



## HOW TO HAVE YOUR SAY IN COUNCIL – A LOCAL GOVERNMENT FACT SHEET

All councils in NSW are independent, locally elected corporate bodies. Local communities are encouraged to have a say in what their council does and how it does it. There are a number of ways that you can participate in council affairs.

### **Vote in elections, referendums and polls**

General elections are held every four years, on the fourth Saturday in September, to elect representatives or councillors to councils in New South Wales. The next general election will be in 2008.

If you are a resident you must vote in local government elections. You don't have to own a house or be a ratepayer to vote, but your name must be on the council electoral roll. If your name is on the State or Commonwealth roll, it will automatically be on the council roll. If not, contact your local post office about enrolling to vote. Once your name is on the electoral roll, you must vote unless you have a very good reason why you can't. You may be fined if you don't vote.

It is very important to vote because the people who are elected are responsible for deciding what the council does.

Your council must call a constitutional referendum if they want to:

- divide the council area into wards or abolish all wards in the area
- change the method of election of the mayor – either election by the other councillors or directly by electors
- increase or decrease the number of councillors
- change the method of election of councils for an area divided into wards.

Councils must abide by the results of a referendum.

Councils can take a poll to obtain information and guidance on any matter, but they do not have to abide by the results of a poll.

### **Run for election as a local government councillor**

One of the best ways to have a say in your council is to stand for election as a councillor. The Department of Local Government has a helpful booklet on how to go about this. It is called 'So you're thinking of becoming a local government councillor'. There are copies on our website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) or you can contact our Nowra office on (02) 4428 4100.

### **Attend council meetings**

Councils are required to have meetings, but when they meet varies between councils. Anyone can attend council meetings, whether it is a meeting of the whole council or one of council's committees. A council must give public notice of the times and places of these

meetings. For details you can check your council's website, your local newspaper, notice boards at council chambers or libraries, or contact your council.

Many councils set aside time at the beginning of meetings for members of the public to speak. You may need to let your council know if you want to do this. Agendas and business papers which set out what will be discussed at a meeting must be made available at the council's offices and at the meeting before it starts. If you want to take away copies of the agenda and business papers, you are entitled to do so but you may be charged for photocopying.

There are times when parts of a meeting may be closed to the public. These times are limited to the reasons set out in section 10A of the *Local Government Act 1993*. These reasons include when the meeting is discussing:

- the personal hardship of a resident or ratepayer, because this would be an invasion of privacy if done in public
- employment matters involving a particular member of the council staff
- confidential commercial information.

There are other reasons set out in section 10A, but the spirit of the Act is to make sure that council and committee meetings are as open as possible.

## **Participate in council committees**

Councils often establish committees, which include members of the community, to help them develop various plans and policies. What these committees deal with varies from council to council.

If you want to find out about or participate in these committees, you should contact your council.

## **Look at council documents**

Members of the public are entitled to have access to a number of council documents. In general, access to council records is free, although you may have to pay reasonable photocopying charges. You should contact the Public Officer of your council for help if you want to look at any council documents.

There is more information about obtaining council documents in the Local Government Fact Sheet 'How to access council information'.

## **Participate in the development of council plans and policies**

There are a number of council plans and policies that may affect you. You should consider having a say in their development so that your needs are taken into account and the final plan or policy has benefits for you and your community.

### **Management plan**

A council's management plan is their main mechanism for strategic planning and policy making. Under the Local Government Act, councils must prepare a management plan at least once every three years. They must also review it annually so that it includes the council's budget for the next twelve months.

A management plan must contain:

- the main activities a council plans to carry out
- what council hopes to achieve by carrying out these activities
- how council will check if it has achieved what it hoped to achieve.

The draft plan must be put on public exhibition for at least 28 days so that members of the community have the opportunity to comment on it. This is usually around May/June each year because a council has to consider submissions from the community and adopt the management plan by the end of June. You have at least 42 days from the date the plan goes on public exhibition to comment on it. Although councils do not have to incorporate comments from the community into the plan, they must consider these comments.

### **Social or community plan**

The *Local Government (General) Regulation 2005* requires councils to develop and adopt a social or community plan at least once every five years. This plan has to identify and include actions to address the needs of seven mandatory target groups. These target groups include children, young people, women, older people, people with disabilities, Aboriginal and Torres Strait Islander people, and people from culturally and linguistically diverse backgrounds.

You can influence what your council does in this area by participating in any consultations conducted as part of the development of the social plan, or by asking for an opportunity to express your views.

### **Plans of management for community land**

Under the Local Government Act, all public land in a council's area must be classified as either community land or operational land. A council must prepare a plan of management for all community land. The plan may apply to one or more areas of community land.

A plan of management must:

- identify the important features of the land, eg natural significance, sportsground
- explain how council will manage the land
- show how the land may be used or developed, eg leasing
- be prepared in consultation with the community.

A council must put the draft plan of management on public exhibition for at least 28 days. You have at least 42 days from the date the draft plan goes on public exhibition to make any comments. The council has to consider any comments but does not have to incorporate them.

### **Other plans and policies**

Councils may prepare a number of other plans and policies such as environmental management plans, cultural plans, and crime prevention or community safety plans. Information about these may be included in the council's management plan or annual report or on their website. You can also contact your council for more information.

## **Read council's annual report**

Councils are required to produce an annual report that provides information about the implementation of their management plan.

If you look at your council's annual report you can see whether programs that affect your community have actually been implemented and how well they have been implemented. You can use this information to make suggestions to your council about how those programs might be improved or to suggest new programs.

## **Provide customer feedback**

Customer feedback is important to any organisation that has a lot of contact with the public. If you are pleased with a particular council service or member of staff, contact the council and let them know this.

If you have a problem with your council, you should first talk to council staff. A specific person in the council usually has overall responsibility for managing the complaints system. If you are not happy with how your complaint is dealt with, you should ask to speak to this person. If you are not satisfied with their response, you should write to the general manager. You may also take complaints to the mayor or your elected councillors. You should be kept informed about what is being done about your complaint.

If you feel that your council has not adequately dealt with a complaint, you can write to the Department of Local Government. The Director General will decide whether or not the department will investigate the complaint.

You can also contact the following organisations. They may be able to help you if you are not satisfied with the way a council has dealt with your complaint:

- The NSW Ombudsman can help make sure councils act fairly and reasonably. They can investigate issues such as councils not complying with proper procedures or the law, not enforcing development consent conditions, not replying to correspondence, not notifying affected persons before certain decisions are made, and not acting reasonably, consistently, impartially and fairly. Some council decisions, such as setting rates or adopting particular policies, are usually not investigated. Their address is Level 24, 580 George Street, Sydney and their phone number is (02) 9286 1000 or toll free 1800 451 524.
- The role of The Independent Commission Against Corruption (ICAC) is to expose and minimise corruption in the NSW public sector. This includes councils. Their address is Level 21, 133 Castlereagh Street, Sydney and their phone number is (02) 8281 5999 or toll free 1800 463 909.
- The Human Rights and Equal Opportunity Commission (HREOC) was set up by the Commonwealth Government to deal with complaints about discrimination on grounds such as race, gender and disability. Their address is Level 8, 133 Castlereagh Street, Sydney and their phone number is (02) 9284 9600 or toll free 1300 656 419.
- The Anti-Discrimination Board (ADB) administers the NSW Anti-Discrimination Act. They can help resolve complaints about the types of discrimination or harassment listed in the Act. These may include discrimination on the grounds of race, age, gender and disability. Their address is Level 4, 175-183 Castlereagh Street, Sydney and their phone number is (02) 9268 5555 or toll free 1800 670 812. If your complaint is about discrimination, you should contact both HREOC and the ADB to check which agency is best equipped to resolve your specific complaint.

For more information about what to do if you have a complaint about your council, please call us on (02) 4428 4100.

## Need more information?

The department has produced a range of other fact sheets and brochures on topics such as:

- Your council.
- How to access council information.
- Why do you pay rates?

You can access these documents on our website or by contacting us at our offices.

## Our contact details



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