

Candidate Briefing

Hosted by



WESTERN AUSTRALIAN
Electoral Commission



Department of
**Local Government, Sport
and Cultural Industries**



Welcome

Cr Karen Chappel, AM JP
WALGA President

Acknowledgement of Country





Acknowledgement of Traditional Owners

WALGA acknowledges the continuing connection of Aboriginal people to Country, culture and community.

We embrace the vast Aboriginal cultural diversity throughout Western Australia, including Boorloo (Perth), on the land of the Whadjuk Noongar People, where WALGA is located and we acknowledge and pay respect to Elders past and present.

Pictured left: Artwork by Jade Dolman, a young Whadjuk/Ballardong Nyoongar, Eastern Arrernte, Irish woman from Perth.



WALGA

Program

- **The Importance of Local Government**
- **Why being an Elected Member is important**
- **Election Process – WA Electoral Commission**
- **The Role of the Department of Local Government, Sport & Cultural Industries**
- **The role of an Elected Member**
- **Questions and Answers**



Hon David Michael

**Minister for Ports; Local
Government; Road Safety,
Minister assisting the Minister for
Transport**

The Importance of Local Government in Western Australia



GOVERNMENT OF
WESTERN AUSTRALIA

Department of
**Local Government, Sport
and Cultural Industries**



Cr Karen Chappel, AM JP
WA Local Government Association
President

The importance of being an Elected Member in our communities



Robert Kennedy

WA Electoral Commissioner

Process and key dates on running to become a
Local Government Councillor in 2023



WESTERN AUSTRALIAN
Electoral Commission



Phil Richards
Manager of Election Events
Western Australian Electoral
Commision



WESTERN AUSTRALIAN
Electoral Commission



**2023 LOCAL GOVERNMENT
ORDINARY ELECTION
21 OCTOBER 2023**



WAEC KEY CONTACT

Returning Officer

- One per local government
- Conducts election on behalf of WAEC or local government
- First point of contact with questions or complaints



WHO CAN NOMINATE?

- 18 years or older
- Enrolled as an elector of the district
- Cannot be a nominee of body corporate
- Must have completed the mandatory course *Local Government Candidate Induction*- available on DLGSC website
- Cannot be a candidate in another election for councillor



WHO CANNOT NOMINATE?

- A member of parliament
- An insolvent under administration
- Convicted of a crime and in prison serving a sentence for that crime
- Convicted in the preceding 5 years of a serious local government offence
- Have been convicted of an offence for which the penalty was imprisonment for more than 5 years
- An elected member of another local government
- Misapplication of funds or property



AN EFFECTIVE NOMINATION

- Completed and signed nomination form (including reference number & date of completion of the on-line candidate induction)
- Completed Candidate profile
- Deposit \$100 cash. Can be EFT as long as it is credited to the local government before the close of nominations
- Additional Written statement containing information that the candidate considers relevant to their candidature (optional)
- Received by the Returning Officer before the close of nominations



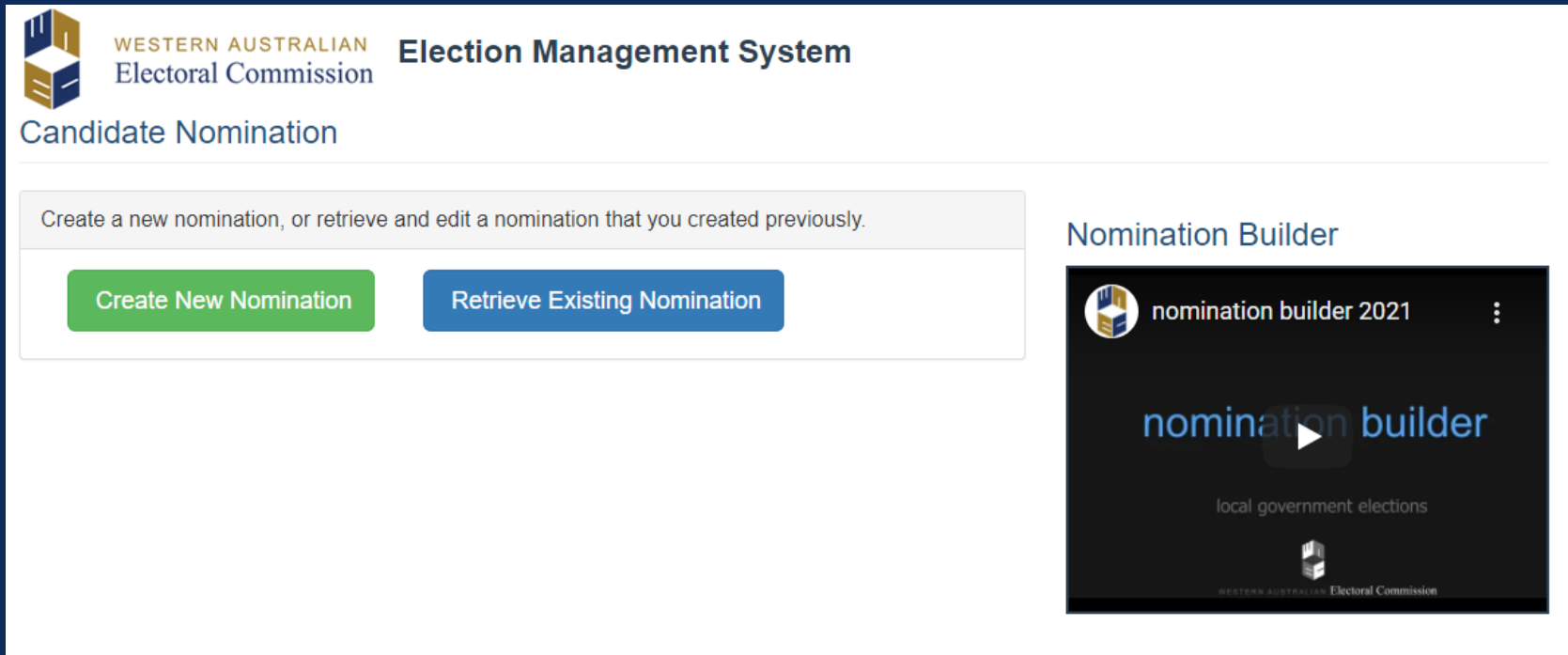
ONLINE WAEC NOMINATION BUILDER

- Online nomination builder available from www.elections.wa.gov.au
- You can prepare the nomination form, profile and upload photograph online
- You **cannot** nominate online
- Provide nomination ID at Returning Officer interview when submitting nomination
- Nomination Builder available by 18 August 2023



NOMINATING FOR ELECTION

ONLINE WAEC NOMINATION BUILDER



The screenshot displays the 'Candidate Nomination' interface of the Western Australian Electoral Commission's Election Management System. At the top left is the WAEC logo, followed by the text 'WESTERN AUSTRALIAN Electoral Commission' and 'Election Management System'. Below this is the heading 'Candidate Nomination'. A light grey box contains the instruction: 'Create a new nomination, or retrieve and edit a nomination that you created previously.' Below this instruction are two buttons: a green 'Create New Nomination' button and a blue 'Retrieve Existing Nomination' button. To the right, under the heading 'Nomination Builder', there is a video player showing a video titled 'nomination builder 2021' with a play button overlay. The video content includes the text 'nomination builder', 'local government elections', and the WAEC logo.



CANDIDATE PROFILE

- Sent out with postal voting packages and posted on council website
- Written in English – limit of 1,000 characters including spaces
- Is to Contain:
 - Biographical information about the candidate
 - Statement of candidate's policies or beliefs
- Cannot contain:
 - information that the RO considers to be false, misleading or defamatory
- Passport size recent photograph, head or head and shoulders (optional)



ADDITIONAL RELEVANT INFORMATION

- Optional
- Written in English and limit of 2,000 characters including spaces
- Accompany the candidate's nomination paper
- Not to contain any information that the Returning Officer considers false, misleading or defamatory
- Can not use Nomination Builder to prepare
- For publication on the Council's website



ELECTORAL ROLLS

Free to candidates for campaigning purposes

- 1 Residents Roll and 1 Owners and Occupiers Roll
- (for the ward or district they are contesting)
- Destruction and deletion of copies of rolls
- Offences for misuse of roll



POSTAL VOTING MAIL-OUT OF PACKAGES

- Lodged by WAEC with Australia Post:
 - From Friday 15 September 2023 (Country Local Governments)
 - From Wednesday 20 September 2023 (Metropolitan Local Governments)
- Maximise campaigning around the delivery of the election packages



POSTAL VOTING

RETURN OF VOTING PACKAGES

- Packages can be posted to the Returning Officer using the supplied reply paid envelope or hand-delivered to the local government office
- Numbers returned to WAEC posted on the Commission's website daily
- Typically about 50% of packages are returned within the first 5 business days of delivery



POSTAL VOTING CANDIDATE RULES

- You cannot assist the elector to mark their ballot paper
- You or a representative cannot take custody of an envelope in which there is a postal vote
- Penalties apply



ISSUE OF REPLACEMENT VOTING PACKAGES

Local Government staff can issue replacement voting papers – the original election package will need to be cancelled first by the local government or WAEC.



EARLY VOTING

- Early voting to commence as soon as practical after publication of the Election Notice (proposed publication date 20 September 2023)
- Early Voting Venues & times will be published in the Election Notice
- Early voting closes at 4:00pm Friday 20 October 2023



POSTAL VOTING BY APPLICATION

- Electors who have applied for a postal vote will be sent their election package as soon as practical around the publication of the Election Notice
- Returned Postal Votes can be posted to the Returning Officer using the supplied reply paid envelope or hand-delivered to the local government office



ELECTION DAY

- Electors can vote at any polling place in the district on election day.
- At least one polling place must be opened between 8:00am & 6:00pm
- Other polling places can be open for different hours



ELECTION DAY

CLOSE OF POLL 6.00PM

- Ballot Boxes are opened and votes are counted.
- Optional preferential counting method used. (Mayoral count completed first then Councillor)
- Scrutineers
- The Returning Officer may declare the results on the Monday after election day
- Results are posted onto the Commission's election website www.elections.wa.gov.au



AUTHORISATION OF ELECTORAL MATERIAL

- Handbills, pamphlets, notices, letters and other printed articles – must have NAME and ADDRESS of person authorising and the NAME and ADDRESS of printer
- The address must NOT be a post office box
- All online election material requires the NAME and ADDRESS of the person authorising the material



SCRUTINEERS

- Appointment Form
 - Must be appointed by a candidate
- Refer to *Information for Scrutineers available on the WAEC website* for rights and obligations



**2023 LOCAL GOVERNMENT
ORDINARY ELECTION
21 OCTOBER 2023**



Mustafa Yildiz

Director Support & Engagement
Department of Local Government
Sport & Cultural Industries



GOVERNMENT OF
WESTERN AUSTRALIA

Department of
Local Government, Sport
and Cultural Industries



Department of
**Local Government, Sport
and Cultural Industries**

Becoming an Elected Member

**Department of Local Government, Sport
and Cultural Industries**





About DLGSC and Our Role

Our vision

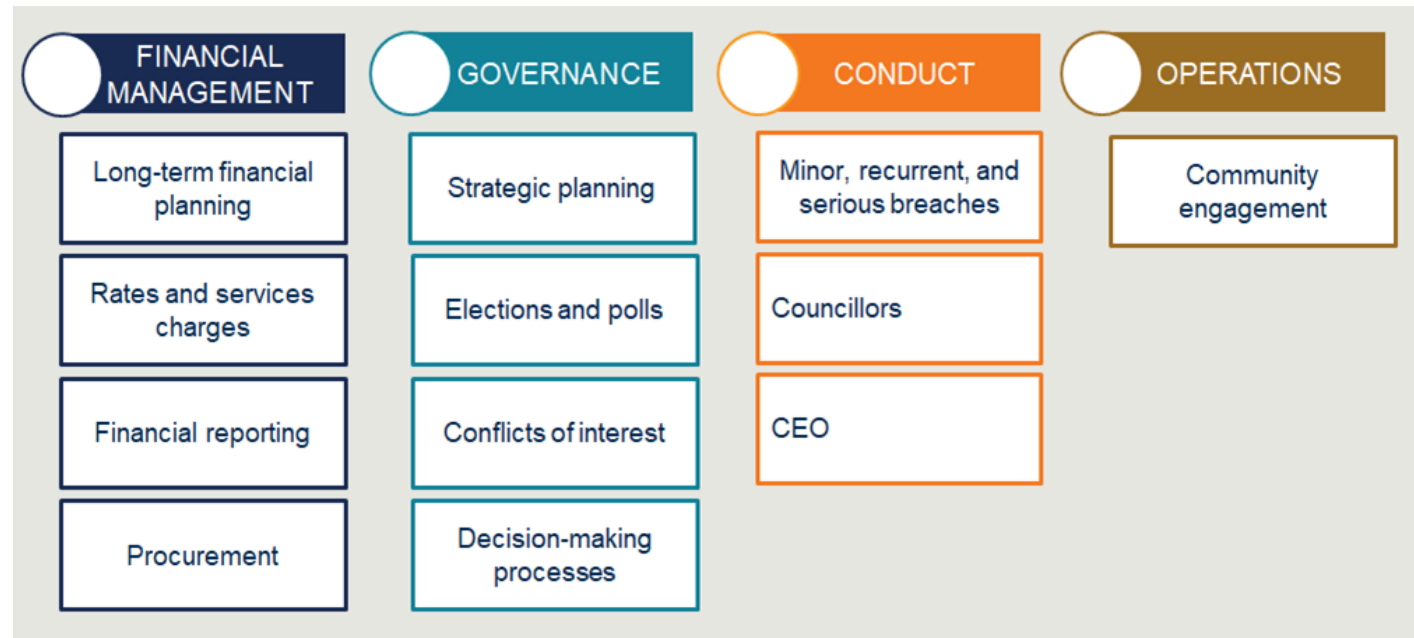
Create a vibrant, inclusive and connected WA community.

Mission

To enable dynamic and inclusive communities and support the WA economy.

Our local government portfolio

The local government portfolio area contributes to our vision by supporting and enabling a robust local government sector to achieve positive outcomes for communities in Western Australia.



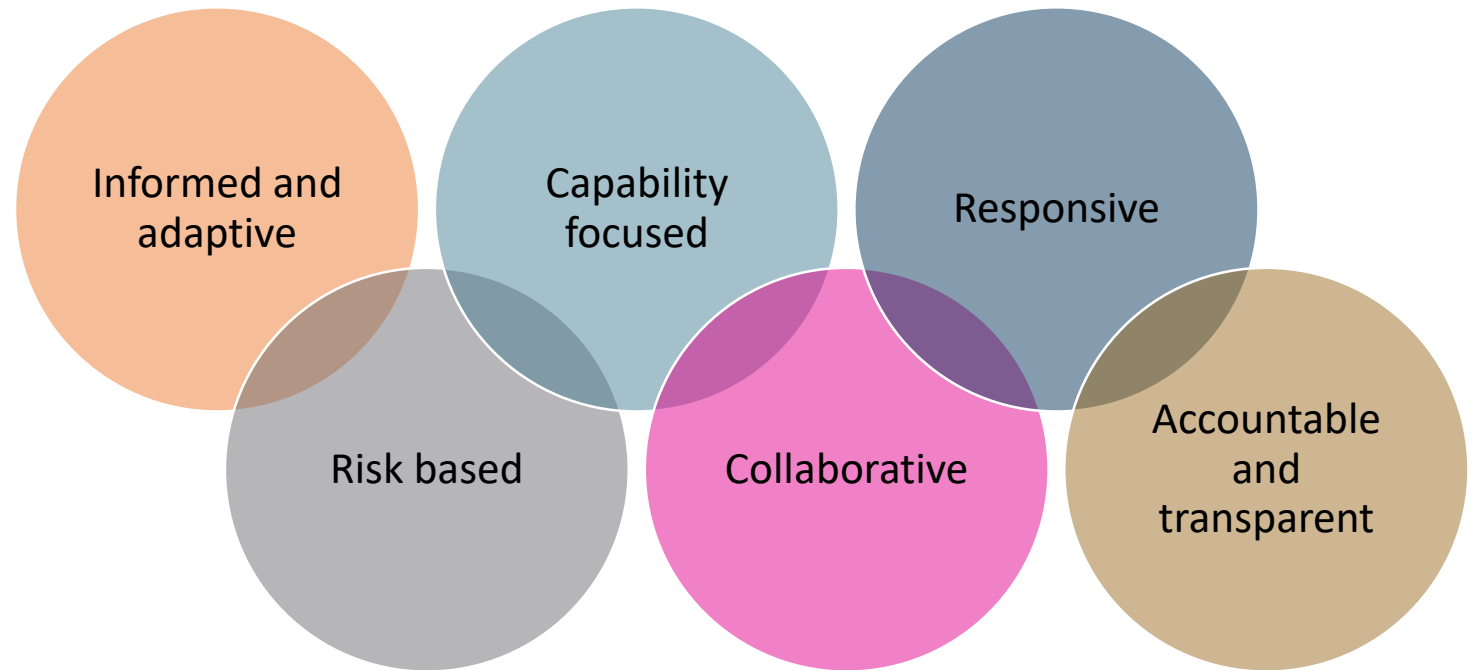
Selection of activities that DLGSC has oversight



Regulatory Mission & Principles

DLGSC's Regulatory Mission

To support and regulate WA local governments using a capability building and risk-based approach where oversight, support and intervention efforts are targeted based on analysis of greatest risks and informed by relevant legislation and an understanding of the challenges local governments experience.





Regulatory Outcomes



To achieve on our regulatory mission, we will work to deliver on the following regulatory outcomes:

- Local governments **exercise** their autonomy in meeting their legislative requirements and community needs.
- Local governments **comply** with their legislative and other requirements.
- DLGSC regulatory activities **support** local governments to develop capacity needed to comply with their legislative requirements.
- DLGSC regulatory activities **empower** local governments to facilitate positive community outcomes.



Getting started – Before you nominate:

- 1 Do mandatory online induction – DLGSC website
- 2 Attend a candidate information session
- 3 Look at local government's policies, plan, meeting minutes, reports
- 4 Attend a council meeting or speak to a current council member
- 5 Plan your campaign and draft your candidate profile
- 6 Make appointment with Returning Officer to submit nomination



Local Government Candidate Induction

- It is compulsory to complete the induction prior to nominating.
- The induction is online and will take approximately 30 minutes to complete.
- On completion, you will receive a unique registration number via email.
- The Returning Officer may request a copy of the email when you submit your nomination.





Topics Covered in the Candidate Induction

- About government in Australia
- Local government in WA
- Local government decision-making
- The role of council members
- Community, council members and local government employees
- Types of decisions by council members
- Qualities and skills of effective council members
- Code of Conduct
- Gifts and conflicts of interest
- Local elections
- Election campaigns
- Declaration and remuneration
- Why stand for council?
- What should you do now?
- Support and information available.



LGTraining@dlgsc.wa.gov.au

Code of Conduct

- *Local Government (Model Code of Conduct) Regulations 2021* was introduced 3 February 2021
- Applies to all council members, committee members and candidates in a local government election
- The Code aims to encourage professional and ethical behaviour to build and strengthen trust in communities



Western Australia

Local Government Act 1995

**Local Government (Model Code of Conduct)
Regulations 2021**



Code of Conduct

- Once your nomination is accepted by the Returning Officer, the Code of Conduct applies **from that point onwards**
- Any alleged breach of the Code may only be addressed if you are elected
- Candidates must demonstrate professional and ethical behaviour during their campaigns
- Rules of Conduct are enforceable by law
- Penalties may apply

The Department accepts complaints about alleged breaches of the Act and Rules of Conduct

Complaints must be made in writing on the approved form

Minor breaches

- Local Government Standards Panel

Serious breaches

- State Administrative Tribunal



What does the Code of Conduct cover?



Use/Misuse of resources and information



Securing personal advantage or disadvantaging others



Prohibition against involvement in administration



Relationship with local government employees



Disclosure of Information and Interests



Local Government Act Reform – Tranche One

- The Local Government Amendment Act passed on 11 May 2023
- Both electoral and non-electoral reforms were included
- Changes commenced on May 19 2023:
 - Changes to special elector's meetings
 - Parental leave for council members
 - Compliance exemptions from the Act
- The next two slides show the changes for the upcoming elections in October 2023, and the next elections in October 2025



Optional Preferential Voting (OPV)

1

Vote for just one candidate

Just put a number 1 next to the name of that candidate.

- SMITH, John
- 1 DOE, Jane
- CITIZEN, Neville

2

Vote for some

Just put a 1 next to the name of the candidate you like best and a 2 next to your second choice.

- SMITH, John
- 1 DOE, Jane
- 2 CITIZEN, Neville

3

Vote for all

Put a 1 in the box for the candidate you like best, then a 2 and a 3 for your next choices. If there are more candidates, keep numbering.

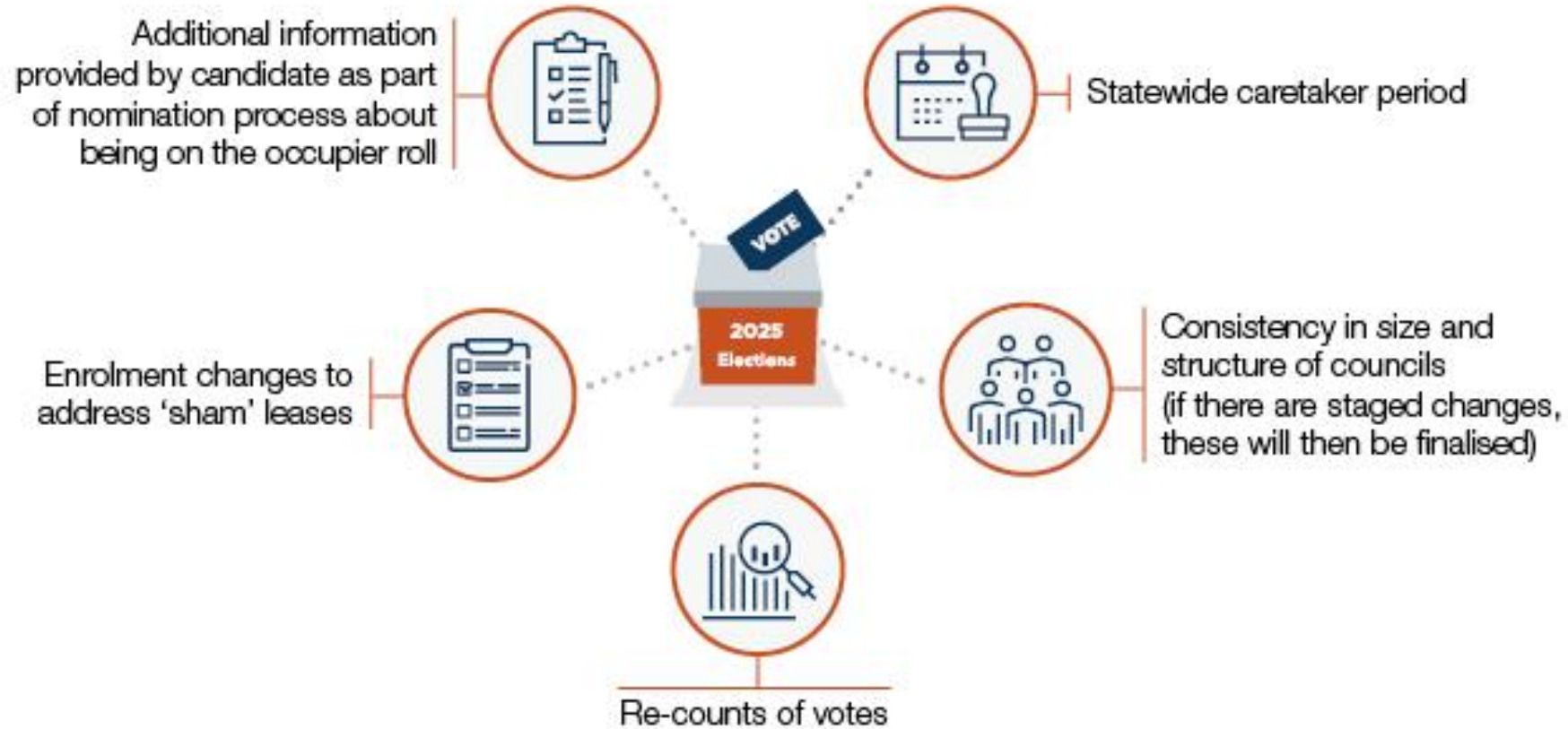
- 3 SMITH, John
- 1 DOE, Jane
- 2 CITIZEN, Neville

- Optional Preferential Voting means you are not required to provide all preferences when casting your vote.
- Greater opportunities for diversity on the council.
- Councils will be more representative of the majority of voters.
- OPV will also be applied for Mayor and President elections.

— October 2023 Elections —



— October 2025 Elections —





Local Government Act Reform – Tranche Two

- **November 2023 – Anticipated introduction of Tranche Two bill**
- Tranche Two will include the introduction of the Local Government Inspector and Monitors
- The Inspector will be appointed to handle complaints, manage investigations and coordinate the proactive resolution of significant problems
- Specialist independent Monitors appointed by the Inspector and will visit and work with local governments to fix problems and provide faster resolutions

Further information



Department of
**Local Government, Sport
and Cultural Industries**

Department of Local Government, Sport and Cultural Industries

dlgsc.wa.gov.au

Local Government Advisory Line

lghotline@dlgsc.wa.gov.au

Phone: 1300 762 511

James McGovern

Manager Governance & Procurement WALGA

- The purpose of Local Government
- The role of an Elected Member
- Conflicts of Interest



Introduction

- Understanding Local Government
- Serving on Council
- Meeting Procedures
- Conflicts of Interest
- Understanding Financial Reports and Budgets
- Support for Council Members





Understanding Local Government

Council Member Essentials



WALGA

Local Government in WA

- 139 Local Governments
- 1,213 Council Members
- 22,600 Employees

- \$4.5 billion expenditure
- \$49 billion assets
- 88% of public roads

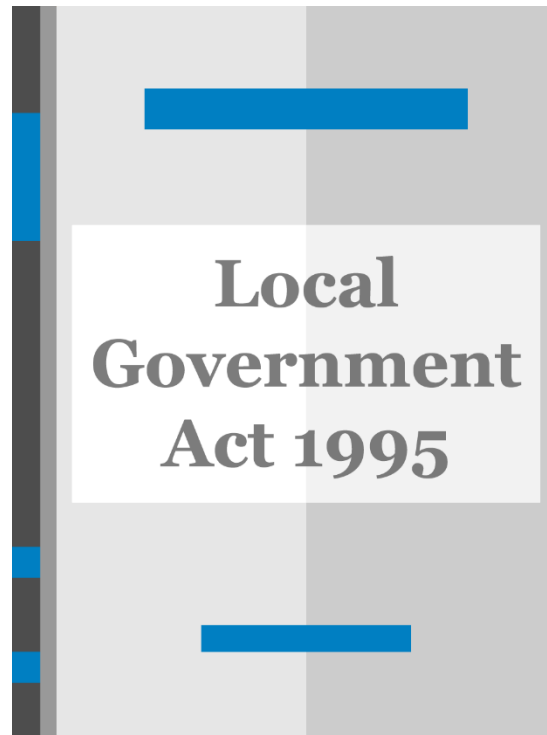


Part IIIB - Local Government

52. Elected local governing bodies

- (1) The Legislature shall maintain a system of local governing bodies elected and constituted in such manner as the Legislature may from time to time provide.
- (2) Each elected local governing body shall have such powers as the Legislature may from time to time provide being such powers as the Legislature considers necessary for the better government of the area in respect of which the body is constituted.

A 'General Competence' Act





People Services e.g. – Libraries, recreational facilities, services for youth, services for the aged, arts and cultural events, community facilities



Property Services e.g. – Local roads, footpaths, parks and gardens, waste services, security services and recycling



Regulatory Services - Land use planning approvals, building permits, swimming pool inspections, animal control, environmental health, parking controls, behaviour in public places



Serving on Council

Council Member Essentials

Separate Powers

The following extract from the Second Reading Speech for the *Local Government Act 1995* provides insight to the purpose and intent of legislating for separate powers:

“The new Act will provide a clear distinction between the representative and policy making role of the elected Councillors and the administrative and advisory role of the Chief Executive Officer and other staff.”

Consequently, clear distinctions are established between the roles and responsibilities of the Council and those of the administration throughout the Local Government Act.

Role of Council

The Council

- governs the local government's affairs;
- is responsible for the performance of the local government's functions;
- oversee the allocation of the local government's finances and resources; and
- determine the local government's policies.

Role of Councillor

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district; and
- (b) provides leadership and guidance to the community in the district; and
- (c) facilitates communication between the community and the council; and
- (d) participates in the local government's decision-making processes at council and committee meetings;
and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

Councillors do not have specific individual powers but, when working together with fellow Council Members, provide an invaluable service to their community.

Role of Mayor or President

- (1) The mayor or president —
 - (a) presides at meetings in accordance with this Act; and
 - (b) provides leadership and guidance to the community in the district; and
 - (c) carries out civic and ceremonial duties on behalf of the local government; and
 - (d) speaks on behalf of the local government; and
 - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
- (f) liaises with the CEO on the local government's affairs and the performance of its functions.

The Mayor or President has one specific individual power, authorising unbudgeted expenditure in response to an emergency.

Functions of the Chief Executive Officer

**Advise Council
on the functions
of LG**

**Provide advice
and information
to Council**

**Implement
Council decisions**

**Manage the
day-to-day operations
of the LG**

**Liaise with
Mayor or President
on LG's affairs and
performance**

**Speak on behalf
of the LG
with the consent of
Mayor or President**

**Employment,
management
supervision, dismissal
of employees**

Separate Powers

Local Government Body Corporate

Council

- Sets the future direction
- Decides policy
- Allocates the funding to meet resource needs
- Decides on the level of community services
- Responsible Authority for Land Use Planning



CEO

- Primary adviser to the Council
- Provides information
- Implements Council decisions
- Employs and supervises staff
- Manages all the operations of Local Government



Playing your role on Council

A councillor —

(a) represents the interests of electors, ratepayers and residents of the district; and

(b) provides leadership and guidance to the community in the district; and

(c) facilitates communication between the community and the council; and

(d) participates in the local government's decision-making processes at council and committee meetings; and

(e) performs such other functions as are given to a councillor by this Act or any other written law.

Declaration by elected member of council

Declaration by elected member —

I, Hammond Simms

of ¹ 54 Brentwood Lane, Westralia WA 6888,

(a) represents the interests of electors, ratepayers and residents of the district; and councillor of the ³
Shire of Westralia,

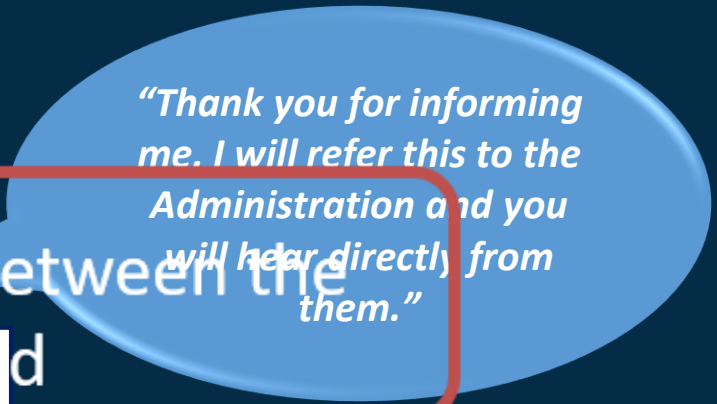
declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the code of conduct adopted by the ³ Shire of Westralia under section 5.104 of the *Local Government Act 1995*.



Community Member requests an Council Member to respond to:
Works Request, Complaint or Concern regarding the Local Government's operations.

A councillor –

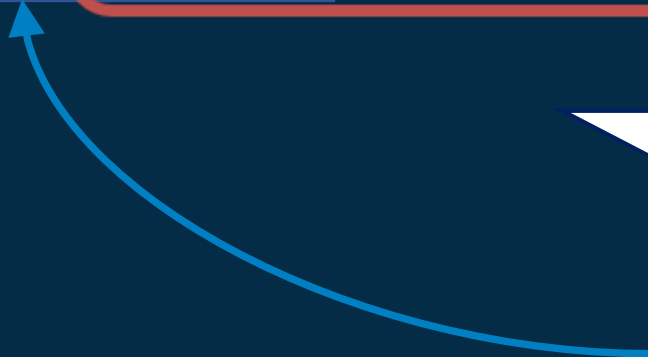
(c) facilitates communication between the community and the Administration



Council Member informs Administration through communication protocol



Administration

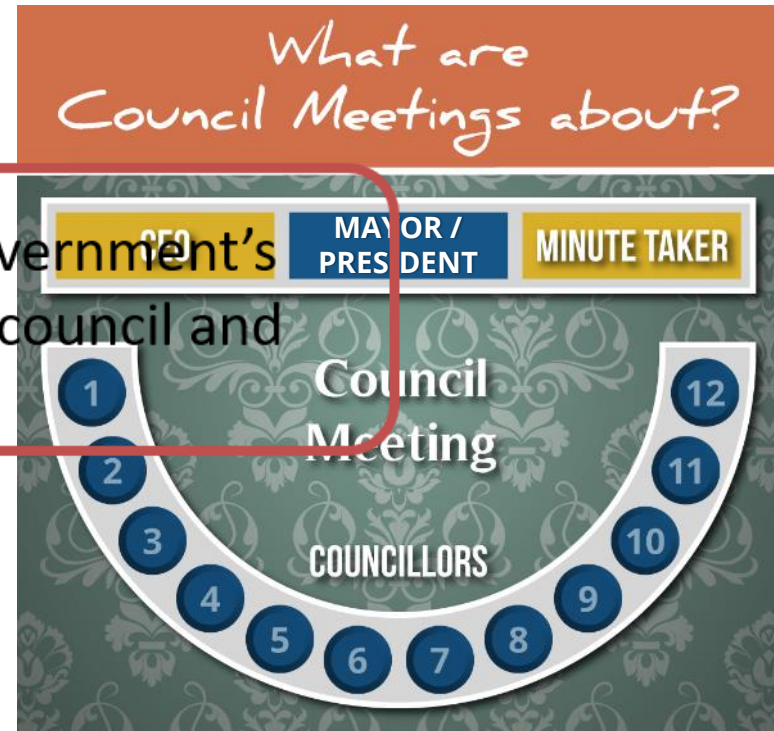


Typically, most meetings deal with:

- Policy and Strategy;
- Dealing with development applications;
- Major Projects;
- Annual budget and monthly financial management reports;
- Range, scope and delivery of services; and
- Monitoring performance and compliance.

A councillor –

(d) participates in the local government's decision-making processes at council and committee meetings, and



*If present at a meeting you **must** vote*



Meeting Procedures

Council Member Essentials

Council Meetings



Laws Applying to Meetings

MEETINGS OVERVIEW > FORMAL GATHERINGS > LEGISLATION

FUTURE REFORM



Reforms will introduce Uniform Meeting Procedures for all Local Governments.
Further information expected in 2024, likely to be in effect late 2024 / early 2025.
Remember to check the eLearning Hub for the latest information.

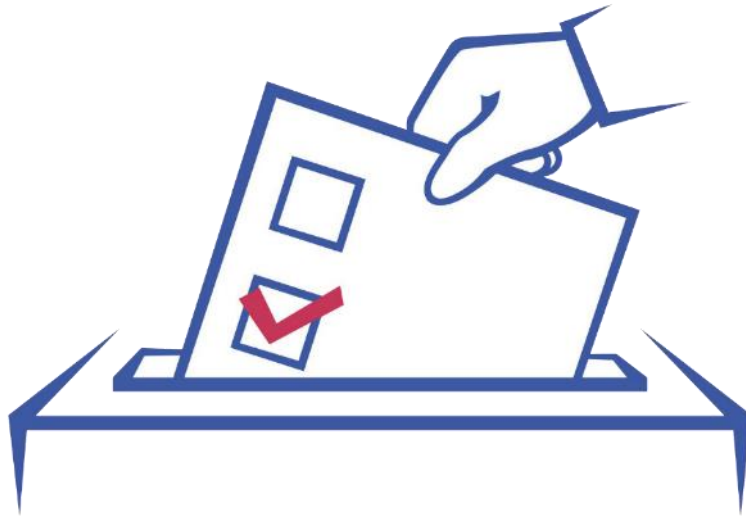


Model Code of Conduct

At Council or Committee Meetings:

- Must not act in abusive or threatening manner
- Must not make false or misleading statement
- Must not repeatedly disrupt the meeting
- Must comply with local law
- Must comply with direction of person presiding
- Must cease conduct that has been ruled out of order

What do you think?



True or False?

At a Council meeting, I can exercise my freedom of speech and make any comment that I wish?

Qualified Privilege

~~At a Council meeting, I can exercise my freedom of speech and make any comment that I wish?~~



Absolute Privilege

An important principle applying to Local Government Council meetings is one of **Qualified Privilege**.



Qualified Privilege

As opposed to **Parliamentary Privilege**, a Council Member has *limited defences* should they be the subject of a claim for damages based on alleged defamatory statements associated with their role on Council.



Conflicts of Interest

Council Member Essentials

Declaring Interests



s 5.60A



s 5.61



s 5.60B



Code of Conduct cl.22

Participate & Vote:

Participate & Vote:

You may wear many different hats...

But you are *always* a
Councillor



Part-time Breakdancer

Comedian

Adventurer

Music Lover

Parent

Chef

Councillor



Understanding Financial Reports and Budgets

Council Member Essentials



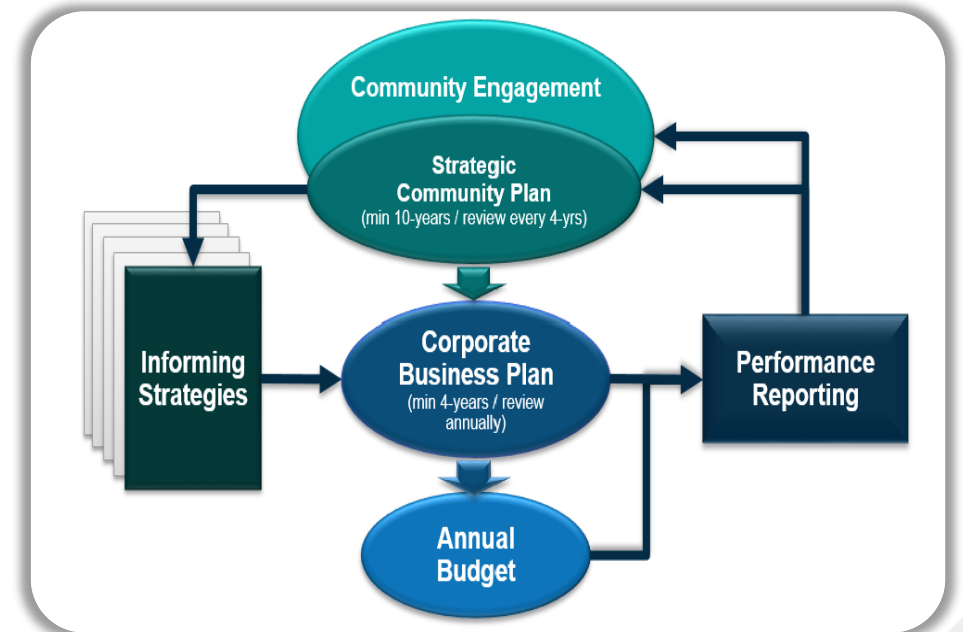
WALGA

Council Plans

A robust strategic planning framework is at the foundation of the purpose of Local Government and aligns with its statutory function of *'providing for the good government of persons in the district.'*

Council Plans:

- ensure community input is reliably generated to inform the medium to long term objectives of the Local Government;
- are developed to meet specific objectives and measurable outcomes;
- identify the resourcing required to deliver the plans; and
- enable rigorous, achievable and transparent prioritisation within available resources of the Local Government.



Council Plans





Environment

Climate change, environmental services, waterwise initiatives, canal management and energy efficiency.

Economic & Activation

Building compliance, economic development, tourism, community festivals and events, business and entrepreneurial programs, City centre activation and regional development.

Governance

Council, administration, rates, advocacy and customer service

Health

Public health monitoring, mosquito management, health inspections and compliance.

Education & Welfare

Senior services, accessibility, youth, community development, engagement and services.

Public Works

Administration, operations, and asset maintenance.

Community Services

Waste management, planning, place activation, cemeteries, community capacity education and engagement, access and inclusion

Recreation & Culture

Recreation centres, community centres, sports ground, libraries and recreation services

Law, Order, Compliance

Rangers services, fire prevention, crime prevention, CCTV surveillance, emergency services and building compliance.

Transport

Roads, carparks, footpaths, bridges, streetlighting and drainage maintenance.

Support for Council Members

- **Council Member Remuneration**
- **Reimbursement of Expenses incl. Child Care**
- **New Parental Leave Provisions**
- **Enhanced Professional Development Policy**
- **Proposed Council Member Superannuation**



THANK
YOU



Tony Brown

Executive Director of Member
Services
WALGA

Questions?