



Local  
Government  
Association  
Tasmania

# Councillor Resource Kit

2018



## Acknowledgements

The Councillor Resource Kit has been developed by the Local Government Association of Tasmania (LGAT). Over the years, staff from other Associations, State Government and councils have all contributed and we thank them all. We would also like to thank those councillors, past and present, who have contributed their thoughts and experiences to this resource.

## Disclaimer

The content of this kit has been prepared for information purposes only. It is not intended to be a substitute for consulting legislation directly or obtaining qualified advice on any matter discussed. LGAT, its employees and agents, will not be responsible for any loss, however arising, from the use of, or reliance on this information.

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## A Word from The President

Congratulations on your achievement and welcome to Local Government. While many candidates are primarily focussed (justifiably so) on their own municipal area, it doesn't take long to realise that every councillor is also part of a much larger entity. During your term(s) many of you will have the opportunity to develop positive relationships with colleagues from neighbouring councils or on a regional, state-wide, national and even international basis. The world of Local Government is about sharing ideas and initiatives and also being prepared to listen to and learn from others.



The next four years will be a fascinating journey for you with many challenges, successes and, at times, disappointments. Issues that may have initially appeared black and white are suddenly infused with shades of grey. This in itself is not a concern. Indeed, it can be a catalyst for greater understanding and appreciation of alternate opinions which, in turn, allows for more informed decision-making.

You have accepted the stewardship and responsibility as a representative of your community to provide leadership and vision and you will be part of a team to plan for the future of your area and its people.

You will ensure that your Council is accountable, that it is transparent and that its practice complies with the laws of our State and the Commonwealth.

The Local Government Association of Tasmania (LGAT) provides assistance, advice, professional development and learning opportunities to new and experienced councillors. I encourage you to continually strive to learn new skills and to share your abilities with fellow elected members. Above all, enjoy your time in Local Government and the satisfaction that this form of community service will afford. I wish you well on this journey.

Mayor Doug Chipman  
President  
Local Government Association of Tasmania

## About the Councillor Resource Kit

The purpose of this kit is to provide practical information that will help you become familiar with the responsibilities of your role as a councillor. It outlines information you will need to know about the way Local Government works in Tasmania and explains in simple terms some of the issues you may have to deal with. It aims to assist you in the performance of your duties and the achievement of your goals. It also provides you with useful information on such matters as councillor allowances, opportunities for professional development and advice on where to go for more information.

While you may not be able to digest all the information in the kit at once you will find it a useful resource to refer to from time-to-time.

## About LGAT

The Local Government Association of Tasmania (LGAT) is the peak body for Local Government in Tasmania and is part of a national network of Local Government associations. Founded in 1911, LGAT is an incorporated body under the *Local Government Act 1993*.

LGAT is the voice of Local Government to other governments, interested stakeholders and the wider community. For over 100 years it has advocated on behalf of Tasmanian councils for fair treatment and to provide for the long-term security and sustainability of Australia's third sphere of government.

Funded by its member councils, and other income earned through projects sponsored on behalf of Local Government, LGAT's roles, as outlined in the Local Government Act, are to:

- protect and represent the interests and rights of councils in Tasmania;
- promote an efficient and effective system of Local Government and
- provide services to member councils, councillors and employees of councils.

To deliver on these roles, LGAT must foster strategic and beneficial relations with the other spheres of government, industry and community stakeholders.

The specialist services that LGAT provides to its member councils include policy and strategic support, information, learning and development for Local Government councillors and officers and procurement of employee relations and insurance services. LGAT also coordinates the Tasmanian Local Government Awards for Excellence, the Annual Tasmanian Local Government Conference and the LGAT Assist Fund.

You can find out more about LGAT's activities on its website at [www.lgat.tas.gov.au](http://www.lgat.tas.gov.au) and on the Member Only extranet<sup>1</sup>.



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<sup>1</sup> Your general manager can provide you with login information.

## Introduction

### LGAT Structure

The General Management Committee (GMC) provides oversight of and strategic direction for LGAT operations. The GMC is elected by member council representatives every two years. It comprises the President and six other members elected by regional groupings of councils. The Lord Mayor is also included on GMC when Hobart City Council is a member of the Association. The Vice-President is elected by the GMC.

LGAT develops and advocates policy positions on behalf of its member councils. Local Government policy priorities are developed through a range of mechanisms, including the GMC and General Meetings, working groups, workshops and committees and direct consultation. Many issues also arise from state and national government proposals and priorities. LGAT seeks to ensure that Local Government's position is represented during the development of legislation relevant to the sector and that the potential impacts on councils and their operations are fully considered.

LGAT holds at least three General Meetings every year. A key function of General Meetings is to formulate and ratify LGAT policy. This is done through the provision of papers and the process of councils generating, debating and voting on motions.

Working groups, committees and workshops all play an important role in the development of Local Government policy and in representing the interests of the sector in a variety of forums. Councillors and council officers represent Local Government interests on a wide variety of such groups and there are formal processes in place for nominating and appointing individuals to these positions.

### How can LGAT help you?

One of our roles is to provide support, advice and assistance to councils and councillors on a range of matters, including intergovernmental relations, policy and legislation. Our specialist staff will endeavour to answer your questions or to direct you to someone who can help you.

For advice and assistance call (03) 6233 5966. You may also like to visit our website at [www.lgat.tas.gov.au](http://www.lgat.tas.gov.au) and extranet where there is a wealth of information relevant to your work as a councillor.

We endeavour to keep you informed of industry news and developments, upcoming events, funding, learning and consultation opportunities through our extensive communication networks that include a monthly electronic newsletter, a monthly report on activity, the LG Noticeboard and LGTas – a biannual publication. You will receive electronic issues of these publications regularly and you can access back copies at the LGAT website [www.lgat.tas.gov.au](http://www.lgat.tas.gov.au) (Click on LGAT/Media and Publications). General Meeting papers are also an important source of information on current policy issues and projects underway.

“...As a councillor it is important to be familiar with the  
*Local Government Act.*”



“...The Local Government Division is located in the Tasmanian Department of Premier and Cabinet and is the main link between State and Local Government. You can find out more about the Local Government Division on its website ([http://www.dpac.tas.gov.au/divisions/local\\_government](http://www.dpac.tas.gov.au/divisions/local_government)).”

## Coming to Grips with your New Role

### Understanding the Local Government Framework

Adjusting to your new role as a councillor is a challenge. You will probably have to learn the language of Local Government, pick up new skills and do a whole lot of reading — fast. But you don't have to do this all by yourself. LGAT runs workshops for new councillors soon after the elections to help you through this learning curve. It is important that you attend one of these. The Association also runs learning and development events for councillors throughout the year, so watch out for these as they can be valuable opportunities for learning, networking and sharing experiences.

One of the first things you'll need to do is develop a clear understanding of your role and responsibilities and become familiar with the processes and organisation of your council. So, make use of any resources provided by your council and don't be afraid to ask if you need help in finding information.

There are three spheres of government in Australia: the Australian Government, State Government and Local Government.

Because Local Government makes decisions about so many things that affect our everyday lives and is the sphere of government that is closest to the people, it is often described as the "grass roots" form of government.

The main difference between Local Government and the other two spheres is that the State and Australian Governments have powers under the Australian Constitution to make laws. Local Government is created through State legislation, and only has the powers and functions that have been granted to it by the Tasmanian Parliament.

In Tasmania Local Government is made up of 29 councils, each responsible for a municipal area.

**[The Local Government Act 1993](#)** is the principal piece of legislation that establishes the powers and functions of Tasmanian councils.

As a councillor it is important to be familiar with the Local Government Act. It was passed by the Tasmanian Parliament in 1993 and has since been reviewed and further updated – most recently in 2017.

There are also two sets of regulations relating to the Act, which you should consult:

- [Local Government \(General\) Regulations 2015](#)
- [Local Government \(Meeting Procedures\) Regulations 2015](#)

There are also an ability for the Minister to make orders under the Act. These relate to long term planning, evaluation of councils, and roles and responsibility of councillors, mayors and general managers. As of 2017 only three sets of Ministerial Orders were in place. These include:

- [Local Government \(Content of Plans and Strategies\) Order 2014 \(S.R. 2014, No. 35\)](#)
- [Local Government \(Audit Panels\) Order 2014 \(S.R. 2014, No. 34\)](#)
- [Local Government \(Management Indicators\) Order 2014 \(S.R. 2014, No. 36\)](#)

Ask your Council for a copy of the Act and regulations. You can also access them online at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au).

#### **Other Important Legislation**

As well as the Local Government Act, there are many other pieces of Tasmanian legislation that affect the operation and activities of councils. Some of the most important Acts that will be relevant to your work as a councillor include:

- [\*Land Use Planning and Approvals Act 1993\*](#)
- [\*Environmental Management and Pollution Control Act 1994\*](#)
- [\*Resource Management and Planning and Appeal Tribunal Act 1993\*](#)
- [\*Public Health Act 1997\*](#)
- [\*Building Act 2016\*](#)

These, and other relevant pieces of legislation, are available at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au).

“...it is important to understand that individual councillors have no decision-making power. This lies with the collective group, which is the council.”

## Council Roles and Responsibilities

### Council Elections

Council elections are held every four years and at that time, all councillors, from each council in Tasmania vacate their positions and nominations are called for these vacancies.

Mayors and deputy mayors are popularly elected.

Voting in Local Government elections is not compulsory and is conducted through a postal ballot. Under this system there is a 14-day polling period rather than a single polling day.

You can find more information about council elections on the Tasmanian Electoral Commission website at [www.electoral.tas.gov.au](http://www.electoral.tas.gov.au).

### Role of the Council

A council is a body corporate, created under the *Local Government Act*, and is responsible for its municipal area. Section 20 of the Act sets out the following broad functions of councils:

- To provide for the health, safety and welfare of the community;
- To represent and promote the interests of the community; and
- To provide for the peace, order and good government of the municipal area.

Your council has been elected to provide leadership for the good governance of the municipal area. In performing its functions your council is required to consult, involve and be accountable to the community. It must take into account the diverse needs of the local community in its decision-making, set and monitor strategic objectives and ensure resources are managed in a responsible manner.

The responsibilities of your council include:

- Planning for and providing services, facilities and infrastructure for the community;
- Undertaking strategic land use planning for the municipal area;
- Making and enforcing by-laws;
- Raising revenue to enable council to perform its functions;
- Undertaking long term strategic financial and asset management planning; and
- Advocating proposals that are in the best interests of the community, now and in the future.

### Role of the Councillor

It is important to understand that **individual councillors** have no decision-making power. This lies with the **collective group**, which is the council.

Section 28 of the *Local Government Act* sets out the functions of councillors as individuals and in their collective role as the council.

The functions of individual councillors are to:

- Represent the community;
- Act in the best interests of the community;
- Facilitate communications with the community;
- Participate in the activities of council; and
- Undertake duties and responsibilities as authorised by council.

The functions of councillors acting collectively as the Council are to:

- Develop and monitor the implementation of strategic plans and budgets;
- Determine and monitor the application of policies, plans and programs for:
  - The efficient and effective provision of services and facilities
  - The efficient and effective management of assets
  - The fair and equitable treatment of council employees;
- Facilitate and encourage the planning and development of the municipal area in the best interests of the community;
- Appoint and monitor the performance of the general manager;
- Determine and review the council's resource allocation and expenditure activities; and
- Monitor the manner in which services are provided by the council.

Recent changes to the Act include provisions to allow the Minister to make orders to clarify the functions of councillors. At this stage no orders have been made.

### Role of the Mayor

The popularly elected mayor is the leader of the community in the municipal area. The principal roles of the mayor are to:

- Act as community leader;
- Carry out the civil and ceremonial functions of the mayoral officer;
- Promote good governance by and within the councils;
- Act as the chairperson of the council and to chair meeting of the council in a manner that support decision making processes;
- Act as spokesperson for the council,
- Represent the council on regional organisations and at intergovernmental forums at regional, state and federal levels;

- Lead and participate in the appointment and the monitoring of the performance, of the general manager;
- Liaise with the general manager on:
  - The activity of the council and the performance and exercise of its functions and powers;
  - The activities of the general manager and the performance and exercise of his functions and powers in supporting the council.

Recent changes to the Act have included provisions allowing the Minister to make an order to clarify the functions of the mayor. At the time of writing no orders have been enacted.

The mayor cannot make unilateral decisions, the whole council collectively must do this. However, the mayor's leadership role critically underpins the council's ability to make decisions which benefit the community. A good, professional working relationship is required between the mayor, general manager and councillors in order to deliver positive outcomes.

**More information on the role of the mayor can be found in the [LGAT Mayoral Handbook](#)**

### **Role of the deputy mayor**

The role of the deputy mayor is to act in the position of mayor in the mayor's absence or if authorised in writing to do so by the mayor.

### **Relationship between the Council and council staff**

The *Local Government Act* sets out the distinct roles of council and the general manager. **In a nutshell, the council sets policy and the general manager implements it and manages and directs the council staff.** Councillors are not able to instruct staff. Each council has its own set of protocols around councillor/staff interactions and it is important to be aware of these at an early stage.

### **Role of the general manager and council staff**

All councils are required to appoint a general manager. The general manager is responsible to the council for implementing council decisions and the general administration of council functions.

The everyday running of the council is the general manager's responsibility. This involves responsibility for the management of the council's resources and assets.

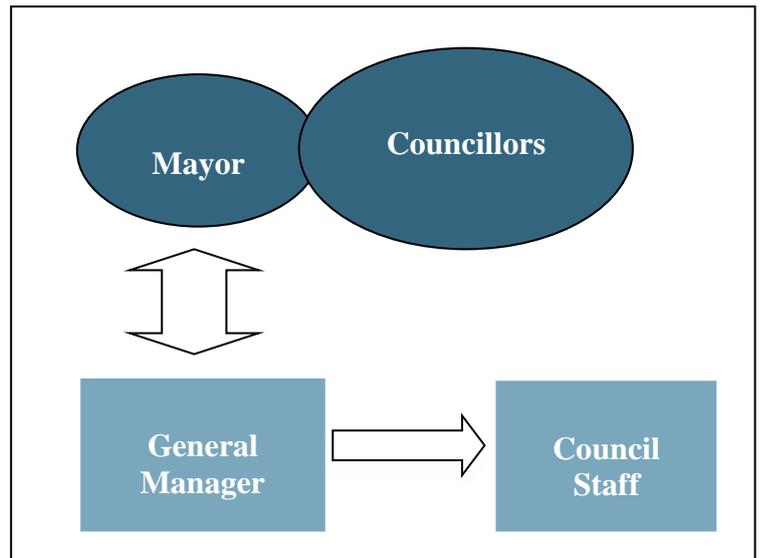
Councils employ a range of professional officers with expertise to advise and assist the council and to undertake specific functions. They also employ staff to undertake the administrative and operational functions of the council.

The general manager and council officers are there to provide advice and support to council and assist it in implementing its policies, plans and programs. Councillors then evaluate alternative options and assess the impact of decisions before deciding what's in the community's best interest — now and in the future.

In deliberating on and making these decisions it is important that councillors consider the advice provided by council's qualified professional officers.

A key challenge for councillors is not becoming involved in the day-to-day operations of the council by directing staff. This is not your role. It is the role of the general manager. Your role, as part of the council, is to work on overall council strategy and policy and, as an individual councillor, to represent the interests of the community that elected you.

However, building trust and establishing a good relationship with the general manager and council staff is extremely important. Your effectiveness as a councillor, and as a council, will in many ways depend on this relationship. Don't forget that your council officers are responsible for implementing your decisions.



**Remember:** as an individual councillor, you have no authority to act or make decisions on behalf of the council unless the council specifically authorises you to do something. This authorisation may only be made at properly constituted council meetings.

## Public access

In the interests of public accountability all meetings of a council or council committee are open to the public unless a meeting has been closed under Regulation 15 of the [Local Government \(Meeting Procedures\) Regulations 2015](#). Transparent and open procedures help inform the community about their council and encourage participation in the process of Local Government.

## Council meetings

The decisions of a council are made at council meetings which councillors are required to attend. All elected members have an equal voice in council decisions, with each councillor having one vote.

As a councillor you will participate in three main types of council meetings:

1. **Ordinary council meetings:** Held at least monthly. This meeting is where a council conducts its core business. It should be noted that if a councillor is absent from three consecutive meetings without leave his or her office becomes vacant.
2. **Special council meetings:** May be called on occasion to address business that cannot be postponed.
3. **Council committee meetings:** Meetings of council committees established by a council to oversee specific functions, projects or programs.

Councils also hold an Annual General Meeting to consider the council's Annual Report and review the Strategic Plan<sup>2</sup>.

## Workshops

Councils may hold workshops for the purpose of conducting in-depth discussion of certain topics.

Formal decisions are not made at workshops but these sessions provide the time needed to explore important matters in detail.

## Meeting regulations

Meeting times and agendas, procedures and other associated matters are covered by the [Local Government \(Meeting Procedures\) Regulations 2015](#).

Ask your council for a copy of these regulations or access them at: [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au).



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<sup>2</sup> A proposal to make Annual General Meetings optional is currently being canvassed with councils.

## Key documents

As well as key legislation referred to earlier, there are a number of important council documents that you will need to become familiar with in your first months as a councillor. These include your council's:

- Ten-Year Strategic Plan
- Annual Plan
- Annual Report
- Code of Conduct
- By-Laws
- Long Term Financial Management Plan (10 years)
- Strategic Asset Management Plans (10 years, covering each major asset class)
- Financial Management Strategy
- Asset Management Strategy
- Asset Management Policy
- Code of Tendering
- Audit Panel Charter and Work Plan
- Planning Scheme for the Municipality
- Sustainability Indicators

If these are not provided to you automatically, make sure you ask your general manager for copies. It is important that you have time to read the documents and ask questions before you actually need to use them or be involved in their development.

You will also find it useful to consult the [Statewide Communication and Consultation Partnership Agreement](#), which contains detailed guidelines for communication and consultation between State and Local Government in Tasmania. This is located on the Local Government Division's website.

### Strategic plan

Under Section 66 of the *Local Government Act*, your council is required to develop a strategic plan that spans 10 years and is reviewed and updated as required. The plan, which articulates council's vision, objectives and performance measures, is to be prepared and updated in consultation with the community and made available for public inspection.

The Strategic Plan, as well as Financial and Asset Management plans will be discussed in more detail later in this document.

### Annual plan

Your council is also required to prepare an annual plan for each financial year, which is consistent with the strategic plan. This drives the annual budget process and includes detail on implementing council's strategic direction.

### **Annual report**

As well, your council is required to complete an annual report at the end of each financial year. Section 72 of the *Local Government Act* sets out the required contents of that report.

### **Council by-laws**

Under the *Local Government Act* councils can make by-laws in relation to their functions and powers under any legislation. More information about by-laws can be obtained from the Local Government Division website at:

[http://www.dpac.tas.gov.au/divisions/local\\_government](http://www.dpac.tas.gov.au/divisions/local_government)

The Local Government Division is located in the Tasmanian Department of Premier and Cabinet and is the main link between State and Local Government.

### **Code of Conduct**

The role of a councillor is a public one. Whenever councillors appear in public, even though they may not be doing anything related to their council position, they are seen as acting in their councillor role and judged in this light. This means that councillors must act at all times in a way which does not bring disrepute to themselves or the council.

Under Section 28T of the *Local Government Act*, a council must adopt the model code, either with or without any variations. Councillors must comply with the provisions of the Code of Conduct in performing their functions and exercising their powers.

The adoption of a Code of Conduct is an important means of ensuring councils are responsible for their own behaviour and accountable to their communities. It also assists councillors and staff in their roles and makes a statement to the community as to what can be expected from councillors in terms of their behaviour. Generally, councils have separate policies and procedures dealing with staff behaviour, developed under the operational control of the general manager.

Matters that are addressed in the Model Code of Conduct are laid out in Section 28S of the *Local Government Act 1993*

They are:

- Conflicts of interest;
- The use of the office of councillor, mayor or deputy mayor;
- The use of council resources;
- The use of council information;
- The giving and receiving of gifts and benefits;
- Relationships with the community, other councillors and council employees;
- The manner in which a councillor represents themselves as a councillor; and
- Any other prescribed matter.

The Code of Conduct provisions within the Act are currently under review.

## Key Documents

The [Local Government Division](#) has information on offences under the Local Government Act, including pecuniary interest and the Tasmanian Integrity Commission provides a number of tools related to ethical decision making.

The Local Government division has also developed a Good Governance Guide for Local Government. The guide can be found at:

[http://www.dpac.tas.gov.au/divisions/local\\_government/good\\_governance\\_guide/about\\_good\\_governance](http://www.dpac.tas.gov.au/divisions/local_government/good_governance_guide/about_good_governance)

“...The adoption of a Code of Conduct is an important means of ensuring councils are responsible for their own behaviour and accountable to their communities.



## Tips for effective meetings

The most important goal for councillors is to make 'good decisions'. Good decisions are ones that produce good results that meet the needs of the community you represent. An essential ingredient for 'good' decision-making from a council's point of view is to have effective council meetings.

When you first become a councillor, council meetings can be very intimidating with rules that confuse and sometimes seem impossible to understand. But there are certain things you can do that will help you to effectively contribute to council meetings.

Here are some tips:

### Be prepared – do your reading

Make sure you are well prepared before your meetings. Read all the material that is provided to you beforehand. This includes agendas, briefing papers and minutes of the previous meeting, all of which are essential reading if you are going to make an effective and constructive contribution to council debate and decision-making. These papers can be lengthy, so you need to allow yourself enough time to read them.

### Understand council meeting procedures

Make sure you are familiar with council meeting procedures which are contained in the [Local Government \(Meeting Procedures\) Regulations 2015](#). These will govern how you operate in the council chamber.

The point of the Regulations is to provide a common format for meetings and give certainty around the rights and obligations of councillors and staff.

### Understand the rules of debate

The Local Government (Meeting Procedures) Regulations govern the way debate is conducted in your council chamber.

They describe who can move and second motions, and how long and how often a person can speak on an issue. Voting processes, requirements relating to questions and other procedures are also outlined.

By understanding the rules of debate and keeping yourself well informed about the issue-at-hand you will maximise your ability to effectively contribute to the decision-making process. It also helps if you can speak clearly and concisely when raising or responding to issues.

“...harbouring resentment can destroy teams, harm relationships and ultimately, undermine good governance.”

### Understand the issues and ask questions

Good governance is essentially about how decisions are made. It is important that decisions made in the council chamber are informed decisions.

Identify issues you're not familiar with and ask for clarification or further information if necessary. Research the issues you're unclear about and ask questions.

It is also helpful to talk with your fellow councillors so that you can understand their views on various issues.

### **Follow your Council's Code of Conduct**

Your Council's Code of Conduct describes how councillors should conduct themselves and resolve disputes.

It is important that you treat your fellow councillors, council staff and members of the community with respect and always act in an ethical, open and transparent way.

You also need to be aware of your obligation to declare a pecuniary interest and not participate in discussion or vote on any matter in respect of which you or a close associate has a pecuniary interest.

### **Leave disagreements in the chamber**

There will be times when you may not agree with a fellow councillor's point-of-view.

Harbouring resentment can destroy teams, harm relationships and ultimately, undermine good governance.

Make sure that differences of opinion on issues debated in the chamber are left there. After a meeting, you might find it helpful to clear the air or resolve any remaining tension in an informal way.

### **Take advantage of professional development opportunities**

As a new councillor you may not be all that familiar with council meeting procedures and processes.

There will be learning and development opportunities available to new councillors which will cover issues such as meeting procedures.

Make sure you take advantage of these when they are offered.

“..As elected representatives, councillors are accountable to their communities for their activities.”



“...Strategic planning is the most important link a council has in terms of providing accountability to the community.”

## Local Government planning, accountability and reporting

### Accountability

As elected representatives, councillors are accountable to their communities for their activities.

Effective accountability can only occur if an adequate supply of understandable information is provided to the community.

The main ways councils can demonstrate accountability to their ratepayers and residents is:

- By undertaking community consultation;
- Setting a vision with the community through strategic planning; and
- Accounting for this through annual reporting.

### Community consultation

Consultation with the community is vital to the work of council. Apart from demonstrating accountability, it adds value to policy development, planning and decision-making.

It also assists in building a cooperative partnership between council and the community and is an important way of allowing the community to provide feedback and express ideas, reactions and opinions.

Consultation can be undertaken in different ways. Councils need to develop and refine their own approaches to consultation.

Having your own approach will assist your council to consult in a way that is suitable to the particular situation and the participants.

Some examples of consultation processes are:

- Workshops and focus groups;
- Surveys;
- Public meetings;
- Community liaison groups;
- Precinct committees; and
- Social media.

“...One of the most important roles of a councillor is to participate in policy decisions on behalf of the community.”

### Strategic planning

Strategic planning is the most important link a council has in terms of providing accountability to the community.

A strategic plan is a statement of your council's vision and also a document through which the council and community form an agreement on common goals that council will then implement. Some key features of a strategic plan include:

- A vision;
- Set of values;
- Set of agreed objectives;
- Agreed policy and program outcomes and outputs;
- Priorities;
- Broad strategies to achieve the objectives and program outcomes;
- A community consultation process;
- Performance measures; and
- An evaluation and review process.

Under section 66 of the *Local Government Act 1993* a council is to prepare a 10-year strategic plan for the municipality, in consultation with the community. This plan provides an integral reference point for other key strategic documents such as long-term financial management plans and strategic asset management plans. The strategic plan is to be reviewed at least every four years (in line with the election cycle).

### **Policy development and decision-making**

One of the most important roles of a councillor is to participate in policy decisions on behalf of the community. This means that you have a responsibility to establish and review the plans, policies and guidelines that govern your municipal area.

A policy is a decision of the council that sets out agreed views and decisions concerning an area of responsibility. Council policies provide the overall framework in which the council operates. Within this framework specific strategies are developed to meet the community's goals and objectives in various areas.

The policy process in councils is strongly linked to strategic planning. The policy and strategic planning framework provides the direction for the management of council activities.

Policy decisions are made at all levels of the organisation, but they should always be consistent with the broad direction that can only be determined by the elected council. That is why it is so important to have a 'vision' as part of council's strategic plan and to identify the values that are to be used to pursue that 'vision'.

Councillors should focus on the big picture policy issues. These should be:

- Visionary;
- Strategic;
- Directional; and
- Outcome or results-oriented.

## Ensuring financial sustainability

The responsibility and accountability for financial management rests with council. This means councillors are responsible and ultimately accountable for the long-term financial planning, budgeting and monitoring of the council's financial performance. It is, therefore, extremely important that financial decisions and management are priority activities for councillors.

Councils must be financially sustainable. That is, a council must be able to manage its finances in a way which ensures it meets its current and future spending commitments and ensures that future ratepayers do not have an unmanageable bill for services provided. Councils should aim for sustainable programs, rate stability and intergenerational equity.

To ensure sound management practices, financial activities need to be underpinned by appropriate plans and strategies, some of which form part of a legislative framework, and include:

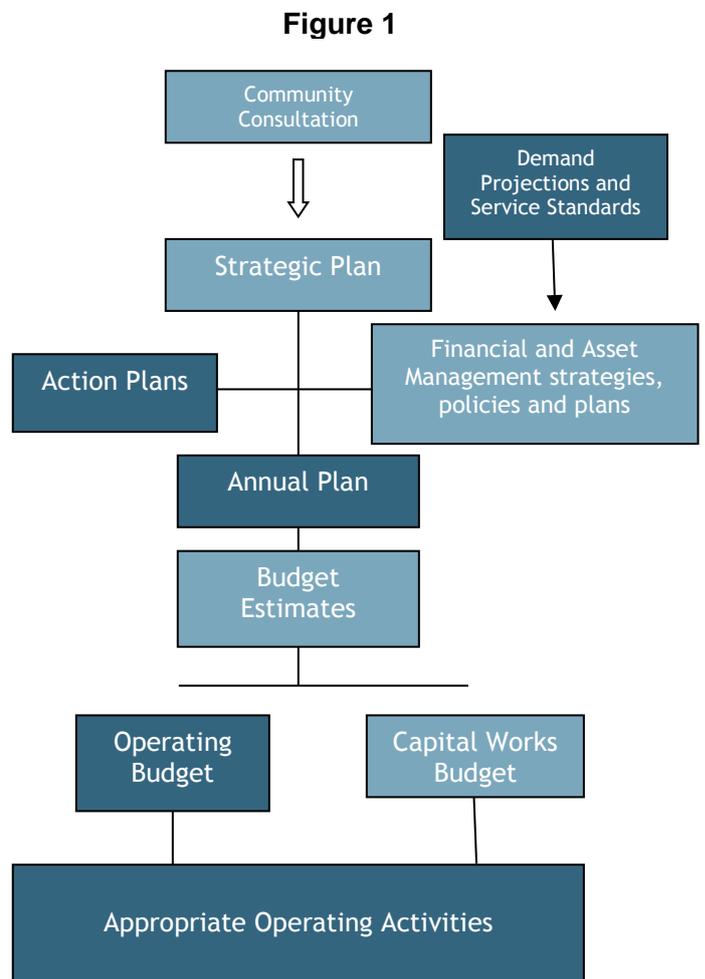
- 10-year Strategic Plan;
- Asset Management Strategy;
- Asset Management Policy;
- Strategic Asset Management Plans (10 years) for each major asset class;
- Long Term Financial Management Plan (10 years);
- Financial Strategy; and
- Annual Plan

**Figure 1** provides a general outline of the typical planning and budgeting process of councils and indicates how the various components fit together:

Working towards ongoing financial sustainability is vital to ensure that assets and services support the current and future needs of your community. This means that in the long term, assets and services will be maintained in a sustainable way and at a level acceptable to the community without unplanned rate rises or disruptive cuts.

During 2012 and 2013 the Local Government Association, in partnership with the State Government, delivered the Commonwealth funded Financial and Asset Reform Project.

The integration of strategic asset management and long-term financial plans has been a focus with a view to improving current and future council performance. This is now captured in Local Government legislation.



LGAT has developed a range of practice notes for the Tasmanian Local Government sector to support council's in complying with legislative and best practice requirements. These can be found on LGAT's member only Extranet. **Your general manager can provide you with the extranet log in information.**

The long-term maintenance of assets, including for example resealing of roads, needs to be clearly defined, reflect community expectations and be accounted for in the long term financial planning process.

“...The responsibility and accountability for financial management rests with council.”

### Long-term financial planning

It is vital that your council knows where it is going in the long-term. To do this it needs a financial strategy that is consistent with the council strategic plan.

In other words, your council must be able to fund the projects it has planned for and ensure that it is financially viable into the future. As well, your council must identify the risks it takes in pursuing its goals and ensure appropriate strategies are in place to minimise those risks. A sound long-term financial strategy will enable your council to meet these objectives.

In considering future funding requirements, Council must reflect on how much funding it is likely to have over the next 10 years and whether the available funding is insufficient to maintain the current level of services. If Council cannot increase its funding or achieve savings, then some adjustment to service levels will be required **Just like a household the Council must live within its means.**

The [Local Government \(Content of Plans and Strategies\) Order 2014](#) outlines what should be covered in Council's long-term financial management plan. These include capital works and expenditure, asset management requirements, recurrent revenue and expenses, underlying surplus or net deficit, assets and liabilities and cash held.

### Strategic Asset Management

An asset can be defined as a “resource controlled by a council as a result of past events and from which future economic benefits are expected to flow to the council.”<sup>3</sup>

Tasmanian council's infrastructure assets (roads, bridges, storm water, building, parks and recreational facilities) represent an investment of over \$5 billion (over many generations).

The goal of asset management is to understand and report on costs and consequences of a required level of service:

- In the most cost-effective manner,
- Through the creation, acquisition, maintenance, operation, rehabilitation and disposal of assets; and
- To provide for present and future consumers.

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<sup>3</sup> NSW Department of Local Government, Councillor Guide

Asset management plans describe the process for the whole of the asset's life from planning, purchase, operation and maintenance to disposal. They consider the desired service outcomes, the long-lived nature of many assets and the finances available.

See the Tasmanian Local Government Asset Management Policy for more information ([http://www.dpac.tas.gov.au/divisions/local\\_government/publications](http://www.dpac.tas.gov.au/divisions/local_government/publications)).

The *Local Government (Content of Plans and Strategies) Order 2014* outlines what should be covered in Council's asset management policy, strategy and long-term strategic asset management plans. Factors to be considered include services levels, planning for climate change adaptation and mitigation; promotion of sustainability; asset condition; and likely use and impact.

### Financial management

Financial management is the decision-making process and control procedures associated with acquiring the necessary funds to operate a council.

As a councillor the most important financial management functions that you will need to get to grips with are:

- Budgeting (including setting of rates and charges);
- Long-term strategic financial planning (including asset management); and
- Financial reporting.

You should be able to understand the information provided to you by council staff.

Financial reports should aim to inform councillors simply and directly on the financial performance of their council.

Councillors should be able to review the variances between actual and budgeted income and expenditure to establish overall financial viability.

If the information provided to you is not clear, ask questions.

**Remember: As part of the council, you are responsible for the councils overall financial management.**

Some important points to note:

- The general manager is accountable to council for the organisation's financial performance.
- Make sure you ask enough questions to enable you to understand the financial situation of your council.
- It is not sufficient for councillors to rely on the assurances of the staff — you must feel appropriately informed and comfortable before signing off on financial reports.

“...Financial management is the decision-making process and control procedures associated with acquiring the necessary funds to operate a council.”

There should be robust and transparent financial management practices established and maintained by your council.

This is important to ensure council meets accountability requirements to its ratepayers, particularly in terms of the stewardship of community assets, both now and in the future.

### Budgeting

The annual budget is one of the most important documents considered by your council each year.

The budget sets out, in financial terms, the direction council will take in the following year and is the basis for sound financial control.

It is important that you have enough time to work through the key issues associated with the budget process.

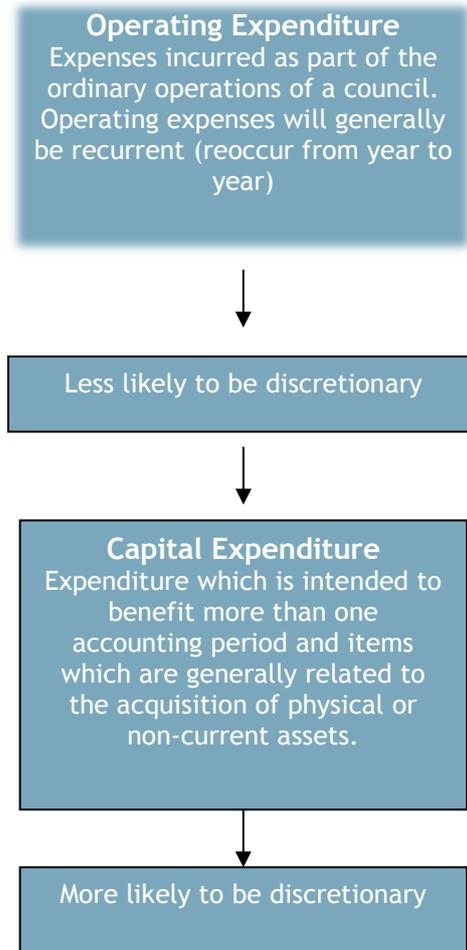
Generally, a council's budget will be separated into two sections: Operating Expenditure and Capital Expenditure. (See Figure 2)

It is important that councillors understand the constraints of the budget.

Some key questions that you might ask in this respect are:

- How much of the budget is made up of fixed costs and how much is variable?
- Is it clear to council what the community is getting for its money?
- Are outcomes and service levels clearly spelled out in the budget?
- Does the budget deliver what the council wishes to achieve for its community?
- Does the proposed budget vary from the previous year? If so, how and why?
- Does the annual budget reflect long term asset management and financial plans?

Figure 2



## Funding

Local Government in Tasmania raises its revenue from a range of sources including rates, fees, fines and charges for services, grants from other spheres of government and loans.

### Rates

Rates are normally made up of a general rate and a service rate and/or charge. Under certain circumstances a council may levy a construction rate or charge, or a separate rate.

**General rates:** A general rate is a 'progressive' tax, reflecting the land, capital or Assessed Annual Value (AAV) of property.

The AAV represents the gross annual income a property owner might reasonably expect to receive by letting the property.

A general rate may involve an additional fixed charge which applies equally to every property. A council may make a general rate whether or not it provides any services to the land upon which the rating is made.

Historically all councils used AAV as the rates base but in recent years a number have transitioned to capital value (following a review of Local Government valuation and rating).

**Service rate or charge:** A council may make a service rate for any, all, or a combination of the following services:

- Waste management;
- Stormwater removal;
- Fire protection;
- A community medical service;
- An on-site wastewater treatment or disposal system; and
- Any other prescribed service.

The service rate is also 'progressive', being determined by the same property value as the general rate. Councils may set a minimum amount payable for a service rate, if it does not include a fixed charge. Councils may levy a service charge in addition to, or instead of, making a service rate.

A service charge is a fixed charge payable on each property. The charge may differ in various parts of the municipal area depending on the type of service being provided and the circumstances in a particular area. If a service is not provided or is unavailable, the prescribed rate or charge for that service may not apply.

**Separate rates:** A council may make a separate rate in respect of any land or class of land within its municipal area.

This may occur where, in council's opinion, there is a need to plan, carry out, make available, maintain or improve anything on behalf of the affected land, or owners or occupiers of that land. If a council decides to make a separate rate it must undertake a consultation process with the ratepayers of the affected land.

A separate rate may only be made for a five-year-period before it is subject to a review process and further consultation with affected ratepayers.

The Local Government Division prepared a rating policy paper which you may find of interest. See [www.dpac.tas.gov.au/lgd](http://www.dpac.tas.gov.au/lgd)

The rating system a council has in place should:

- Reflect council's strategy and future vision;
- Represent a fair distribution of the rating burden across the community; and
- Incorporate the concept of intergenerational equity, that is the way the rating burden is spread between current and future generations of ratepayers.

### Grants

Councils obtain funds for various purposes through Australian and State Government grants.

The Australian Government provides two main types of grants to Local Government:

- Untied Financial Assistance Grants (FAGs), which may be spent on any purpose. These are provided annually to local councils through the [State Grants Commission](#), which is responsible for making annual recommendations to the State Treasurer about the distribution of FAGs to councils.
- Specific purpose grants, which are restricted to particular types of expenditure eg. road funding.

The State Government may make one-off grants to councils for specific projects and programs.

### Loans

Councils may raise loans for various purposes. Loans raised in any financial year must not exceed, in total, the amount approved by the State Treasurer.

A council may not, except with the approval of the Minister, borrow additional money for any purpose if the annual payment required to service the total borrowings would exceed 30% of its revenue for the preceding year.

### Services and funding

It is important to take account of the following issues in determining or reviewing council services and identifying funding sources:

- Whether the community is satisfied with current service levels;
- Whether the user charges are appropriate;
- Whether cost recovery mechanisms are appropriate;
- Compliance with government policy; and
- Avenues for grant funding, noting that in most cases there are costs to council in accepting grants.

While in theory councils can choose the range and quality of services they provide, in practice services can be limited by factors such as the availability of funding, the size and location of the municipality and the views and wishes of the community.

### **Capital works and debt servicing**

When assessing capital works programs and the level of debt council is required to service, it is important to:

- Determine the appropriate mix between borrowing for capital works and funding them from revenue;
- Ensure key assets are properly maintained;
- Ensure the current level of debt servicing is sustainable; and
- Be aware of the proportion of rate revenue required to service debt and decide whether it is appropriate.

### **Accountability and policy**

With regards to financial planning, councils must:

- Meet its legislative and financial reporting requirements;
- Meet its accountability requirements to the community in terms of stewardship of assets;
- Adopt good financial policies and procedures; and
- Think of the future — not just what is good for today.

### **Financial reporting**

The primary benefits of financial reporting in Local Government are to:

- Assist in ensuring that the council is accountable to its community for the financial management of the municipal area and financial resources allocated to its various functions and operations; and
- Provide the community and other interested parties with access to financial information which details the council's current financial position and its operating performance.

Financial statements produced at the end of a financial year require an external audit. This process verifies the integrity of the financial statement and councillors can place considerable confidence in a financial statement that has received an unqualified audit report.



## Performance measurement

To effectively manage the affairs of council, now and into the future, councillors need to have the information to judge how council is performing and to make decisions on how to change or improve its performance.

That is why it is vital to have a performance measurement and reporting framework in place. Such a system serves to demonstrate council's accountability to the community.

Councils in Tasmania measure their performance through two main mechanisms:

### 1) Annual reporting

Under the *Local Government Act*, your council is required to develop an annual report that outlines its achievements against objectives included within the annual plan.

### 2) Key performance indicators

In December 2011, the Premier's Local Government Council agreed a set of indicators to be used to measure Local Government performance across the areas of financial management, asset management, land use planning and community satisfaction. The reporting of Local Government performance is currently being reviewed by the Local Government Division.

Data for the indicators as well as other operational areas is collected through the annual consolidated data collection. This data collection is also used to provide mandatorily required information to the Australian Bureau of Statistics and the State Grants Commission (used in relation to determining Financial Assistance Grant Funding).

“...it is vital to have a performance measurement and REPORTING framework in place.”

## Land-use planning – the basics

“...Planning decisions affect communities, the environment and quality of life and usually have long-lasting consequences.”

### The planning system

The way we plan the use and development of space for communities is crucial to achieving sustainability and to ensuring vibrant healthy communities. The land use planning process will impact significantly on how land is used and developed and also impact on its value (in a range of ways) for future generations. It is closely linked to how communities grow.

Land use planning is the process of deciding in a broad sense which areas of land are available for what purpose. In Tasmania it is governed by the Resource Management and Planning System (RMPS).

The RMPS<sup>4</sup> is a suite of laws which aims to ensure that all decisions about the use of land and natural resources in Tasmania are based on the same set of principles around ecologically sustainable development. The principal land use planning legislation is the [Land Use Planning and Approvals Act 1993](#) (LUPAA).

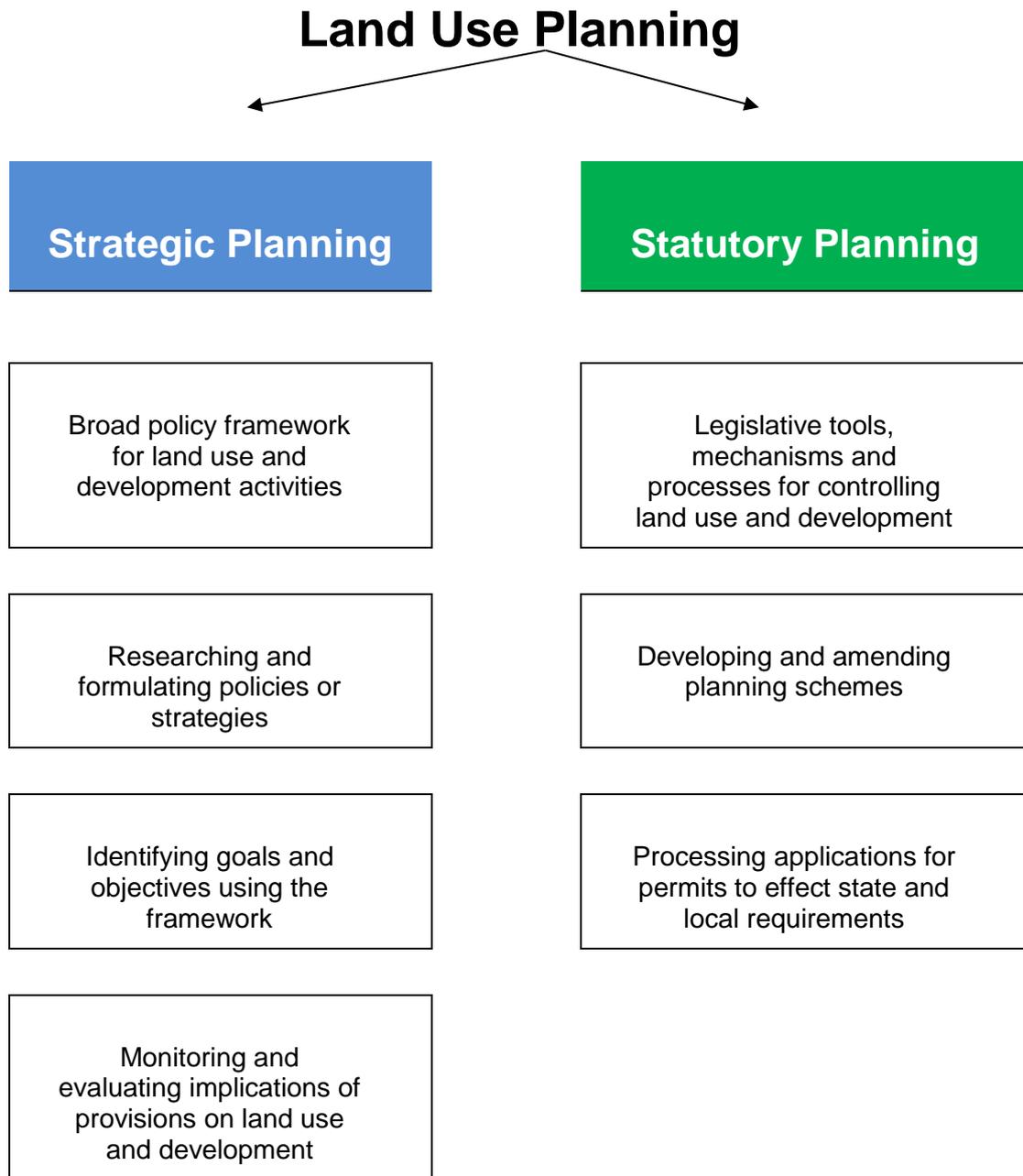
Land use planning requires both strategic (policy) and regulatory inputs as outlined in Figure 3.

The planning scheme is one mechanism to implement the Council’s Strategic Plan. To be effective, however, it needs to be supported with other council policies and strategies such as those providing infrastructure and open space. Many council strategies and policies have spatial aspects or can be furthered through the form and location of new uses and development over time, for example a tracks and trail strategy or bicycle strategy.



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<sup>4</sup> You can find out more about the RMPS on the website of the Tasmanian Planning Commission. Go to [http://www.planning.tas.gov.au/how\\_planning\\_works/tasmanian\\_planning\\_system](http://www.planning.tas.gov.au/how_planning_works/tasmanian_planning_system)



**Figure 3:** Strategic and statutory planning approaches<sup>5</sup>

For councillors, land-use planning decisions are a challenging and important responsibility. Planning decisions affect communities, the environment and quality of life and usually have long-lasting consequences. Strategic Planning is a key area where councillors can, and do, set strategic policy direction.

<sup>5</sup> Derived from the LGAT Understanding Your Role in Land Use Planning: Short Course Guide 2013

The role of councillors is to represent the community in developing a vision and the future directions for the municipal area, taking account of all the information and public input. This involvement informs the local planning scheme.

This can include matters such as:

- Managing access and transport requirements;
- Planning for public safety and security;
- Protecting air, land and water quality;
- Managing coastal and rural resources; and
- Conserving natural and cultural heritage.

Consequently, land-use planning requires a lot of information and affects everyone. It is an activity that requires input from numerous trained and experienced professionals and experts and must be conducted in an open and transparent manner.

### **The planning scheme**

Generally, planning approval is required if a person proposes to undertake development, establish a new use or change the use of land or buildings. While not all developments require a planning permit, your first contact, as a councillor, with land-use planning is likely to be a council decision on an individual development application. It is important to understand that this decision must be made in accordance with the planning scheme, and not in an arbitrary way or based on your personal feelings or the degree of lobbying received. To do so can ignore the legal requirements for development set out in the planning scheme and create uncertainty for the developer and residents alike.

Planning schemes are regulatory instruments and councillors need to understand that, once approved, a planning scheme is reactive rather than proactive. That means it guides and regulates proposals for new use or development rather than initiating them itself.

Other programs of council may initiate development, such as infrastructure works, and some of these will require approval under the planning scheme.

The council therefore needs to ensure that the planning scheme is consistent with a range of plans it may have, and vice versa.

The planning scheme comprises:

- Written requirements in respect to use and development in different zones, special areas or areas subject to an overlay; and
- Maps which show the different zones, special areas and overlays.

In late 2015, the State Government introduced changes to the *Land Use Planning and Approvals Act 1993* to provide for the introduction of the Tasmanian Planning Scheme (TPS), with the aim of delivering greater consistency in the planning rules across the State. The Tasmanian Planning Scheme will progressively replace each councils' current planning scheme as local content is developed.

The Tasmanian Planning Scheme has two main elements:

- The State Planning Provisions (SPPs); and
- The Local Provision Schedules (LPSs)

### **State planning provisions**

The Minister for Planning is responsible under the *Land Use Planning and Approvals Act 1993* for preparing the State Planning Provisions (SPPs) or can direct the Tasmanian Planning Commission to prepare them.

The SPPs provide the state-wide consistent set of planning rules. These rules include the Tasmanian Planning Scheme's purpose and objectives, planning definitions, exemptions, use classes, and administrative provisions such as development application requirements.

The SPPs also include 23 generic zones which indicate what land use and development is appropriate for each zone such as residential, business, agriculture, utilities, environmental and recreational uses. In addition, there are a suite of 16 codes covering matters such as natural hazards, local heritage values, natural assets, parking requirements and the protection of road, railway and electricity infrastructure.

The SPPs also include the template for each council's Local Provisions Schedule. Councils will choose from the suite of zones provided in the SPPs to express their community's land use strategies through their Local Provision Schedules.

### **Local provisions schedule**

Councils are responsible for preparing their Local Provisions Schedules (LPSs). Councils are responsible for consulting on the LPPs with their communities and other stakeholders to ensure it reflects the community's expectations.

The LPSs indicate how the State Planning Provisions will apply in each local municipal area. They contain the zone maps and overlay maps or description of places where the codes apply. They also contain local area objectives and any planning controls for unique places specific to the local area. These unique areas can be in the form of particular purpose zones, specific area plans, and site-specific qualifications.

You can find out more about the Tasmanian Planning Scheme at:

<http://planningreform.tas.gov.au/scheme>

## The role of the Planning Authority

Under the *Land Use Planning and Approvals Act 1993 (LUPAA)* a council is defined as a 'planning authority.' Accordingly, once you are elected as a councillor you automatically become a member of the planning authority for your municipal area.

LUPAA does not spell out any specific differences between a council and a planning authority, nor between the roles of an individual as a councillor and as a member of a planning authority. These must be inferred from the functions required of a planning authority set out in LUPAA.

Council planning decisions that involve the exercise of discretion require public notification and are generally made at a full council meeting when representations from the public are received. However, once a planning scheme is in place, many development applications will meet prescribed standards and decisions can be made by professional planners employed by the council solely by reference to the planning scheme without the involvement of the public or elected representatives.

As a councillor, your role as part of a planning authority is quite different to that as a representative of the community. This can become particularly apparent when considering development applications which members of the community might object to, despite the proposal being allowed under the council's planning scheme. In this case, the planning scheme must be followed and enforced by the planning authority, whether or not it is politically palatable.

Because each councillor has a duty to enforce the planning scheme, irrespective of how members of the community might view the appropriateness of the planning scheme provisions, it is important that the planning scheme reflects the community's aspirations in line with the sustainable development objectives of LUPAA.

That is why there should be a strong link between a council's planning scheme and its various strategic planning documents. It is through consultation associated with the strategic planning process that community aspirations and objectives can be garnered to inform a council's planning scheme.

As members of planning authorities, councillors must act with procedural fairness and should not make public declarations of their views on particular developments until all the information and reports have been assessed.

If you believe that the planning scheme is allowing inappropriate development, then the appropriate course of action is to seek changes to the Local Provision Schedule.

There are likely to be occasions when you have no option but to approve developments that are consistent with the planning scheme even though there is considerable dissatisfaction in the community.

In such situations it is important to understand that by virtue of election to a council, you are also fulfilling a role and a responsibility placed upon you by the State's planning legislation, and therefore in carrying out that responsibility you are bound to take a broader and longer-term view of things — perhaps to the detriment of individual constituents.

Of course, if an anomaly is thrown up in this process, the council is able to pursue amendments to its Local Provision Schedule that may address similar issues in the future. However, such amendments cannot be made retrospectively

**Remember: Planning is concerned with the public good, not private interests.**

As a planning authority, elected councillors are stewards of the land under their

control and the time horizon for that stewardship is inter-generational, not the time to the next election.

### **Process for considering development applications (application for a permit)**

The process will vary according to the nature of the development. Councillors largely only consider those applications which require an element of discretion in relation to the planning scheme and where representations have been made. Otherwise the decision is delegated to a planning officer.

Councillors receive a planning officer's report in relation to the development applications that they must decide. This report sets out the proposal, the relevant parts of the planning scheme, a summary of any community representations and a recommendation as to the decision the planning authority should make.

In making their decision, particularly if going against the planning officer's recommendation, the Council must give reasons for their decision and these reasons are to be recorded in the Council's minutes. Decisions and reasons must be based on the planning scheme.

Determining compliance is not as black and white as it may first seem, especially as often the planning scheme allows the exercise of discretions. When exercising a discretion, the planning report will identify what the relevant discretions are (e.g. setback from side boundary) as well as the extent of the discretion sought to be exercised.

Councils must make decisions on all types of applications within prescribed timeframes unless the applicant agrees to an extension of time, otherwise the applicant may lodge an appeal on the basis that no decision has been made. If this occurs, the council must pay all the costs of the appeal. There have been many cases where such appeals have cost councils tens of thousands of dollars. It is important that council decisions are based on the planning scheme and professional advice provided by council's expert staff.

Councillors bring to the table a complex range of matters, including social, political and economic issues, just to name a few. The role of a planning authority member, that a councillor intermittently plays, is separate to the role of councillor and confined to the objectives of LUPAA and enforcing the planning rules it establishes. This is often described in terms of wearing two hats and it is evident that the two roles can be easily blurred.

This critical distinction is not always easy to get across to the community that you represent. You are elected by the community as a local politician, who want you to represent their interests and respond to their issues. Your constituents do not always recognise that because you are a member of the council, it also bestows on you this separate role that is assuming responsibility for matters placed upon you by the State's planning legislation.

What this means for you is that there are times when you are required, indeed bound, to take a broad, long term view of things, which aligns with what your planning scheme allows, even though you may sometimes feel this is to the detriment of individual constituents. So, the fact that planning is concerned with issues of public good, not private interests, brings the importance of good governance to the fore.

### **Appeals against planning decisions**

The [Resource Management and Planning Appeal Tribunal](#) (RMPAT) determines appeals against the decisions of a council planning authority. Many appeals are resolved by mediation, but a small percentage still progress to a full hearing.

In the case of a hearing, the RMPAT decision will be based on the provisions of the planning scheme and the interpretation of expert witnesses, eg. qualified planners or engineers, rather than councillors.

You can find out more about the RMPAT at [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au)

**Remember, planning is concerned with the public good, not private interests. As a planning authority, elected councillors are stewards of the land under their control and the time horizon for that stewardship is intergenerational, not the time to the next election.**

## Councillor learning and development

As a new councillor you'll bring a vast amount of skill and experience to your role. Nevertheless, there are bound to be areas where you will need to develop new skills and knowledge, particularly in the first year.

One of the challenges that all councillors face is finding time for learning and development while managing a huge workload. This is particularly true when you're new to the job. But it is worth making the time to do what you have to do to grow professionally and personally. It makes it much easier to fulfil your responsibilities and be an effective councillor.

To support councillors in their roles, the LGAT offers a range of valuable learning, development and networking experiences.

### Post-election workshops

Post-election weekend workshops are conducted a few months after each election for successful (and incumbent) councillors. They cover a range of 'must know' issues and provide practical tips on fulfilling the duties of a councillor. Areas of particular focus might include finances, meeting procedures, asset management and land-use planning.

### LGAT weekend workshops

LGAT offers residential weekend workshops for councillors at least once a year. They provide councillors with the opportunity for learning, networking and sharing experiences.

Delegates have the opportunity to hear from experts on current sectoral issues that are relevant to their work as councillors. Participants not only gain an understanding of critical issues but also have an opportunity to meet other new and more experienced councillors in a relaxed and friendly environment.

### LGAT Annual Conference

Each year, LGAT coordinates the annual Local Government Conference. The conference, held mid-year, provides a valuable opportunity for elected members to network with other Local Government representatives and to explore sectoral issues.

The conference is also where the winners of the Awards for Excellence are announced. The Awards recognise councils that demonstrate, through a nominated project, a commitment to excellence in service delivery, management practices or project development.

### Other professional development opportunities

There is a wide range of other professional development opportunities available throughout the year.

Professional Development opportunities are promoted on the LGAT extranet and in LGAT publications. **Your general manager can provide you with the extranet log in information.**

### **Councillor allowances and expenses**

Councillors are entitled to an annual allowance. Allowances are generally reviewed every four years through an independent process and subject to annual indexation, in accordance with Regulation 42 of the [Local Government \(General\) Regulations 2015](#). Issues such as municipal population and council revenue are taken into account in establishing the level of councillor allowances.

Allowances to a mayor or deputy mayor are paid in addition to councillor allowances.

You can find out more about councillor allowances on the Local Government Division website at

[http://www.dpac.tas.gov.au/divisions/local\\_government](http://www.dpac.tas.gov.au/divisions/local_government) .

### **Taxation**

For the purpose of taxation, the allowance is treated as income with certain expenditures able to be realised as deductions. You should consult your tax agent on these matters.

Councillors are also entitled to reimbursement for telephone, travel, child- care and other expenses in accordance with the council's policy. Ask your general manager about these matters.



## Where can I get more information?

### YOUR COUNCIL

Your general manager can answer questions and provide you with lots of information you need.

### LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

Phone the general number (03) 6233 5966, explain what your query is and we'll put you in touch with the right person.

### LOCAL GOVERNMENT DIVISION

The Local Government Division is able to provide advice and information on legislation and regulations relating to Local Government. You can contact the office by phoning (03) 6232 7022.

### OTHER COUNCILLORS

Other more experienced councillors can be a wonderful source of information and support. It's a great idea to use any opportunities you have to develop a peer support network. The LGAT runs several professional development events throughout the year where you will be able to meet other new and more experienced councillors.

## Skills checklist

Local Government is a complex area with lots of issues that need to be addressed. Everyone is faced with the same challenge when learning about the role of councillor and trying to come to grips with the vast number of sometimes complex issues that councils deal with. To assist you we've put together a checklist of some of the skills that will help you to be an effective councillor.

### Set goals:

List everything you want to achieve in the first 12 months — as a councillor and in terms of gaining knowledge and skills. Refer back to this regularly to make sure you're on track.

### Ask questions:

How else can you learn? It's impossible to understand everything at once.

### Manage your time:

One of the major constraints on councillors is the ability to devote adequate time to attend council and council committee meetings, community and residents' groups or prepare for meetings by reading agenda papers and financial reports. Time management is a skill you will need to acquire to be effective in your role.

Here are some practical things you can do to help manage your time more effectively, especially in the first few months:

- Develop a system for filing emails, paperwork and managing your diary. Understand your obligations under the *Archives Act* in relation to record keeping. See [Record Keeping for Local Government Councillors](#) and [other guides](#) produced by the Archives Office.
- Get to know the systems that the council has in place to support enquiries, complaints and requests for service.
- Some councils provide information to councillors via email so a knowledge of, or a willingness to learn computer skills, could make life as a councillor a lot easier.
- Try and prioritise what you need to read and respond to. Don't try to respond to everything yourself. Use the council officers to help you.

### Critical and strategic thinking skills:

You need to have the capacity for critical thought and the associated ability for determining constructive alternatives. You also need to have the ability to think strategically about policy development and long-term vision. These skills can be learned and developed over time.

### Good communication and listening skills:

Some people seem to be naturally gifted communicators, but the ability to communicate effectively is a skill that you can learn. Outside of formal training, a councillor needs to be willing to talk to and listen to people from all walks of life. Being able to develop networks within your community will provide you with a 'sounding board' against which to assess the impact of council policies.

**Negotiation and advocacy skills:**

You may wish to hone your negotiation and advocacy skills, in particular if you wish to be a councillor of influence. You will need to effectively present potential solutions or alternative viewpoints to fellow councillors and to communicate council decisions to residents or other sectors of government. Again, while these skills may not come naturally, they can be developed over time.

**Conflict resolution skills:**

As decision-making in councils is often related to the allocation of resources, councillors can be confronted with conflict both within the council and in the community.

Being able to focus on issues rather than personalities associated with decisions is an important skill that will help you to survive and thrive in what can be at times an emotionally charged atmosphere.

**Don't try to solve everyone's problems:**

As a new councillor you'll become a beacon for enquiries. You will need to recognise that you can't deal with everything people might expect you to and can't necessarily fix problems that may have been around for a long time. Try not to champion issues immediately but seek facts and ask questions. This will allow you to judge the best course of action.

Use your knowledge of the council to direct the enquiry or feedback through the right channels or to the right person. You can't possibly solve every issue that comes your way. So don't try! Learn to pick your issues — you don't want to use up your political capital fighting battles that can't necessarily be won. It's important that you follow up each enquiry, even if you have news your constituent doesn't want to hear.

*And Remember: you don't need to keep all the paper given to you — that's what the council's record management systems are for.*

## Advice from the Field

We asked experienced councillors what advice they would have liked to receive in their first few weeks in office. They came up with the following list that might help you come to grips with your new role.

*'Good councillors make up good councils, where there is room for robust debate and compromise and argument and criticism, but where, in the end, there is genuine respect for the democratic process.'*

*'You need to be a strategic thinker with a clear notion of policy development and long-term vision.'*

*'Do get a grip on understanding financial reports, planning, the Local Government Act, and your Council's policies as soon as you can.'*

*'Read the Local Govt Act over and over until you are familiar with it.'*

*'Learn how to read financial statements and reports.'*

*'Don't be intimidated by the onslaught of information you receive as a new councillor. No one knows it all, they only pretend to.'*

*'Don't try to pretend you know more than you do.'*

*'Ask questions, of your fellow councillors, the staff, the community.'*

*'Question the information you are given, firstly to make sure you understand it, and then to make sure it makes sense.'*

*'No-one minds a genuine inquiry if you can show you have tried to do the research and are trying to be constructive and to catch up with all the information you need.'*

*'Always have an open mind. Don't ever commit to a position on a development application before it goes to the council table. Remember, you are like a judge in a court. We would not expect judges to make up their minds before hearing all the evidence.'*

*'Try to prepare for a meeting as if you were going to have to chair it.'*

*'Be aware that you may be lobbied for support on agenda items, from both fellow councillors and possibly (and inappropriately) staff. Keep your wits about you.'*

*'Always vote on the issue, never the personalities of the proponents, or your council affiliations, if any.'*

*'If you think you might have, or wonder if you have, or aren't sure when it comes to pecuniary interest then the safest way is to assume you have one and remove yourself from the room. If in doubt...get out. It will make little difference to the ultimate decision and you protect yourself and those the decision may relate to.'*

*'You are not going to make everyone happy all of the time. This does not mean you can avoid making decisions.'*

*'You will lose the debate sometimes, probably at least once every meeting. Smile and move on to the next one.'*

*'It will take you at least a couple of years to get a handle on your Council's affairs, and even longer to understand the wonderful mixture that is local government. You cannot be expert in everything. Be patient with yourself.'*

*'Smile when you are being assertive.'*

*'Watch the old episodes of "Yes Minister".'*

## Make a checklist:

As you go through your first year in council, it's useful to keep a skills and knowledge checklist to assess what you've learned and what you still need to know.

To help with this we've put together a diagram covering many of the skill and knowledge areas a new councillor needs to acquire for effective performance.



## Key organisations and contacts

### State Bodies:

#### Local Government Division

The Local Government Division (LGD) is part of the Department of Premier and Cabinet and provides a link between State and Local Governments.

Its objective is to review and develop continuing partnerships and a clear policy and legislative framework for matters of relevance to Local Government.

Typical services include:

- Developing bilateral, regional and state-wide partnership agreements;
- Research, analysis and policy and legislation development on issues relevant to Local Government;
- Executive support for Local Government Board;
- Administering and reviewing the *Local Government Act 1993* and investigating potential breaches of the Act;
- Inter-governmental liaison activities;
- Providing advice to councils and response to community queries; and
- Executive support to Code of Conduct Panel.

The Local Government Division also provides portfolio support to the Minister with responsibility for Local Government and executive support to the [Premier's Local Government Council](#).

As part of its role in providing advice to councils, the Local Government Division develops a range of fact sheets and other resources aimed at assisting councillors in the performance of their duties.

You can contact the LGD by phoning (03) 6232 7022 or by visiting its website at [www.dpac.tas.gov.au/lgd](http://www.dpac.tas.gov.au/lgd)

#### The Local Government Board

The Local Government Board is an independent Board established under the [Local Government Act 1993](#) to carry out reviews of councils and to advise the Minister on any other matters the Minister may determine.

During the last few years the Board has concentrated on reviews of councillor numbers. Board reports are public documents and can be found at [http://www.dpac.tas.gov.au/divisions/local\\_government/local\\_government\\_board](http://www.dpac.tas.gov.au/divisions/local_government/local_government_board)

#### Premier's Local Government Council

The Premier's Local Government Council, a body comprising the General Management Committee of LGAT and chaired by the Premier, is a high-level forum for discussions between State and Local Government on issues of state-wide significance. It was established in 2000 and meets three times a year to discuss topical and continuing matters.

State-wide Partnership Agreements are developed under the Premier's Local Government Council. To date, there have been five state-wide Partnership Agreements. The most often referred to Partnership Agreement relates to consultation and communication.

### **Tasmanian Ombudsman**

The Tasmanian Ombudsman's function under the [Ombudsman Act 1978](#) is to enquire into and investigate complaints about the administrative actions of Tasmanian Government Departments, Local Government councils and a range of public authorities. You can find more information about the Ombudsman at [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au).

### **The Integrity Commission**

This independent body was established to improve the standard of conduct, propriety and ethics in public authorities in Tasmania. They have a strong education and prevention role, and this is largely the basis for interaction with Local Government, as opposed to their investigation of misconduct role ([www.integrity.tas.gov.au](http://www.integrity.tas.gov.au)).

### **Tasmanian Planning Commission**

The Tasmanian Planning Commission is established under *Tasmanian Planning Commission Act 1997* to oversee the State's planning system and state of the environment reporting.

The Tasmanian Planning Commission also assesses public land use issues and projects of regional and State significance, and reviews water management plans.

Membership of the Commission represents a range of community, industry, conservation and Local and State Government interests and is headed up by a full-time Executive Commissioner and seven part-time Commissioners.

In the context of Local Government operations, the main role of the Commission is the assessment of amendments to existing and also new planning schemes.

You can find out more about the role and activities of the TPC at [www.planning.tas.gov.au](http://www.planning.tas.gov.au).

### **Tasmanian Audit Office**

The Tasmanian Audit Office is an independent agency charged with upholding public integrity in Tasmania. The Auditor-General undertakes an independent review of councils and reports to Parliament on them annually. The Audit Office also undertakes specific performance audits around particular Local Government functions. For example, recently they examining the use of credit cards in Local Government.

See [www.audit.tas.gov.au](http://www.audit.tas.gov.au)

### **The State Grants Commission**

The State Grants Commission is an independent statutory body established under the *State Grants Commission Act 1976*. Their primary function is to make recommendations concerning the distribution of Australian Government Financial Assistance Grants (FAGs) to Local Government. The main principle is horizontal fiscal equalisation (HFE) to ensure the distribution is sufficient to allow a council to function at an average standard.

Annual Reports and council allocations can be found on the [Department of Treasury website](#).

### **National Bodies:**

#### **Australian Local Government Association (ALGA)**

The Australian Local Government Association (ALGA) is the national voice of Local Government, representing 673 councils across the country. In structure it is a federation of state and territory local government associations and the government of the Australian Capital Territory.

Key activities include:

- Representation of Local Government on national bodies and ministerial councils;
- Providing submissions to government and parliamentary inquiries;
- Raising the profile and concerns of Local Government at the national level; and
- Providing forums for Local Government to guide the development of Local Government policies.

As one of Australia's three spheres of government, Local Government is represented by ALGA on the Council of Australian Governments (COAG). This peak government body brings together the Prime Minister, state premiers, territory chief ministers and the ALGA President to develop responses to issues of concern to all three spheres of government.

ALGA's policies are determined by its board, which comprises two representatives from each of the member associations and two from the ACT Government. You can find more information about ALGA and national Local Government issues on its website at [www.alga.asn.au](http://www.alga.asn.au).

#### **The Department of Infrastructure, Regional Development and Cities**

This federal agency has responsibility for partnerships with regional development and Local Government: <https://www.infrastructure.gov.au/>

The Department provides Commonwealth assistance to support and develop Local Government. The Australian Government provides financial assistance grants to Local Government under the [Local Government \(Financial Assistance\) Act 1995](#).

The grants have the following components:

- A general purpose component which is distributed between the States and Territories according to population (that is on a per capita basis).
- An identified local road component which is distributed between the States and Territories according to fixed historical shares.

The grants are paid in quarterly instalments to State and Territory Governments for immediate distribution to local governing bodies in accordance with recommendations, made by individual State Grants Commissions, which are based on National Principles for allocating grants.

This Federal Government agency also oversees Infrastructure Australia which advises governments, investors and infrastructure owners on a wide range of issues

including future needs, mechanism for financing infrastructure, policy, pricing and regulation ([www.infrastructureaustralia.gov.au](http://www.infrastructureaustralia.gov.au)).

### **Regional Development Australia/ Tasmania**

This is an Australian Government Initiative that brings together all levels of government to enhance the growth and development of Australia's regions. There is a single committee for Tasmania. The RDA TAS Committee provides advice, consultation and community engagement in relation to addressing regional priorities.

For more information see <http://www.rdatasmania.org.au/>

## **Other useful resources**

### **Better Councils, Better Communities**

These pages on the LGAT website outline how some key aspects of Local Government work and show examples of how councils deliver for communities.

[www.lgat.tas.gov.au](http://www.lgat.tas.gov.au) – click on the Better Councils, Better Communities button.

### **Careers in Local Government**

The LGAT has developed a careers focussed website to promote Local Government careers and job opportunities. This is supported by a TV advertising campaign and is a component of the careers project.

This project also allows the identification of training opportunities, provides resources for school councillors and careers fairs and workforce development surveys and analysis.

<http://www.thinkbigworklocal.com.au/>

### **Climate Change**

Working with LGAT, the Climate Change Office has a number of adaptation planning resources for Local Government. These include: Local Government Area Climate Profiles, The Regional Councils Climate Change Adaptation Project (RCCAP) and the Tasmanian Coastal Adaptation Decision Pathways Project (TCAP). [www.dpac.tas.gov.au/divisions/cliimatechange](http://www.dpac.tas.gov.au/divisions/cliimatechange).

### **Australian Centre for Excellence in Local Government (ACELG)**

The Australian Centre of Excellence for Local Government (ACELG) formally concluded operations at the end of 2015. However prior to that (and continuing, but under the banner of the UTS, Centre for Local Government) ACELG published on Local Government issues with papers coming from both academics and professionals. For example, one recent publication is The Role of Local Government in Local and Regional Economic Development. Go to Reports and manuals page of the [UTS webpage](#) for more information.

### **Councillor Induction materials**

LGAT is current developing a range of online councillor resources which will be particularly useful for new councillors. It is intended that these start to go online from November 2018.

