



Local
Government
Association
Tasmania

Becoming 

 a

Councillor

**A Guide For
Prospective
Councillors**

2 August 2018

About this Guide

Acknowledgements

This guide has been prepared by the Local Government Association of Tasmania (LGAT) to assist those standing as candidates in Local Government elections.

It is based on a similar guide prepared by the Municipal Association of Victoria and LGAT wishes to thank MAV for generously allowing use of 'Citizen to Councillor' as the base for the Tasmanian guide.

LGAT is the voice of Local Government to other governments, interested stakeholders and the wider community. LGAT works to protect the interests and rights of councils, to promote the efficient operation of Local Government and to foster strategic and beneficial relationships. LGAT provides specialist services to its member councils including policy and strategic support, information and learning for Local Government elected members and officers and procurement support and services.

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. The LGAT, its employees and agents, will not be responsible for any loss, however arising, from the use of, or reliance on this information.

Any queries in relation to this document should be directed to the Local Government Association:

Address: 326 Macquarie St, Hobart

Phone: 03 6233 5966

Email: reception@lgat.tas.gov.au

Copyright

© Local Government Association of Tasmania, 2009

This edition August 2018

Copyright in this work is owned by the Local Government Association of Tasmania and is protected by the Copyright Act 1968. It may be used for non-commercial purposes only and reproduced in whole or in part for the purpose of providing information to candidates or prospective candidates in Tasmanian Local Government elections.

Contents

Introduction	3
Section 1: About Local Government	4
Local Government in Tasmania.....	5
Legislative Framework.....	6
Council Functions and Powers	7
Section 2: The role of a Councillor	9
Legislative Functions of Councillors	10
Role of the Mayor	11
Councillor Activities.....	12
Financial Entitlements	19
Rewards and Benefits	20
Section 3: Fulfilling the Role of a Councillor.....	22
Declaration of Office	23
Disclosures of Interest.....	23
Codes of Conduct.....	24
Access to Information.....	25
Time Commitment	26
Working with the General Manager and Council Staff	26
Working with the Community	28
Helpful Skills.....	29
Section 4: The Election Process.....	31
Eligibility to Nominate.....	32
Terms and Voting	32
Tasmanian Electoral Commission	33
Section 5: Getting Elected.....	34
Introduction to Campaigning.....	35
Advertising	36
Door Knocking.....	39
Photographs	41
Using the Media.....	44
Social Media.....	45
Section 6: Additional Information.....	47
Useful Contacts	48
Other Resources	50
About LGAT	51

Introduction

Councillors, elected by residents and ratepayers, have an exciting and challenging role to fulfill. They must be in touch with their community and balance their needs within a framework of financial accountability. The work of councillors is varied and occurs within a highly political environment.

Standing for election provides you with a great opportunity to influence the future direction of the local community and help those who require support. It can be daunting and time consuming, but also rewarding. Councils are complex and vibrant organisations that require talented and dedicated individuals to participate in making the decisions that count.

One of the most challenging aspects of this work is that councillors are required to make decisions on a regular basis that affect peoples' lives to varying degrees. Some of these decisions will not be popular with all constituents. It is important that councillors can successfully communicate to their constituents the council's need to pursue the long-term objectives and vision of council.

This guide has been prepared to assist those considering standing as candidates to understand the purpose of Local Government, what is expected of a councillor, and the process for getting elected to council.

As well as using this guide, another way to find out about life as a councillor is to attend council meetings to get a feel for the issues, the values and the level of debate. Talking to local councillors will also provide an insight into their experiences.

Section 1: About Local Government

Local Government in Tasmania
Legislative Framework
Council Functions and Powers
Local Government Funding Sources

Local Government in Tasmania

Councils have a significant impact on the lives of all Tasmanians, enabling the economic, social and cultural development of the community, supporting individuals and groups, and providing a wide range of services for the wellbeing of the community. Councils are complex businesses that provide and maintain a wide diversity of public buildings, amenities and services.

As well as implementing legislative responsibilities, policies and programs set by the Commonwealth and State Governments, councils can provide a range of discretionary services in response to local community needs. Each municipal area is distinct, so while there will be some common services across Local Government, there is also a degree of diversity.

The range of services includes:

- road construction and maintenance
- street lighting
- rubbish collection
- stormwater drainage
- some traffic or parking regulations
- planning and building services
- public health such as inspecting cafes, shops and manufacturing premises to check for hygienic conditions
- sporting ovals, parks and public reserves
- public swimming pools
- community halls
- community arts facilities
- some community services such as health promotion, child care, immunisation services, and services for young people and seniors;
- community festivals and events
- economic development and tourism.

In order to provide such a diverse range of services, councils in Tasmania employ over 4,000 people with a wide range of skills.

Legislative Framework

The *Local Government Act 1993* (the Act) is the principal piece of legislation that establishes the powers and functions of Tasmanian councils. Originally passed by the Tasmanian Parliament in 1993, it has been regularly reviewed and amended, most recently in 2017.

There are also two key sets of regulations relating to the Act:

- *Local Government (General) Regulations 2015*
- *Local Government (Meeting Procedures) Regulations 2015*

In addition, the Minister has the power to make Orders under Act. These can be in relation to long-term financial and asset management of councils, or for:

- the role of Mayors;
- functions of elected members;
- functions of general managers;
- the appointment and performance of general managers; and
- the role of general managers' liaising with the Mayor.

At the time of writing, only three Orders had been issued, all in early 2014:

- *The Local Government (Content of Plans and Strategies) Order 2014*
- *The Local Government (Audit Panels) Order 2014*
- *The Local Government (Management Indicators) Order 2014*

Under the 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

As well as the *Local Government Act 1993*, there are many other pieces of Tasmanian legislation that affect the operation and activities of councils, including:

- *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 2000*
- *Right to Information Act 2009*

Tasmanian legislation can be accessed online at www.legislation.tas.gov.au

Council Functions and Powers

A council is a body corporate, created under the 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
- to provide for the peace, order and good government of the municipal area.

Councils are given the power to do anything necessary or convenient to perform their functions, either within or outside the municipal area.

Councils are elected to provide leadership for, and the good governance of, the municipal area. In performing their functions, councils are required to consult, involve and be accountable to the community. They must consider the diverse needs of the local community in their decision-making, setting and monitoring strategic objectives and in ensuring resources are managed in a responsible manner.

The responsibilities of councils 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; and
- advocating proposals that are in the best interests of the community, now and in the future.

Local Government Funding Sources

Local Government in Tasmania raises its revenue from a range of sources.

From within the Municipality:

- rates and charges on property;
- fees, fines and charges (e.g. swimming pool entry fees, waste depot fees, planning permit fees, parking fees and fines); and
- borrowings (e.g. to pay for large infrastructure projects), asset sales, donations, contributions, reimbursements and interest earned.

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.

The proportion from each funding source varies from council to council.

Section 2: The role of a Councillor

Legislative Functions of Councillors

Role of the Mayor

Councillor Activities

Financial Entitlements

Rewards and Benefits

Ceasing to be a Councillor

A councillor's role is exciting, diverse and demanding. Councillors play a vital leadership role, working together to create and implement their community's vision, strategic direction and the values within which they operate.

Legislative Functions of Councillors

Section 28 of the *Local Government Act 1993* sets out the functions of councillors as individuals and in their collective role as the council. **It is important to understand that individual councillors have no decision-making power. This lies with the collective group, including the Mayor, which is the Council.** When performing his or her functions, a councillor is to accurately represent the policies and decisions of 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.

The functions of individual councillors are to:

- represent the community;
- act in the best interests of the community;
- facilitate communications by the council 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;
- 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.

The implementation of council decisions and the day to day running of the council is the responsibility of the General Manager, whose responsibilities are set out in the Act.

The Local Government Division (Department of Premier and Cabinet), has developed a good governance guide for councils. The guide can be found on their website at:

http://www.dpac.tas.gov.au/divisions/local_government

Role of the Mayor

The Mayor is popularly elected for a four-year term at each election and is tasked with:

- acting as community leader;
- carry out the civic 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 meetings of the council in a manner that support decision making processes
- acting 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
 - a. the activity of the council and the performance and exercise of its functions and powers;

- b. 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.

It is important to note that while the Mayor is the spokesperson for the council, he or she 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.

The Deputy Mayor acts in the position of the Mayor in the Mayor's absence or if authorised in writing to do so by the Mayor.

Councillor Activities

When performing their functions, both as individuals and in their collective role as the council, councillors are required to participate in a wide variety of activities. Some of these key activities are described in detail below.

Council Meetings

Councils' key decisions are made at council meetings which councillors are required to attend. Ordinary meetings are held at least monthly. If a councillor is absent from three consecutive meetings without leave the office becomes vacant. Special meetings may be called to address business that cannot be postponed. Some councils also have a committee structure - if a councillor is appointed to a council committee (e.g. planning, works, finance) they must expect to attend additional meetings above the ordinary council meetings.

Prior to full council and committee meetings, councillors receive the agenda and relevant reports to read and consider. The reports provide background information and advice on the issue from senior specialist council officers. Agendas and officers' reports are essential reading for effective council debate and constructive decision-making.

These papers can be lengthy and complex and sufficient preparation time is needed prior to each meeting.

At the meetings councillors debate the issues and make considered decisions in the best interests of the community. Elected members have an equal voice in council decisions, each councillor, including the Mayor, having one vote.

The decision-making processes of the council must be open, accessible and transparent except in limited circumstances when confidentiality is required. *The Local Government (Meeting Procedures) Regulations* govern the conduct of council meetings. Any meeting of a council must be open to members of the public, unless discussion relates to certain matters specified in the Regulations.

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.

Council Plans and Annual Reporting

Councils must produce several important planning and reporting documents as prescribed in the Act, including the Strategic Plan, an Annual Plan, an Annual Report, a Long-Term Financial Plan and Long-Term Strategic Asset Management Plan as well as Financial Management Strategy, Asset Management Strategy and Asset Management Policy. Developing and adopting these is the responsibility of councillors and enables them to influence the strategic direction of the council.

The Strategic Plan sets out the council's strategic objectives for a ten year period and is supported by the Long Term Financial and Strategic Asset Management Plans. These documents must be reviewed every four years in line with the election cycle. In preparing or updating the Strategic Plans, councils are required to consult with their communities.

The Annual Plan includes a statement about how the council is to meet the goals and objectives of the strategic plan and a summary of revenue and expenditure estimates for that financial year.

Once adopted by council, these documents are available for inspection by the public and are submitted to the Director of Local Government.

Each year the council must publish an annual report, which provides feedback on the achievements and activities of the council. The Act specifies certain matters that must be covered in the report. There is also a requirement for councils to report on specified financial and asset management sustainability indicators in their financial statements.

Financial Management

Financial management is the decision-making process and control procedures associated with acquiring and sustainably using funds necessary for council operations.

Councillors will be involved in:

- budgeting (including setting of rates and charges);
- long-term financial planning (including strategic asset management planning);
and
- financial reporting.

The council is responsible for adopting estimates of revenue and expenditure prepared by the General Manager. Councils seek to make the most out of the revenue available.

The budget process involves setting priorities and allocating funds to achieve the strategic objectives of the Council.

Councillors are also involved in monitoring spending against budget allocations and the achievement of council objectives. This is achieved by ensuring the financial activities of council are underpinned by appropriate plans and strategies which are linked to its strategic, asset management and annual plans.

Land Use Planning and Development Approvals

Under the *Land Use Planning and Approvals Act 1993 (LUPAA)* a council is defined as a 'planning authority', with responsibility to:

- prepare the local provisions of a planning scheme;
- administer planning schemes;
- certify amendments to planning schemes;
- assess and approve applications for planning permits for the use and development of land; and
- enforce planning scheme provisions and permit conditions.

A councillor's role in forming planning schemes and deciding planning applications can be **challenging and time consuming**. Councillors are often faced with having to decide contentious development proposals after considering the requirements of the planning scheme and sometimes opposing viewpoints from ratepayers, developers and other parties.

Issues requiring council's consideration when deciding applications include objections and submissions received by the council as well as environmental issues, visual amenity considerations, impact of a development on neighbourhood character, economic and social considerations.

However, at all times the council must make its decision on the basis of the requirements of the planning scheme.

The role of councillors when acting as a member of the Planning Authority is not well understood. Councillors don't have to be professional planners to respond to planning challenges and community concerns. However, a basic understanding of the planning system is essential.

As members of a planning authority, 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.

Often the best approach is to refer technical questions to the council planner.

Councillors cannot advocate for or against a planning matter and must make planning decisions on the basis of the requirements of the planning scheme.

There are likely to be occasions when there is no option but to approve developments that are consistent with the planning scheme even though there is considerable concern in the community. In such situations it is important to remember that councillors are fulfilling a role and a responsibility under *LUPAA* which is distinct from their role as elected members under the *Local Government Act 1993*.

Councillors must make planning decisions impartially and consistent with the planning scheme and not be swayed by the urgings of community members to vote a certain way. Council's decisions can be appealed to the Resource Management Planning and Appeals Tribunal (RMPAT).

As councils may have to make large numbers of planning decisions each year, some of their decision-making responsibilities may be delegated to council officers under certain circumstances.

Further information on the Tasmanian Planning System, including the processes and instruments that make up Tasmania's Resource Management and Planning System including *LUPAA*, can be found at:

http://www.planning.tas.gov.au/how_planning_works/tasmanian_planning_system

General Manager Appointment and Performance Review

Councils are responsible for the appointment, negotiation of contractual obligations and reviewing the performance, of the General Manager. Contracts of employment¹ are for a maximum five years duration. Recent changes to the Act have included the provision allowing the Minister to make an order in relation to the appointment and functions of a General Manager and that a council must appoint a person in accordance with that order. At the time of writing no orders have been enacted.

The General Manager has the following functions under the Act:

- to implement the policies, plans and programs of the council;
- to implement the decisions of the council;
- to be responsible for the day-to-day operations and affairs of the council;
- to provide advice and reports to the council on the exercise and performance of its powers and functions and any other matter requested by the council;
- to assist the council in the preparation of the strategic plan, annual plan, annual report and assessment of the council's performance against the plans;
- to coordinate proposals for the development of objectives, policies and programs for the consideration of the council;

¹ LGAT with Local Government Professionals (Tasmania) have developed a template contract for General Managers for use by member councils.

- to liaise with the Mayor on the affairs of the council and the performance of its functions;
- to manage the resources and assets of the council; and
- to perform any other function the council decides.

When a council has decided its direction, strategy and policies it delegates authority to the General Manager for implementing these decisions and managing day-to-day operations. This involves responsibility for the management of the council's resources and assets.

In order to assess the performance of the General Manager council determines systems for monitoring performance, including specifying performance goals, key performance indicators and evaluation methods in the General Manager's contract of employment.

Community Involvement and Accountability

As individuals, councillors are accountable to their community and must respond to the needs of voters and advocate on their behalf. Many citizens who become councillors have already had a high level of involvement in community organisations and events. Attending community meetings, gauging community values and needs, as well as being available and approachable are part of being a councillor.

Councillors, both individually and collectively, are accountable to their community. They have a responsibility to respond to requests for information, be prepared to explain the reasons for their own or the council's actions, and defend council proposals.

Advocacy

Councils often represent and advocate on behalf of residents and community agencies on key issues that affect the wellbeing of their local area. This includes meeting with other levels of governments, statutory bodies, businesses and regional interest groups.

Councillors play an important role in the decision-making processes that guide and govern the strategic vision and directions for the municipal area.

Councillors need to balance their obligation to represent the interests of their constituents and to make decisions that will benefit ALL the community.

Financial Entitlements

Councillors are not employees of their council and do not receive employment benefits such as a salary and leave entitlements. Councillors are entitled to an annual allowance. Allowances are reviewed every four years through an independent process and subject to annual indexation, in accordance with Regulation 42 of the *Local Government (General) Regulations 2005*. At the time of writing, a review recently been undertaken in relation to councilor allowances, with some areas identified for further examination.

Currently, 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.

Councils are required to develop a policy in relation to the payment of expenses incurred by councillors in carrying out their functions.

A councillor is also entitled to be reimbursed for reasonable expenses in relation to:

- telephone rental and telephone calls;
- travelling;
- care of any child of the councillor; and
- any other expenses the council determines appropriate.

Councils may also decide to provide support services, facilities and equipment on loan to a councillor.

Income equivalent to a councillor's allowance will need to be included in their taxation return. Councillors can decline to receive an allowance, in which case no tax would arise. Superannuation contributions to a complying fund do not represent assessable income. Councillors are also entitled to deduct expenses relevant to their election costs and activities as a councillor. The Australian Taxation Office sets limits for election expenses that can be deducted from a candidate's income tax.

Councillors should seek information on taxation of councillor allowances and candidate expenses from an accountant or the ATO on 13 28 61.

Rewards and Benefits

There are many rewards for serving your local community. It is an important and challenging role and provides one of the most direct means an individual can influence the decisions that affect their local area.

Satisfaction in Serving the Community

Councillors, by virtue of their elected role, have influence and involvement in the planning and development of their local environment. They like getting a better deal for their community. They value being in or close to the places where decisions are made. Councillors have differing interests, motivations and skills. They will make different contributions to the council and will draw their own levels of satisfaction from the outcomes.

Personal Enrichment

Citizens elected as councillors bring with them a wide range of employment, educational, community and general life experiences. Through full participation in Local

Government, councillors learn about democratic processes, consultation processes at a formal and informal level, and to be responsible and accountable for what they do. To see the development and implementation of programs they have initiated or been involved with is rewarding.

Professional Development

Councils are expected to support new councillors by offering professional development programs. Councillors, through a combination of on-the-job experience and professional development programs, will gain knowledge and skills in areas which help them perform effectively.

These skills include:

- budgeting;
- corporate planning;
- meeting procedures;
- advocacy;
- negotiation; and
- media.

Professional development is voluntary but strongly encouraged and accessible.

Ceasing to be a Councillor

The office of a councillor becomes vacant if a councillor:

- dies;
- resigns in writing to the General Manager;
- is absent without leave from 3 consecutive ordinary meetings of the council;
- is removed or dismissed from office under the Act;
- becomes a paid employee of the council; or
- is no longer eligible to nominate as a candidate under the Act.

Section 3: Fulfilling the Role of a Councillor

Declaration of Office

Disclosures of Interest

Codes of Conduct

Access to Information

Time Commitment

Working with the General Manager and Staff

Working with other Councillors

Working with the Community

Helpful Skills

Declaration of Office

Once elected, a councillor is required to make a declaration of office to carry out the functions and exercise the powers of the office to the best of their ability and in accordance with the law.

The declaration is to be acknowledged by the council and noted in the minutes.

On the 1st of August 2018 changes to the Local Government (General) Regulations came into effect which impact on the declaration of office. Newly elected councillors are now required to declare the following:

- *I will faithfully carry out the functions and exercise the powers vested in me by virtue of that office to the best of my ability and in accordance with the law:*
- *I will comply with the Council's code of conduct*
- *I will engage in ongoing professional development*
- *I will abide by the principles of good governance.*

Disclosures of Interest

Pecuniary Interests

If a councillor, or a close associate of a councillor, has a pecuniary interest in a matter before a council or committee, a number of requirements must be complied with under the Act.

A pecuniary interest arises when, if a matter was decided in a particular way, a councillor (or close associate) would have an expectation of receiving or be likely to receive a financial advantage or disadvantage. In these situations, a councillor must declare the interest and leave the room while the matter is being discussed. The details of the interest are recorded in a register.

The Local Government Division of the Department of Premier and Cabinet has developed some information sheets on pecuniary interest. The sheets can be found on their website:

Conflicts of Interest

Councils also have requirements about how councillors must deal with other conflicts of interest in their Codes of Conduct.

Codes of Conduct

The community is entitled to expect that:

- the business of the council is conducted with efficiency, effectiveness and impartiality;
- the councillor will attend all meetings of council (except where leave of absence has been obtained) and vote on all matters except when prohibited from doing so;
- councillors and staff obey the spirit and letter of the law and, in particular, the provisions of relevant statutes, regulations and by-laws; and
- that councillors are honest and ethical, reliable, motivated to perform and knowledgeable about their community.

The Act requires councils to adopt the model Code of Conduct. As well as complying with legal obligations under the Act, Councillors must comply with the provisions of the Code of Conduct in performing their functions and exercising their powers.

The 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 and staff in terms of their behaviour².

Matters that are addressed in each council's 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 of the Act are currently under review .

The Local Government division, Department of Premier and Cabinet has developed a good governance guide for councils. The guide can be found on their website:

http://www.dpac.tas.gov.au/divisions/local_government

Access to Information

Councillors are entitled to information and documents required to perform any councillor functions and documents relating to council and committee meeting agendas.

However, councillors must be careful not to disclose any information that is received at a closed meeting or that is given to them on the basis that it is kept confidential.

Councillors also must not make improper use of council information either to gain advantage for themselves, a family member or close associate or to cause any damage or loss to council. A councillor who breaches these provisions could be fined, dismissed, and disqualified from nominating as a councillor for a period of seven years.

Time Commitment

The role of councillor involves several hours each week for formal duties and many more hours for informal duties such as meeting with constituents and attending community functions.

The time commitment varies from councillor to councillor and council to council, but it can require a core commitment of 15-25 hours a week. Some councillors may be able to devote more hours.

Formal council meetings are held at least once a month, however council may have committee meetings or other activities, which form a regular schedule. Councillors often nominate for a particular committee responsibility, which holds separate committee meetings.

Councillors will also receive phone calls and correspondence from constituents raising issues of concern which require responses. There may also be involvement in external organisations, for example with neighbourhood house committees, school and recreational committees. These committees meet at the discretion of their membership.

Many councillors retain their employment and undertake the role of councillor in their own time. Partners of councillors are not expected to attend all civic events and receptions; however an invitation is often extended to them.

Working with the General Manager and Council Staff

The importance of trust and mutual respect within the council team and between Council and senior management cannot be underestimated. There needs to be a shared commitment to the goals of the council by both councillors and senior management.

To achieve maximum results for the community, councils need a strong team of councillors and management. While councillors determine policy directions for the municipality, they also need to rely on advice from the organisation.

As mentioned previously, the everyday running of councils is the General Manager's responsibility. This includes the employment of staff with the necessary expertise to undertake the administrative and operational functions of a 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 evaluate alternative options and assess the impact of decisions before deciding what it considers to be in the community's best interest. The organisation then implements the policy directions decided on by council.

The process and relationship are interactive, with each having distinct roles and functions. Understanding these differences will influence the degree to which a trusting and professional working relationship can be established between a council and its management team.

A key challenge for councillors is not becoming involved in the day-to-day operations of a council by directing staff. The role of a councillor is to work with other elected members on overall council strategy and policy and, as an individual councillor, to represent the interests of the community.

Individual councillors have no authority to act or make decisions on behalf of the Council unless the Council specifically authorised this at properly constituted council meeting.

While the separation of policy making and day-to-day management is important, it should be managed sensitively, so a high level of trust is cultivated between the

councillors and the General Manager and a sound and effective working relationship is achieved.

Working with other Councillors

Councillors are often elected having promised to achieve – or oppose – particular issues or projects. It is important to understand that councillors do not make decisions on their own.

The major challenge for councillors, therefore, is to convince a sufficient number of their councillor colleagues to support their particular positions and have their issues adopted as part of the council's plans, policies or programs.

This is a complex and fluid process and councillors need to be very focused on working with one another. There will be times when councillors will have differing points of view which should be debated in the council chamber in an open and transparent way.

Working with the Community

Individual councillors provide an invaluable link between the communities and councils. Councillors will also often be approached by individual and groups in the community who need assistance or support.

Consultation and engagement with the community is essential to identify community aspirations, issues and priorities. Consultation gives citizens another opportunity to express their opinions and provide information to inform the decision makers, prior to a decision being taken. Some examples of consultation processes are:

- workshops and focus groups;
- surveys;
- public meetings;
- community liaison groups; and
- precinct committees.

Consultation does not mean that councils are bound to follow the majority position on an issue. Local Government is not government by referendum. Rather, good consultation means that the council knows and understands the range of community opinions about a particular issue, and can use this information to inform its decision.

There are occasions when a council needs to demonstrate community leadership. This may arise because of information that is available to a council, or stem from a council's perception of its role as a government elected to govern or from its understanding of the community built upon by considered consultation and engagement processes.

Helpful Skills

Good Communication and Listening Skills

Some people seem to be naturally gifted but, to be able to communicate is a skill that can be learned. 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 the community provides councillors with a 'sounding board' against which to assess the impact of council policies.

Time Management

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 study of agenda papers and financial reports. Time management is, therefore, a skill that councillors need to acquire if they are to be effective in their role.

Negotiation and Being Assertive

Negotiation and lobbying skills may need to be honed in order to become a councillor of influence. Councillors need to effectively present potential solutions or alternative

viewpoints to fellow councillors and to communicate council decisions to residents or other sectors of government.

Conflict Resolution Skills and a Thick Skin

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 and not personalities associated with decisions is an important skill in what can be at times an emotionally charged atmosphere.

Section 4: The Election Process

Terms & Voting
Tasmanian Electoral Commission



Eligibility to Nominate

Under Section 270 of the *Local Government Act 1993*, a person is eligible to nominate as a candidate for councillor if they are:

- an elector in the municipal area;
- has his or her principal place of residence in Tasmania;
- not a councillor in another council;
- have not been barred by a court from nominating;
- are not an employee of the council in that municipal area;
- have not been removed from the office of councillor because of inadequacy or incompetency;
- is not bankrupt;
- is not undergoing a term of imprisonment; and
- is not subject to a care order.

Terms and Voting

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

Mayors and Deputy Mayors are popularly elected and do not have to have previously served on a Tasmanian council.

Voting in Local Government elections is conducted through a postal ballot. Under this system there is a 10 working day (2 weeks) polling period rather than a single polling day.

Tasmanian Electoral Commission

The Tasmanian Electoral Commission (TEC) conducts Local Government elections on behalf of Tasmanian councils. The TEC publishes a detailed 'Information for candidates' booklet which looks at the full election process, from the notice of election through to counting of votes.

Of particular interest to potential candidates are the sections dealing with:

- eligibility to nominate as a councillor;
- how to nominate as a councillor;
- advertising (including the requirements in each municipal area relating to signs);
and
- offences relating to elections.

The booklet and more information about council elections can be found on the Tasmanian Electoral Commission website:

www.tec.tas.gov.au.

Section 5: Getting Elected

Introduction to Campaigning

Advertising

Door Knocking

Photographs

Using the Media

Introduction to Campaigning

This section provides an overview of various approaches to campaigning, and includes information on campaign brochures, door-knocking, advertising and using the media.

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

To campaign effectively you need to plan and be prepared. It is important that candidates know:

- information about the municipal area in which they are standing; and
- information about the procedure of the election and voting processes.

Starting a campaign early will increase its effectiveness.

There needs to be consideration of the message to be communicated to voters and how the messages can best be delivered. This might include:

- phoning, writing or emailing known people;
- distributing a brochure;
- door knocking;
- seeking endorsements through local organisations;
- attending shopping centres and recreational activities to 'meet the people';
- obtaining coverage in local press articles;
- placing advertisements;
- submitting information for local paper 'profiles' of candidates;
- going to public meetings; and
- creating a website.

The approach taken will depend on the likely strengths of the opposition, what methods are most effective in reaching voters in the local area, the time available to candidates and the number of helpers they can organise, and the size of the area.

There are a number offences relating to election campaigning that candidates should be aware of. A summary of these offences is contained in the Tasmanian Electoral Commission ‘Information for candidates’ booklet.

Advertising

“NEW” Regulatory Changes (as at 2 August 2018)

On 1 August, changes to the Local Government (General) Regulations related to Local Government election campaigns came into effect– applying for the period commencing 9 August to 30 October.

One aspect of the changes related to advertising spend limits.

While the advertising spend for the period was going to be \$8000 (inclusive of GST) for all candidates it was only recently picked up by the sector that this spend limit now included the cost of pamphlets which previously candidates had been advised were not included in advertising returns made to the Electoral Commission.

In recognition that the cost of distributing candidates is significantly more in larger urban councils, indeed likely to exceed the spend threshold, the Government has agreed to LGAT’s request to rapidly progress a change.

For councils with more than 15,000 ratable valuations the spend limit will be \$16,000.

This applies to councils categorised as Urban Medium – namely Hobart City Council, Clarence City Council, Glenorchy City Council³, Launceston City Council and Kingborough Council.

³ Although Glenorchy City Council is not going to election in October, as elections were held there earlier this year.

For all other councils, the spend limit is \$10,000.

The other changes made to the Regulations for 1st August remain unaltered. Namely:

- There is no difference in advertising spend limits for candidates who are running for Mayor, Deputy Mayor or councillor (in a council area).
- There is no longer a limit on the number and size of posters in the Regulations HOWEVER you must still be mindful of signage requirements under your local planning scheme. Please seek advice from your councils.
- There are no limitations on the amount of television, radio and newspaper advertising (time and size) as long as your total electoral advertising spend (including that spend on posters, signs, pamphlets and internet advertising) does not exceed the spend limits. As outlined above, previously the limit included only purchased newspaper, television and radio advertising.

These changes will apply for the relevant period to be included in the expenditure limit (that is:9 August to 30 October).

It is anticipated these changes to the Local Government (General) Regulations will be gazette on 8th August. You will be able to see the final amended regulations on www.legislation.tas.gov.au on or around the 9th August.

Campaign brochures

Many candidates use brochures as a vehicle for providing information to voters. They can be used when door knocking, handed out at community events or distributed in letterboxes.

Brochures may include:

- a candidate slogan;
- information about the candidate;
- a photo of the candidate, including action shots;
- the candidates hopes and aspirations if elected;
- third party positive endorsements from prominent people or community leaders;
- surveys to obtain important feedback from voters on issues important to them;;

- an open letter to voters; and
- information about the voting process.

Some important detail

Candidates should note that:

- the official council logo cannot be used;
- photos of other people cannot be printed without permission;
- there is a need to check the authorisation requirements for written documents;
- election material should not contain anything that is likely to mislead or deceive an elector in relation to their vote. There is a penalty for printing, publishing or distributing any election material that is misleading or deceptive; and
- the *Local Government (General) Regulations 2005* Division 4 prescribes spending and advertising limits for candidates for Council.⁴
- All candidates must lodge an Advertising Return with the Electoral Commissioner within 45 days after the certificate of election is given. This return must outline the total of all electoral advertising expenses (direct or indirect) including those in relation to signs/posters, pamphlets, how-to-vote cards, print medium (including newspapers), broadcasts (eg radio and television) and internet advertising.

Further, candidates should:

- always proofread their brochures/pamphlets before production (as spelling mistakes look unprofessional and have the potential to cost votes); and
- ensure information is accurate and does not contain offensive material or language.

Posters

Posters are a great way of building a profile in the municipal area.

The TEC 'Information for candidates' booklet explains the regulations covering the authorisation, size and placement of posters.

See also "New" Regulatory Changes above.

⁴ See regulatory changes above

Advertising in the Media

The extent of advertising in newspapers, television or radio depends on the amount of money a candidate can dedicate to this form of promotion.

Again, the TEC 'Information for candidates' booklet explains the regulations covering all electoral advertising.

See also "New" Regulatory Changes above.

Door Knocking

Door knocking is one of the most effective and important ways of campaigning. It brings candidates face-to-face with the community and provides an opportunity to hear about their concerns and issues, as well as a chance to inform citizens of a candidates approach and values.

But what do I say?

A suggested good opening line is:

"Good morning/afternoon my name is John Smith and I am doing some door knocking in your neighbourhood today as I have decided to stand for council at the coming elections on... Are you aware there are council elections happening?"

Important Points When Door Knocking

Doorknocking may be the only opportunity for voters to meet a candidate in person, first impressions are important and candidates should:

- understand this is a very important time, providing the opportunity to learn and understand issues and concerns important to residents. It is an opportunity to harness these concerns that could provide detail for future campaign platforms and brochures;
- know the timetable for voting detail, know when to expect ballot papers to arrive in the mail and when they need to be returned;
- look presentable as this may be the only time voters meet you;
- consider safety issues, it may be preferable to be accompanied when door knocking;
- avoid inconvenient times of the day, such as meal times;
- visit a block of houses in one area then, time permitting, travel to another area in order to obtain a cross section of views across the entire municipal area;
- consider knocking on every second or third door in a street if time is restricted;
- try not to be held up for too long at each house;
- try to follow up on concerns if asked, either in writing or over the phone, even if the response is not to the voter's liking;
- leave the voter a calling card as a memory aid;
- leave a calling card in the letterbox if residents are not at home but not under the front door, as this tells everyone that no one is home; and
- always close the gate.

Photographs

Good photos are a valuable investment for any campaign. They can ensure that printed material is both interesting and informative. Poor quality or boring photos just turn the reader away.

Many people prefer to scan printed material, taking in parts that appear interesting. Photos act as entry points, a voter gets more information in a shorter space of time from a photo or several photos than from the written word.

A professional photographer is a must when relying on photos to get a message across to voters. The photographer must be able to work as a photojournalist. If you don't know anyone, check advertisements in local papers, or the yellow pages and start interviewing.

Although nothing can replace a professional photographer, candidates cannot always afford to hire a photographer and it is worthwhile carrying a camera and taking photos if the opportunity arises. Take several photos from different angles to ensure the right image and quality are captured.

Your photo should look good in black and white as that is the format for the Electoral Commission's Candidate Statements.

Steps To Planning Good Photos

Understand the purpose of the photo

- is it arresting and does it lure the reader into reading the copy?
- does it deliver the candidate's message?

Decide what you need:

- types of shots required i.e. head and shoulders, full length.
- the variety of pamphlets/cards and the issues that may be covered.

- whether the photos will be black and white or colour.

Hire a professional photographer:

- be aware of the budget available for photography.
- know the turn around time for producing proof sheets and final prints.
- understand the time required to complete the shoot.
- request proof sheets showing an entire roll of film, allowing ease of selection.

Types of photos:

- no campaign can do without head and shoulders shots.
- photos should always look facing into the text, left facing photos should be position on the right hand side of the text and vice versa.
- for best results in pamphlets or newsletters, photos should be turned into bromides, generally printers can do this.
- photos can be scanned for general use but consideration needs to be given to the quality of the scan and the end result to the material being produced.



Points to remember when planning your photo shoot

- Get your photos done as soon as possible, don't wait until just before the election.
- Plan your photo shoot in detail:
 - where will you take the photos,
 - what will you be doing in the photos,
 - what messages do you want to convey,
 - do you need to involve other people?
- You can never have too many photographs. It is better to have more to select from.
- Plan what you will wear and what props you may need. Completing the photo shoot in one block of time will save costs but a change of clothes is advisable to ensure the photos look more natural and props such as a clipboard may be useful in depicting door knocking for example.

- When taking photos of people try to be spontaneous. Let people carry on a conversation about whatever the subject matter of the photo is. This will help get real emotions and facial expressions and suitable body language.
- Keep in mind that the light in the middle of the day is hard for outdoor shots. Early morning or late afternoon gives the best lighting.
- Always remember to get the permission of the people you are using in your photos.



Using the Media

Candidates are thrust into a competitive environment. There may be sitting councillors who are well known to the media and the local community.

Handy tips for dealing with the Media

- Personally introduce yourself as a candidate for the relevant municipal area. Make sure you leave them with the correct spelling of your name, your telephone number and your mobile telephone number, and a photo of yourself.
- Take any written information with you such as your campaign brochure and articulate your main platform. Ensure that there are only three to four key issues and be certain of your facts.
- Highlight your number one issue if you are with the journalist/editor.
- Issue media releases relating to your issues on a regular basis BUT do not become a serial media release issuer. Pick the issues on which you most want to be heard to avoid journalists regarding your media releases as junk mail.
- Utilise the 'Letters to the Editors' column, BUT do not become a serial letter writer, again pick your issues.
- Local radio may contact you as a result of articles published in the newspaper. When they telephone you, DO NOT provide answers immediately. Ask them what they want to speak to you about and what their deadline is. If their deadline is within the next 30 minutes, tell them you will ring them back in 10 minutes. This gives you breathing space to think about what you are going to say.
- In all cases remember it is your interview and PLAN what you want to say!
- Don't forget you have spending limits for advertising.

Handy Tips with Media Releases

- Always introduce yourself as the person putting out the media release - never assume that the journalist will know who you are e.g. “Candidate in the upcoming council elections for today said that”
- Once you have introduced yourself, then refer back to yourself by name; e.g. “The prospect of massive rate increases is dire” Mr Smith said.
- The opening sentence should always contain what the media release is about e.g. “Crime in is still very high, despite the visible increase in police presence”, John Smith said today.
- Try to answer the following questions in the first sentence of the release; Who? What? Where? When? How and Why?
- Once you have established what the media release is about, the rest of the release should be one-paragraph sentences, spoken or attributed to the person.
- Try to keep the media release to one page, journalists will rarely read two whole pages of a release
- Try to answer all the questions any reasonable and inquiring person might ask and try to pre-empt any claims or questions that may arise
- Try to present a positive alternative in a competitive environment such as a campaign, it is easy to fall into the trap of criticising everything.
- Always provide your name, the name of the municipal area, an address, and contact details.
- Avoid using photographs on media releases, as they don’t fax well.

Social Media

Increasingly, social media is being used to support election campaigns. The term most often refers to activities that integrate technology, telecommunications and social interaction, and the construction of words, pictures, videos and audio.

Social media can take many different forms, including Internet forums, weblogs, wikis, podcasts, pictures and video. Technologies include: blogs, picture-sharing, wall-postings, email, instant messaging, music-sharing, crowd sourcing, and voice over IP, to name a few.

Some of the advantages of social media are that it:

- is fast/can be immediate;
- allows for easy content creation/development/dissemination;
- can establish large, powerful networks;
- is always on;
- potentially can reach a large audience; and
- can build reputation through attracting attention.

However care must be taken to ensure the use of social media complies with the electoral provisions of the *Local Government Act 1993* (see for example, s311 of the Local Government Act: Electoral articles to be signed and the *Local Government (General) Regulations 2005* (see Division 4 – Electoral Advertising).

The recently revised Regulations regarding advertising spend limites include paid advertising on the internet.

Section 6: Additional Information

Useful Contacts
Other Resources
About LGAT

Useful Contacts

Local Government Association of Tasmania

326 Macquarie St, Hobart

Tel: (03) 6233 5966

Website: www.lgat.tas.gov.au

Local Government Division

Department of Premier and Cabinet

Level 14, 39 Murray St, Hobart

Tel: (03) 6232 7022

Website: www.dpac.tas.gov.au/divisions/lgd

Tasmanian Electoral Commission

Level 3, 169 Main Road, Moonah

Tel: (03) 6208 8700

Website: www.tec.tas.gov.au

Tasmanian Planning Commission

144 Macquarie St, Hobart

Tel: (03) 6233 2795

Website: www.planning.tas.gov.au

Australian Local Government Association

8 Geils Court, Deakin, ACT

Tel: (02) 6122 9400

Website: www.alga.asn.au

Australian Local Government Women's Association

Website: <http://www.algwa.net.au>

Council websites

Break O'Day www.bodc.tas.gov.au

Brighton www.brighton.tas.gov.au

Burnie www.burnie.net

Central Coast www.centcoast.tas.gov.au

Central Highlands www.centralhighlands.tas.gov.au

Circular Head www.circularhead.tas.gov.au

Clarence City www.ccc.tas.gov.au

Derwent Valley www.derwentvalley.tas.gov.au

Devonport City www.devonport.tas.gov.au

Dorset www.dorset.tas.gov.au

Flinders www.flinders.tas.gov.au

George Town www.georgetown.tas.gov.au

Glamorgan Spring Bay www.gsbc.tas.gov.au

Glenorchy City www.gcc.tas.gov.au

Hobart City www.hobartcity.com.au

Huon Valley www.huonvalley.tas.gov.au

Kentish www.kentish.tas.gov.au

Kingborough www.kingborough.tas.gov.au

King Island www.kingisland.tas.gov.au

Latrobe www.latrobe.tas.gov.au

Launceston www.launceston.tas.gov.au

Meander Valley www.meander.tas.gov.au

Northern Midlands www.northernmidlands.tas.gov.au

Sorell www.sorell.tas.gov.au

Southern Midlands www.southernmidlands.tas.gov.au

Tasman www.tasman.tas.gov.au

Waratah Wynyard www.warwyn.tas.gov.au

West Coast www.westcoast.tas.gov.au

West Tamar www.wtc.tas.gov.au

Other Resources

LGAT Councillor Resource Kit

This kit provides practical information to assist councillors understand and perform their role. *This document is in the process of being updated for the 2018 elections.*

Guide to the Tasmanian Planning System

The Tasmanian Planning Commission website provides an outline on the Tasmanian Planning System.

http://www.planning.tas.gov.au/how_planning_works/tasmanian_planning_system

Local Government Division – Information sheets

The Local Government Division provides a series of information sheets to support councils. They include:

- Councillor allowance
- Access to information for councillors
- Compliance - Pecuniary interest; Misuse of office; Misuse of information
- Council meeting procedures
- Councillor allowances
- Director of Local Government and Local Government Division
- Role of General manager
- General Manager Appointments and Contracts
- Pecuniary interest
- Representation to councillors
- Role of elected members
- Sale of public land

http://www.dpac.tas.gov.au/divisions/lgd/resources_for_councillors

About LGAT

The Local Government Association of Tasmania's (LGAT) vision is to *help Tasmanian Councils be the best they can be for their communities*. We are the voice of Local Government to other governments, interested stakeholders and the wider community. LGAT works to protect the interests and rights of councils, to promote the efficient operation of Local Government and to foster strategic and beneficial relationships.

LGAT provides specialist services to its member councils including policy and strategic support, information and learning for Local Government elected members and officers, and procurement support and services.

LGAT also coordinates the Tasmanian Local Government Awards for Excellence, the annual Tasmanian Local Government conference and LGATAssist (a financial assistance product for Local Government employees).

LGAT has been the peak body for Local Government in Tasmania for over 100 years (founded 1911) and is part of a national network of associations. It is funded by councils and other income earned through projects sponsored on behalf of Local Government, and a range of services and sponsorships. LGAT is an incorporated body under the *Local Government Act 1993*.

A General Management Committee (GMC) of eight members provides oversight to LGAT operations. The GMC is elected by LGAT member council representatives every two years. It comprises the popularly elected president, the Lord Mayor and six other members elected by regional groupings of councils. The vice president is elected by the GMC.

The functions of LGAT (from the *Local Government Act 1993*) are:

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

For more about what we do, please see the website www.lgat.tas.gov.au .

The Local Government Association of Tasmania supports local councils so that they, in turn, are well placed to serve their communities.