your needs with your CEO.

Finding out about your local government

The time between election day and your first council meeting can vary. Your local government's CEO will inform you of the time and date of the first meeting.

During the time between the election and the first meeting, you should acquaint yourself with key aspects of your local government's operations. These include your local government's:

- strategic community plan and corporate business plan;
- long term financial plans;
- latest budget;
- existing policies and activities;
- town planning scheme(s);
- local laws;
- meeting procedures (in many cases these are formalised in standing orders local laws); and
- council code of conduct.

Dealing with meetings

Many books have been written about formal meeting procedures. These should be available through local libraries and they provide a useful introduction to the subject.

Additionally, you may be prepared for council meetings due to your involvement in organisations which use formal meeting procedures.

However, the best way to learn about the specific meeting procedures adopted by an individual council is to have observed a meeting in action. This is particularly important because the meeting procedures used by councils vary. For instance, as a new councillor you will need to become familiar with your council's rules for debating as well as moving, seconding and voting on motions before council.

Participating in meetings and moving motions

You need to be well organised to participate effectively at meetings. This requires you to establish a good home filing system and allow ample time for background reading and research.

As a councillor it is important that you are clear about the meaning of all agenda items, reports and recommendations before your meeting begins.

The councillor's role is to present information, suggest new activities or initiatives and make proposals in a logical manner – identifying the benefits to individuals or community groups, the likely cost, and the support required from council. Consequently, when framing formal motions to put before council, new councillors need to ensure that the wording is meaningful, clear, precise and accurate. There is no other means of achieving your goals other than by a motion which receives support from the majority of other council members.

During council debates, it is vital to be assertive without being aggressive, manipulative or resorting to personal attacks. New councillors need to pay attention to the way arguments are presented, keeping debate purely to factual matters. You need to maintain a working relationship with other council members, even when there are differences of opinion. Therefore, it is crucial that debate is conducted in a non-personal manner. You may disagree without being disagreeable.

Further information can be found in the Department of Local Government, Sport and Cultural Industries' *Guide to Council and Committee Meetings*, available from the DLGSC's website.

Meeting other councillors and key staff

During the period following your election to office, you should ask the CEO to organise a meeting with your local government's staff to make yourself aware of their duties. In larger councils, it may only be possible to meet the senior staff initially. Councillors have no role in managing or directing staff but need to know how the organisation is structured. Further, it is the council's responsibility to ensure that there is an appropriate structure for administering the local government.

New councillors should also get to know the other elected members and, in a local government with a ward system, particularly other members for your ward. As a new councillor you will need to work closely with, and communicate effectively with, other councillors.

Key Concept: Good preparation and good information makes the job easier and gives a better result for all concerned.

Checklist: Preparation for your first meeting

- Have you met the other councillors in your ward and/or district?
- Have you met key staff?
- Have you familiarised yourself with your local government's Code of Conduct?
- Have you read your agenda papers for the first meeting?
- Do you know about your local government's meeting procedures?

Where can I get more information?

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