So you want to be on Council

A guide for anyone considering nominating for election to their local Council

The closer you are the more we care



Local Government Association
of South Australia

the Closer you are the more we care
council elections

Authorised by Wendy Campana



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"At times mum would give advice to those who wanted to enter either Local Government or seek election for the State Parliament. She would say to them: 'Look at the big picture, do you have a vision, do you have a commitment to that vision? Above all you need a commitment. Do it to make a difference … don't do it just for political gain because you won't be there after the next election.'"

- An excerpt from Michelle Baluch's eulogy at the Adelaide Memorial Service for her late mother, Joy Baluch, former Port Augusta Mayor and past President of the LGA.

Nancy Joy Baluch AM (10 October 1932 – 14 May 2013) was an Australian politician who served as Mayor of Port Augusta from 1981 to 1993 and from 1995 until her death in 2013. Her term as mayor of 29 years is believed to be an Australian record.

Foreword

Democracy is something that no one should take for granted. Every day, throughout the world, people are struggling to have the opportunity to participate in determining the destiny of their community and country.

Australia certainly is one of the 'lucky countries'. We have the opportunity to actively participate and have influence in all spheres of government.

Increasingly, people are taking more interest in public affairs, particularly those at the local level, and many people are actively seeking to get involved with their Council to address issues that concern them and/or their communities.

Being a Council Member is a privileged position and one of the most direct ways that you can influence decisions that affect the quality of life in your local area. As community leaders, Council Members have a wide range of responsibilities, including representing the interests of electors, making decisions about community assets such as playgrounds, parks, roads or large infrastructure, and making judgements about competing pressures and demands on resources of the Council.

Nominating to become a Council Member is an important decision as you will put your name and credibility on the line with voters in a Council election.

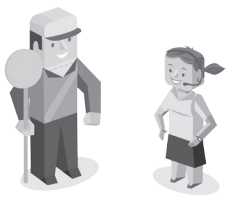
Being a Council Member is certainly not a 'bed of roses'. The role is time consuming and can be demanding and complicated and although you can be sure that other Council Members and the staff will help you you will have to be prepared to learn a lot very quickly.

However, you will gain satisfaction from playing an important part in developing a better local community for the future. It is a rewarding role and well worth considering.

This booklet has been prepared to assist you in making the decision about whether to nominate. It highlights some of the important issues relevant to nomination, describes the election process and gives you hints on campaigning.

It has been prepared by the Local Government Association, through Local Government Research & Development Scheme funding, as a service to encourage participation in elections and promote a better understanding of Local Government.





An introduction to Local Government

The three spheres of government - Local, State and Commonwealth - work together in various ways to govern and provide services to the community. Although each level functions differently and has very different powers and functions, each has an important role to play in Australia.

The first Local Government Council in Australia was formed in 1840 with the election of four Aldermen and fifteen Councillors to the new Adelaide Corporation. This followed a petition from residents for the 'rights and privileges' of their own Council.

As settlers moved into more remote parts of the state they were less eager to form Councils, provided that the central government continued building railways and major roads to serve them.

As a result, the Government passed the 1887 District Councils Act which empowered it to form Councils without waiting for residents to take the initiative.

Local Government in South Australia is part of the Australian Federal system of government

Local Government has been an important part of community decision making since the earliest days of settlement of South Australia.

The South Australian Constitution Act 1934 provides for a system of elected Local Government bodies.

The *Local Government Act 1999* sets out the constitution, system and operational framework for Local Government in this State.

The Local Government (Elections) Act 1999 contains the requirements for Local Government elections. It sets out how the elections are to be conducted, who can nominate, who can vote, how the votes are counted and other important matters.

Local Government is an elected system of government directly accountable to the local community. A major theme of the *Local Government Act 1999* is that of a Council and its community having the appropriate degree of autonomy to meet its needs and influence its own future.

Councils in South Australia form important political and social communities with an unparalleled depth of knowledge of the needs of the local area and for this very reason Local Government is often referred to as the 'grass roots' level of government.

It uses its own resources or those of State and Commonwealth Governments to deliver a diverse range of services in its local area.

In South Australia, 68 individual autonomous Councils provide Local Government. Each Council covers a defined geographic area. Council areas vary in geographic size, population, land use and location. Despite these differences, all Councils have the same powers and responsibilities and can choose many of the services they provide.

The word Council is sometimes used to refer to the whole corporate organisation, and sometimes used to refer to the group of Elected Members who govern the organisation. The Elected Members are headed by a Principal Member generally called a Mayor or Chairperson. Individual Council Members have no authority to make decisions on behalf of the Council, it is the elected Council as a whole that has this power.



The Local Government Act 1999 sets out the role and functions of a Council

Some of the roles and functions of a Council set out in the Act are:

- being a representative, informed and responsible decision-maker in the interests of its community;
- participating in public policy development and planning activities with the other spheres of government;
- providing and co-ordinating services and facilities that benefit its area, ratepayers, residents and visitors;
- developing its community and resources in a socially just and sustainable manner;
- providing for the welfare, well-being and interests of individuals and groups within its community;
- representing the interests of its community to the wider community and other levels of government;
- planning at the local and regional level for the development and future requirements of its area;
- managing, developing, protecting and conserving the environment; and
- regulating local activities such as development and building, keeping animals, parking, and maintaining public health. Some of these responsibilities include a regulatory and law enforcement role.

Each Council decides what services it will provide in its local area

Councils provide some services in accordance with specific roles and powers defined by the *Local Government Act 1999*, or other legislation, and others at the discretion of the Council. The discretionary services vary from one area to another and depend on the size of the Council area, the number of people living in the area, where the area is located, the physical environment, what the priority needs of the local community are and the resources and funding available.

All Councils provide regulatory services within specific statutory responsibilities or powers. Examples include:

- land use planning and development and building control;
- fire prevention;
- dog and cat management and control;
- parking control; and
- food and public health inspection.



Other services are provided and work is carried out at the discretion of each Council as part of its general roles and functions under the *Local Government Act 1999*. Councils also provide infrastructure and community services and facilities such as:

- road and footpath construction and maintenance;
- street lighting;
- waste management and recycling;
- library and information services;
- stormwater drainage;
- care and maintenance of parks, ovals and sporting facilities;
- swimming pools and leisure centres;
- community facilities and halls;
- coastal care;
- home and community care services for elderly people and people with a disability;
- tourism initiatives;
- wetlands and water resource management; and
- promoting economic development.

A Council is comprised of:

The Principal Member of the Council is generally called the Mayor or Chairperson

- a Principal Member of the Council who is either elected as a representative of the area as a whole, or a member of Council chosen by the members. A Principal Member elected by the electors is called the Mayor. A Principal Member chosen by the members of the Council is generally called the Chairperson, although the Council may decide to use another title; and
- a number of Councillors elected to represent the Council area as a whole or on a ward (section of the Council area) basis.

The Council area may be constituted with or without wards

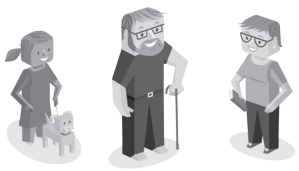
Depending on how the Council is constituted, that is, with wards or not, the Councillors are elected:

- by the electors of the area to represent the area as a whole; or
- if the area is divided into wards, elected by the electors of a particular ward to be a representative of that ward. A ward is a specific geographical area used as an electoral base for electing Councillors.

If a Council has wards it may choose to have area Councillors and ward Councillors. If a Council does not have wards only area Councillors are elected.

All members of the Council will be elected for a four-year term from November 2014, and all have a responsibility to consider the interests of the whole Council area.

With the exception of the Mayor, the members of a Council are known as Councillors. The term Council Member is used to refer to all members of the Council including the Mayor. All Council Members combine to form the Council that meets formally and makes decisions.



The role of the Mayor or Chairperson

The role of the Mayor or Chairperson is to:

- preside at meetings of the Council;
- carry out the civic and ceremonial duties of the office of Principal Member;
- provide advice, if required, to the Chief Executive Officer (CEO) between Council meetings regarding the implementation of a decision of the Council; and
- act as the principal spokesperson of the Council (unless the Council determines otherwise).

The role and responsibilities of Council members

Council Members (Principal Member and Councillors) become part of an incorporated body which has responsibility for carrying out the duties and exercising the powers conferred on the Council by the *Local Government Act 1999* and other relevant State legislation.

The Act specifies that Council Members:

- represent the interests of ratepayers and residents;
- provide community leadership and guidance; and
- facilitate communication between the community and the Council.

The role of a Council Member involves:

- participating in the deliberations and civic activities of the Council;
- keeping the Council's objectives and policies under review so as to ensure that they are appropriate and effective; and
- keeping the Council's resource allocation, expenditure, activities and the efficiency and effectiveness of its service delivery under review.

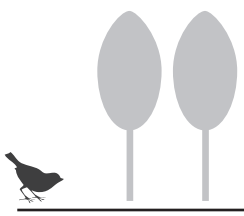
Council Members are involved in the long-term strategic management of the Council area. As a Council Member you will take part in determining the needs of the community and establishing the range and scope of services necessary to ensure the social and economic development and environmental management of the area you have been elected to represent.

Development Assessment and Panels

In addition to the *Local Government Act 1999* there are a number of other pieces of legislation with which Council Members must be familiar with such as *the Development Act 1993*.

The Development Act 1993 creates a number of key roles and tasks. The Council will need to review and/or create a Development Plan or sections of a Development Plan for the Council area. The Development Plan is the legislative document prepared by the Council to guide the future of development in the Council area. Council Members will need to participate in formulating key strategies and policies for future development.

The Development Act 1993 also creates the legislative framework for assessing development proposals.





Councils play an important and significant role as a 'relevant authority' under the Development Act, assessing and making decisions about development applications which will impact on the character and amenity of the area.

The Development Act 1993 requires all Councils to establish a Council Development Assessment Panel, to assist Councils to exercise their development assessment powers and functions. This requirement clarifies that decisions on development applications are made under *the Development Act 1993*, not the *Local Government Act 1999*. That is, the Council Development Assessment Panel is quite distinct from other functions of a Council.

Membership of the Council Development Assessment Panel is prescribed under *the Development Act 1993* and requires that a majority of members be independent from the Council. [1]

Council staff, through delegations made by Council, undertake most of the statutory requirements of the *Development Act 1993*.

Your role as a policy maker

One of the most important roles you will have as a Council Member is to participate in making policy and decisions on behalf of your community. As a 'policy maker' you have responsibility for establishing and reviewing the rules, regulations and guidelines by which your community will be governed in the future. An essential element of policy making is identifying community needs, setting objectives to meet those needs, establishing priorities between competing demands and allocating resources. In practice, this requires Councils to establish effective working relationships with various government agencies to explore opportunities for collaborative effort.

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

The working relationship between Council Members and staff

The working relationship between Council Members and Council staff is very important. There are separate but complementary roles for Council Members and staff as set out below:

- Council Members decide the overall strategic direction of the Council and set the policies and plans; and
- staff, through the Chief Executive Officer (CEO), undertake the administrative actions required to achieve the Council's strategic directions, policies and plans.

The Chief Executive Officer

Every Council must appoint a CEO, who is the most senior member of the staff.

The CEO is responsible to the Council:

- for the implementation of Council decisions and the general administration of Council functions and affairs;
- for employing and managing all the other staff of the Council. Note: Council Members have no direct involvement in administration or managing Council staff.
- to act as an adviser to Council Members and to ensure that the Council acts within the law.

[1] The Local Government Association of SA, in conjunction with Planning SA, has prepared information and guidelines to assist Councils with establishing Council Development Assessment Panels, and to assist Councillors to perform their roles as Panel members alongside the independent members. For further information about Council Development Assessment Panels, contact your local Council, or the Local Government Association of SA (refer inside back cover for contact details).

Your role as a community representative

As a Council Member you will be required to represent the views of residents and ratepayers to your Council and in turn explain Council policy and decisions to them. You are thus a bridge between the community and Council decisions - a bridge which carries two-way traffic!

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

Attending Council meetings

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

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

Council meetings are held at least once a month. If you are absent from three consecutive meetings without Council's permission, your office may be declared vacant.

So that you can be effective in your Council debate and contribute to the decision-making process it is essential that you are prepared for meetings. The relevant papers and reports are often lengthy so you will need to set aside preparation time prior to each meeting.

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

Decisions of the Council are made by a majority vote of the members who are present and entitled to vote.

With the exception of the Mayor, every member present at a Council meeting must vote on every question (motions and amendments) arising for decision unless precluded from doing so by the conflict of interest provisions of the *Local Government Act 1999* (Conflict of interest is explained later in this Booklet – see page 12).

The Mayor does not have a deliberative vote, but only a casting vote if the other votes are equal.

A Chairperson (a Principal Member chosen from within by the Council Members) does have a deliberative vote but, in the event that the votes are equal, does not have a casting vote.





Participating in committee meetings

A good deal of your time will be spent in your Council's committee meetings. The work of committees is significant in Local Government, because of the wide range of activities and functions for which a Council is responsible. Councils establish committees to assist the Council in its work and to increase community input in policy development. Committee members may be Council Members, Council staff and community members appointed by the Council. All Council committees report to the Council and are subject to the requirements of the *Local Government Act 1999*.

The roles and tasks of committees vary. A Council may establish a committee to:

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

Councils can also hold informal gatherings of members of Council or committees and staff for planning sessions associated with the development of policies and strategies, briefings, training sessions, workshops or social gatherings to encourage informal communication between members or between members and staff. These gatherings are not formal Council meetings and no decisions can be made at these gatherings.

You may also be required to represent your Council on other bodies, for example, regional bodies, local organisations and school councils. This could also include representing Local Government at the State and national levels by involvement in the Local Government Association of SA.

Time commitment

Taking on a community leadership role as a Council Member also means taking on extra work. There are Council agendas, papers and reports to read, meetings to attend and community events to support your neighbourhood.

The work of a Council Member also involves getting out and about in the community and talking to people who live and work in the area about their views and how they want to be represented.

At the same time, Council Members carry on with their other work, including looking after their families. Despite the extra work and time commitment required, there are many rewards associated with the experience of being a Council Member. However, it is important that you consider your commitments carefully before deciding to run for election.

Staying in touch with the community

You will need to be in touch with the community and:

- aware of the needs and wishes of the community as a whole;
- prepared to initiate change and bring to the Council ideas and activities as community needs change and evolve; and
- keep abreast of matters affecting the whole Council area because you will have to vote on all issues before Council.



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

- attend meetings of local organisations;
- participate in a range of local activities;
- be available to discuss individual concerns;
- respond to issues raised with you and refer any enquiries or complaints which you may receive to Council staff;
- read the local paper to keep abreast of local news and issues;
- communicate with your community; and
- keep informed about state and national current affairs which will give you a broader view of issues that may affect the Council.

Being a Council Member involves personal expenditure. In order to ensure that people are not deterred from seeking election there are ways in which you can be compensated for some (at least) of your costs.

The Annual Allowance

During your term on Council you are entitled to an annual allowance for expenses associated with your position of Council Member. This is not a salary.

The level of allowance is determined by the Remuneration Tribunal every four years before Local Government elections. The amounts are adjusted annually by a CPI-based formula in the intervening years. The Tribunal is required to determine allowances by taking into account a number of factors, including the size, population and revenue of each Council, as well as any relevant economic, demographic and regional factors.

The Remuneration Tribunal was established in 1990 and determines the allowances of parliamentarians, judges and other statutory office holders.

Expenses

In addition to an allowance, members are entitled to receive reimbursement for some expenses incurred in the course of duties undertaken as a Council Member. These expenses include travel and child care or care of dependents to enable you to attend Council or committee meetings and other relevant Council functions. Councils may also determine to reimburse other expenses such as telephone and facsimile costs incurred in the course of Council duties.



Ethical and Legal issues for Council Members

Council Members are holders of public office, exercising local government powers, functions and duties on behalf of the Council community and the public at large. Council Members are required to put public interest before self-interest and to respect and uphold principles and laws designed to protect the public interest and to preserve public trust and confidence in the integrity of government. Under the Independent Commissioner for Corruption Act 2012 (ICAC Act), Council Members are also 'public officers' and have specific obligations to report any reasonable suspicions of corruption or serious or systemic misconduct or maladministration.

You need to be ready and willing, if elected as a Council Member, to meet required standards of conduct. For example to:

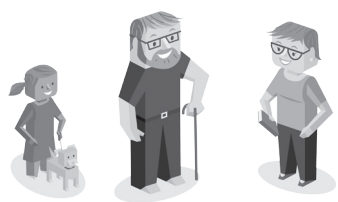
- understand and comply with laws that apply to the conduct of Council Members;
- act honestly and only use your position as a Council Member for proper purposes;
- bring an impartial view to every Council decision;
- avoid, or properly deal with, situations in which your private interests, or those of your family, friends or associates conflict with the impartial exercise of your functions and duties as a Council Member;
- publicly disclose specified information about your personal, family, business and financial interests; and
- submit to public and official scrutiny of your conduct and decisions as a Council Member and report wrong-doing by others that relates to public office.

Duties of public officers generally

The *Local Government Act 1999* requires each Council Member at or before the first meeting attended to make a prescribed undertaking to carry out all duties conscientiously and to the best of their ability. You will have access to training and support to assist you to understand your duties and legal obligations.

Council Members and Council officers, board members and staff of Council subsidiaries, members of Council development assessment panels and contractors engaged by Council or Council subsidiaries are all 'public officers' for the purposes of offences relating to public office under the Criminal Law Consolidation Act 1935. The offences most relevant to Council Members relate to bribery or corruption of public office, abuse of public office and demanding or requiring benefit on the basis of public office.





General duties for Council Members

The ICAC or the Anti-Corruption Branch of the SA Police investigates complaints of alleged fraud, corruption and abuse of public office relating to Local Government and these agencies can also undertake investigations on their own initiative.

The *Local Government Act 1999* (Section 62) sets out the general duties and Code of Conduct requirements for members of the Council as summarised below:

- a member of a Council must at all times act honestly and with reasonable care and diligence when undertaking official functions and duties; and
- a member or former member of Council must not make improper use of his or her position as a member of Council (or information acquired by virtue of the position) to gain directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council. This is a criminal offence.

Register of interest

As a Council Member you will be expected to work on behalf of the community, not for the benefit of personal, family or business and financial interests. For transparency and accountability purposes, a Register of Interests is maintained which is accessible to the public.

When first elected you must lodge a 'primary return' and then an 'ordinary return' (on an annual basis) which requires you to list information such as the income sources of yourself and your family. Failure to lodge these returns within the required timeframes will automatically result in you losing office, unless a court orders otherwise.

Conflict of interest

You must make sure there is no conflict between your private interests and your role as a public decision-maker. This is referred to as a conflict of interest.

As a Council Member you will have to declare any interest in a matter before the Council. The Act specifies what constitutes an 'interest' and sets out the behaviour to be followed in such circumstances[2]. Generally you will be required to leave the meeting while the matter is debated and voted on. Failure to comply with these provisions is a serious matter and can be dealt with as a disciplinary matter in the District Court. The penalties range from a reprimand, a direction to attend a training course, suspension, a fine, to disqualification from office.

Code of Conduct

Council Members are required to comply with a Code of Conduct made by Regulation. It is a public statement of the standard of behaviour that is expected of Council Members. There is also a requirement for a Code of Conduct for employees.

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

The community will often judge a Council according to its perception of the behaviour and image of individual Members. It is essential therefore for all Council Members to conduct themselves in a manner that will promote respect for the public office of Council Member and a high standing of the Council within the community.

When representing the Council in the wider community, you need to be fair and honest in your dealings with individuals and organisations and behave in a manner that encourages constructive communication between the Council and the community. You also need to behave properly and respectfully towards fellow Council Members despite any personal or political differences you may have.

[2]Refer Local Government Association of SA for Guidelines, contact details inside back cover.



Local Government Governance Panel

The Local Government Governance Panel is an independent resource established by the LGA for Councils to use to assist them address complaints about non-compliance with relevant parts of the Code of Conduct for Council Members. Complaints to the Panel are initially considered by the Panel Chair who will decide which Panel member or members would be best suited to investigate and assess each individual complaint.

Referrals to the Panel must be made by a Council. The Panel will not receive complaints directly from the public. The Panel does not look into allegations of criminal offences such as fraud, corruption, improper use of position or other statutory breaches with penalties attached for which a Member can be taken to court. These complaints are referred to the most appropriate authority, such as the Office of Public Integrity, SA Police or the Ombudsman. The Governance Panel has an advisory role only and prepares a report and recommendations on the appropriate action the Council should take in response to the complaint, for the Council's consideration.

Defamation

It is possible to sue an individual Council Member for defamation. Defamation laws protect people against comments which may damage their reputations. Defamation comprises slander, which is spoken, and libel, which is written and/or pictorial.

In a Council meeting, a Council Member is fulfilling a public duty and in that context the law may grant the member limited protection from legal actions claiming defamation. This limited protection may be a defence if statements are made on a subject of Council interest and in good faith, that is, in the belief that they are true. There is normally no protection where statements are made with malice or recklessly by a Council Member not caring if they are true or false. Statements made by Council Members outside of Council meetings generally do not attract such protection.

Liability

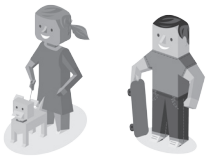
A member is not personally liable for the actions of a Council where a Council is acting in good faith and is exercising its powers and functions under the Act. This means that, in those circumstances, you cannot personally be sued by someone disputing a Council action. You may be relieved to know that your house cannot be sold to pay a Council debt!

Ongoing eligibility

Changes to a Council area or wards do not affect a term of office until the conclusion of the next election. You do not lose office if, after being elected, you cease to be an elector for the area in which you stood.

Events which mean you will lose office are set out in section 54 of the Act. These include if you are declared bankrupt or convicted of an indictable offence punishable by imprisonment. You will also lose office if you become a member of an Australian Parliament or become an employee of the Council.





Who may become a Council Member?

The people who stand for election are as varied as the reasons that first motivated them. Anyone can stand for election regardless of qualifications, religion, gender or employment provided they are eligible (see below).

In South Australia there are more than 700 Council Members from a wide range of cultural backgrounds, ages, experience and occupations. This diversity is an important factor in representing the community.

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

Formal eligibility

A person must be on the Council voters roll to be eligible to stand as a candidate in Local Government elections. Anyone can stand for election as a Council Member, either Mayor or Councillor, if they are:

a) an Australian citizen; or
a prescribed person; and

b) an elector for the area; or
the person is the designated person for a body corporate which has its name on the voters roll for the area; or
the person is the designated person for a group which has its name on the voters roll for the area (either a member of the group or an officer of a body corporate that is a member of the group).

You are ineligible if you:

- are a State or Commonwealth Parliamentarian;
- are an undischarged bankrupt;
- are disqualified from holding office by a court order;
- are an employee of the Council for which you are considering nominating;
- are a candidate for office as a Council Member in another Council area; or
- have been sentenced to imprisonment and are, or could become, liable to serve the sentence or the remainder of the sentence.



If you have any doubts as to whether you are eligible you should contact the Returning Officer for the Council election.

The attributes of an effective Council Member

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

These include:

- having the time to meet the commitments;
- being interested in your local community;
- having a strong commitment to the well-being of your local community;
- being willing and able to represent the whole community when debating issues in Council and not being blinkered by your personal sectarian interests;
- being responsive to residents of your area including those whose cultural background is different from your own;
- having a broad range of community connections and understanding (Note: this does not mean that you have to have held office in a key local organisation); and
- a willingness to learn about the issues which are new to you and to things with which you may be unfamiliar, for example, public speaking, speaking up in meetings, meeting procedures and chairing committees. If these are not part of your normal life then you will need to be willing to break new ground to learn them.

Apart from these general attributes you will find that you will use any professional or personal knowledge you have, basic common-sense and your general knowledge and skills such as:

- participation in groups;
- speaking in formal meetings;
- being bi-lingual and/or bi-cultural;
- analysing reports and recommendations;
- reading between the lines to pick up vested interests;
- financial analysis;
- social analysis; and/or
- understanding of the local, state and national context.



How to become a Council Member

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

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

In this section we provide important background about how elections are conducted.

The Electoral Commission of South Australia (ECSA) publication entitled 'Council Elections Candidate Handbook', sets out very comprehensively the process for nomination and voting procedures. A copy will be provided as part of the nomination pack provided by the Returning Officer.

How elections are managed

The Local Government (Elections) Act 1999 sets out the requirements for Local Government elections, how they are to be conducted, who can nominate, who can vote and how the votes are to be counted.

The person in charge of running an election is called the Returning Officer. In South Australia the Electoral Commissioner is the Returning Officer for all Council elections. The Returning Officer is independent of the Council, Council Members or the CEO and is responsible for making sure that everything about the election is honest and follows the rules.

The Returning Officer may appoint a person who can be nominated by the Council to be a Deputy Returning Officer. It is likely that this person will answer your questions as a first point of call.

There are two forms of elections held in Local Government — periodic elections which are held on a regular cycle and supplementary elections which are held when a position becomes vacant, for example, because a Council Member has resigned or retired.

All Council elections are conducted by postal vote. The Returning Officer posts out ballot papers to every elector who then cast their vote and posts them back.

Periodic Elections

Periodic elections are held at four-year intervals in November. The next election will be held in November 2014. Nominations for Council positions are declared open in September of the year of the periodic elections.

Voting closes at 5pm on the last business day before the second Saturday in November. This means ballot papers must be returned to the Returning Officer by 5pm on voting close day (See 'Key Election Dates', in the next section of this publication).

Supplementary Elections

Supplementary elections are held if a periodical election fails (for reasons such as a candidate dies); or the number of candidates does not exceed the number of vacancies; or if a casual vacancy occurs between periodic elections (subject to some exceptions).

The election process - nominating and voting

To nominate as a candidate for your Council and to be eligible to vote in Local Government elections, you must be on the Council voters roll before the date of close of rolls.

If you are already on the State Electoral roll (which means you vote in State elections) then you are automatically on the Council voters roll for the address at which you are enrolled.

However, if you are not enrolled as an elector on the State Electoral roll in respect of your place of residence, then you will need to lodge an application for enrolment in 2014 (prior to the close of rolls on Friday 8 August) if you wish to nominate as a candidate and/or vote in the election.

For example if you own an investment property within the Council area you will not be on the Council voters roll, in respect of that investment property, until or unless you enrol yourself before the close of the rolls on Friday 8 August 2014.

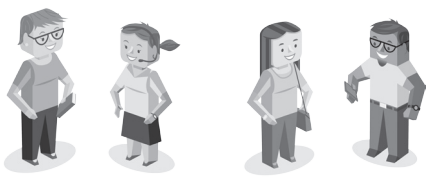
Key Election Dates for 2014

Key election dates for the November 2014 Local Government elections are as follows:

Key phases	Dates
Close of Rolls	Friday 8 August 2014
Nominations for standing as a candidate in Council elections open	Tuesday 2 September 2014
Nominations close	Tuesday 16 September 2014 – 12 noon
Mail-out of ballot packs	Monday 20 to Friday 24 October 2014
Close of voting	Friday 7 November 2014 – 5pm

Nomination Forms

When nominations open you must complete the appropriate nomination form which is available from your Council and any other advertised location. This nomination form must be completed and returned to the Council (unless otherwise stated) by the specified closing date (12 noon 16 September 2014). If you wish to use any personal web page or pages to publicise your election campaign, then please ensure that your nomination form includes your email address. This is because your email address will be used by the LGA to verify your identity, when you provide a link from the LGA's elections website, to your preferred web page.





Candidate Profile

In addition, you will be asked to supply a 150-word candidate profile. The candidate profile must be lodged at the same time as your nomination form. This profile will be sent with ballot packs to all electors in the Council area in which you are nominating.

Your profile must comply with certain regulations, but you can include declarations of public policy and promises of action and a 'head and shoulders' photograph.

The profile must be accurate and must not be misleading, contain offensive language, obscene material, refer to another person who has also nominated as a candidate without their written permission, or comment on decisions or actions of the Council or of past or present Council Members.

For more detailed instructions about preparing your candidate profile consult the 'Council Elections Candidate Handbook' provided to you with your nomination form.

LGA candidates' website

As required by the Local Government (Elections) Act 1999, the LGA will establish a website on which all candidates' profiles will be published: www.lga.sa.gov.au/lgcandidates.
The Returning Officer will forward a copy of each candidate's profile to the LGA for this purpose.

In addition, candidates will have the option of providing a link to any additional information they wish to publish, separately, on the internet to promote their election campaign.

The internet provides an inexpensive way for candidates to provide extra information to voters and for voters to obtain information about all the candidates standing for their Council through a single site.

The LGA's role is limited to publishing one hyperlink for each candidate who chooses to use this option. The LGA will not be responsible for what candidates provide on their own web pages – merely for providing a web portal through which voters can access information about each candidate.

Details about how and when candidates can provide a hyperlink will be included in the nomination kit available from Councils and from the ECSA before nominations open.

If you wish to use this option, then please ensure that your nomination form includes your email address, as this will be used by the LGA to verify your identity.



When to start campaigning

Campaigning

While you can start organising the basic approach of your campaign before nominations have closed, do not spend time and much money as the unexpected can happen and you may be elected unopposed.

Even if you are elected unopposed you still owe it to your electors to provide them with information about yourself and your views. The pace and urgency of your contact with electors will, however, be much different. Councils also provide information to the community about elections and promote participation.

Where to start

To campaign effectively you will need the following details:

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

Information about your area

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

If you are standing for Mayor or an area Councillor you may wish to obtain a copy of the roll for the whole Council area. If you are standing as a ward Councillor you may wish to obtain a copy of the roll for that particular ward. The voters roll lists all people eligible to vote in the Council election.

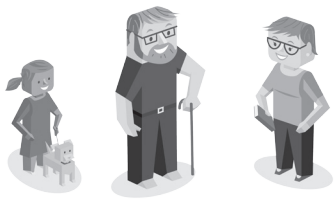
A candidate is entitled to obtain a copy of Council voter's roll for the area in printed form from the relevant Council any time between the close of nominations and polling day. A candidate may obtain further copies of the voters roll from the Council on payment of the fee set by the Council.

Election and voting information

It is essential that you:

- read the information provided in this booklet, the Local Government (Elections) Act 1999 and the ECSA publication 'Council Elections Candidate Handbook'; and
- understand how the election is run before commencing your campaign to enable you to give electors accurate replies to any of their questions.

Familiarise yourself with your Council and its current activities it is likely that many questions you will be asked will be about current issues rather than new ideas. Be aware that electors will have multiple perspectives. Your abiding passion in waste management, for example, may not be important to them if they want to know what you will do about local dog control.



Designing your campaign

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

- contact by telephone (those you know or a random selection from the voters roll);
- prepare and distribute a pamphlet/leaflet (see information later in this section about "Election materials"). Pay special attention to new housing estates or commercial areas;
- write to electors and/or write to those you know well and ask them to give your pamphlet to other people and encourage them to vote for you;
- door knock;
- obtain contacts and endorsements from local organisations;
- 'meet the people' (in shopping centres etc);
- local press articles;
- paid press, radio, TV or digital advertisements;
- local paper 'profiles' of candidates;
- public meetings;
- establish a website or a web page on one of a number of blog or other systems (such as WordPress or on Facebook);
- develop a social media presence using such services as Facebook; Twitter; YouTube; Instagram; Pinterest or similar services; and
- place election signs around the neighbourhood (check with the Council about permission before affixing any signs).

Note: "Electoral Material" (discussed in further detail below) includes, but it's not limited to, electronic publications as well as printed material and verbal advertisements.

The choice of approaches will depend on the likely strength of your opposition, which media are most effective in reaching electors in your area, your availability, the number of helpers you can organise, the size of the area to be covered and the resources you can commit. Be wary of jumping into approaches you have never used before such as a social media option, without proper research or advice, to ensure it will deliver the result you are seeking without unforeseen risks.

When organising your campaign, remember your task is to

- encourage people to vote; and
- to vote for you.

While elections are a competition, we would encourage you to focus on your own positive beliefs and policies, rather than being negative about opponents.

Voting at local Council elections is voluntary. People may only vote if they are personally convinced that you have something to offer as an elected Council Member for the area.



Remember, Local Government is locally based and your campaign should reflect this.

Timing of ballot papers

The ballot papers will be sent to electors in the last week of October. Many people will fill in their ballot paper as soon as they receive it and post it back straight away.

To catch the early voters you will need to tell electors about yourself after nominations close and before they fill in and return their ballot paper. You should try to have your printed election material available before or as close to the day, that the electors will receive their ballot papers as you can.

The personal approach

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

Though it may be the most effective way of communicating, door knocking can also be the most frustrating. For a start it is a slow process. You will be lucky to cover 10-15 houses per hour. You need to respect "Do not knock" and "Australia Post only" requests where posted. Some houses will be unattended when you call. Past experience shows that the most effective time to door knock is weekends and weekday evenings.

Past experience also shows that whilst some people will be well informed about Local Government and have a keen interest in the elections, others will show no interest whatsoever, or may have little knowledge about anything to do with Council. However, it is worthwhile as you will make positive contacts and your understanding of community attitudes will be enhanced.

When someone answers the door:

- introduce yourself and briefly explain the purpose of your call. If the person is busy, suggest a time to call back;
- be friendly and attentive and listen to the issues people want to talk about. Don't be pushy when stating your point of view;
- be prepared for complaints and be able to suggest ways to pursue them with the existing Council;
- finish your conversation by seeking their support; and
- leave a card, handout or leaflet behind. This will serve as a reminder when ballot papers arrive in the mail and provide the basic information you have covered.

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

If you cannot cover the whole of your ward or area, target the areas most likely to produce results. The area around your own home is a must. Try to get others to help cover other areas. Your representative is the next best thing to you; make sure they are well briefed on general information and your own views. They are speaking for you so make sure they know what to say.



Election material

Electoral material is any advertisement, notice, statement or representation that is calculated to affect the result of an election or poll. Strict requirements apply to electoral material under the Local Government (Elections) Act 1999. Failure to comply with these requirements may give rise to an offence. Some of the requirements capture all forms of publication (i.e. electronic, printed, verbal etc.), whilst other requirements are specific to printed material (which does not include electronic publications) or information in regular newspaper publications, which may include online newspaper publications. In summary, be aware that:

- all published electoral material must include the name and address of the person who authorises the publication; and
- all printed electoral material must contain both the name and address of the person authorising its publication and the name and address of the printer.

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

It is important to note that it is illegal to produce election material which is misleading or inaccurate. Requirements of the Local Government (Elections) Act 1999 apply. Refer to the information about publication of electoral material in the 'Council Elections Candidate Handbook' contained in your ECSA nomination pack or Part 7 of the Local Government (Elections) Act 1999.

In addition to your candidate profile, which will be sent to all electors with their ballot papers, you may wish to consider producing other printed material to distribute to electors to hand out when door knocking or at shopping centres and meetings.

If you decide to produce a leaflet, ensure that it is concise, easy to read and states clearly the messages that you wish to convey.

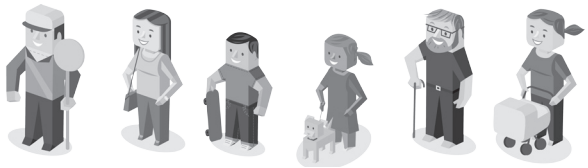
It is a good idea to have a photograph taken to use in your profile, leaflets and newspapers. The photo that you use for the profile must be a recent photo, taken within the past 12 months.

Try to include information about:

- your personal details – work, interests and include a photograph, if possible;
- your policy and plans - why you are standing for election, areas of concern, what you hope to achieve, your views about the area and its development;
- details about the elections - the name of your Council and where relevant your ward, and key election dates; and
- how to vote - details of how to mark ballot papers accurately.

Once you have prepared your campaign material it is always wise to get others to read through it to check for errors and to give you some feedback before having it printed.

When preparing campaign material, avoid making grand promises. All changes take time, especially when it requires the majority of Council Members to agree to your suggested changes.



If and how you distribute additional material will be your decision. Letter-boxing every household is time consuming and may not be necessary with the inclusion of candidate profiles in the ballot papers. At best, a person on foot can deliver 100-150 leaflets per hour. If at all possible do not do this yourself. Your time will be better spent in personal contact. Handing out material at shopping centres, train stations and transport hubs can be a very effective way to spread your message.

Media

Some local newspapers run profiles of candidates. Compile your profile carefully, highlighting your strong points. Some personal information is usually required. The press will not wait so have your profile and a photograph prepared well in advance. Profiles for the media are generally no more than 250 words. Remember it may be best to keep your material concise than to have the editor cut your material because it is too long.

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

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

Media advertising can also be effective but can be very expensive. Advertisements can only carry the briefest of information so choose carefully.

Community meetings

Community meetings which you organise to deliver your policies and issues may not be well attended or as effective as door knocking. However, if a community meeting is organised by Council, residents' association or other community representative body you would do well to accept any invitation to address your potential electors. If other candidates are also asked to speak, make sure you address the differences in your ideas and policies from those of your opponents - politely.

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

Election signs

Candidates may place election signs on road infrastructure (light poles and stobie poles) during the campaign, but these signs must comply with the LGA Guidelines for the placement of election signs.

Electoral signs are a useful way of advertising that you are a candidate. It is best to have your signs up before electors receive their ballot papers. Note that election signs may be put in place four weeks before polling day, which is Friday 7 November 2014.

Remember that all printed material, including election signs, must contain the names and addresses of the persons authorising and printing the material.



Campaign donations

All candidates must submit a campaign donation return to the Council CEO within 30 days after the election. The return must set out:

- the total amount or value of all gifts received;
- the number of persons who made those gifts;
- the amount or value of those gifts;
- the date each gift was made; and
- the name and address of the person who made the gift. If the gift was made by an unincorporated association the name of the association and the names of the executive committee must be stated.

The period covered by the campaign donation return varies depending on whether you are a new candidate or not.

A new candidate's return must cover the period from when you first announced you would be a candidate in the election, or lodged your nomination, whichever is the earlier. The return for a candidate who was previously elected as a Member of the Council or who previously nominated unsuccessfully for a position on the Council must cover the period from 21 days after the conclusion of the last election in which the person was a candidate.

Details of gifts of less than $500 are not required. Two or more gifts made by the same person are treated as one gift.

NB. Candidates in the Adelaide City Council elections must also submit a campaign expenditure form.

Illegal practices

The Local Government (Elections) Act 1999 specifies a range of illegal practices. Significant penalties apply (some up to $10,000 fine or imprisonment for seven years). The 'key' matters that arise under the Act and of which candidates must be aware are:

- Electoral Material (which includes any advertisement, notice, statement or representation calculated to affect the result of an election)
- Electoral material may only be published if the name and address of the person authorising the publication - and in the case of printed material, the name and address of the printer/person producing it - is included in the material. Where electoral material is published as a letter to the editor of a newspaper, the name and address (not a post box) of the person must also be published.

Candidate Profile (requirements are prescribed by the Regulations)

The requirements include (among other things) that a profile must not refer to another person who has nominated as a candidate without the written consent of that person and must not comment on decisions or actions made or taken by the Council, or on decisions or actions of past or present members of the Council. This requirement is specific to the candidate's profile and further details will be provided by the Returning Officer.

Misleading Material

Where electoral material, published by any means, includes any purported statement(s) of fact, the person who authorised, caused or permitted the publication is guilty of an offence if the statement is inaccurate or misleading to a material extent.

If the Electoral Commissioner is satisfied that published electoral material contains inaccurate or misleading material, the Electoral Commissioner may request the publisher to either withdraw the material from further publication or publish a retraction.



Violence, Intimidation, Bribery

A person who exercises violence or intimidation, or offers or gives a bribe to induce a person to submit/withdraw candidature, or to influence a vote, or to interfere with the due course of an election, commits an offence. Any person who receives such a bribe is also guilty of an offence. "Bribe" is broadly defined to include a monetary sum or a material advantage, including food, drink or entertainment.

Dishonesty

A person who dishonestly influences or attempts to influence the result of an election is guilty of an offence. A declaration of public policy or a promise of public action does not amount to bribery or dishonesty. The holding of a free 'sausage sizzle' or BBQ or the like by a candidate in an election could, however, certainly be construed (subject to the circumstances) as an offer of food sufficient to constitute a bribe. The public declaration of an intent (if elected) to donate the Council Member allowance to a particular body or person would also be likely to be seen as a form of bribery in the election process.

Interference

Any person who hinders or interferes with the free exercise or performance of a right under the Act commits an offence against the Act.

Current Council Members who will be standing as candidates in the Council elections also have to be aware of additional requirements upon them as elected Members under the *Local Government Act 1999*. These include:

- Sections 58 and 59 which set out the roles of the principal and other elected members and which do not encompass candidature;
- Section 62 which requires that a member, among other things, not make improper use of their position to gain a direct/indirect advantage for themselves or another person or to cause detriment to the Council;
- Section 63 in terms of the code of conduct; and
- Section 78 which clarifies that facilities and support provided to members to assist in performing/discharging official functions and duties must not be used for 'private/personal' purposes, unless such use has been approved by the Council and agreement made (as necessary) to reimburse the Council for additional costs/expenses from such use.

Section 91A of the Local Government (Elections) Act 1999 requires all Councils to adopt a caretaker policy governing the conduct of the Council and its staff during the election period. The policy must, as a minimum, prohibit the making of certain decisions. The key decision in relation to candidates is that a Council must not allow the use of Council resources to be used for the advantage of a particular candidate or group of candidates.

The caretaker policy for each Council is to be taken to form part of each Council's Code of Conduct for Council Members. Council Members who are considering nominating for the next Council term should familiarise themselves well with their Council's caretaker policy.

These policy positions are designed to maintain integrity in the Council decision-making process, to ensure a 'level playing field' between elected Member candidates and other candidates and to assist current Members in not exposing themselves to legal liability or the suggestions of unfair advantage.

It is very important to be aware of all illegal practices, so seek further information from the Returning Officer.

Court of disputed returns

The court of disputed returns can consider a petition that disputes the validity of an election. The court has considerable powers as set out in the Local Government (Elections) Act 1999.

Preparation for becoming a Council member

Congratulations — You've Been Elected!

Once the election is finalised the CEO will advise when the next Council meeting will occur. You will be given at least three days' notice of this meeting. The time between the end of the election and the first Council meeting will vary. It may be almost straight away or could be as long as three weeks after.

You should use your time before the meeting to prepare yourself by seeking information to improve your understanding of:

- the procedure for taking your place on your Council;
- meeting procedures set down in Regulations under the *Local Government Act 1999*; and
- Council procedures, services and functions.

Orientation and induction

The CEO will arrange an orientation and induction process for newly elected Council Members. This may include:

- information on your role and responsibilities;
- general information on Local Government and specific information on how your Council operates;
- a tour of the area;
- information on the organisational and operational structure including an overview of each of the functions or departments; and
- introduction to at least the senior staff members.

In the meantime, you may find it valuable to acquaint yourself with the following:

- the *Local Government Act 1999* and Regulations. The Act is the principal piece of legislation for Local Government and is essential reference material;
- the organisational structure;
- the Strategic Management Plan and other associated plans;
- the Policies and Procedures Manual;
- the current year's budget and details of budget proposals for the following year;
- the Development Plan; and
- the Annual Report.



Some of the information will be of importance before the first meeting, while some will be reference material that you will need throughout your term of office.

Most of the information listed above can be found on Council websites.

The Local Government Association of SA maintains a website for Councils and the general public with an interest in Local Government, which provides easy access to Local Government Association of SA documents, key Local Government legislation and other relevant information - visit www.lga.sa.gov.au.

In particular, the 'Council Members Guide' is a useful resource, as it is a practical guide to current Local Government legislation, practices and procedures. It is available through your Council or from the Local Government Association.

If your Council does not have a formal induction program, you could make a time to meet with the CEO and obtain the same sort of information suggested earlier.

Taking your place on the Council

Once you have been elected, you will be required to make a Declaration of Office before you are 'officially' on the Council. This is a simple declaration that you undertake to carry out your duties conscientiously and to the best of your ability. It is signed in the presence of a Justice of the Peace. This normally occurs at the first Council meeting after the election.

Each Council has a somewhat different procedure for this ceremony. You may be asked to wear robes (if the Council does so), read the declaration aloud or to give a short speech. If a speech is required, it is usually most appropriate to make a simple statement thanking your supporters and expressing your desire to contribute to the work of your Council.

You also need to complete a primary return within six weeks after the conclusion of the election and an ordinary return in July or August each year. The CEO will be able to brief you on the expected procedure for your Council.

Working Relationships

Get to know your other Council Members, especially any co-elected Council Members for your ward. You will be working closely together in the next four years and will need to establish good working relationships.

Remember you have no authority as an individual Council Member in relation to the staff - they are responsible to the CEO. Speak to the CEO about whether you are able to contact staff directly or whether inquiries should be directed through the CEO.

Training and Development

Within the terms of the *Local Government Act 1999*, Councils are required to prepare and adopt a Training and Development Policy for Council Members. The aim of the policy is to support Council Members and equip them to carry out their duties effectively. The Local Government Association of SA also offers a training and education service with sessions specifically designed to assist Council Members. Ask your CEO for more information or contact the Local Government Association of SA direct.



The Local Government Association of SA

The Local Government Association of SA (LGA) is a membership organisation which facilitates collaborative activity by Councils and provides quality services and leadership relevant to the needs of Local Government.

Membership of the Association is voluntary and every Council in the State, along with the Anangu Pitjantjatjara, has elected to join as a member.

Originally established in 1875 and reformed in 1968 in its current form, the LGA is recognised as the peak representative body for Local Government in this State and prides itself as being 'the voice of Local Government'.

The mission of the LGA is to provide leadership to Councils for the benefit of the South Australian community. To ensure this mission is achieved the LGA has set itself four areas of activity which relate to:

- strengthening relationships with all spheres of government;
- enhancing the financial capacity of Local Government;
- facilitating the continued development of Local Government; and
- promoting a positive image of, and participation in, Local Government.

The LGA is federated nationally with interstate associations in the Australian Local Government Association (ALGA).

For further information

Contact your local Council

Other contacts

Local Government Association of SA
148 Frome Street Adelaide SA 5000
Telephone: 8224 2000
Email: lgasa@lga.sa.gov.au
Website: www.lga.sa.gov.au

Electoral Commission of South Australia
Level 6, 60 Light Square Adelaide SA 5000
Telephone: (08) 7424 7400 or 1300 655 232
Email: ECSAComments@sa.gov.au
Website: www.ecsa.sa.gov.au

Local Government Policy Team
Department of Planning, Transport and Infrastructure
136 North Terrace Adelaide SA 5000
Telephone: 8204 8700
Email: localgov@.sa.gov.au
Website: www.localgovt.sa.gov.au

Parliament SA
Website: www.parliament.sa.gov.au

SA Legislation - Attorney General's Department
Website: www.legislation.sa.gov.au/index.aspx



Local Government Association
of South Australia