

Candidate Briefing 2024

Local Government Election

LGNSW

Local Government NSW

The slides are a reference tool with links to more information.

An Introduction to the rules and processes for registering as a candidate and managing & running a campaign.

Introductory information to assist you to understand the roles and responsibilities of a Council, the Governing Body, Councillors and the Administration.



This session covers 4 Topics

1. Standing for Election

- Registering and nominating as a candidate – rules
- Running a campaign – rules and more
- Election days – rules
- Current councillors standing for re-election
 - Caretaker period commences – will be announced closer to the election by the NSW Electoral Commission

2. The Role of Councils and Councillors

- Legislation and regulations
https://www5.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460>
- Strategic planning and reporting (IP&R) in the legislation
- Separation of powers between the governing body and the administration
- Role of the governing body, councillor as a member of the governing body and as a councillor representing your community
- Ensuring ethical conduct

3. Leadership and Professional Development (in context)

For candidates

- What do I need to know entering life as a candidate and a councillor?
- Where will I get information and what are my priorities?

When elected as a councillor

- Making informed decisions in a complex environment
- Community leadership and advocacy
- Working with systems and processes
- Working with diversity of views
- Developing capabilities – knowledge and skills

4. Next Steps – deciding and progressing

For candidates

- What is the life of an elected Councillor?
- What do I need to know entering life as a candidate and a councillor?
- Going in with eyes wide open
- Hints on deciding and preparing
- Taking the next steps to progress candidacy

What are your topic priorities for the session?

Discussion & Input

What topics or parts of the topics would you like to focus on for this session

- 4 session topics
- Election period and standing as a candidate
- Roles and functions of local councils
- Leadership capacity building and links to further information
- Next steps – deciding and progressing.

1. Standing for election - When are elections held? And who conducts them?

1. Under the Local Government Act 1993, council elections are held on the second Saturday in September every 4 years. By-elections are conducted periodically when a councillor vacancy occurs.
2. The NSW Electoral Commission is engaged by all but two Councils to conduct the Local Government Elections in 2024. Fairfield City Council and Liverpool City Council have engaged a private operator to conduct their elections. <https://elections.nsw.gov.au/about-us/forms-and-fact-sheets/fact-sheets>
3. 'Count back' arrangements are legislated: -
<https://www.elections.nsw.gov.au/Elections/How-voting-works/Voting-in-New-South-Wales/Countback-elections>
4. The boundaries for a council are changed from time to time and are determined through legislation and process managed by the Office of Local Government - The Department of Planning, Housing and Infrastructure.

1. **Standing for Election** - Eligibility to stand as a candidate / Eligibility to vote

Candidate

- To be eligible for election as a councillor, you must be enrolled on the residential roll or in the case of the non-residential roll, in that council area by 6pm on the day the rolls close.

Voter

- Residents, non-resident ratepayers; business owners and lessees of rateable land who pay rates are eligible to vote
- The GM/CEO is responsible for maintaining the non-resident voter list and sending to the NSWEC for verification
- You can only vote once within a council area, regardless of whether you are enrolled on the residential or non-residential roll.

1. Standing for Election – The rules

Where can I find the rules for candidates and elections?

Information for prospective candidates about the 2024 Local Government Election in NSW can be found here:

<https://elections.nsw.gov.au/elections/local-government-elections/2024-nsw-local-government-elections>

https://www.elections.nsw.gov.au/NSW_EC/media/NSW_EC/LG_E21/LG-200-Candidate-handbookv2.pdf

<https://elections.nsw.gov.au/political-participants>

- Register/Nominate as a candidate
- Lead candidate responsible for financial reporting
- Manage finances
- Register electoral material
- Disclose political donations and report electoral expenditure to the NSW Commission
- Webinars will also be held by the NSWEC
- **Who is not allowed to stand?** Candidate **Call Centre** 1300 022 011 **Email** candidatebriefing@elections.nsw.gov.au

1. Standing for Election - Voting arrangement 2024

- Pre polling and polling venues are being identified
- It is anticipated that there will be additional venues in order to minimise distances voters need to travel to vote.
- Sydney Town Hall will not be a voting venue **NEED TO CLARIFY**
- Telephone voting will be available in 2024 for those who have low vision and are blind
- You can sign up for updates and bulletins here:
<https://elections.nsw.gov.au/elections/local-government-elections/2024-nsw-local-government-elections>
- NSW Office of Local Government also releases Circulars and handbooks on elections:
<https://www.olg.nsw.gov.au/>

1. Standing for Election – Expenditure Period & Caps

Electoral Funding Act 2018 – Sect 28

The applicable cap on electoral expenditure for a local government election applies to electoral expenditure during each of the following periods (*the "capped local government expenditure period"*)

- a) in the case of an ordinary election of the councillors under section 287(1) of the Local Government Act 1993 – the period from and including 1 July in the year in which the election is to be held to the end of the election day for the election.
- b) in the case of an election of councillors under section 287(2) of the Local Government Act 1993 – the period commencing on the later of the following:
 - I. the day that is 3 months before the election day for the election
 - II. the day that the proclamation was made under that subsection determining the election day for the election and concluding at the end of the election day for the election.
- (c) in any other case – the period from and including the day on which the date of the election is publicly notified by the person.

The Caps for 2024 relating to Councillors and Mayoral candidates at can be found at <https://elections.nsw.gov.au/funding-and-disclosure/electoral-expenditure/caps-on-electoral-expenditure/expenditure-caps-for-local-government-elections>

1. Standing for Election – Key dates 2024

Thursday 1 July - Capped expenditure period opens

Monday 22 July - Advertising of enrolments

Monday 5 August - Start of regulated period for electoral material; **8am** Lodgement of nominations open; **Council resolution & poll/referendum questions close; 6pm** Close of roll for the purpose of being a candidate, nominator and roll printing

Tuesday 6 August - Lodgement of postal vote applications open

Monday 12 August - Last day to lodge second half yearly political donations disclosure

Wednesday 14 August - **12 noon** Close of nominations and close of registration of candidates and groups

Thursday 15 August - **2pm** Ballot Paper Draw conducted; **2pm** Uncontested elections declared

Monday 19 August - Postal packs distribution begins

Saturday 7 September - Pre-poll voting period opens (may vary on days and times); display of registered electoral material website commences. **MAYBE 9 September**

Friday 6 September - **5pm** Registration of electoral material closes

1. Standing for Election – Key dates 2024 continued

Monday 9 September – Telephone voting registration & voting opens; **5pm** Postal vote applications close; registration of third-party campaigners close

Friday 13 September – Pre-poll period closes (times will vary for each location); Telephone voting registration closes

SATURDAY 14 SEPTEMBER – 8am to 6pm ELECTION DAY; 1pm telephone voting closes;
6pm regulated period for electoral material ends

Sunday 22 September – Last day to lodge annual electoral expenditure disclosure

Friday 27 September – **6pm** End of postal vote

Monday 30 September – Progressive distribution of preferences

Tuesday 1 Wednesday 2 October – Progressive distribution of preferences; progressive declaration of results

Thursday 3 October – Progressive declarations of results

1. Standing for Election – Key dates 2024 continued

Key dates and links can be found here:

<https://elections.nsw.gov.au/elections/local-government-elections/2024-nsw-local-government-elections>

1. Standing for Election – Your campaign

- Human resources to support your campaign?
- What will you promise to do and why?
- How possible is it to achieve a promise once elected?
- Engaging with activist groups and individuals
- Communicating with the community and the media?

Campaign strategy – rules and strategy

- Understand and follow the Electoral Commission rules:
 - Rules for display materials

<https://www.elections.nsw.gov.au/Funding-and-disclosure/Electoral-material>

- Financing & Caps?

<https://www.elections.nsw.gov.au/Funding-and-disclosure/Electoral-expenditure/Caps-on-electoral-expenditure/What-are-the-expenditure-caps-for-local-government>

<https://www.elections.nsw.gov.au/FAQs/Candidate-FAQs/Caps-on-political-donations>

1. Standing for Election – Your team

- Campaign Manager responsible for organising campaign
- Lead candidate: responsible for all financial transactions and reporting
- Volunteers: letterboxing, door knocking, street stalls, pre-poll, postal voting, election day (setup, handing out How To Votes, pack up, scrutineering)
- Support network: family and friends, networks - people who are on your side
- You the Candidate: be present and visible (personally, in media and digital), be an active listener, explain policies/commitments

1. Standing for Election – Quota system

- To be elected a candidate must get a 'quota' of the formal vote. A quota = total number of formal votes divided by the number of vacancies + 1
 - Example: 10,000 formal votes, 4 positions to be elected +1 $10,000 / 5 = 2,000 + 1 =$ quota required: 2,001
- During the count votes are distributed according to the choices made by the voter on the ballot paper.
- When candidates reach a quota and are elected, any surplus votes (*i.e.: extra votes over the quota*) are distributed to remaining candidates.
- The count continues until all vacancies are filled

<https://www.elections.nsw.gov.au/Elections/Counting-the-votes/How-votes-are-counted/How-votes-are-counted-in-a-local-election>

<https://elections.nsw.gov.au/elections/how-voting-works/voting-in-new-south-wales/how-does-a-local-government-election-work>

1. Standing for Election – The Mayor

Mayor Elected by all Electors

27 percent of Councils across NSW have Mayors elected by all electors

- Sect 285 of the Local Government Act notes:
 - The voting system for election of the mayor by all electors of the area
 - The voting system in a contested election of the mayor by all electors of the area is to be optional preferential

Mayor Elected by Councillors

- Following the ordinary election at the first meeting of the Council a Mayoral election will be held.

<https://www.olg.nsw.gov.au/wp-content/uploads/2020/03/OLG-September-2018-mayoral-elections-Fact-Sheet.pdf>

1. At the Election – Constitutional referendum

- A council can decide to conduct a constitutional referendum. The following issues can be proposed to the voters:
 - whether the mayor should be elected by the voters
 - whether to increase or reduce the number of councillors for that council
 - whether to divide the council area into wards or abolish all wards
 - whether to change the method of election of councillors for an area divided into wards.
- For a constitutional referendum to pass a majority of voters in the council area must have voted in support of the proposal.
- Voting in a constitutional referendum is compulsory and the result is binding on the council.
- If the constitutional referendum is passed, the result takes effect at the next local government elections.

1. At the Election – Council poll

- A council can decide to conduct a poll. A poll can be on any issue and is used to guide the council in its decisions. For example:
 - whether to introduce fluoride into the drinking water
 - whether to construct a roundabout in the main street.
- For a council poll to pass a majority of voters must have voted in support of the proposal.
- The council can decide whether to poll all voters in the council area or only a portion of voters. As such not all voters may be eligible to vote in a council's poll.
- It is good practice as a candidate to understand any polls that will accompany the election

1. Standing for Election – Using social media

- Post as if you're already a councillor – professional, polite and principled.
- If it goes online it stays online. How?
- If you wouldn't say it, don't write it
- Wait and think before responding – use delay function
- You are legally regarded as the publisher of your fb page
- You are responsible for information/posts on your social media account and website
- Defamation applies to online content on your social media; your and others posts
- Changes by Facebook to its algorithm in 2018 mean users only see news that fits their ideology or views, reinforcing their viewpoints (echo chamber)

1. Standing for Election – Using social media continued

- Set the standards of your social media presence with which you will be comfortable when you are a councillor
- When responding to comments on social media, be honest, stick to the facts, take time to reflect on the tone of your response and your choice of words
- Keep your communications positive, polite, plain and professional
- Remember social media Facebook, Instagram, X, Tik Tok are all used...even your LinkedIn profile will be followed up by some voters
- Expect feedback and comments on social media to sometimes be personal and challenging. Options:
 - don't respond
 - don't argue
 - delete
 - block

1. Standing for Election – Ordinary people leading in their community

You do not need any special qualifications to become a councillor. However, preparation is important to maximise your capacity to contribute effectively.

Your desire to serve your community and make decisions that help people in your local community is key.

You will have opportunities to:

- develop knowledge and skills on the job including leadership, public speaking, working collaboratively and advocacy,
- influence future vision and directions on behalf of your community
- make the best decisions for your community as a whole
- work with diverse and passionate people on a range of issues
- balance the needs and priorities of your community

1. Standing for Election – Entering a new world?

Before you are elected

Know:

Why you want to get elected

What you would like to achieve on council.

How you will manage campaign strategy and logistics




Have:

Strategies for organising your life in preparation for your new role.

When you are elected develop a (capability) knowledge and skill development plan

- Legislated responsibilities and processes
- Informed decision making
- Collaborative decision making

2. The Role of Councils/Councillors - The national landscape

	What sphere?	How many in Australia?	Leader & Executive Body	Location
	The whole Nation	1	Prime Minister, Federal Parliament House of Representatives with 150 members representing separate electorates, Senate with 76 members, 12 from each state and 6 from each territory.	Canberra, ACT
	State or Territory	8 (six states & two territories, NT & ACT)	Premier (or Chief Minister in Territories) For NSW: Parliament of NSW Legislative Assembly (with 93 members representing 93 electorates) and Legislative Council (with 42 members representing the whole state.	Macquarie St, Sydney
	Local Area City, Municipality or Shire	537 councils Australia-wide. 128 councils in NSW state-wide	Mayor (or Lord Mayor) City, Municipal or Shire Council: Councils have from 5 to 15 councillors. Elected as Councillor in an undivided (whole of) LGA or in a Ward or Riding ¹ .	An important local centre

2. The Role of Councils/Councillors - So who does what?



2. The Role of Councils/Councillors - Councils' a creation of the State

Division 1 Constitution of Councils

A council is constituted by this Act for each area

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030#sec.219>

Council Functions Chapter 5 of Act

A council has the functions conferred or imposed on it by or under this Act

Defined as a statutory corporation for purposes of responsibilities under other Acts

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030#ch.5>

2. The Role of Councillors and Council

History

- Shift from services to property to services to people and property
- Increasing responsibility for administration of state legislation

Revenue

- Rates (total pegged) service charges (some state set), investment, borrowing (TCorp), businesses

Current

- NSW Local Government Act 1993 (changed in 2016 and regularly amended)
- Ruled by State legislation, regulations and policies
- Roles; mayor, councillors, governing body
- Functions: GM/CEO, administration/ operational arm
- Role of IPART
- Role of Office of Local Government

2. The Role of the Councillors and Council – from the LG Act

S 223 Role of the Governing Body - A term introduced in 2017. Includes 2 parts. (1) Role of the Governing Body and (2) The governing body is to consult with the general manager in directing and controlling the affairs of the council.

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030#sec.223>

S 232 Role of Councillors

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030#ch.9-pt.2-div.3>

S 226 Role of the Mayor - (a) to be the leader of the council and a leader in the local community, plus 12 more.

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030#ch.9-pt.2-div.2>

S 336 Functions of General Manager - (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, plus 10 more.

http://www5.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/s335.html

2. The Role of Councillors and Council

- **S232 - The role of a Councillor**

(1) The role of a councillor is as follows-

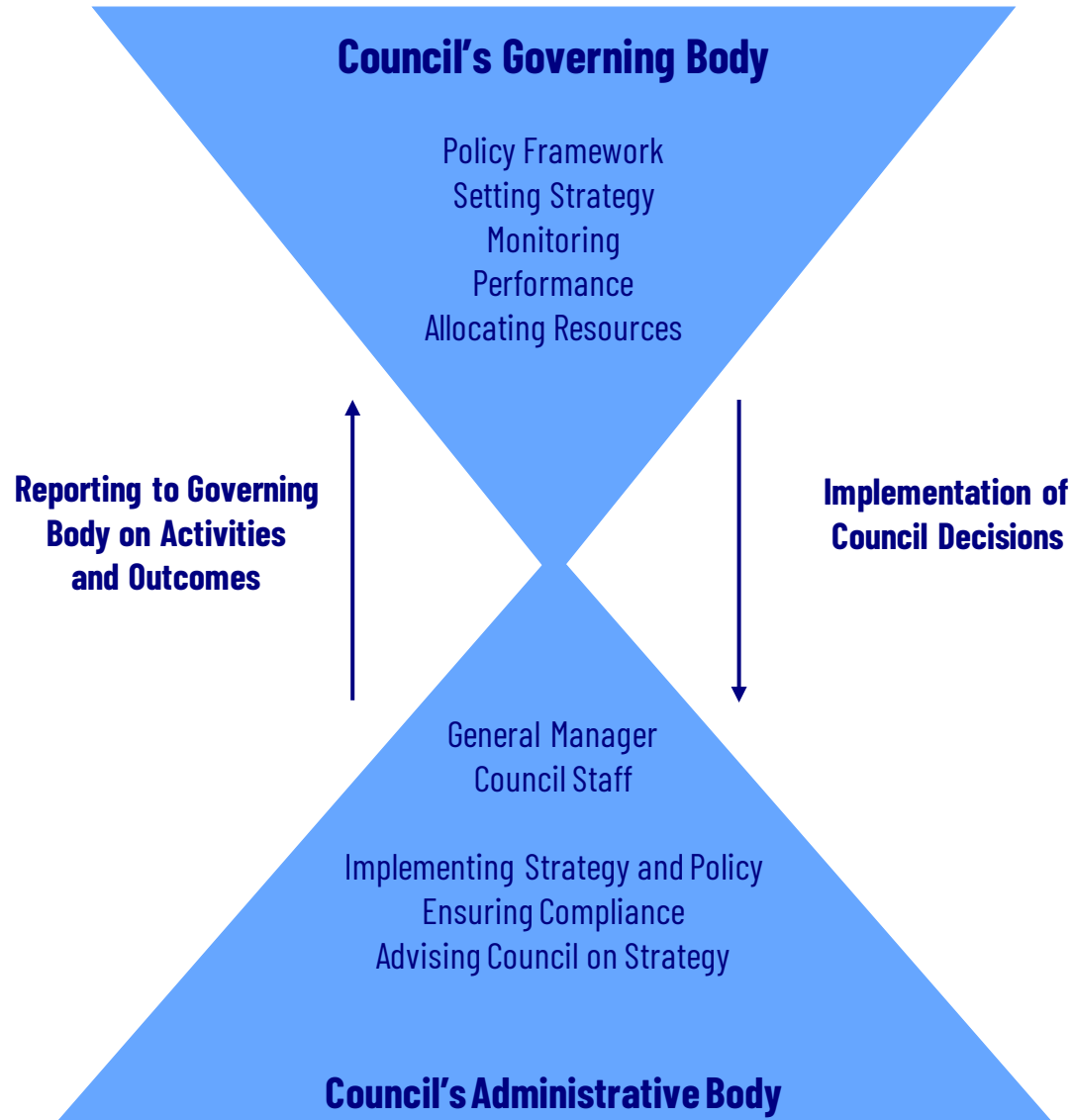
- (a) to be an active and contributing member of the governing body,
- (b) to make considered and well informed decisions as a member of the governing body,
- (c) to participate in the development of the integrated planning and reporting framework,
- (d) to represent the collective interests of residents, ratepayers and the local community,
- (e) to facilitate communication between the local community and the governing body,
- (f) to uphold and represent accurately the policies and decisions of the governing body,
- (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

(2) A councillor is accountable to the local community for the performance of the council.

2. The Role of Councillors and Councils - What Councils do



2. The Role of Councillors and Councils – How it works

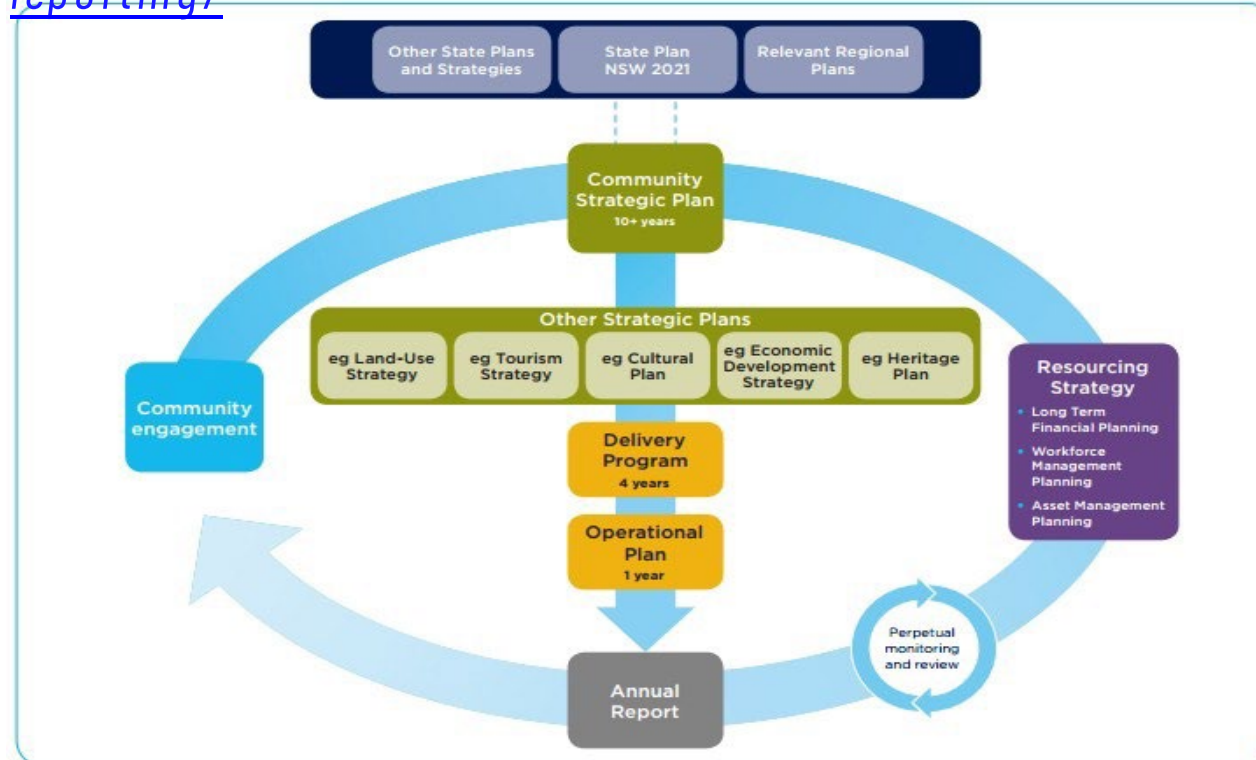


2. The Role of Councils and Councillors - How does Council work?



2. The Role of Councillors and Council in Integrated Planning & Reporting

- listen to community then prioritise what & how Council plans to deliver
<https://www.olg.nsw.gov.au/councils/integrated-planning-and-reporting/>



2. The Role of Councillors and Councils - Function areas

Property related	Domestic waste management including solid waste and recycling services, water and sewerage
Engineering & infrastructure	Public works design; construction and maintenance of roads; bridges, footpaths; drainage; cleaning; waste collection and management.
Planning & development	Land use and town planning (shifting to state) development assessments; some approvals; building inspection (privatised) ; licensing, certification (privatised) and enforcement; administration of aerodromes; quarries; cemeteries, parking stations, and street parking.

2. The Role of Councillors and Councils - Function areas

Community & social	Aged care and child care services; health clinics; youth centres; community housing refuges and facilities; counselling and welfare services.
Environment & health	Catchment management; parks and gardens; tree removal; pest and weed control; water sampling; food sampling; immunisation; toilets; noise control; meat inspection and animal control.
Recreation, culture & education	Swimming pools; recreation centres; community halls; sports facilities; lifeguards; camping grounds; community festivals; libraries; art galleries; theatres and museums.
Other	Bus services; abattoirs; sale-yards,, shared services, businesses

2. The Role of Councillors and Councils - are all Councils the same?

- The legislation (Local Government Act 1993) and systems and processes apply to all councils.
- Responsibilities may vary, for example some councils (known as County Councils) have responsibilities for managing potable water and/or weeds and are governed by councillors nominated from the constituent councils.
- Some councils are members of Joint Organisations or Regional Organisations of Councils (by legislation)
- Geographic and socio-economic characteristics vary across councils.
- For some, major urban development is significant for others local road maintenance and other infrastructure, drought and bushfires are.
- For all living with, managing and advocating in the context of climate change and the impacts of a pandemic is now a reality.

2. The Role of Councillors and Councils - Local Government reform

State government practice for Improving 'efficiency' and 'capacity' of local councils has in the main involved the merging of Local Councils to take advantage of scale and reduce costs.

In October 2019 LGNSW signed an inter government agreement with the state government.

- No forced amalgamations
- The quickest possible return to democratically elected representatives following the appointment of any administrators
- Consultation with LGNSW before any laws or significant policy initiatives impacting on the sector
- The IGA also recognises cost shifting

<https://lgnsw.org.au/Public/Policy/Intergov-Relations.aspx>

2. Other Reform Strategies in Recent Years

Joint Organisations

<https://www.olg.nsw.gov.au/joint-organisations-strengthen-regional-nsw>

Audit and Risk Management

<https://www.olg.nsw.gov.au/councils/governance/risk-management-audit-and-internal-controls/risk-management-and-internal-audit-framework-for-local-councils-in-nsw/>

Accounting Code

<https://www.olg.nsw.gov.au/strengthening-local-government/supporting-and-advising-councils/accounting-practice>

2. The Role - Governance in the Local Government Act NSW

- The separation of powers between council and administration
- Council structure and functions – Mayor, Councillors, Administration (executive, administrative and specialist roles)
- The roles and responsibilities of elected members
- Recent regulations:
 - Code of Conduct
 - Code of Meeting procedures
 - Risk Management Framework & requirement to have ARIC from 1 July 2024

Local Government Act 1993:

http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/

2. The role – rules and more

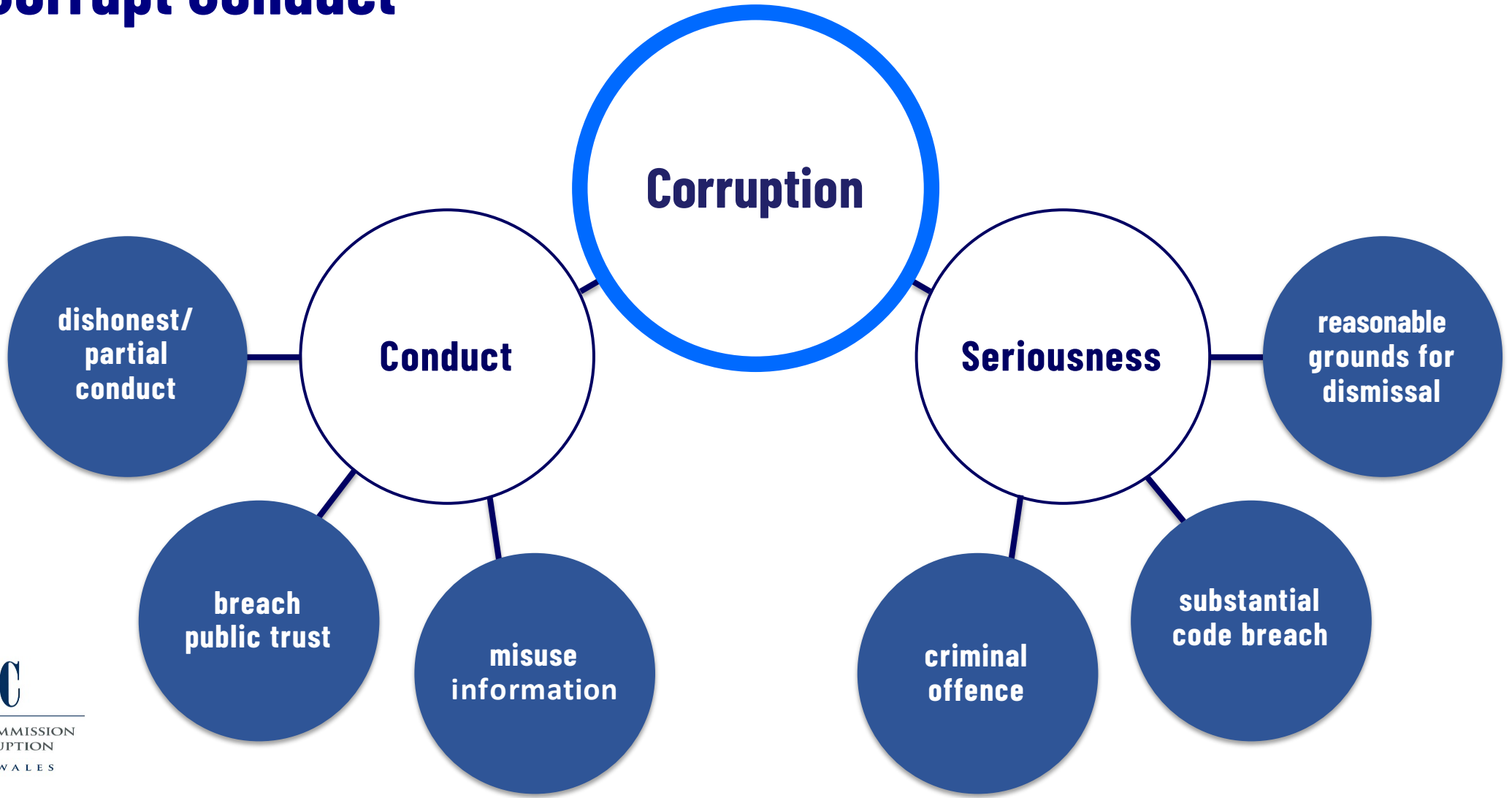
Rules

- legislation – functions, roles, conflict of interest, planning and reporting requirements
- regulations – Council's implementation role in a range of legislation
- policies & guidelines – national, state and local
- procedures – step by step process

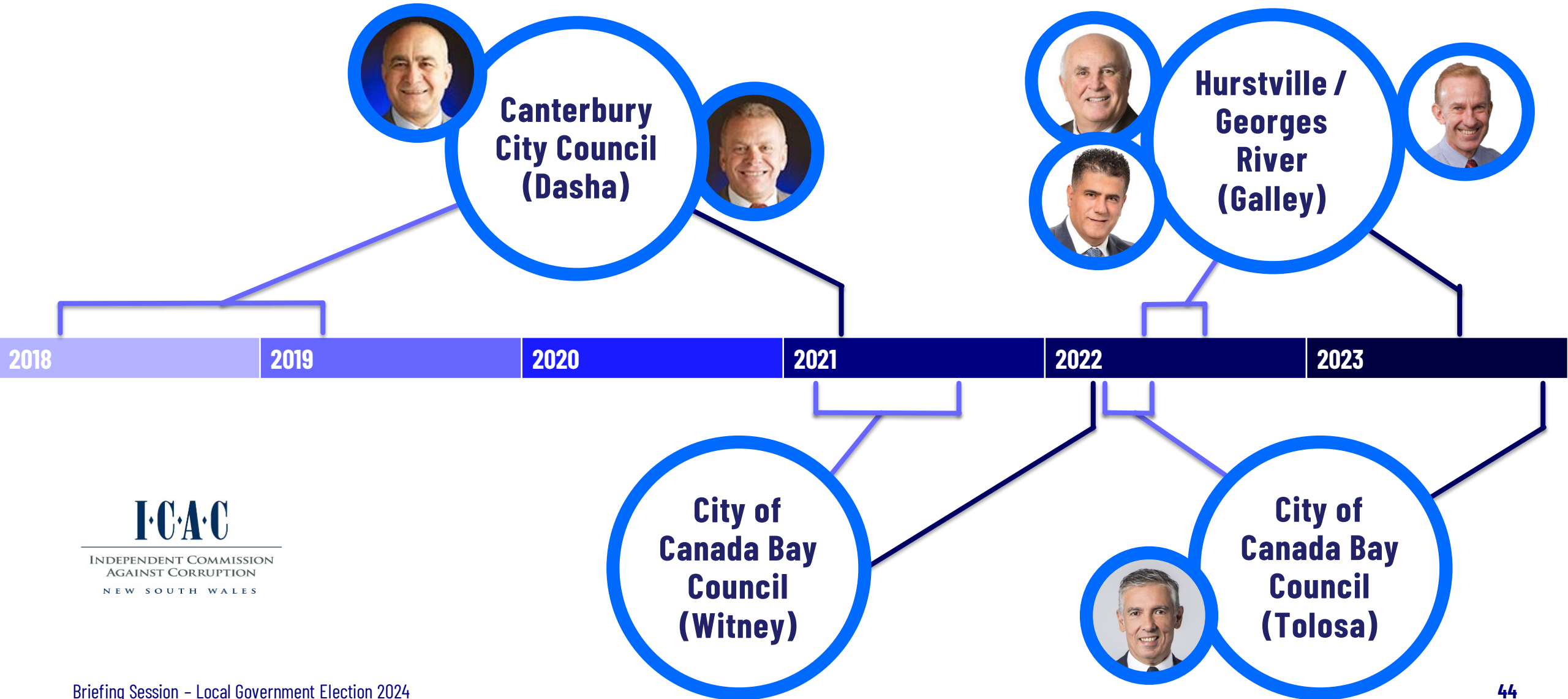
Rules and more

- working relationship with the GM and staff – separation of powers
- working relationship with fellow Councillors – formal and informal
- working with diversity in the community – how, what?
- Councillor Professional development – upskilling and reskilling

Corrupt Conduct



Local Councils & Recent ICAC Investigations



3. Leadership and Professional Development – Why?

Responsibilities

s232 NSW LG Act:

- The role of a councillor is to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor

Benefits

- Build confidence
- Comply with legislation
- Find new ideas & solutions
- Update your knowledge and skills
- Build your team
- Network with peers

3. Leadership and Development - Capability Framework

The **Capability Framework** was developed by LGNSW in consultation with the Office of Local Government (OLG)

It was developed to support elected members identify:

- a professional development plan (PD Plan)
- learning options; courses online and f2f, coaching, mentoring, networking etc.
- to assist councils identify a budget for elected member PD.

Councillors can use personal funds, councillor allowance and the council PD budget to pay for PD

https://capability.lgnsw.org.au/local_government_capability_framework.pdf

3. Councillor Capabilities – LGNSW Learning Solutions

Understand your own learning style and how you can be a more effective Councillor

- **Leadership qualities**, energy, motivation, resilience, confidence,
- **Strategic thinking**, advocacy, networking, working collaboratively
- **Communication skills**, active listening, public speaking, respect, negotiation, conflict resolution
- **Problem solving**, critical questioning, analytical skills,

4. Making My Decision - What will life as a Councillor (a local leader) be like?

Being ethical, open and honest are key characteristics of successful Councillors

- People want you to solve their problems, but you need to balance community needs and priorities, which can often be in conflict
- You work within a limited budget and a complex set of laws governing your decisions
- The community may not always agree with your decisions
- You are accountable for your decisions and actions in the public arena
- You are in the public eye – residents will demand your time and attention
- You will be lobbied – you need to manage this appropriately
- Attend Council meetings; Committee meetings (internal & external); workshops/briefing sessions
- Read Council Business Papers
- Represent Council at some events

4. Eyes Wide Open

Making the decision to be a candidate

- Why do I want to be a Councillor? (Discussion on motives, pressure from others, single issues)
- Do I have the skills? Can I acquire them? (Literacy, communication, considered decision making- identifying learning needs)
- Do I have the time? (Other time demands - work, family, community. What time is required)
- Can I manage pressure and interest groups? (How?, Who can help me?)
- Do I have support? (Family, community, group of friends/colleagues, political group, etc)
- Can I set boundaries? (Private time, code of conduct, conflict of interest)
- What do I hope to achieve?

4. So now what can I do to decide and prepare?

- Attend Council meetings or view live streaming
- Research the issues relevant to your area
- Attend meetings of community groups
- Talk to current and past councillors
- Read Council's publications and visit the website
- Become familiar with Council's strategic planning documents
- There is support available:
 - Induction & support from council and staff, external providers
 - Training and education and attendance at seminars, conferences
 - Councillor fee and allowances for carers, telecommunications, travel & accommodation

4. So now how do you progress to get elected?

- Find out your key dates (nomination deadlines)
- Submit your paperwork accurately and on time
- Read and understand rules set by NSWEC – and ask any questions you have
- Prepare a campaign schedule, key themes and commitments
- Establish a support network (campaign team, family and friends)
- Identify your community networks
- Remember: you need to secure sufficient votes to win office

Member Associations

Local Government NSW

<http://www.lgnsw.org.au>

Australian Local Government Women's Association

<https://www.algwa.org.au/>

Australian Local Government Association (ALGA)

<https://alga.asn.au/>

Contact

For more information about courses for staff and councillors, contact

LGNSW Learning Solutions

02 9242 4081 learning@lgnsw.org.au

