

Item 16.1
ATTACHMENT A



2017

Why Council?
Stand Up for
Your Community



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1. What is this guide about?

This guide has been prepared:

- to assist people who wish to nominate for local government elections or by-elections in the Northern Territory
- to encourage participation in local government elections
- to highlight some of the important issues relevant to nomination
- to describe the election process for the council
- to give hints on campaigning
- to promote better understanding of local government in the Northern Territory.

Community participation in decision-making at a local level is important

The guide has been prepared by the Local Government Association of the Northern Territory (LGANT) with assistance from the Department of Housing and Community Development, the Northern Territory Electoral Commission and the Local Government Association of South Australia.

This guide is based on the publication of the same title produced by the Local Government Association of South Australia. Material in this guide has been drawn from the above publication for which LGANT gives acknowledgement.

2. Where can I find out more about local government

There is an abundance of resources available on the internet regarding local government, elected members and good governance.

LGANT is one of seven state/territory local government associations representing local councils. These associations are all members of the Australian Local Government Association, based in Canberra, which advocates for local government nationally. Appendix A provides web addresses for these organisations which includes links to their respective member councils.



3. Why is democratic government important?

A democracy or democratic government is one that has elections in which:

The role of Australian local government closely follows that established internationally

- adults vote in a fair and transparent manner, according to the law
- there is a choice of candidates to elect
- the results of elections are decided by majority vote of the electors.

Australia certainly is one of the 'lucky' countries. Citizens have the opportunity to actively participate and have influence on all spheres of government. Democratic governments are elected at the Federal, State/Territory and local level.

The National General Assembly of Local Government (held annually in June) proclaimed in 1997 a declaration on the role of Australian local government (Appendix B).

Citizens want efficient and effective performance from their governments. They want public institutions to ensure that basic needs are met through the provision of essential services. They want [government]


Citizens expect good performance from governments

- *to encourage associational life so that citizens can play a full part in delivering public goods;*
- *to encourage political participation; and*
- *to take steps to ensure human rights, social justice and other requisites of a civilised state* (Knight et al 2002).

4. What is Government in Australia about?

There are three spheres of government in Australia: Federal, State/Territory and Local. They work together in various ways to govern and provide services to the community. They are 'government' because they are elected and can make laws and decisions affecting us all. Although each sphere operates differently and has very different powers and status, each has an important role to play.

Local government in the Northern Territory is part of the Australian Federal system of government



Each sphere of government provides for the 'peace, order and good government' of their areas

5. What are the characteristics of local government in the Northern Territory?

Local government commenced in the NT in 1874 and the Darwin City Council commenced in 1959



The Northern Territory Government commenced in 1978

Local Government has undergone structural reform

There are 17 councils in the Northern Territory

Local Government has been an important part of community decision making since the earliest days of settlement in the Northern Territory.

The first local government in the Northern Territory, the Palmerston District Council, was established as long ago as 1874. Its tenuous existence was terminated in 1915, after being replaced by the Darwin Town Council until it also was abolished in 1937.

The modern era commenced in June 1957 with the establishment of the municipality of Darwin. This became the Darwin City Council in January 1959 when its population numbered about 8,000 persons.

At the time of self-government in July 1978, a further three municipal town councils were in operation at:

- Alice Springs (from April 1971)
- Katherine and Tennant Creek (from March 1978).

After self-government numerous councils were incorporated, the first being Lajamanu Council in 1980.

In October 2006 the Northern Territory government announced sweeping reforms for the local government sector.

Reform of local government in the Northern Territory has seen the number of councils reduced from 58 in 2007 to 16 by 1 July 2008, then 17 on 1 July 2014 due to the establishment of the West Daly Regional Council.

As of 1 January 2016, there were five municipal councils, nine regional councils and three shire councils. A map of these councils is provided in Appendix C.

These councils include about 98% of the Territory's population and council boundaries cover about 90% of the land area. Three privately-run towns, Alyangula, Nhulunbuy and Yulara are not in local government areas.

Local government in the Northern Territory is made up of:

- 17 local government councils (representing the interests of local areas)

***Council
performance
can impact on
the quality of
life residents***

- the Local Government Association of the Northern Territory (representing the interests of local government in the Northern Territory)
- the Australian Local Government Association (representing the interests of local government nationally).

Local government plays a strong and vital role in the provision of services to its communities. Indeed, its performance in this role can have a significant impact on the 'quality of life' of residents. Local government also provides an important representative role on behalf of its residents.

Councils in the Northern Territory form important political and social communities with an indispensable knowledge of the needs of the local area and for this very reason, local government is often referred to as the 'grass roots' level of government.

Councils are corporate bodies and are comprised of council members, headed by a 'principal member' referred to as a President or Mayor.

Individual council members have no authority to make decisions on behalf of the council; the elected council as a whole is the corporate body which has this power and exercises it at council meetings.

6. What are the main laws that relate to local government?

The Northern Territory *Local Government Act* ('the Act') sets out the system and operational framework for local government in the Northern Territory. Elected members need to understand this and other subordinate legislation (council by-laws, regulations and guidelines).

***Councillors
must know
Local
Government
laws***

The *Local Government (Electoral) Regulations* contain the requirements for council elections. They set out how the elections are to be conducted, who can nominate, who can vote, how the votes are counted and other important matters.

In addition to the Act and Electoral Regulations there are a number of other pieces of legislation that council members must be familiar with such as:

- *Local Government (Accounting) Regulations*
- *Local Government (Administration) Regulations*
- Council by-laws (these apply to particular council areas or specific areas within council areas. Refer to the Northern Territory website:

***Electoral
regulations
govern council
elections***

<http://www.nt.gov.au> – and search for legislation for the full list of council by-laws throughout the Northern Territory).

Local government is an elected system of government directly accountable to local communities and to State and Territory governments. The balance that any local government legislation should try and achieve is for a council and its community to have an appropriate degree of autonomy to meet its needs and influence its own future while at the same time meeting the associated State/Territory governments' compliance and legislative requirements.

7. What functions do councils perform?

The roles, functions and objectives of councils are as follows:

Principal role of a council (Section 11 of the Act)

- a) to act as a representative, informed and responsible decision-maker in the interests of its constituency
- b) to develop a strong and cohesive social life for its residents and allocate resources in a fair, socially inclusive, and sustainable way
- c) to provide and coordinate public facilities and services
- d) to encourage and develop initiatives for improving quality of life
- e) to represent the interests of its area to the wider community
- f) to exercise and perform the powers and functions of local government assigned to the council under this Act and other Acts.

Functions of a council (Section 12 of the Act)

(1) The functions of a council include the following:

- a) to plan for the future requirements of its area for local government services
- b) to provide services and facilities for the benefit of its area, its residents and visitors
- c) to provide for the interests and well-being of individuals and groups within the council area
- d) to carry out measures to protect its area from natural and other hazards and to mitigate the effects of such hazards
- e) to manage and develop council facilities and services in its area in a sustainable way
- f) to manage and develop for the benefit of its area all the resources available to the council



There needs to be a balance between answering to the Territory Government and answering to local communities

The Act sets out the role, functions and objectives of a council

- g) other functions assigned to the council under this or any other Act and, if it chooses:
- (2) The functions of a council may (if the council chooses to perform them) include the following:
 - a) to promote its areas as a location for appropriate industries or commerce or as an attractive tourist destination
 - b) to establish or support organisations or programs that benefit the council area.

Objectives (Section 13 of the Act)

Each council decides what services it will provide and facilities it will maintain in its local area

- a) to provide open, responsive and accountable government at the local level
- b) to be responsive to the needs, interests and aspirations of individuals and groups within its area
- c) to cooperate with territory and national governments in the delivery of services for benefit of its area
- d) to seek to ensure a proper emphasis on environmentally sustainable development within its area and a proper balance between economic, social, environmental and cultural considerations
- e) to place a high value on the importance of service to council's constituency
- f) to seek to ensure that council resources are used fairly, effectively and efficiently
- g) to seek to provide services, facilities and programs that are appropriate to the needs of its area and to ensure equitable access to its services, facilities and programs
- h) generally to act at all times in the best interests of the community as a whole.

Councils provide services and maintain infrastructure and facilities in accordance with specific roles and powers defined by the Act or other legislation. Other services may be provided or maintained at the discretion of the council. This discretion varies from one area to another, and depends on:

- the size of the council area
- the number of people living in the area
- where the area is located
- the physical environment
- what the priority needs of the local community are
- the resources and funding available
- the restrictions that come with grant funding or legislation.

Most councils look after infrastructure and provide community services and facilities such as:

- road and footpath construction and maintenance
- drainage
- waste management and recycling

- library and information services
- care and maintenance of parks, ovals and sporting facilities
- swimming pools and recreation centres
- community facilities and halls
- child and aged care.



8. Who makes up the Council?

A council is comprised of:

The principal member of a council is called the Mayor or the President

- ***The principal member (who can be known as the 'principal member' or 'the chair')***, may be elected as a representative from the whole of the local government area. Some councils have a separate public election for the principal member's position whereas other councils vote for the role from among their council members.

- In the Northern Territory, the principal member has the title Lord Mayor (Darwin), Mayor or President.

- ***A number of members elected by the electors of the council area*** as a whole or on a ward basis.

Other than a President/Mayor, the members of a council are known as Councillors. The term 'member' is used to refer to all members of the council including the President/Mayor or councillors.

If a council has wards there will be one or more members to represent each ward

9. Do councils have wards?

Depending on how the council is constituted, that is, with wards or without wards, the members are elected;

- by the electors of the area, to be a representative of the area as a whole

or

- if the area is divided into wards, elected by the electors of a particular ward. A ward is a specific geographical area used as an electoral base for electing members.

Refer to question 48 for details of councils with wards.

Being a council member is one of the most direct ways that you can have influence on decisions that affect your local area

10. Why be a council member?

Council members have a wide range of responsibilities including:

- community leadership
- representing electors
- approving policies for the conduct of council activities
- making decisions that will impact on community assets such as playgrounds, parks, roads or large infrastructure
- making judgements about competing pressures and demands on resources of the council.

Nominating to become a member of council is an important decision. In doing so, you will put your name and credibility on the line with local voters in a council election.

Being a council member is a learning process

Performing in this role will most likely involve you working long hours and on occasions, being required to deal with pressures generated by the community in regard to issues of concern to them. However, there is also the personal satisfaction that you will gain from playing an important part in helping to build and strengthen communities for the future.

Being a council member is not a 'bed of roses'. It is time consuming, can be demanding and complicated, and although you can be sure that other council members and staff will help you, you will have to be prepared to learn a lot throughout your term(s) of office.

Nevertheless, it is a rewarding role when outcomes are achieved and it is well worth considering.

11. For how long are members elected?

Members of councils are elected for a four-year term unless of course there is a by-election (Question 35). Northern Territory local government elections fall on the last Saturday in August and every four subsequent years. The next local government elections are on 26 August, 2017.

Members of council are elected for four-year terms

12. What are the roles of members?

The role of the President/Mayor or principal member is to:

- chair all meetings of the council
- speak on behalf of the council as the principal member of the council (unless the council determines otherwise)
- carry out the civic and ceremonial duties of the office of presiding member
- to exercise the other functions of the council as the council determines from time to time.

Your role as an elected member is defined under law

The principal member is either appointed or elected to office according to a resolution of council.

Councils must also appoint a Deputy or Acting President/Mayor whose role is to act in the absence of the President/Mayor.

If public election is the basis of filling the office of the President/Mayor:

- the office is to be filled at each general election
- the council must, at the first meeting of the council to be held after each general election, appoint one of its members to be Deputy President/Mayor.

(Sections 43-45 of the *Local Government Act*)

If the council has chosen to appoint the principle member by special resolution it must happen at the first meeting of council held after a general election.

As a member (President/Mayor or Councillor) of a council you become part of an incorporated body responsible for carrying out the duties and exercising the powers conferred on the council by relevant Territory legislation.

The role of a member of a council, as the person elected to represent the community, is to:

Reviews of policies, plans and performance are important roles for members

- represent the interests of all ratepayers and residents of the whole council area (not just a particular ward)
- provide community leadership and guidance
- facilitate communication between the community and the council
- participate in the deliberations of the council and its community activities
- ensure as far as practicable that the council acts honestly, efficiently and appropriately in carrying out its statutory responsibility
- chair meetings as required.

(Section 35 of the *Local Government Act*)

The role of a council member involves jointly working with the other council members and making decisions at council meetings, to:

Council members are involved in the long term strategic management of their local area

- ensure the most effective and efficient allocation of the council's resources for the benefit of the whole council area
- ensure that the council's adopted policies and plans are appropriate and kept under review
- review the performance of the council and its business plans, revenue policies, delivery of services and maintenance of facilities.

As a member you will take part in determining the needs of the community and establishing the range and scope of services to be performed and infrastructure and facilities to be maintained. You will do this by adopting and monitoring progress on plans that will lead to the social, economic and cultural development and environmental management of the total area you have been elected to represent.



Policies are 'guidelines for decision making'.

A policy reflects an objective and guides managers and employees toward that objective in situations requiring discretion and judgment. Policy increases the chance that different managers and employees will

Policies are decisions of councils usually written up separately from the minutes of council meetings

make similar choices when independently facing similar situations.
(Mukhi, et al 1988).

For example, a council may determine a policy on the way its donations to small volunteer organisations are to be administered. Staff would then have to implement the policy so that decision-making would be the same regardless of staff turnover.



As a 'policy maker' you have responsibility for establishing and reviewing the policies and by-laws by which your local area will be governed in the future. An essential element of policy making is identifying community needs, setting objectives to meet those needs, establishing priorities between competing demands, and allocating resources. In practice, this requires the development by councils of effective working relationships with council staff and various government agencies to explore opportunities for collaborative effort.

Council staff have a role in implementing policy

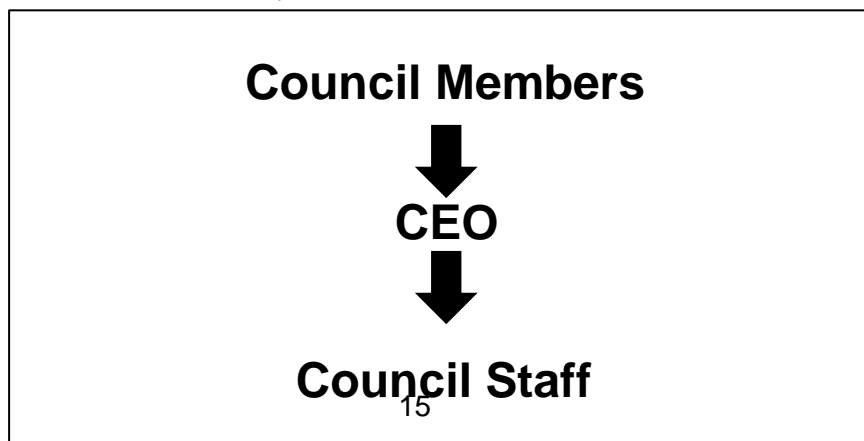
The policy framework, together with the council's strategic management plans, provides the direction for the ongoing management and operation of the council.

One of the most important roles you will have as a council member is to participate in making policy and decisions on behalf of your council

13. What is the nature of the relationship between elected members and staff?

The working relationship between members and employees in a council is most important. There are separate but complementary roles for council members and staff as set out below:

- Council members decide the overall strategic direction of the council, approve policies and the annual budget and are expected to attend many community events and civic functions.



The working relationship between members and employees in a council is most important

- Council employees, through the Chief Executive Officer (CEO), undertake the administrative actions required to achieve the council's strategic directions, policies and plans.

The CEO implements decisions made by council

Every council must appoint a Chief Executive Officer (CEO) who is the most senior member of the staff. Council may appoint a deputy if the CEO is absent or unavailable to carry out official duties. (Section 100 of the *Local Government Act*)

The CEO is responsible to the council for the implementation of council decisions and the general administration and operations of council functions and affairs. He or she is also responsible for employing and managing all the other staff of the council. **Council members have no direct involvement in administration or managing council staff.** The CEO also has a responsibility to act as an adviser to council members and to help ensure that the council acts within the law. Some powers and functions are vested in the CEO under the legislation; others are given under an instrument of delegation by council.

The role of a CEO under the *Local Government Act* is given at Appendix D.

A council member has no direct authority over an employee of the council in relation to the way in which the employee performs his or her duties

14. What are some of the duties of members?

As a councillor you have a duty to keep informed and participate in council business

As a council member you will be required to present the views of the residents to your council and in turn explain council policy and decisions to them. This may sometimes mean informing them of decisions and policies that you may not personally agree with. You act as a bridge between electors and council decisions - a bridge, which carries 2-way traffic!

To do this you will need to be involved in the formal aspects of council business (i.e. meetings, planning, policy development, etc.) and the informal process of 'keeping your ear to the ground' and staying in touch with the community and the CEO.

15. Why are Council meetings so important?

A lot of your efforts will go into council meetings

One of the most important functions of a member of the council will be attending and participating in the decision making process of council meetings.

Council members can only make decisions and act through a decision of the council as a whole. They have no legal role independent of council and as such an individual council member has no authority to act or make decisions alone.

The CEO convenes council meetings by giving written notice and sending out agenda papers to be discussed (see section 59.1 of the Act).

To be effective in council debate and contribute to the decision making process you must prepare for meetings. Papers and reports are often lengthy and you will need to set aside time to read and analyse them before each meeting. You may only get this information three days prior to a meeting.

Know before you go to a meeting what decisions you are being asked to make

Agenda papers for a meeting contain recommendations. These recommendations reflect 'proposed decisions'. You will need to assess each issue from the perspective of the whole of the local community before deciding what your stance on a 'proposed decision' will be.

Remember, you are not just there for your ward!

Even though the people of a specific ward may have elected you, when making decisions you must assess the issues and make decisions in the best interests of the council area as a whole.

16. How are council decisions made?

Decisions regarding council policy cannot be made outside of a council meeting.

Every member present at a council meeting, including the President/Mayor, must vote on every question (motions and amendments) arising for decision unless prevented by the conflict of interest provisions of the Act (conflict of interest is explained later in this guide).

Decisions of a council are made by majority vote of the members present and entitles to vote at a meeting

A 'quorum' of members (that is, a majority – half plus one or more members) constitutes a 'legal' meeting of council. Council meetings cannot proceed until a quorum is present.

If equal numbers of members vote on a question (for example, 6 all) the question is lost unless the chair has a 'casting' vote.

Council members have to 'vote' and therefore contribute to decisions

Councils can adopt a policy to allow the Chair to exercise a casting vote provided the policy is adopted at the first meeting of council after a general election.

A quorum of members must be present at a council meeting for decisions to be made

The policy cannot be changed during the term of the office and only remains in force until next election.

17. How often are council meetings held and are there rules for them?

Council meetings are usually held monthly

For many councils in Australia, council meetings are generally held at least once a month. Due to the great distances, many Territory regional councils convene their meetings every two months.

If you are absent from two consecutive meetings without council's permission, your office may be declared vacant.

The rules governing council meetings are generally recorded as council policies or may be in council by-laws.

18. What are committees, local authorities or local boards?

Committees can be useful for gaining community participation

Committees, local authorities or local boards are 'part of the whole' or part of council. A good deal of your time may be spent engaging in these meetings.

All council committees, local authorities or local boards report to the council. This is usually done by having the proceedings (minutes) of meetings included in the agenda of a council meeting where they are adopted, amended or rejected by council.

Council committees are a way for members to utilise your area of expertise

Council committees

Where a wide range of activities and functions are decided for which a council is responsible, councils may establish committees to assist the council in its work. The functions of a committee are assigned to it by council and may be of an executive or advisory nature and include:

- inquiring into matters and provide and make recommendations to the council (for example, allow input into council policies)
- carrying out a specific project or task on behalf of the council
- managing or administering property, facilities or activities, on behalf of the council
- overseeing works on behalf of the council, and
- exercising, performing or discharging delegated powers, functions or duties.

A council committee is subject to the control and direction of the council.

Local authorities are compulsory committees for regional councils

Local authorities

Local Authorities are gazetted by the Minister for Local Government for areas within a regional council and are established under Part 5.1A of the *Local Government Act*.

They are an effective means for elected members to engage with their communities.

The functions of a local authority include:

- to involve local communities in local government issues
- provide local communities with opportunities to express their opinions
- allow local communities a voice in the formulation of policies at local, area and regional scales
- advocating on behalf of the local community
- to contribute to the development of the council regional plan, and
- make recommendations to the council in relation to the Council budget regarding its local authority area.



Elected ward members are automatically members of any local authority which is established within their ward area. The principal member is also a member and may (but is not obliged to) attend meetings.

A local authority is subject to the control and direction of council subject to any ministerial guidelines.

Local Boards

Local boards are a mechanism for municipal or shire councils to engage with their local communities. They have similar functions to that of a local authority however they are established at the discretion of council.



Elected ward members are automatically members of any local board in their area or ward. The principal member is also a member and may (but is not obliged to) attend meetings.

A local board is subject to the control and direction of council subject to any ministerial guidelines.

19. How much time do members have to devote to meetings and civic duties?

Formal and informal council duties are time consuming. In addition to council and committee responsibilities, the civic activities of the council are an important part of community leadership and the development of community identity.



Being a council member can make considerable demands on your time so you should examine your commitments carefully before deciding to run for election. This includes considering your personal and family commitments. Some meetings may go late into the night. Some Northern Territory regional councils take two days to complete their meetings, the first day

You will have to commit time to discharge your duties as a council member

being a briefing, the second day to vote on motions.

You may also be required to represent the council on other bodies, e.g. regional bodies, local reference groups, school councils, etc. This could also include representing local government at the state and national levels by involvement in the activities of the Local Government Association of the Northern Territory (see Appendix E).

20. How should members maintain contact with residents of council areas?

As a councillor you will need to stay in touch with the community and council staff

It is important that you are in touch with the community and:

- are aware of the needs and wishes of the community as a whole
- are very aware of council's plans, policies, by-laws and budgets
- are prepared to initiate change and bring to the council ideas and activities as community needs change and evolve
- keep abreast of matters affecting the whole council area as you will have to vote on all issues before council
- are aware of the constraints facing council including constraints imposed by other governments, especially with funding.

To keep in touch with electors and residents you will need to do all or some of the following:

- attend meetings of local reference groups
- participate in a range of local activities
- be available to discuss individual concerns
- respond to issues and follow up or refer to council staff any enquiries or complaints which you may receive
- read local government newsletters or the local paper to keep abreast of local news and issues
- communicate with your community
- keep informed about state and national current affairs which will give you a broader view of issues that may affect the council (for example, visit the Australian Local Government Association website at www.alga.com.au)

Websites are a useful source of information



You may also wish to visit the websites of councils throughout Australia to learn about their policies and plans (for example, websites for Western Australian councils are generally in the form of [www.\(name of council\).wa.gov.au](http://www.(name of council).wa.gov.au)). You can access any council website through the LGANT website.

21. Do members get paid?

Being a council member involves a financial commitment on your part. In order to ensure that people are not deterred from seeking election, there are ways in which you can be compensated for (at least) some of your costs.

Expenses

In addition to an allowance, councils may determine reimbursements for some expenses incurred in the course of duties undertaken as a council member. These expenses include travel and subsistence in relation to council or committee meetings.

Tax

As an elected member you are not an employee for tax purposes and are responsible for the payment of any taxes owing as a result of allowances which you may get paid. You are not eligible for sick, annual or long service leave or compulsory employer superannuation contributions. You may however elect to make voluntary contributions to a super fund of your choice.

22. What may members have to declare at or before the first meeting following the election?



Some councils adopt a policy which requires each council member at or before the first meeting he or she attends, to make a prescribed undertaking while he or she is in office.

On being elected, councillors may be asked to sign a declaration stating something like: 'I will conscientiously and to the best of my ability fulfil the duties of the office and of such other office as the council may, from time to time, resolve'.

23. How should members and staff behave?

Codes of conduct are designed to inform members of the behaviours that are expected of them in office and as a minimum will include the following:

1. **Honesty and integrity**
A member must act honestly and with integrity in performing official functions
2. **Care and diligence**
A member must act with reasonable care and diligence in performing official functions
3. **Courtesy**

Members are required to show ethical behaviour



Managing relationships with other people is a key factor in becoming an effective member

A member must act with courtesy towards other members, council staff, electors and members of the public

4. Conduct towards council staff

A member must not direct, reprimand or interfere in the management of council staff

5. Respect for cultural diversity

A member must respect cultural diversity and must not therefore discriminate against others, or the opinions of others, on the ground of their cultural background

6. Conflict of interest

A member must, if possible, avoid conflict of interest between the member's private interests and official functions and responsibilities. Where a conflict in fact exists, the member must comply with the member's statutory obligations of disclosure

7. Respect for confidences

A member must respect the confidentiality of information obtained in confidence in the member's official capacity. A member must not make improper use of confidential information obtained in an official capacity to gain a private benefit or to cause harm to another

8. Gifts

A member must not solicit or encourage gifts or private benefits from any person who might have an interest in obtaining a benefit from the council

9. Accountability

A member must be prepared at all times to account for the member's performance as a member and the member's use of council resources

10. Interests of council to be paramount

A member must act in what the member genuinely believes to be the best interests of the council. In particular, a member must seek to ensure that the member's decisions and actions are based on an honest, reasonable and properly informed judgement about what will best advance the best interests of the council

(Schedule 2 of the *Local Government Act*)

Community perceptions can arise from the behaviour of members and staff

The community will often judge a council according to its perception of the behaviour and image of individual members and staff. It is essential therefore, for all council members and staff to conduct themselves in a manner that will promote the high standing of the council within the community.

Without doubt one of the major factors leading to council failures throughout Australia is conflict amongst members and/or members and staff.

When representing the council in the wider community you need to be fair and honest in your dealings with individuals and organisations and behave in a manner that encourages

constructive communication between the council and the community.

Sometimes this entails delivering ‘good’ as well as ‘disappointing’ news.

You should try at all times to behave in a way that

- generates community trust and confidence in you as an individual,
- does ***not reflect adversely on the council*** and
- maintains and enhances the role and image of both the council and local government generally.

Knowing your subject matter and how your council works is important

Your behaviour and communication with the wider community will to some extent be guided by your knowledge of Council activities and how well you can relay it to constituents (for example council budget, plans, policies and by-laws)

24. Why should councils be about ‘good governance’?

Good governance is ‘collective decision-making and action that lead to the common public good. A good society boils down to meeting the requirements for basic needs, association and participation. For citizens, governance should be about meeting these three conditions’. (Knight et al 2002).



Councils are about good governance

If you are elected you will be expected to work for ‘the public good’ of the community — not your personal or family business/financial interests.

25. Do members have to declare interests?

In order to ensure that your position about an issue cannot be questioned or is ‘above board’, it is good practice that a *Register of Interests* is maintained. The *Register of Interests* will record all the interests or possible interests declared by a member of the council and should be updated as your situation changes.

Members are required to register their interest in any decisions made by council

Members must ensure there is no conflict between their private interests and their roles as public decision-makers. This is referred to as a conflict of interest. Remember, a conflict of interest may arise at any time, not just in regard to items in your ‘*register of interest*’.

'It is not wrong or unethical to have a conflict of interest. What is important is that it is identified and appropriately managed'.

(WA Integrity Coordinating Group – Conflict of Interest Guidelines)

As a council member you will have to declare any interest in a matter before the council. Sections 73 and 74 of The Act specify what constitutes an 'interest' and sets out what you must do in such circumstances.

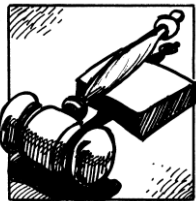
26. Can individual members be sued?

Individual members can be sued if defamation can be proved

An area in which it is possible to sue an individual council member is if defamation laws are broken. Defamation laws protect people against comments, which may damage their reputations. Defamation comprises slander, which is spoken, and libel, which is written, and/or pictorial.

In a council meeting, a council member is fulfilling a public duty and therefore, the law grants the member limited protection from legal actions claiming defamation. This limited protection may be a defence if statements are made in good faith, i.e. believing them to be true. Statements made with malice, recklessly, or by a council member not caring if they are true or false, are not protected. Statements made by council members outside of council meetings do not attract such protection.

27. Can members be personally liable?



A member is not personally liable for the actions of a council where a council is acting in good faith and is exercising its powers and functions under The Act. This means that, in those circumstances, you cannot personally be sued by someone disputing a council action.

28. Can a member lose office?

Whilst being elected onto council demonstrates the support of the community towards your tenure there are instances where you can be removed from office, these include;

- you are disqualified from being a member as per the section 37 of The Act (see question 30)
- you cease to be enrolled as an elector in respect of a place of residence within the council area
- you do not get permission to be absent for two consecutive council meetings
- you are removed from office by the Minister as a result of disciplinary proceedings

A person is eligible to be an elected member unless disqualified

Changes to a council area or wards do not affect a term of office until the conclusion of the next election.

29. Who can become a council member?

Anyone can stand for election as a council member, either as President, Lord Mayor, Mayor or a Councillor regardless of qualifications, religion, gender or employment provided they are eligible (**see question 30**) which includes being an elector on the Northern Territory electoral roll for the council area



Voting at local council elections is compulsory

In the Northern Territory, council members are from a wide range of cultural backgrounds, ages, experience and occupations. This diversity is an important factor in representing the community.

One of the questions you will no doubt be considering is whether you are the right person to become a council member. To assist you in making your decision about nominating for council, the following pages set out some of the formal rules concerning eligibility and some indicators of the 'type' of person who generally finds the job most rewarding and interesting.

30. Who cannot nominate?

People are ineligible (as per section 37 of The Act) to stand for office as a member of council, if they:

- hold a judicial office, other than a justice of the peace
- are bankrupt or subject to a composition or arrangement with creditors
- have been sentenced to a term of imprisonment for 12 months or more for an offence and that term has not expired
- an employee of a council cannot stand as an elected member for that council
- are indebted to councils for rates or surcharges and fail to discharge the debt within 6 months after the debt becomes due and payable
- are certified mentally unfit to carry out the functions of a member.

If you are unsure about eligibility seek your own legal advice.

If you have any doubts as to whether you are eligible you should seek your own legal advice.

31. What should you consider before nominating for council?

Do you have what it takes to be an elected member?

There are a number of criteria that you can use to assist in judging your suitability for local government.

These include:

- being able to get on with people
- manage relationships effectively, including those with your family
- having the time to meet the commitments
- being interested in your local community
- being willing and able to represent the total community when debating issues in council and not being blinkered by your personal sectarian interests
- being responsive to residents of your area including those whose cultural background is different from your own
- having a broad range of community connections and understanding (Note: this does not mean that you have to have held office in a key local organisation)
- a willingness to learn about the issues which are new to you (e.g., constitutional recognition of Local Government) and to do things with which you are unfamiliar (e.g. public speaking, speaking up in meetings, meeting procedures, chairing committees) is important because you will encounter them. If these are not part of your normal life then you will need to be willing to break new ground to learn them.



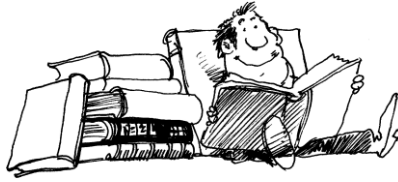
It is important to learn about issues

You will also find that you will use any professional or personal knowledge you may have, basic common sense, and your general knowledge and skills such as

- participation in groups and working as a 'team' on your council
- speaking in formal meetings and understanding meeting procedures
- being bi-lingual and/or bi-cultural
- analysing agendas, reports and recommendations (***you will need to do plenty of reading!***)
- reading between the lines to pick up vested interests
- financial analysis
- social analysis
- understanding the local, state and national context of Local Government

To understand all the issues you will need to read and do research often

- gaining understanding about policy formulation, budgets, strategic plans and legal interpretation



32. How do you become a council member?

To become a council member you need to be successful in an election! This will involve you in several processes:

- nominating
- running a campaign (when there are more nominations than positions)
- winning the election

***You need to
nominate for an
election and win it***

If the number of vacant positions on council equal the number of nominations there is no election, that is, the candidates are elected 'unopposed'.

33. How are council elections managed?

The *Local Government Act* and the *Local Government (Electoral) Regulations* set out the requirements for Local Government elections, how they are to be conducted, who can nominate, who can vote, how the votes are to be counted, etc.

***The Act and
Electoral
regulations
describe the
process***



The person in charge of running an election is called the Returning Officer. In the Northern Territory the Returning Officer for council elections, is the Northern Territory Electoral Commission. The Returning Officer is independent of the council, council members or the CEO in regard to the administration of the election. The Returning Officer is neutral and responsible for making sure that everything about the election is honest and follows the rules.

The term of office for new councillors commences at the declaration of the poll for the new council.

Electors who are unable to attend a polling place on polling day have the option of voting at an early voting centre or by postal vote which both will be available after the close of nominations.

34. What is the system of vote counting?

The vote counting system for local government elections in the Northern Territory is Single Transferable Vote Proportional Representation (STVPR).

For an explanation of the vote counting system go to the Northern Territory Electoral Commission website on

www.ntec.nt.gov.au/ElectionsAndReferendums/LocalGovernmentElections/Pages/Vote-Counting.aspx

35. What are by-elections?

Council by-elections are held whenever necessary during the first two and a half years of the council to fill any casual vacancies that occur in the office of council members.

The publication **'Local Government Elections – Candidate's Handbook'** sets out very comprehensively the process for nomination and voting procedures. A copy will be provided to candidates as part of the nomination pack from the Returning Officer.



36. How do you nominate and campaign at elections?

Nominations may be lodged with the Returning Officer any time after the close of the roll for the election and before the closing date for nominations.

You can start organising how you will campaign before nominations have closed and you will place your own limits on how much time and money you will put into this.

Even if you are elected unopposed, you still owe it to your electors to provide them with information about yourself and your views so some of the following suggestions will apply to your situation. The pace and urgency of your contact with electors will, however, be much different.

To campaign effectively you will need two sets of information:

Information about your area

As a first step, ask at the council office for the details of the **campaign on issues** council and, where applicable, ward boundaries. Find out what the issues are for your area, what are the significant pieces of local infrastructure which is under the control of council and as much detail about the values of the people and communities living in the area.

Campaign on issues which are relevant to the majority of your community

Information about the electoral procedure

You need to be able to explain the electoral process to your electors as it is often misunderstood. Understanding of the process increases voter turnout and gives you a greater chance of attracting votes.

Be prepared to explain the election and voting process to your community

37. What election and voting information should you study?

For council elections it is essential that you read:

- the information provided in this booklet
- *the Local Government Act*
- *the Local Government (Electoral) Regulations*
- the 'Local Government Elections – Candidate's Handbook'. The voting system is described in detail in this handbook. You must understand how the election is run before commencing your campaign, as you will need to give your electors accurate replies to their questions.

Familiarise yourself with the existing council and its activities (visit the website, obtain a copy of the latest council Business Plan) as it is likely that many of the questions you receive will be about existing issues rather than new ideas. Be aware that electors will have multiple concerns and perspectives.

Visit websites and study the business plan of council

38. How should you run a campaign?

You will need to decide on your basic strategies — what 'message' you will try to communicate to potential voters and how best to deliver that message. Some of the possible ways are:

Get your 'message' right

- telephone people (those you know or a random selection from the telephone book)
- prepare and distribute a pamphlet/leaflet (see question 41)
- write to people, or write to those you know well and ask them to give your pamphlet to other people and encourage them to vote for you
- door knock at people's homes
- obtain contacts and endorsements from local organisations
- 'meet the people' (in shopping centres etc.)
- draft local press articles
- pay for press advertisement
- draft local paper 'profiles' of yourself
- attend public meetings



- establish a website
- place election signs around the neighbourhood (check with the council for permission before affixing any signs)
- provide media interviews

***Circumstances
will determine
your campaign***

How your campaign will depend on the likely strength of your opposition, what media are most effective in reaching voters in your area, your availability, the number of helpers you can organise, the size of the area to be covered and the resources you can commit.

When organising your campaign, remember your task is to encourage people to vote for you. Your appearance and what you say will have an impact. Local government is locally based and personalised and your campaign should reflect this.

39. What about preferences?

Question 34 provides a link to an explanation on the vote counting system. The STVPR system allows for candidates to nominate their preferences for competing candidates. These preferences are used in the vote count to determine the winning candidate.

Even if you are not the successful candidate you are still be able to influence the result through the preference guidance you give voters on your how to vote cards.

40. Why is 'door knocking' important?

The personal approach is always best. Remember though, you may be judged immediately on your appearance, manner and the views you express.

***Door knocking is a
slow process. You
will be lucky to
cover 10-15 houses
per hour***

Though it may be the most effective way of communicating, doorknocking can also be the most frustrating. Some houses will be unattended when you call. It can also be disappointing. While some people will be well informed about local government and have a keen interest in the elections, others will show no interest whatsoever. You may suffer verbal abuse and others may have little knowledge about anything to do with council. But it is worthwhile, as the positive contacts you make will be significant and your understanding of community attitudes and concerns will be enhanced.



***Weekends and
evenings are best
for door knocking***

The most effective time to door knock is weekends and weekday evenings.

41. How do you go about door knocking?

When someone answers the door:

- introduce yourself and briefly explain the purpose of your call. If the person is busy, suggest a time to call back
- be friendly and attentive and listen to the issues people want to talk about
- be prepared for complaints and be able to suggest ways to pursue them with the existing council
- finish your conversation by seeking their support and by saying something like *'I hope I might have your support'*
- leave a handout or leaflet behind. This will serve as a reminder and provide the basic information you have covered

Try not to be too aggressive when stating your point of view

If you cannot cover the whole of your ward or area, target the areas most likely to produce results

If no one answers, leave a note or an election handout in the letterbox, which gives your number and an invitation to call you. For security reasons, do not leave the note in a manner that would make it obvious to others that the house is unattended.

The area around your own home is a must. Try to get others to help cover other areas. Your representative is the next best thing to you; make sure they are well briefed on general information and your own views. They are speaking for you so make sure they know what to say.



42. What are the rules for election material?

All printed electoral material **MUST** contain:

- the name and address of the person authorising its publication

The text can be in any language. It would be wise to consider the language needs of your area when designing election material.

Try to include information about:

- **your personal details** — age, work, family etc. - include a photograph, as it will appear on the ballot paper
- **your policy and plans** — why you are standing for election, areas of concern, what you hope to achieve, your views about the area and its development, how your views differ from other candidates etc.
- **details about the elections** — the name of your council and where relevant your ward, the date etc.

Once you have prepared your campaign material, ask others to read through to check for errors and to give feedback

Draft a personal profile of 250 words. Include a photograph and telephone number

- **how to vote** — details of how to mark ballot papers accurately

*If you decide to produce a leaflet, ensure that it is concise, easy to read and states clearly the message that you wish to convey. It **MUST** be authorised*

It is a good idea to have a good photograph taken to use in your profile, leaflets, newspapers and the ballot paper.

When preparing campaign material do not make grand promises.

All changes take time, especially when it requires the majority of council members to agree to your suggested changes by resolution at a council meeting. This is the only way you can 'deliver' on such promises which is why you should avoid them.



43. Can the media help?

Some local newspapers run profiles of candidates with a photograph. Compile your profile carefully, highlighting your strong points. Some personal information is usually required. The press will not wait so have your profile prepared well in advance. Profiles for the media are generally no more than 250 words. Depending on the number of candidates, the space available to candidates could be at a premium so it may be beneficial to prepare a shortened version.

Get volunteers to do your letter box dropping. Your time is better spent in personal contact



It is often best to write the initial article/release yourself and send it with your photograph. Make sure the article is typed, clear and to the point. Always enclose your phone number for further information.

If there is a local radio station in your area, approach the station's producer with the offer to be interviewed. If a one on one interview is not possible consider participating in the station's 'talk back' program if it has one. If you are going on radio ensure you are well prepared.

44. How do public meetings help?

Public meetings, which you organise to deliver your address, may not be well attended or as effective as door knocking. However, if a public meeting is organised by an outside body such as a resident's association, you would do well to accept any invitation to address your potential electors.

You may seek invitations to address community groups, which meet regularly. If you write to local groups asking for an invitation you should target your information to groups already interested in local issues.



45. What about advertising and ‘how to vote’ cards?

Advertising is effective but can be very expensive and is not necessarily targeted to your campaign area. Advertisements can only carry the briefest of information so choose carefully.

You may decide to print ‘how to vote’ cards to distribute to people before they vote. As with all printed material for the election the names and addresses of the persons authorising and printing the how to vote card must be printed on both sides of the cards.

If and how you distribute additional material will be your decision. Letter boxing every household is time consuming but very effective, but at best a person on foot can deliver 100 - 150 leaflets per hour. Handing out material at shopping centres etc. can be another very effective way to spread your message.

How to vote cards should list all candidates in the same order as the ballot paper and show an order of preference for all candidates

46. What about election signs?

Councils generally allow candidates to place election signs in strategic locations during the campaign. See your council as guidelines or by-laws may apply.

Guidelines for the display of electoral signs can be obtained from the relevant council office

47. What is not allowed?

The *Local Government Act* and the *Local Government (Electoral) Regulations* specify a range of illegal practices. If in any doubt, seek further information from the Returning Officer at the Northern Territory Electoral Commission.

48. How many Elected Members?

The number of elected members per council in the Northern Territory is shown in the following table:

COUNCIL	Number of Elected Members (including President/ Mayor)	Is the council Divided into Wards?	Number of Wards	Elected head of council
ALICE SPRINGS TOWN COUNCIL	9	No	0	Mayor
BARKLY REGIONAL COUNCIL	13	Yes	3	President
BELYUEN COMMUNITY GOVERNMENT COUNCIL	0	No	0	Official Manager
CENTRAL DESERT REGIONAL COUNCIL	12	Yes	4	President
CITY OF PALMERSTON COUNCIL	7	No	0	Mayor
COOMALIE SHIRE COUNCIL	6	Yes	6	President
CITY OF DARWIN	13	Yes	4	Lord Mayor
EAST ARNHEM REGIONAL COUNCIL	14	Yes	6	President
KATHERINE TOWN COUNCIL	7	No	0	Mayor
LITCHFIELD COUNCIL	5	Yes	4	Mayor
MACDONNELL REGIONAL COUNCIL	12	Yes	4	President
ROPER GULF REGIONAL COUNCIL	12	Yes	5	Mayor
TIWI ISLANDS REGIONAL COUNCIL	12	Yes	4	Mayor
VICTORIA DALY REGIONAL COUNCIL	5	Yes	5	Mayor
WAGAIT SHIRE COUNCIL	7	No	0	President
WEST ARNHEM REGIONAL COUNCIL	12	Yes	4	Mayor
WEST DALY REGIONAL COUNCIL	6	Yes	3	Mayor

NOTE: Representation may vary depending on Ministerial approval.

Bibliography

Knight, B., Chigudu, H., & Tandon, R. 2002, *Reviving Democracy – Citizens at the Heart of Governance*, Earthscan Publications Ltd, UK.

Local Government Association of South Australia. *So You Want To Be On Council*, South Australia.

Mukhi, S., Hampton, D., & Barnwell, N. 1988, *Australian Management*, McGraw-Hill Book Company, Sydney.

Municipal Association of Victoria. 1996, *From Citizen to Councillor*, Victoria.

Appendix A - Local Government Resources

1. Local Government Association of the Northern Territory (LGANT)
www.lgant.asn.au
2. Municipal Association of Victoria (MAV)
www.mav.asn.au
3. Local Government NSW (LGNSW)
www.lgnsw.org.au
4. Local Government Association of South Australia (LGASA)
www.lga.sa.gov.au
5. Local Government Association of Queensland (LGAQ)
www.lgaq.asn.au
6. Western Australian Local Government Association (WALGA)
www.walga.asn.au
7. Local Government Association of Tasmania (LGAT)
www.lgat.tas.gov.au
8. Australian Local Government Association (ALGA)
www.alga.asn.au

Appendix B - Declaration on the role of Australian local government

We elected members of Australian Local Governments gathered at the 1997 National General Assembly of Local Government in Canberra on 24 November 1997;

Recalling the Worldwide Declaration of Local Self-Government renewed by the International Union of Local Authorities in Toronto in June 1993;

Now proclaim the following Declaration on the Role of Local Government as a standard to which all Australian Governments should aspire in their efforts to achieve a more effective democratic process and secure the environmental, social and economic wellbeing of their constituents.

Fundamental Principles

Local governments are elected to represent their local communities; to be a responsible and accountable sphere of democratic governance; to be a focus for community identity and civic spirit; to provide appropriate services to meet community needs in an efficient and effective manner; and to facilitate and coordinate local efforts and resources in pursuit of community goals.

To these ends, the principle of elected local government must be enshrined in the Australian Constitution and the Constitution of each State and the Northern Territory.

Roles and Responsibilities

Australian Local Government:

1. must be a **Partner in the Federal System**

Local government is a necessary participating partner in the Australian system of democratically elected, representative government, in accordance with the view expressed without dissent at the Australian constitution convention in Hobart, 1976. Local Government accepts a responsibility to ensure that the traditional owners of land are consulted and actively involved in environmental planning and management processes.

2. will be **Responsive and Accountable to the Local Community**

Local government is elected by the local community to respond to its aspirations and concerns, and to meet its needs within available resources. Local Government must be electorally accountable to the local community, and manage its affairs in a transparent way.

3. will provide **Good Local Governance**

Local government seeks to provide good governance for its community by being fully informed on local issues; by considering all aspects of environmental, social and economic wellbeing; through effective strategic and corporate planning based on extensive community consultation; and by balancing competing claims and interests openly, fairly and sympathetically. Local government will, without fear or favour, uphold the highest standards set by legislation and public policy or formulated having regard to local community values.

4. must exercise **Local Autonomy**

As an elected sphere of government, Local government must be free to exercise its own powers and to apply relevant Commonwealth and State/Territory laws in a manner which reflects local needs and circumstances. To this end, its revenue base should be enhanced and not be subject to arbitrary limitations by other governments. Local government should not be required to act as an agent for the Commonwealth or States/Northern Territory unless it chooses to do so, and contractual conditions have been mutually agreed through negotiation.

5. will provide **Leadership and Advocacy**

Local government will lead and inform the local community on issues affecting it, and will advocate and represent community interests to other spheres of government and in wider forums. Local government will provide a strong and united voice at State/Territory and national levels for the common concerns and aspirations of local communities.

6. will promote **Active Citizenship at the Local Level**

Local Government will encourage non-discriminatory participation of all citizens in building democratic communities which share power and ensure a more equitable allocation of community resources.

7. will foster **Local Identity and Civic Pride**

Through effective leadership, Local government will provide a focus for local identity and civic pride, including a caring attitude to others and to the local environment, whether natural or built. It will strive to encourage community participation in civic affairs, and community contributions to local projects and programs.

8. will secure **Community Cohesion**

Local government will promote tolerant and cohesive communities, based on respect of the values of others, irrespective of race, creed or cultural heritage.

9. will ensure **Local Service Delivery**

Local government will provide, or ensure the provision of, programs and services required to meet local community needs. These must be affordable and delivered equitably, efficiently and effectively. Local revenues and resources must be supplemented by external resources, including Commonwealth or State/Territory grants, when appropriate.

10. will facilitate **Community Development**

Local Government will seek to ensure the balanced physical, social and economic development of its local communities.

11. will foster **Regional Cooperation**

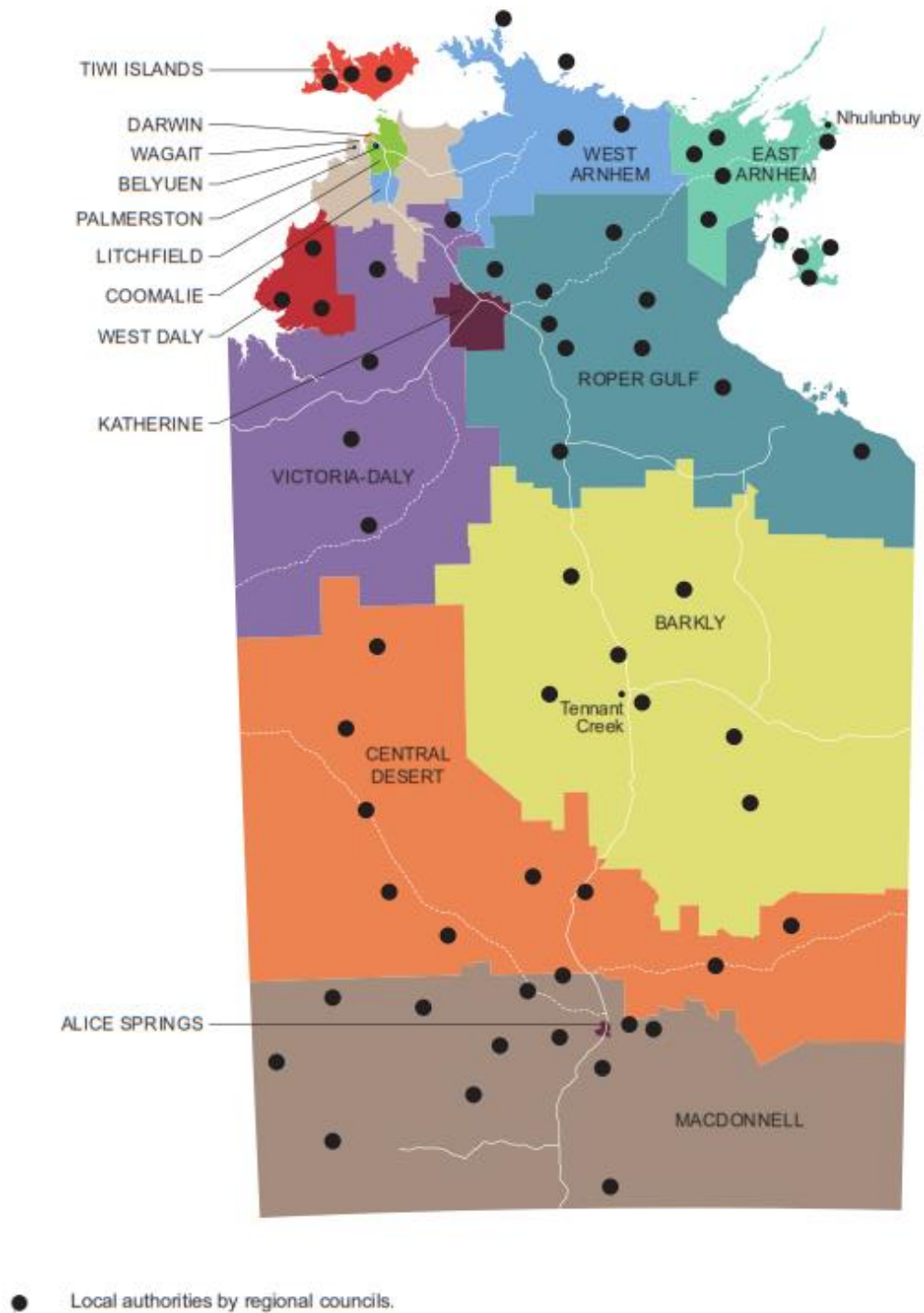
Local government will cooperate at a regional scale to address issues affecting adjoining communities, and to provide a basis for effective intergovernmental relations. This will include

appropriate resource sharing and joint activities amongst councils.

12. will **Adapt to Change**

Local government undertakes to keep pace with the changing circumstances of local communities and its broader operating environment. It commits to the application of benchmarking, continuous improvement and quality assurance systems in order to attain 'best practice' standards and ensure the best possible outcomes for the communities it serves.

Appendix C - Map of local government areas in the NT



Appendix D- Role and function of the CEO (Section 101 of the Act)

The CEO is responsible to the council:

- to ensure that the council's policies, plans and lawful decisions are implemented;
- to undertake the day-to-day management of the council's operations (including the management of council staff)
- to provide or obtain for the council the information and advice the council reasonably requires for effectively carrying out its functions
- to ensure that the council's constituency is kept properly informed about council policies, programs and decisions to ensure that appropriate and prompt responses are given to specific requests for information
- to ensure that the council's assets and resources are properly managed and maintained;
- to ensure that proper standards of financial management are maintained and, in particular, proper controls over expenditure
- to ensure that financial and other records are properly made and maintained
- to appoint, manage and, where necessary, terminate the appointment of council staff (other than the CEO)
- to carry out other functions delegated to the CEO by the council or assigned to the CEO under this or any other Act

Appendix E - The Local Government Association of the Northern Territory

The Local Government Association of the Northern Territory (LGANT) was first incorporated in 1992 as the single peak body representing local government in the Northern Territory. It succeeded two separate organisations the members of which agreed that the best interests of local government would be served by a single Association. The NT Local Government Association and the Community Government Association were dissolved at the date of incorporation of LGANT.

LGANT is established as an incorporated body by Section 242 of the *Act*.

Membership of LGANT is voluntary and is open to all local governments. LGANT is also able to admit associate members under Clause 6.4 of its constitution.

The office of LGANT is located on the 1st floor, 21 Parap Road, Parap.

LGANT exists as a provider of support services, a coordinator of collective effort and as an advocate for its member councils and forms part of the system of local government in Australia. LGANT is federated nationally with other State Local Government Associations to form the Australian Local Government Association which is local government's voice at the national level to the Commonwealth government.

LGANT is a member-driven organisation. Policies and actions can be decided at Executive and general meetings of LGANT. Between meetings, the eight (8) person LGANT Executive elected by members has the power to make decisions.

The Chief Executive Officer has delegated authority for staff matters and reports through the Executive and also at general and regional meetings. A policy manual has been prepared and is regularly updated.

LGANT's strategic directions are guided by its vision, mission, core values and goals which are:

VISION

For LGANT to lead, represent and be influential for the benefit of local government.

MISSION

To provide leadership, support and influential representation for the local government sector on all issues.

CORE VALUES

To achieve the mission and vision identified, the guiding principle of the Association is to be responsive and supportive to the needs of its members. Our values are:

- transparency
- honesty
- accountability
- responsiveness
- accessibility
- flexibility
- innovation

GOALS

The Goals of the Association as recorded in the LGANT strategic plan are as follows:

- to enhance the status of Local Government (Local Government understanding)
- to enhance the performance of Local Government (Local Government capacity)
- to effectively advocate for and represent member councils (Local Government influence)
- to maintain an effective and efficient service (maintaining and improving LGANT capacity)