

SO

YOU WANT TO BE ON

COUNCIL?

February 2014

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RESOURCES ⁽ⁱ⁾

Websites:

1. Local Government Association of the Northern Territory (LGANT)
 - www.lgant.asn.au
2. Municipal Association of Victoria (MAV)
 - www.mav.asn.au
 - Council information - 'Becoming A Councillor'
 - See this website to access individual council websites in Victoria
3. Local Government & Shires Association of NSW (LGSA)
 - www.lgnsw.org.au
 - Council information - 'Becoming A Councillor'
 - See this website to access individual council websites in NSW
4. Local Government Association of South Australia (LGASA)
 - 'So you want to be on Council?' 2006 edition can be found at: www.lga.sa.gov.au/site/page.cfm?u=343
 - For individual council websites in South Australia: www.lga.sa.gov.au
5. Local Government Association of Queensland (LGAQ)
 - www.lgaq.asn.au
 - See this website to access individual council websites in QLD
6. Western Australian Local Government Association (WALGA)
 - www.walga.asn.au
 - See this website to access individual council websites in WA
7. Local Government Association of Tasmania (LGAT)
 - www.lgat.tas.gov.au
 - See this website to access individual council websites in Tasmania
8. NT Council Websites
 - Go to the council website-for example www.litchfield.nt.gov.au
9. Australian Local Government Association (ALGA)

- www.alga.asn.au

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INTRODUCTION

1) What Is This Guide About?

This guide has been prepared:

- to assist persons to decide whether or not to nominate for council elections or by-elections for the councils in the NT.
- to encourage participation in Local Government elections;
- to highlight some of the important issues relevant to nomination;
- to describe the election process for the councils;
- to give hints on campaigning; and
- to promote better understanding of Local Government in the Northern Territory.

The guide has been prepared by the Local Government Association of the Northern Territory ('the Association') with assistance from the Department of Housing, Local Government and Regional Services, 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 the Association gives acknowledgement and is grateful.

2) What Is Important About Democratic Government?

Put simply, a democracy or democratic government could best be described as one that has elections in which:

- adults voted in a fair and transparent manner, according to law;
- there was a choice of candidates to elect; and

- the results of elections were decided by majority vote of the adults voting.

Citizens consider participation in decision-making as important

Democratic governments are expected to move to a type of governance defined as collective decision-making in which government acts as one shareholder amongst many (Knight, Chigudu & Tandon 2002).



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 role of Australian Local Government closely follows that established internationally

The national general assembly of Local Government (held annually in June in Australia) proclaimed in 1997 a declaration on the role of Australian Local Government. See Appendix A on pages 38-40 for details.

Citizens expect good performance from governments

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]

- 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).

3) What Is Government in Australia About?

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

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.

Each sphere of government is charged under law with the ‘peace, order and good government’ of their areas

4) What Are The Characteristics Of Local Government In The Northern Territory?

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

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.

The Northern Territory Government commenced in 1978

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



- Alice Springs (in April 1971); and
- Katherine and Tennant Creek (both in March 1978).

After self government numerous councils were incorporated, the first being:

- Lajamanu Council in 1980.

There are 16 Councils in the Northern Territory

As of 1 July 2008, there were five municipal councils and 11 regional councils. **A map of these councils is on page 41 at Appendix B.**

These councils include about 98% of the Territory's population and council boundaries cover about 90% of the land area. Three Towns, Alyangula, Nhulunbuy and Yulara are not in Local Government areas.

Local Government has undergone structural reform

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 reduce from 58 in 2007 to 16 by 1 July 2008.

The system of Local Government has three parts

Local Government in the Northern Territory is made up of:

- 16 Local Government Councils (representing the interests of local areas).
- 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).



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

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.

5) What Are The Main Laws That Relate To Local Government?

Councillors must know Local Government laws

The *Local Government Act* ('the Act'), as in force at 1 July 2008, 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 and regulations).

Electoral regulations govern council elections

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;* and
- *Council by-laws* (these apply to particular council areas. Refer to the Northern Territory website: <http://www.nt.gov.au> - and look for legislation for the full list of council by-laws throughout the Northern Territory).

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

Local Government is an elected system of government directly accountable to local communities and to State and Territory Governments. The balance that legislation (such as the *Local Government Acts* in all States and Territories) 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 compliance and legislative requirements that the Territory Government imposes.

6) What Functions Do Councils Perform?

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

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

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

- to act as a representative, informed and responsible decision-maker in the interests of its constituency;
- to develop a strong and cohesive social life for its residents and allocate resources in a fair, socially inclusive, and sustainable way;

- to provide and coordinate public facilities and services;
- to encourage and develop initiatives for improving quality of life;
- to represent the interests of its area to the wider community; and
- to exercise and carry out the powers and functions of Local Government assigned to the council under relevant legislation.

Functions of a council (Section 12 of the Act)

- to plan for the future requirements of its area for Local Government services;
- to provide services and facilities for the benefit of its area, its residents and visitors;
- to provide for the interests and well-being of individuals and groups within the council area;
- to carry out measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;
- to manage and develop council facilities and services in its area in a sustainable way;
- to promote its area as a location for appropriate industries or commerce or as an attractive tourist destination;
- to establish or support organisations or programs that benefit the council area;
- to manage and develop for the benefit of its area all the resources available to the council; and
- other functions assigned to the council under this or any other Act.

Objectives (Section 13 of the Act)

- to provide open, responsive and accountable government at the local level;
- to be responsive to the needs, interests and aspirations of individuals and groups within its area;
- to cooperate with territory and national governments in the delivery of services for benefit of its area;
- 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;
- to place a high value on the importance of service to council's constituency;
- to seek to ensure that council resources are used fairly, effectively and efficiently;
- 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;

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

Councils provide services and maintain facilities in accordance with specific roles and powers defined by the Act or other legislation. Others 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; and
- the restrictions that come with grant funding or legislation.

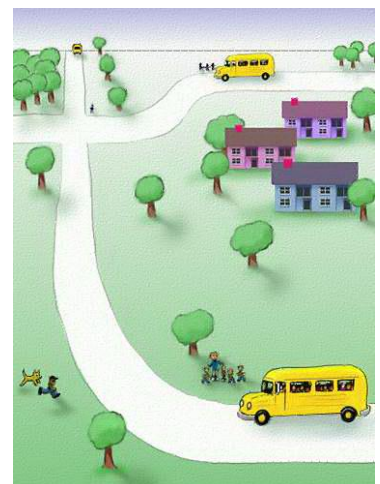


**PALMERSTON
FRIDAY NIGHT
MARKETS**



Most councils provide infrastructure, and community services and facilities such as:

- road and footpath construction and maintenance;
- street lighting;
- 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.



7) Who Makes Up The Council?

The Principal Member of a municipal council is called the Mayor or President

A council is comprised of:

- *the Principal Member (who can be the ‘presiding member’ or ‘the chair’)*, may be elected as a representative from the whole of the Local Government area. Some councils have a separate election for this position whereas other councils elect their President or Mayor from amongst their council members.
- *a number of members elected to represent the council area* as a whole or on a ward basis, as determined by the council.

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.

8) Do Councils Have Wards?

A council area may be constituted with or without 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 to be a representative of that ward. A ward is a specific geographical area used as an electoral base for electing members.

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

If a council does not have wards, it follows that only members for the whole council are elected.

Refer to section 47, page 36 of this guide for details of councils with wards.

9) 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; and
- 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.

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 strengthening communities for the future.

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

Being a Council member is a 'learning' process

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 very fast.

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

10) How Long Are Members Elected For?

Members of councils are elected for four-year terms

Members of councils will, from March 2012, serve a four-year term unless, of course there is a by-election. **Refer to Section 35 on page 29 of this guide.** The next elections for all councils will be held in 2016 and these will be for the full four-year term ending in 2020.

11) What Are The Roles Of Members?

The role of the President/Mayor is to:

- chair all meetings of the council;
- act 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; and
- to exercise the other functions of the council as the council determines from time to time.

***The role of
Deputy
President/Mayor***

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

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

- the office is to be filled at each general election; and
- 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.

***Your role is
defined
under law***

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 roles and
responsibilities
of council
members***

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

- 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 local board meetings (refer to section 17, page 19)

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

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

- 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; and
- 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 facilities to be maintained. You will do this by adopting and monitoring progress on plans that will lead to the social and economic development and environmental management of the total area you have been elected to represent.

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

Your role as a policy maker

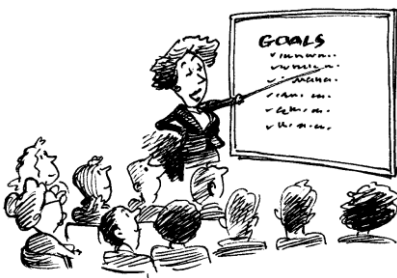
Policies are 'guidelines for decision making'. A policy reflects an objective and guides managers and employees toward that objective in situations requiring discretion and judgment. Policy increases the chance that different managers and employees will make similar choices when independently facing similar situations. (Mukhi, Hampton & Barnwell 1988).

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

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. Policies and decisions of council are made at council meetings.

Council staff have a role in implementing policy

As a 'policy maker' you have responsibility for establishing and reviewing the rules, regulations and guidelines 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. 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

12) What Is The Nature Of The Relationship Between Elected Members And Staff?

The working relationship between council members and employees

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.*



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

(Municipal Association of Victoria, *From Citizen to Councillor*, 1996, p13).

The Chief Executive Officer (CEO)

Every council must appoint a Chief Executive Officer (CEO) who is the most senior member of the staff. Prior to the CEO preceding on approved absence an Acting CEO is chosen by the CEO to cover for the period of absence. The CEO is then required to inform Council of the acting CEO.

Your role as a community representative

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 ensure that the council acts within the law. Some powers and functions are vested in the CEO under the legislation, others are given to him or her under an instrument of delegation by council.

The role of a CEO under the Local Government Act is given at Appendix C on page 42 of this guide.

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

13) What Are Some Of The Duties Of Members?

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!

*Your role
in being
informed*

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.

14) 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 the council and as such an individual council member has no authority to act or make decisions alone

*The CEO
'convenes'
meetings*

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

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

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.

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.

15) How Are Council Decisions Made?

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

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 a majority vote of the members present and entitled to vote at a meeting

A quorum of members must be present at a meeting of council

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 has to adopt a policy if it wants the chair to have the 'casting' vote

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.

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

16) 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. If you are absent from two consecutive meetings without council's permission, your office may be declared vacant. Due to the great distances, many regional councils in the NT convene their meetings once every two months.

The rules governing council meetings are generally in the by-laws of councils or are recorded as council policies.

17) What Are Committees or Local Boards?

Committees can be useful for gaining community participation

A committee or local board is 'part of the whole' or part of council. A good deal of your time may be spent in committee or local board meetings. Where a wide range of activities and functions are decided for which a council is responsible, councils may establish committees or local boards to assist the council in its work and to increase community input in policy development.

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

Examples of committee or local board functions

The function of committees and local boards vary. A council may establish a committee or local board to:

- inquire into matters and provide and make recommendations to the council (for example, allow input into council policies);
- carry out a specific project or task on behalf of the council;
- manage or administer property, facilities or activities, on behalf of the council;
- oversee works on behalf of the council; and
- exercise, perform or discharge delegated powers, functions or duties.



Local boards are usually chaired by a councillor.

18) Are Gatherings Or Representations Council Meetings?

Informal gatherings are not council meetings

Councils can also hold informal gatherings of members of council or committee and staff for planning sessions associated with the development of policies and strategies, briefings, training sessions, workshops or social gatherings to encourage informal communication between members or between members and staff.

These gatherings are not formal council meetings and as such no decisions can be made at these gatherings

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 D).

19) How Much Time Do Members Have To Devote To Meetings And Civic Duties?

Time commitment for members of council

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. Some meetings may go late into the night. Some Northern Territory regional councils take two days to complete their meetings. The first day being a briefing, the second day to vote on motions.

20) How Should Members Maintain Contact With Residents Of Council Areas?

Staying in touch with the community and council staff

It is important that you are in touch with council staff (in most cases the CEO) and 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; and
- 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(for shires this could include Local Implementation Plans);
- 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 the local paper to keep abreast of local news and issues;
- communicate with your community; and
- 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 <http://www.alga.com.au>)

Websites are useful sources 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?

Allowances and expenses

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.

The annual allowance paid to councillors forms part of the budget process and ensures there are adequate funds to cover this expenditure.

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.



22) What May Members Have To Declare At Or Before The First Meeting Following Their 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 required to sign an official declaration stating that: '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?

Members are required to show ethical behaviour

Codes of Conduct are designed to inform members of the behaviours that are expected of them and may 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

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.

As a council member you are part of the system of government in Australia and a leader in your local community. In this role you have a duty to conduct yourself in a manner that is appropriate to your office.

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.

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 a 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.**

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

Community perceptions can arise from the behaviour of 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.

Knowing your subject matter and how your council works is important

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.

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 budget, shire or municipal plans, council policies and by-laws)

24) Why Should Councils Be About ‘Good Governance’?

Councils are 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).

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?

Register of interest

In order to ensure that your position about an issue cannot be questioned or is ‘above board’, 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.

Conflict of interest

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’.

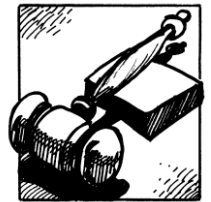
As a council member you will have to declare any interest in a matter before the council. The Act specifies what constitutes an 'interest' and sets out the behaviour to be followed in such circumstances.

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?

No liability if act in 'good faith' and within the law

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. You may be relieved to know that your house cannot be sold to pay a council debt!

28) Can A Member Lose Office?

A person is eligible unless disqualified

Changes to a council area or wards do not affect a term of office until the conclusion of the next election. You do not lose office if, after being elected, you cease to be an elector for the area in which you stood, provided that your new area of residence is still within the council area. You may lose office if you do not get permission to be absent for two consecutive council meetings. **See section 16, page 19.**

You lose office for various reasons including on the grounds of mental or physical incapacity, or if you are declared bankrupt, or convicted of an indictable offence. **See section 31 below.**

29) Who May Become A Council Member?

*Voting at
local council
elections is
compulsory*

Anyone can stand for election regardless of qualifications, religion, gender or employment provided they are eligible (see following pages).

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, set out on the following pages are 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) What Are The Rules Governing Eligibility For Membership Of A Council?

*There are
rules for
eligibility*

Anyone can stand for election as a council member, either President/Mayor or Councillor, if they are an elector on the Northern Territory Electoral Roll for the council area.

31) Under What Conditions Are Residents Ineligible For Nomination?

**Am I
eligible?**



People are **ineligible** 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 comparison 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; and

*If you are
unsure
about
eligibility
contact the
NT
Electoral
Commission*

- are certified mentally unfit to carry out the functions of a member.

If you have any doubts as to whether you are eligible you should contact the Northern Territory Electoral Commission on telephone **1800 698 683**.

32) What Should You Consider Before Nominating For Council?

The attributes of an effective council 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 and manage relationships with them effectively;
- 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); and
- a willingness to learn about the issues which are new to you (eg, 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.



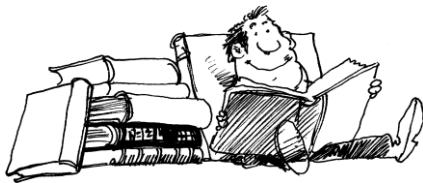
Learning about issues is important

To learn you will need to read often

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



33) How Do You Become A Council Member?

You need to nominate for election and then win it

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

- nominating; and
- running a campaign (when there are more nominations than positions).

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



34) How Are Council Elections Managed?

The Act and Electoral Regulations describe the process

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 person in charge of running an election is called the Returning Officer. In the Northern Territory the councils appoint a Returning Officer for their elections, which is usually the Northern Territory Electoral Commission. The Returning Officer is usually independent of the council, council members or the CEO in regard to the

Electors attend Polling Places and cast their votes.

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.

**Pre poll or
postal
votes**

Electors who are unable to attend a polling place on Polling Day may have a pre poll vote or a postal vote. These votes are available after the close of nominations.

35) What Are By-Elections?



Council by-elections are held whenever necessary during the first three years of the council to fill any 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 as part of the nomination pack from the Returning Officer.

36) How Do You Nominate And Campaign At Elections?

**The period
for lodging
nominations**

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

**When to start
campaigning**

You can start organising how you will campaign before nominations have closed, but you may decide not to spend time and much money as the unexpected can happen, and you may be elected unopposed.

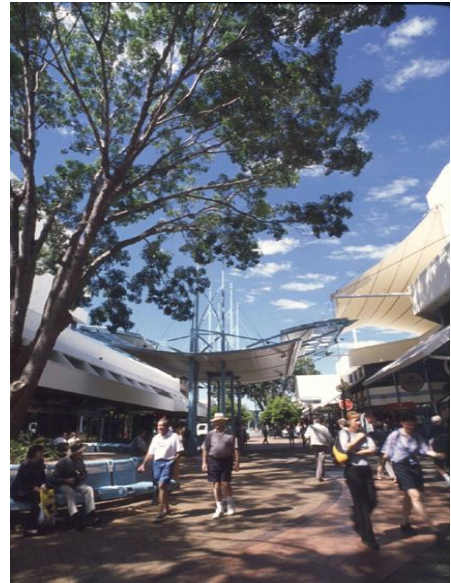
Even if you are elected unopposed, you still owe it to your electors to provide them with information about yourself and your views so some of the following suggestions will apply to your situation. The pace and urgency of your contact with electors will, however, be much different.

To campaign effectively you will need two sets of information;

- **Information about the area for which you are standing so that you can canvass it effectively; and**
- **Information about the procedures of the election and voting by the electors.**

Information about your area

As a first step, ask at the council office for the details of the council and, where applicable, ward boundaries.



You may be passionate about waste management, for example, but this may not be important to electors if they want to know what you will do about local dog control

37) What Election And Voting Information Should You Study?



Visit
websites
and study
the
business
plan of the
Council

For council elections it is essential that you read:

- the information provided in this booklet;
- the *Local Government Act*;
- the *Local Government (Electoral) Regulations*; and
- 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.

38) How Should You Run A Campaign?

Get your
'message'
right



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:

- telephone people (those you know or a random selection from the telephone book);
- prepare and distribute a pamphlet/leaflet (**see information on page 33 about election materials**);
- 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); and
- give interviews to the media.

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 impact. Local Government is locally based and personalised and your campaign should reflect this.

39) Why Is 'Door Knocking' Important?

The personal approach

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

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.

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



Weekends & evenings are best for door knocking

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

40) 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

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



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'; and
- leave a handout or leaflet behind. This will serve as a reminder and provide the basic information you have covered.

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.

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

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.

41) 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; and
- **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 messages that you wish to convey. It **MUST** be authorised*



Use 'black and white' photographs

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

*Don't promise
what you
can't deliver*

When preparing campaign material do not make grand promises. All changes takes 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.

*Once you have prepared
your campaign material,
ask others to read
through to check for
errors and to give you
some feedback prior to
having it printed*

42) What Use Can Be Made Of The Media?

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

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.

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.



43) How Do Public Meetings Help?

*You should
attend a
meeting if
one is
organised*

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.

*If other candidates
are also asked to
speak, make sure
you address the
differences in your
ideas and policies
from those of your
opponents –
politely*

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.



44) What About Advertising And 'How To Vote' Cards?

You print the names and addresses of persons authorising advertising

Advertising is effective but can be very expensive. 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.

Distributing 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.

If at all possible do not do this yourself. Your time will be better spent in personal contact

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

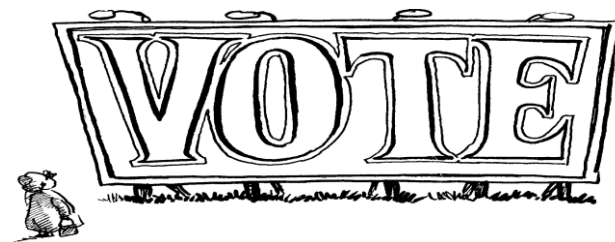
45) What About Election Signs?

Election signs are allowed

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

Candidates may make enquiries at the relevant council office to obtain guidelines for the display of electoral signs

Electoral signs can be a useful way of letting people know that you are a candidate. So be ready to put up your signs as soon as nominations close and you know that you will be involved in the election.



46) What Is Not Allowed?

Illegal practices

The *Local Government Act* and the *Local Government (Electoral) Regulations* specify a range of illegal practices. It is very important to be aware of all illegal practices, so if in any doubt, seek further information from the Returning Officer.

47) Elected Members - Councils

Structure

The elected representative structure of the 16 councils for which elections are being held in the Northern Territory is:

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	Administrator
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	15	Yes	6	President
KATHERINE TOWN COUNCIL	7	No	0	Mayor
LITCHFIELD COUNCIL	5	Yes	4	President
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	12	Yes	8	Mayor
WAGAIT SHIRE COUNCIL	7	No	0	President
WEST ARNHEM REGIONAL COUNCIL	12	Yes	4	President

“NB: At the time of printing, vacancies existed for elected members in some councils. Total councillor numbers indicated above do not reflect the total councillor positions in councils”

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Appendix A

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.

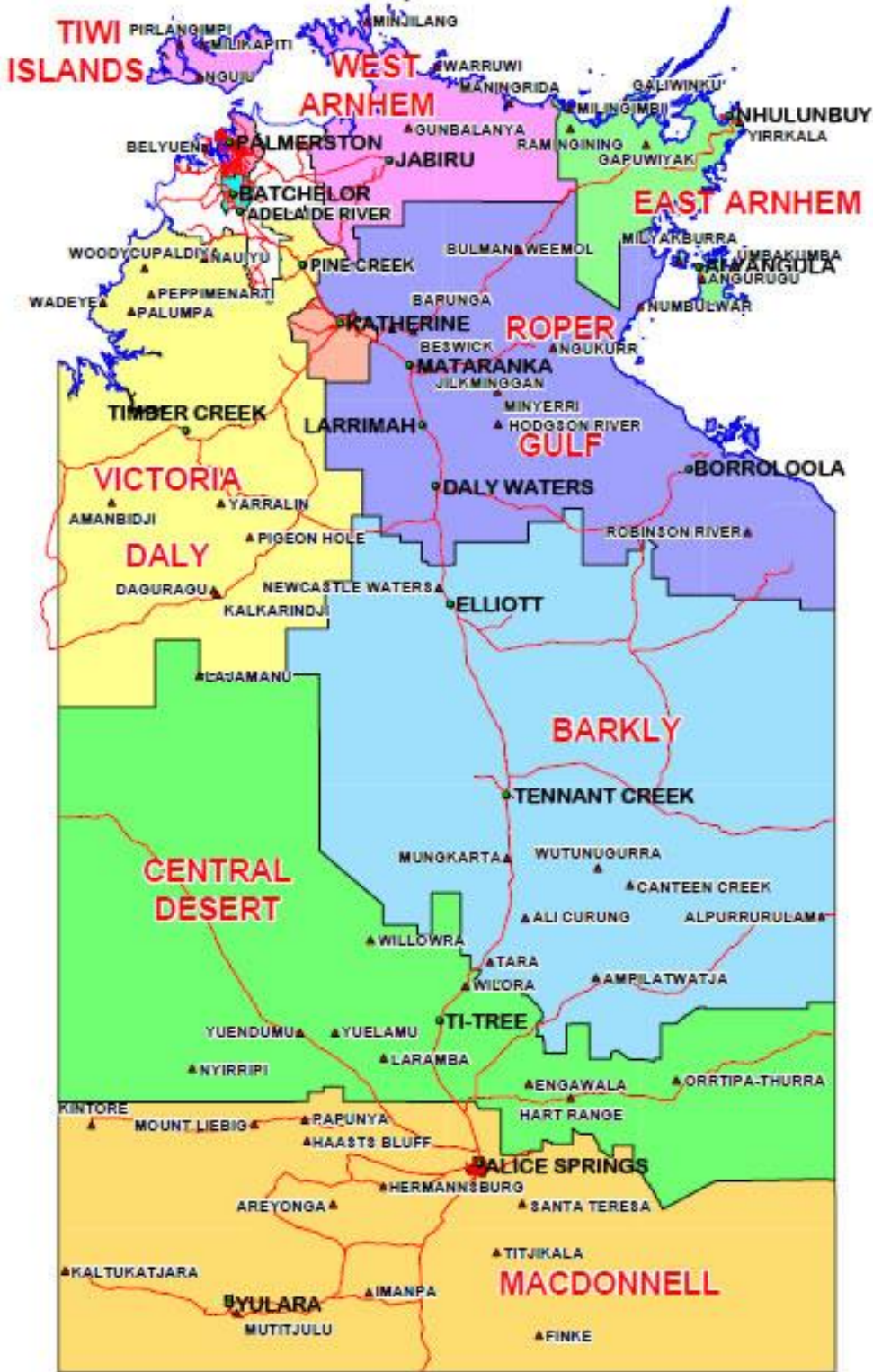
11. will foster **Regional Cooperation**

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 B
MAP OF LOCAL GOVERNMENT AREAS IN THE NORTHERN
TERRITORY FROM 1 JULY 2008



Source: www.placenames.nt.gov.au/localities

Appendix C

ROLE AND FUNCTION OF THE CEO

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); and
- to carry out other functions delegated to the CEO by the council or assigned to the CEO under this or any other Act.

Appendix D

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 is recognised as the peak representative body for local government in the Northern Territory and is federated nationally with other State Local Government Associations to form the Australian Local Government Association.

LGANT is a member-driven organisation. Policies and actions can be decided at general meetings of the association. 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; and
- innovation.

GOALS

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

- to enhance the status and performance of Local Government in the Northern Territory;
- to effectively advocate for and represent member councils;
- to promote communication between our members, stakeholders and the broader community; and
- to provide effective and efficient services to our members.