

# **Central Darling Shire Council**

Candidate Briefing

November 2024

# Central Darling Shire

- Constituted in 1959
- At 53,511 square kilometres--- largest incorporated local government area in New South Wales.
- Council has been under administration since 2014
- Population- 1837
- Employees- 70 plus
- Roads 2,800 kms
- 24/25 - day to day operations \$23m
- 24/25 – Capital works \$17m

# Recent Situation

- CDS has been on borrowed time since 2012
- Decisions about future governance have been repeatedly deferred
- Current governance, financial and service delivery arrangements are not sustainable in the medium-long term
- All levels of government are yet to come to terms with the long-term costs of delivering adequate levels of service
- Communities cannot be expected to accept reduction of services
- Ensuring good governance and service delivery to Aboriginal people and communities must be addressed

# Challenges

- Sparse and declining populations limits Council's rate base
- Dispersed nature of communities fragments economic and social relations
- Distance and separation between towns adds to the cost for services
- Need to enhance local leadership, representation and advocacy of community needs and aspirations
- Issues with housing, water supply, health and wellbeing, opportunities for local employment, and internet services exacerbate social disadvantage

# Challenges

- Need to enhance local leadership, representation and advocacy of community needs and aspirations
- Aboriginal governance and service delivery agencies tend to operate alongside Council and government programs and initiatives rather than being integrated and collaborative
- Fragile environment, rangeland management and natural disasters
- Inadequate coordination between service delivery agencies

# Rural and Remote Councils Legislation

- Introduced 2024
- Central Darling designated 'rural and remote'
- Three Councillors to be elected – one from each ward
- Three Councillors appointed by the Minister for Local Government
- Councils must have between 5 and 15 Councillors
- Term will be to September 2028

# Rural and Remote Councils Legislation

- In making appointments the Minister will, as far as practical, ensure Councillors collectively will have the following attributes
  - experience in local gov. administration, finance & governance
  - ability to represent interests of Aboriginal population
  - experience in emergency management
  - experience in conservation, environmental sustainability
- Minister will appoint Chairperson to September 2028 with Mayor's powers

# **Rural and Remote Councils Legislation**

- Councillors will elect Deputy Chairperson
- LG Act expenses apply to elected Councillors
- LG Remuneration Tribunal to set fees for Chairperson and appointed Councillors
- Council must meet at least 4 times a year & in each quarter
- Regulations will be made by the Minister



# Regulation

- To be advised

# Make Central Darling a Better Place

Being a Councillor;

- Will be challenging
- Can be very rewarding
- Does not require special qualifications
- You will make decisions that improve lifestyles
- Provides opportunities for professional and personal development
- Involves you with diverse and passionate people in your community
- Enables you to advocate for your community

# Election

- Date to be advised
- One councillor will be elected from each of the three Wards
  
- A Ward-Wilcannia, outlying rural electors north and east of Menindee
- B Ward-Ivanhoe, Tilpa, White Cliffs
- C Ward-Menindee, Sunset Strip

# **Am I eligible to stand for Council?**

- Must be on the Electoral Roll or Non-Resident Roll
- Resident
- Non resident owner
- Occupier
- Ratepaying lessee
- See Section 274 of the Local Government Act

# Who Cannot Stand

- Member of parliament
- While serving a service (including a sentence the subject of an intensive correction order
- Council employee or holding a place of profit with Council
- Cannot owe Council money
- Section 275 of Local Government Act

# **Election Legislation**

- Local Government Act 1993
- Electoral Funding Act 2018
- Local Government Amendment (Rural and Remote Councils) 2024
- Local Government (General) Regulation 2005
- Local Government (General) Regulation 2021
  
- Best information - NSW Electoral Commission Website

# Key Dates

- Capped expenditure period opens
- Advertising of Enrolments
- Start of regulated period for electoral material
- Nominations open
- Close of electoral Roll
- Lodgement of postal vote applications open
- Close of nominations
- Ballot Paper Draw

# Key Dates

- Pre-poll voting period opens
- Registration of electoral material closes
- Postal vote applications close
- Pre-poll period closes
  
- 8am-6pm ELECTION DAY
- Go to NSW Electoral Commission for key dates



# Your Campaign team

- Volunteers – family, friends and supporters to letterbox, fund raise, handouts at Pre-poll and election day, signs
- Campaign Manager
- Finances- someone to record financial transactions and report

# Campaigning

- Get a team around you
- Get out and about
- Meet with community groups
- What is your agenda?
- Let the community know
- Understand the rules
- Know the spending cap (\$6,600 per candidate)
- Constantly visit the NSW Electoral Commission website

# System of Voting

- Optional Preferential
- Under the NSW system of optional preferential, voting the voter only needs to number one square, but can preference all candidates

# Social Media

- Stick to the facts and be honest
- Don't argue on line
- For your own well-being block people who are offensive
- Don't make offensive or inappropriate comments
- Be respectful, professional and polite
- If it goes online it stays online

# Social Media

- If you wouldn't say it don't write it
- Think and delay before responding
- Defamation applies to online content
- Don't respond to every comment
  
- Remember every mobile phone is a camera

# The Council

- Strong and effective leadership, planning and decision making
- Providing best value for money
- Acting fairly, ethically and without bias
- Being a responsible employer
- Being transparent
- Actively engaging with the community

# Local Government Act Principles

**Exercise of functions generally** - The following general principles apply to the exercise of functions by councils—

- (a)** Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b)** Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c)** Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d)** Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.

# Local Government Act 1993 - Principles

- e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.



# The Governing Body

- Working together to provide effective civic leadership – setting the tone of the organization’s culture
- Ensuring financial sustainability
- Ensuring Council acts in accordance with the principles of the Act
- Developing and endorsing strategic plans and rating and revenue policy, operational plans and optimal allocation of resources
- Reviewing performance and service delivery
- Determining process for appointment of the GM and monitor performance
- Overseeing community engagement
- Ensuring council acts honestly, efficiently, appropriately

# Role of the Governing Body

- **1)** The role of the governing body
  - (a)** direct and control the affairs of the council
  - **(b)** provide effective civic leadership,
  - (c)** ensure as far as possible the financial sustainability of the council,
  - (d)** ensure as far as possible that the council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and policies of the council,
  - (e)** develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council,

# Role of the Governing Body

- (f) determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council's resources to implement the strategic plans
  - (g) review the performance of the council, including service delivery,
  - (h) make decisions necessary for the proper exercise of the council's regulatory functions,
  - (i) determine the process for appointment of the general manager by the council and to monitor the general manager's performance,
  - (j) **Repealed**
  - (k) consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities,
  - (l) responsible for ensuring that the council acts honestly, efficiently and appropriately.
- 
- (2) The governing body is to consult with the general manager in directing and controlling the affairs of the council.

# The Role of a Councillor (Sec 232)

- (a)** to be an active and contributing member of the governing body,
  - (b)** to make considered and well-informed decisions as a member of the governing body,
  - (c)** to participate in the development of the integrated planning and reporting framework,
  - (d)** to represent the collective interests of residents, ratepayers and the local community,
  - (e)** to facilitate communication between the local community and the governing body,
  - (f)** to uphold and represent accurately the policies and decisions of the governing body,
  - (g)** to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.
- (2)** A councillor is accountable to the local community for the performance of the council.

# Some Expectations of Councillors

- Attend training sessions and workshops to enhance skills and knowledge.
- Mayor and Deputy Mayor attend National and State Local Government Conferences.
- Mayor and appointed delegates to attend organisations Council is associated with.
- Ward Councillors to attend committees associated with Council.
- Councillors represent the whole of the local government area not just their ward.

# To Achieve Better Outcomes for your Community

- Be an effective **leader** of your local community
- Ensure effective **participation** in Council business
- **Conduct** yourself in a way that enhances and maintains the credibility of your Council and local government
- Be **accountable** for understanding and meeting your community's needs
- Take **responsibility** for your ongoing learning and professional development

# The Mayor First Among Equals

- Mayor is the leader of the Governing Body, spokesperson of the council, and a community leader
- Mayor ensures effective community engagement
- Mayor's leadership role in IPR, policy/program development and implementation
- Mayor has a strong mandate to work with the GM
- Mayor has a leadership role in oversight GM performance and delegations
- Mayor has responsibilities in forging partnerships, regional cooperation and inter-government relations

# Role of the Mayor (Sec226)

The role of the mayor —

- (a) the leader of the council and a leader in the local community,
- (b) advance community cohesion and promote civic awareness,
- (c) the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) exercise, in cases of necessity, the policy-making functions of the council between meetings of the council,
- (e) preside at meetings of the council,
- (f) ensure that meetings of the council are conducted efficiently, effectively and legally
- (g) ensure the timely development and adoption of the strategic plans, programs and policies of the council,



# Role of the Mayor

- (h) promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- (i) promote partnerships between the council and key stakeholders,
- (j) advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (l) carry out the civic and ceremonial functions of the mayoral office,
- (m) represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,
- (o) exercise any other functions of the council that the council determines.

# Separation of Roles

- Wingecarribee Public Inquiry
- David Parish
- ***"it is clear that there is a clear distinction between "direct and control" which is for the governing body and "implement and manage" which is for the General manager and staff.***
- ***The roles don't interact or overlap. There is a clear bright line between those activities"***

# Functions of the General Manager

- Day to day management of the Council
- Implement lawful decisions of the Council without delay
- Advise Council on range of matters
- Prepare with Council IP&R documents
- Ensure Council has timely information and advice
- Exercise delegated functions
- Appoint staff in accordance with org structure and resources approved by Council and implement the workforce management strategy

# Functions of the General Manager

The general manager of a council has the following functions--

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- (b) to implement, without undue delay, lawful decisions of the council,
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,

# Functions of the General Manager

- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- (f) to ensure that the mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the council that are delegated by the council to the general manager,
- (h) to appoint staff in accordance with the organisation structure and the resources approved by the council,
- (i) to direct and dismiss staff,
- (j) to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the general manager by or under this or any other Act

# Code of Conduct General Obligations

Councillors and staff must not act in a manner that :

- is likely to bring Council/Councillor into disrepute
- is contrary to statutory & Council requirements & Council policy
- is improper or unethical
- is an abuse of power
- causes comprises intimidation or verbal abuse
- involves misuse of position for private benefit
- constitutes harassment or bullying behaviour or is lawfully discriminatory

# Code of conduct General Obligations

- You must consider issues consistently, promptly and fairly
- You must not harass or unlawfully discriminate against others
- You must not engage in bullying behaviour towards others
- You must comply with duties under WHS Act and Council policies and procedures to ensure workplace health and safety
- You must ensure land use planning, development assessment and other regulatory decisions are properly made and fair
- You must not participate in binding caucus votes

# Pecuniary Interest

A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain to

You

Your spouse

Your relative

Your business partner

Your employer

a company where the above have an interest

There are exemptions and detail in Code of Conduct



# **Pecuniary Interest you don't have to Disclose**

- Elector, ratepayer or where service/goods offered to community
- Member of a club unless you hold office
- Beneficial interest in a company if shares don't exceed 10%
- Payment of fees to Councillors
- Interest in Payment of Expenses & Provision of Facilities Policy
- And more

# Pecuniary Interest Disclosure at Meetings

- Nature of interest must be disclosed as soon as practicable
- Councillor or staff member must not be present at any time the matter is being considered, discussed or voted on.
- Note Disclosure of Interests Form must be lodged within Three Months after becoming a Councillor

# Non-Pecuniary Interest

- A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- A non pecuniary interest will be significant if it is not pecuniary but it involves close personal relationship eg current or former spouse, friendship, business relationship, member of club etc
- If significant don't participate or leave the meeting
- If you determine interest is not significant you must explain why in writing and orally to the meeting

# Personal Benefit

- A gift or benefit is something offered to or received for personal use or enjoyment but not:
  - item with value of ? or less
  - political donation
  - sister city gift
  - benefit or facility provided by Council
  - attendance at work related function
  - free or subsidised meals refreshments provided in conjunction with performance of duties

# Personal benefit – Token Value

- You may accept gifts and benefits of token value up an aggregate value of \$100 in a year
  - invitations
  - gifts of alcohol
  - ties, scarfs chocolates
- Gifts of more than token value which must not be accepted
  - tickets to major sporting events
  - corporate hospitality at major sporting events
  - use of holiday homes
  - ongoing dinners or hospitality

# Areas of Vulnerability

- Conflicts of interest
- Lobbying (especially planning matters)
- Misuse of public office and resources
- Confidential information

# Areas of Vulnerability

- Tendering and dealing with current contractors
- Relationships with staff
- Gifts, benefits and hospitality

# Conflicts of Interest

- People don't always disclose:
  - They don't recognise they have a conflict
  - They think they can rise above it
  - It's nobody else's business
  - Corrupt people hide their conflicts
  - People are tempted to under disclose a conflict



# Lobbying

- Greatest risk lies with those who stand to gain from a discretionary decision
- Lobbying covers a wide range of activities
- Common in planning matters
- Dealing with existing contractors and potential contractors
- Do not allow lobbying outside of a formal tender process

# Confidential Information

- Unauthorised release or use of confidential information might constitute corrupt conduct
- Be cautious in dealing with confidential information, for eg:
  - If meeting with community members
  - When seeking business opportunities outside of Council
  - When interacting with family and friends

# **Tendering and dealing with current contractors**

- When considering tenders:
  - Probity principles are important
  - Consider legal obligations
  - Watch out for:
    - Relationships
    - Communications outside of official processes
    - Perceptions
    - Dealing with current contractors

# **Relationship with Staff**

- Comply with Councillor and Staff Interaction Policy
- Respect separation of roles

# Gifts benefits and hospitality

- Follow your Code of Conduct (based on the Model Code)
- Do not accept gifts/benefits that create a sense of obligation or may be perceived as intended or likely to influence you
- Never accept cash
- Repeated attention and giving helps establish relationships
- Disclose

# 5 Things to do to achieve better outcomes for your community

Be an effective **leader** of your local community by:

- setting the vision and direction for your community without getting involved in the day-to-day operations of your council
- balancing your advocacy role with the need to work with other councillors to make decisions that benefit the whole community
- balancing short and long-term community needs and interests
- fostering and maintaining positive internal and external relationships
- stay focussed on what is the best for your community

# 5 Things

Ensure effective **participation** in Council business:

- making informed decisions through good preparation and involvement
- following the Code of Meeting Practice and legislation on meetings
- Drawing on the information and assistance that the General Manager and the community can provide to Councillors in making their decisions

# 5 Things

Conduct yourself in a way that enhances and maintains the credibility of your council and local government as a whole by:

- acting lawfully, honestly, transparently and respectfully in line with the Code of Conduct
- exercising care and diligence in carrying out your functions
- Ensuring your relationships with the General Manager and staff are based on trust and mutual respect, following clear and agreed protocols about staff contact



# 5 Things

Be **accountable** for understanding and meeting your community's needs by:

- engaging and consulting with your community
- responsibly managing your Council's money and assets to meet current and future needs
- considering the long-term consequences of your decisions
- ensuring the requirements of the Integrated Planning and Reporting framework are met

# 5 Things

Take **responsibility** for your ongoing learning and professional development by:

- regularly assessing your learning needs
- actively seeking opportunities to acquire further knowledge and skills
- contributing your knowledge and skills to the development of local government as a whole

# **Are you ready to make Central Darling a Better Place?**

- Why do you want to get elected?
  - What would you like to achieve?
  - Is your family supportive?
  - Can you arrange with your business or employer?
- 
- Make sure you can achieve a work/life balance

# What you will need to do

- Stay tuned for the announcement of the Election date
- Regular updates will be on the Council website
- Visit the NSW Electoral Commission and Office of Local Government websites
- Engage your team and supporters
- Establish your credentials in the community
- Follow the Council meetings and decisions
- Once the Electoral Commission lists the election, register with the Commission