

Our Ref:

Your Ref:

28 August 2025

To: All Candidates

Dear Candidate,

RE: SHIRE OF CUBALLING ORDINARY ELECTION – 18 OCTOBER 2025

The attached material provides all you need to know to make a valid nomination for Council. However, if you have any queries as to eligibility or the process of making a nomination, then please contact the Returning Officer or alternatively, the Department of Local Government, Industry Regulation and Safety.

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Cuballing WA 6311
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Yours faithfully

CHRIS PAGET
RETURNING OFFICER / CHIEF EXECUTIVE OFFICER

CUBALLING

All communications to be addressed to: Chief Executive Officer, PO Box 13, CUBALLING WA 6311

OFFICE HOURS: Monday to Friday 8.30am to 4.30pm

Ph: 08 9883 6031, Fax: 08 9883 6174, Email: enquiries@cuballing.wa.gov.au

SHIRE OF CUBALLING

NOMINATION PACK

This package contains all the information you need to know to make a valid nomination for election to council. Please read everything very carefully as the procedures are set down in legislation and must be followed.

STEP 1	Read the enclosed booklet published by the Department of Local Government and Communities called “ <i>Standing for Council – Information for Candidates</i> ”.
STEP 2	You must check whether you are eligible to nominate (information is contained in the Guide and the back of the nomination form).
STEP 3	If you wish to nominate yourself complete enclosed FORM 8 – “Nomination for Election by Candidate” (page 68). If, for some reason, you cannot do the nomination yourself you may ask an agent to do this on your behalf. If this is the case give them enclosed FORM 9 “Nomination for Election by Agent” and provide them with a letter stating that you want them to nominate you – state the ward of the district you want to nominate for. They must then complete the nomination for you.
STEP 4	Write out a profile sheet about yourself of not more than 1000 characters that must fit onto an A4 sheet. It is important to ensure that your profile complies with the instructions on the back of the nomination form.
STEP 5	Your nomination cannot be accepted unless you provide a deposit of \$100 – see back of nomination form for method of payment. Your nomination will not be accepted without a complying profile. Nomination deposits are refunded after the election in some circumstances.
STEP 6	You must deliver or have delivered the nomination to the returning officer at the nomination place that is the Shire of Cuballing Administration Office, 22 Campbell St, Cuballing WA 6311 by 4:00pm Thursday, 4 September 2025 (the close of nominations). Method of delivery can be by post, by fax or any other electronic means (so long as it is capable of being printed in its entirety, including signature) by the returning officer. Note: If your nomination is made by fax or other electronic means, arrangements will have to be made for payment of the \$100 deposit before 4:00pm Thursday, 4 September 2025.

Withdrawal of nomination

The withdrawal of a nomination is effective if:

- Written notice of it is received by the returning officer at the nomination place (the Shire of Cuballing Administration Office) before the close of nominations;
- Evidence that the withdrawal is made by or with your consent is given to the returning officer in writing before close of nominations; or
- A candidate dies before the close of nominations.

You cannot withdraw a nomination after the close of nominations.

Term of office

If you are successful your term of office as a councillor will be:

- Three candidates elected for a four year term ending in October 2029

Drawing of ballot paper position

The returning office will conduct the draw for ballot paper positions at the nomination place (the Shire of Cuballing Administration Office, 22 Campbell St, Cuballing). This will start as soon as practicable following the close of nominations which occurs at 4:00pm Thursday, 4 September 2025. Candidates and other interested people have the right to attend.

Electoral rolls

Candidates will be supplied with one free electoral roll at the close of nominations, if available, on Monday, 8 September 2025 or as soon as practicable after.

Voting

The system of voting used is the “first past the post” system. Where there is one position with two or more candidates, an elector will cast a valid vote by placing a tick in the box against either one of the candidates of their choice. Where there are more than two positions, an elector may place a tick in a box against as many candidates as there are vacancies to be filled.

[s4.74, Sch 4.1]

Printing and publication of candidate electoral material

Your attention is drawn to particular requirements of the *Local Government Act 1995* that state that printing and publication of all electoral material must contain the following information at the end of the material:

- The name and address (not a post office box) of the person who authorised the electoral material to be printed; and
- In the case of material that is printed other than in a newspaper, the name and business address of the printer.

Please note that the word **print** includes photocopying or reproducing by any means. Further **publication** can include all forms of disseminating information such as electronic means e.g. e-mail, radio or television. It is very important to comply with this provision when you get your printing done because a penalty of \$2,000 may be incurred.

Disclosure of electoral donations

Both candidates and donors must disclose any gifts promised or received within the six-month period prior to the election day that either alone or in combination from one person exceed a value of \$200. Enclosed **FORM 9A** is to be used. Disclosure is to be submitted to the CEO of the relevant local government within 3 days of the candidate’s nomination and thereafter within 3 days of any further gifts being promised or received. Any gifts from unidentified donors must also be reported to the CEO and delivered to the CEO for disposal.

Enclosures:

- Compact Disc – Candidate Information Kit
- A Guide to “Standing for Council”
- A Guide for Indigenous Communities
- Booklet – “Frequently Asked Questions About Your Local Government Elections”
- Extract from Local Government Act – Electoral Offences
- Extract from Local Government (Election) Regulations – Disclosure of Gifts
- Nomination **FORM 8**
- Nomination by Agent **FORM 9**
- Disclosure of Gifts **FORM 9A** and copy of reg.30.A to 30.I
- Shire of Cuballing Code of Conduct



Government of **Western Australia**
Department of **Local Government and Communities**

Standing for Council Information for candidates



Standing for Council

INFORMATION FOR CANDIDATES

12th Edition

PREPARED BY THE DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES
JULY 2013

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Introduction

Why Become a Councillor of a Local Government?

The people who stand for council are as varied as the reasons which first motivated them. In Western Australia, there are over 1,200 elected members who come from a wide range of cultural backgrounds, age groups and occupations and who have vastly differing qualifications and life experiences. This diversity is important in ensuring that the decisions taken by councils reflect the views of the various sectors of the local community.

There are many reasons why people stand for council. Most council members cite the sense of satisfaction gained from serving the community as the biggest reward for joining council. Benefits gained by the individual member can include increased knowledge about the operation of government at all levels, improved self esteem, confidence in public speaking and the chance to meet new people and become involved in activities which would not have been possible otherwise.

Of all the levels of government, local government is particularly rewarding as council members see first hand the changes occurring within their community; changes in which they have played a role. Being a council member can change your perspective about the diversity of your community and of the different needs of each group.

The decision to stand for council is a very personal one. You must consider your own circumstances and decide whether you are able to make the commitment required. Representing the local community will be demanding of your time but it can also be very rewarding.

In addition to the significant amount of time that is required to be an effective councillor, there are other factors which you need to consider before standing.

For example:

- you will need to be willing to represent the views of the whole community when deciding issues in council, rather than your own personal interests;
- you should be interested in your local community;
- do you have, or are you willing to learn, the skills needed to be an effective councillor such as public speaking, participating in meetings, analysing reports and financial information and so on? (See section 2.2 for more information on the role of and functions performed by councillors).

Purpose of This Guide

The purpose of this guide is to:

- give you an understanding of the role of a local government in Western Australia;
- provide you with information about the role and function of a council member in a local government in Western Australia;
- highlight things you need to know about the rights and responsibilities of a councillor; and
- if this has encouraged you to stand as a council member in your local government, advise you on how you can go about it.

Are you interested in this challenge? If so, then read on...

Info Note: *Candidates participating in a postal voting election should also obtain a Candidates Pack which includes "A Guide for Candidates - Local Government Postal Elections" and "A Guide for Scrutineers - Local Government Postal Elections". These are available from your Returning Officer or the WA Electoral Commission.*

Alternatively these can be downloaded from the WAEC website at www.waec.wa.gov.au under "Forms and Publications".

Contents of the Guide

This guide will give you essential information in the following areas:

- the local government context;
- the role of a local government;
- the role of a councillor;
- how to become a councillor;
- the electoral process;
- useful knowledge and skills for a councillor;
- how to hit the ground running; and
- useful reference material.

The information is presented in a format which uses:

- key concept boxes summarising information;
- checklists and flow charts;
- examples, copies of forms, a reading list, and useful contacts as appendices; and
- highlighted tips, information notes, explanations and warnings, to help you find what you want to know.

Common Questions

The guide will enable you to answer common questions about standing for local government.

- What does local government do?
- Am I eligible to become a candidate to stand for election to local government?
- What sort of election campaign should I run?
- What legal issues face candidates and councillors?
- Have I got the time to become a councillor?
- How do I go about becoming a councillor?
- What does a councillor do?
- If I'm elected to council, how long is my term?

More information relating to local government elections is provided in the Departmental publication, *Frequently asked questions about your local government elections* which is available on the Department website.

If the guide does not answer all the questions you have or you would like more information please visit the Department's website, or call the Department of Local Government and Communities on 6551 8700.

01. Local Government in Western Australia

1.1 Local Government as a Sector of Government

Local government is an integral part of the system of government both in Western Australia and nationally. It is also an economically important industry as local governments in Western Australia spend over one billion dollars each year.

Local government is the “grass roots” level of government in Australia. Its council members are ideally placed to monitor the changing needs of local communities, to plan and implement strategies to meet those needs, and to bring local concerns to the attention of the State Government and Commonwealth Government.

Local government’s main strength is its closeness to the community and its ability to take account of, and to respond to, local views and ideas.

KEY CONCEPT

A local government’s strength is that it is close to the people in the community and can take account of, and respond to, local views.

1.2 The Western Australian Picture

1.2.1 Local Governments

The State is divided into districts, each with their own local government. Currently, there are 138 local governments in Western Australia. In addition, the *Local Government Act 1995* and regulations apply to the Shires of Christmas and Cocos Islands. Local governments vary greatly in their characteristics. Recent statistics indicate that:

- the size of local governments range between 1.5 sq km to 371,696 sq km;
- the number of staff employed in each local government varies from less than 10 to over 800;
- the populations of local government areas range from just over 100 to almost 210,000; and
- in 2011-12 total revenue for local governments in Western Australia ranged from \$1.4 million to \$186 million.

Local governments are grouped into three categories:

- Shires - generally local governments with mainly rural populations;
- Towns - generally small (mainly urban) population centres; and
- Cities - larger urban population centres.

Info Note: *In June 2013 there were: 104 Shires, 9 Towns and 25 Cities in Western Australia.*

1.2.2 Contemporary Issues

The *Local Government Act 1995* gave local governments more freedom to make decisions for their communities; promoted more public participation; and demanded accountability, efficiency and effectiveness in local government. This has resulted in some challenges for local government, including how best to use the new found freedom to respond to community needs; how to ensure public participation and accountability in local government processes; and how to respond to the growing demand for more efficient and effective local government.

In addition to new laws, local governments are dealing with the issue of structural reform and asking themselves, “What is the best way to organise physical, financial and human resources to achieve a competitive and productive organisation that meets the needs and desires of the community we serve?” Structural reform could involve changes to the boundaries of Western Australian local governments, resource sharing, and competitive tendering to name but a few.

KEY CONCEPT

Major changes in local government emphasise flexibility, responsiveness and accountability to the community.

1.3 What Can a Local Government Do?

1.3.1 Local Government's Power is Derived from Legislation

The power of local governments to provide services and facilities and make local laws are derived from legislation passed in the State Parliament. The principal Act from which local governments gain power is the *Local Government Act 1995* (the Act).

The Act provides for a system of local government by creating a constitution for elected local government in the State. It describes the functions of local governments, provides for the conduct of elections and provides a framework for the administration and financial management of local governments, and for the scrutiny of their affairs.

Local governments also derive powers from over 50 other Acts. Of these, the most important are the *Health Act 1911*, which vests wide ranging powers in local governments to ensure the health of each community is safeguarded and the *Planning and Development Act 2005*, which gives local governments the power to prepare local planning schemes, and ensure orderly development.

Other important statutes include the *Bush Fires Act 1954*, the *Cemeteries Act 1986*, the *Dog Act 1976*, the *Cat Act 2011* and the *Environmental Protection Act 1986*.

1.3.2 General Power to Provide Good Government

Under the *Local Government Act 1995*, local governments have a general power to provide for the good governance of the people in their district. This means that local governments can do things for the good governance of their districts if the Act or any other written law does not prevent them from doing so. In exercising this general power, a local government can make local laws (legislative function) and provide services and facilities (executive function).

KEY CONCEPT

The general function of a local government is its general power to act. It is wide in scope but not unlimited.

1.3.3 Legislative Function

A local government can make a local law for the good governance of the people in its district. However, a local law will be inoperative to the extent that it is inconsistent with any other written law (eg because there is already a State law covering the same area).

Info Note: *Local governments can make local laws about street trading, reserves and foreshores, signs, parking, cats and dogs, health and much more.*

1.3.4 Executive Function

The executive functions of local government include the administration of local laws and the provision of services and facilities. A local government can provide any service or facility that is necessary or convenient for the good governance of the people in its district or for the performance of any other function under the Act. However, before commencing a service or providing a facility, a local government has to satisfy itself that the service or facility it provides integrates with State or Commonwealth services, does not duplicate inappropriately any State, Commonwealth or private service and is managed efficiently and effectively.

1.3.5 Revenue of a Local Government

To undertake activities, local governments need revenue. They acquire their revenue from a variety of sources.

1.3.5.1 Rates

Rates are a tax on property and they form the principal source of revenue for many local governments. The *Local Government Act 1995* and the *Valuation of Land Act 1978* prescribe the methods for assessing the rateable value of property and the types of rates which can be levied. Each local government then determines the amount and type of rate to levy.

01. Local Government in Western Australia

1.3.5.2 Commonwealth Government Financial Assistance

Each local government in Western Australia receives an annual grant from the Commonwealth Government. This money is allocated and distributed to local governments by the Western Australian Local Government Grants Commission.

The Western Australian share of Commonwealth funding for 2012-13 was \$258.3 million, being 12.06% of the national allocation of \$2.138 billion. Western Australia's share consisted of \$157.8 million for the General Purpose component and \$100.5 million for the Roads component. The distribution of General Purpose Grants is designed to ensure that each local government is able to function at a level which is not lower than a calculated State average.

1.3.5.3 Borrowings

Local governments can borrow money. They may take up loans to embark on large-scale capital activities for which normal rates and other sources of revenue are insufficient.

1.3.5.4 Fees and Charges

Most local governments receive a small percentage of their income from fees and charges. Local governments can impose a fee or a charge in a range of circumstances. These circumstances include: the use of, or admission to, facilities owned, managed or maintained by it; the supply of a service or work at a person's request; the supply of goods; for providing information from records; receiving an application for approval; making an inspection or issuing a licence or permit.

To meet the cost of providing a particular service, a local government can also impose a service charge on owners or occupiers of land within the district or a defined part of the district. A common example of a service charge is to meet the cost of placing powerlines underground.

1.3.5.5 Commercial Enterprises

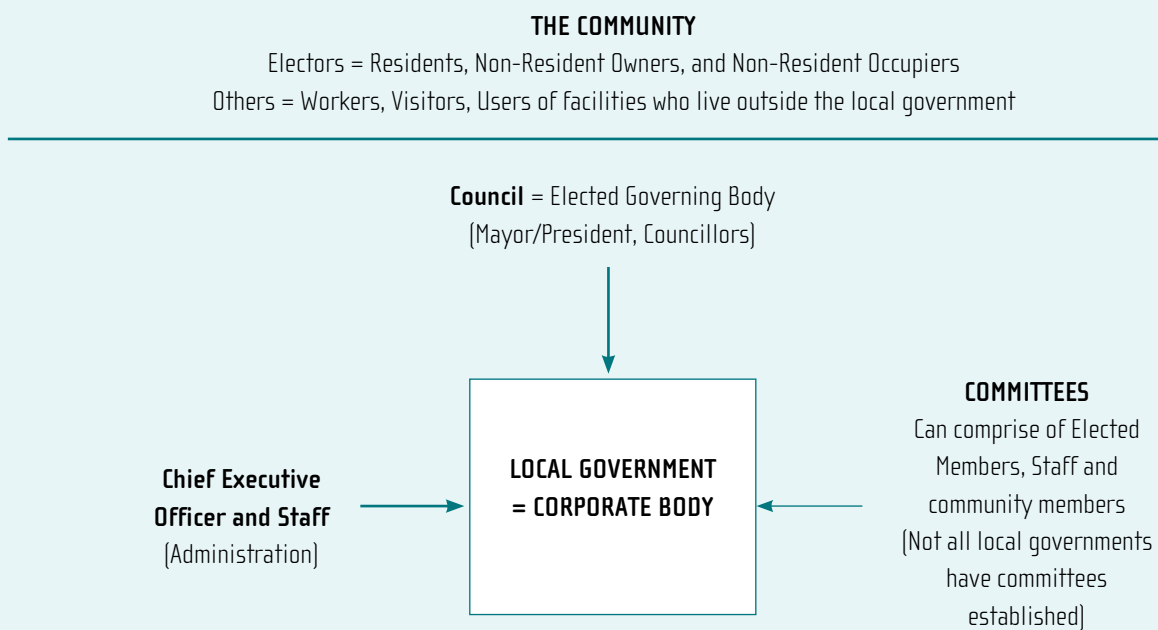
Local governments have some scope for being involved in commercial enterprises to generate revenue.

02. What it Means to be a Councillor

2.1 Structure of a Local Government

2.1.1 The Local Government: An Overview

A local government is made up of several components as the diagram below illustrates.



- The community is the reason a local government exists. All decisions made by a local government should be aimed at meeting the needs of the community.
- Each local government is a corporate body. All power to do things for the local community is vested in this legal entity. It can sue and be sued.
- The council is the governing body of a local government. It is made up of councillors and a mayor or president. The number of council members can vary from five to fifteen.
- Many local governments appoint committees to share the decision-making workload as well as to utilise expertise effectively. These committees can include council members, staff from the local government and members of the public.
- Local governments employ staff to administer the local government. The Chief Executive Officer (CEO) heads the administration and manages the day to day operations of the local government and implements council policies and decisions.

02. What it Means to be a Councillor

2.1.2 Roles of Council, Mayor or President and Councillor

The roles of the key people within the local government structure have been carefully defined by the *Local Government Act 1995*. This is designed to limit any confusion about roles.

2.1.2.1 The Council

A council's role is to:

- govern the local government's affairs;
- be 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.

2.1.2.2 Mayor or President

Explanation:

Mayor = Title given to the chief elected office of a city or town council.

President = Title given to the chief elected office of a shire council.

The role of the mayor or president is to:

- preside at council meetings (in this role, the mayor or president is required to ensure that meetings are conducted in a correct and orderly manner and to remain impartial when chairing the meeting);
- carry out civic and ceremonial duties (such as conducting citizenship ceremonies);
- speak on behalf of the local government as a corporate entity;
- liaise with the CEO on the local government's affairs and the performance of its functions; and
- provide leadership and guidance to the community.

The role of a mayor or president also includes the role of a councillor as mentioned in sections 2.1, 2.2 and 2.3.

A mayor or president has no authority to make decisions as an individual other than to authorise expenditure in an emergency.

Info Note: *Mayors or presidents may be elected either by the members of the council for two years, or by the electors of the district for four years. A mayor or president has the same 'deliberative' vote as the other councillors. However, the mayor or president must cast a second vote; that is, a deciding vote if the deliberative vote results in a deadlock.*

2.1.2.3 Councillors

A councillor's role is to:

- represent the interests of electors, ratepayers and residents;
- provide leadership and guidance to the community;
- facilitate communication between the community and the council and vice versa; and
- participate in decision-making processes at meetings.

The role of councillors will be discussed in more detail in section 2.2.

2.1.3 The Staff of a Local Government

Each local government must employ a CEO and staff to advise council members on matters under discussion, administer the day to day operations of the local government, carry out the policies of council and implement its decisions. CEOs are selected by the council and are generally employed on a fixed term contract basis. This contract contains performance criteria which are evaluated by the council in the CEO's performance review on an annual basis.

2.1.3.1 CEO's Function

The CEO is the chief non-elected officer and his or her function is to:

- advise council in relation to the local government's functions;
- ensure that advice and information is available to council so that informed decisions can be made;
- cause council decisions to be implemented;
- manage the day to day operations of the local government;
- liaise with the mayor or president on the local government's affairs and performance of functions;
- speak on behalf of the local government if the mayor or president agrees;
- be responsible for the employment, management, supervision, direction and dismissal of other employees; and
- ensure that the records and documents of the local government are properly kept.

The CEO acts as the conduit between the council members and the council staff. All other council staff, including engineers, planners, financial managers, administrators and outside workers, ultimately receive their direction from, and are responsible to, the CEO. Council members acting individually do not have the authority to influence the activities, duties and operations of these staff directly.

KEY CONCEPT

The local government is the corporate body.

Council members are the elected policy makers and make decisions.

Staff provide information and advice, and carry out the council's decisions.

2.1.4 Electors

As the diagram in section 2.1.1 illustrates, the electors of each district include residents and non-resident owners and occupiers of rateable land (refer to section 4.3 for further information). Although incoming workers, visitors and tourists are not electors, it should be noted that local governments still have a role to provide services and facilities for these people.

2.2 More on the Council Member's Role

Generally, council members, who include the mayor, president and councillors, do not have any authority to act or make decisions as individuals. They are members of an elected body that makes decisions on behalf of the local government through a formal meeting process.

As mentioned previously, the role of each councillor is to:

- represent the interests of electors, ratepayers and residents;
- provide leadership and guidance to the community;
- facilitate communication between the community and the council; and
- participate in decision-making processes at meetings.

KEY CONCEPT

A councillor is a member of a team and that team is shaping the district's future in consultation with the community.

2.2.1 Representing the Community's Interests

Councillors represent the interests of all electors and residents.

The representational role of a councillor does not mean that he or she has a duty to support all suggestions made. A councillor should consider the varying views of the community and then make judgements about actions.

02. What it Means to be a Councillor

Councillors represent the community's interests in many ways. They can pass on electors' views, support initiatives, report complaints and problems they perceive, by informing the CEO or raising such matters in council meetings.

The representation of electors' views is complicated in councils that operate under a ward system. Here, the councillor has both a duty to present the views of electors in his or her ward and also to consider the good of the district as a whole when making a decision.

Explanation: *A ward system in a district occurs when the district is divided into sections for electoral purposes. These wards often reflect communities of interest within a district. For example, in the district of Ashburton there are six wards; Tom Price, Pannawonica, Paraburdoo, Onslow, Ashburton and Tableland.*

2.2.2 Providing Leadership and Guidance to the Community

People often look to their elected representatives to provide leadership and guidance. This can be done by highlighting possible courses of action or directions which could be followed; putting forward options or ideas; and presenting arguments or possible solutions to a problem at community forums and meetings of council.

Developing a vision for the community and deciding what needs to be done to achieve that vision is an important leadership role for council members. Getting the community to endorse and follow that vision and associated plans demands leadership qualities.

In doing so, it is important to recognise that the most fundamental task is to try to achieve a strong sense of shared purpose and commitment.

The needs and desires of the community are constantly changing and evolving. Councillors must be prepared to initiate new policies and activities in response to these changes.

2.2.3 Facilitating Communication Between the Community and the Council

To be effective, council members need to understand the views of the people they represent. Communication is a two-way process. Councillors provide information to the community about the policies and decisions of council and the community relays its desires, concerns and opinions to the council through the councillors.

To represent both electors and the council effectively, a councillor needs to be a good communicator and keep in touch with the local community.

Councillors can keep in touch with electors in a variety of ways including:

- attending meetings of local organisations;
- being available and responding to residents who wish to raise issues or concerns;
- attending events arranged by the local government;
- participating in functions held in the local area;
- communicating with the community via a newsletter, e-mail or Website; and
- reading the local paper.

KEY CONCEPT

If you explain to electors why and how decisions were made in council, then they are less likely to be critical when decisions do not go their way.

2.2.4 Decision Making

2.2.4.1 Determining Policy

The policy-making role of a councillor requires:

- the assessment and evaluation of community needs;
- establishing priorities for the various needs identified;
- considering the allocation of local government resources; and
- convincing fellow councillors of these needs and obtaining their support.

To initiate new policies and activities successfully, a councillor will often need to gather information and obtain advice. This may be achieved through the council staff, following an approach to the CEO.

However, it should be remembered that while a policy may begin with an individual idea, decisions are not made by the individual councillor alone, they are made by the council as a whole.

This democratic process means that a councillor must accept the majority decision when the council votes upon a motion. Consequently, if a council member feels strongly about an issue he or she should present a well-constructed and researched argument during the debate on the motion. If the result of the vote is against the wishes of an individual councillor, he or she should accept that result graciously. Each council member has the right to have their dissent recorded in the minutes.

2.2.4.2 Planning for the Future

All local governments have to plan for the future, and this process starts with a Strategic Community Plan and a Corporate Business Plan. The Strategic Community Plan is a 10 year plan which states the aspirations, vision and objectives of the community, and it needs to be developed with input from the community and adopted by council.

The local government's administration then needs to develop a 4 year Corporate Business Plan which prioritises all of the important projects, services and activities needed to implement the Strategic Community Plan, stating how much each will cost, what assets will be involved, and who will implement them.

It is recommended that the Corporate Business Plan be developed using Informing Strategies, particularly asset management, long term financial planning and workforce planning. These tell the local government how capable it is of delivering the services required by the community.

Informing Strategies about specific issues, such as community safety or major infrastructure works, also assist the local government to deliver these services.

It is not necessary for council to consider and approve the operational plan or business unit plans referenced in the Corporate Business Plan, but council does need to have regard for the community's long term objectives and the local government's capacity to deliver on them when deciding its priorities.

Council has the opportunity to review the Strategic Community Plan every 2 years, to make sure it is meeting the changing needs of the community, and is required to develop a new Strategic Community Plan every 4 years.

The council will also review the Corporate Business Plan annually, to respond to changes inside and outside the local government. This process also helps council in setting the annual budget.

More information is available in the Department's Integrated Planning and Reporting Framework and Guidelines publication.

2.2.4.3 Managing Assets

All local government services and projects are delivered through the use of assets. Local government assets include everything from roads, bridges, buildings and parks, to computers and telephones.

Although assets are managed by the local government's administration, council has responsibility for making sure that the community gets the best possible value from its assets. It does this by setting affordable and achievable priorities in the Corporate Business Plan, and by making sure that the local government's Asset Management Strategy is developed and implemented, and appropriate resources are made available for that process.

More information is available in the Department's Asset Management Framework and Guidelines publication.

02. What it Means to be a Councillor

2.2.4.4 Governing Finances

The local government's Corporate Business Plan and Long Term Financial Plan will set out the projects, services and activities that the local government will deliver and how much these will cost. This information is used by council in the setting and adoption of the annual budget.

Throughout the year, reports are prepared to enable councillors to review council finances, ensure that the council is adhering to its budgets or make appropriate modifications. As with all local government business, finance is a matter for discussion and resolution by the full council. Nevertheless, the individual councillor should maintain an active interest in budgeting since the council is responsible to the community for the results achieved. A councillor may also be called upon to explain the results to the community.

More information is available in the Department's Long Term Financial Planning Framework and Guidelines publication.

2.2.4.5 Review

Another aspect of the councillor's role is to review policy from time to time. This involves assessing whether a policy is actually fulfilling the community's needs at any given time and examining the costs associated with the policy's implementation.

To review activities effectively, councillors will need to obtain relevant information from both members of the community and local government staff through appropriate channels.

2.3 A Councillor's Responsibilities

Food for thought: *People who are prompted to stand because of one particular local issue need to appreciate that they will be responsible for a much wider range of issues if elected.*

2.3.1 Attending Meetings

Council members have a duty to attend all council meetings to ensure that the electors are adequately represented. In recognition of this need for representation, the *Local Government Act 1995* provides that a councillor who is absent from three consecutive ordinary council meetings without having been granted leave by the council, is automatically disqualified. If a member wishes to be absent for more than six consecutive ordinary meetings, the approval of the Director General, Department of Local Government and Communities is necessary, as well as the approval of the council.

Info Note: *It should be noted that applications for leave of absence are usually supported but must be approved by Council before or at the meeting(s) the council member is to be absent from, not retrospectively.*

As mentioned earlier, many local governments operate using a system of committees to reduce the workload at council meetings. These committees are established to consider specific aspects of a local government's operation, such as finance, works, community services or planning. Each committee usually includes a small number of councillors who generally make recommendations to full council. Many councils also operate using committees which include non-elected members, such as employees, consultants or members of the community.

The number of meetings a councillor is required to attend each month will vary according to the frequency of the local government's council meetings and the number of committees on which the elected member sits. (Most local governments have monthly or fortnightly council meetings and committee meetings may be held several days prior to the full council meeting or on the same day.)

Some local governments have other types of meetings outside the formal council meeting framework which allow councillors and officers to meet and discuss matters.

2.3.2 Being Informed

2.3.2.1 Voting at Meetings

If a council member is present at a council meeting he or she has a duty to vote on all matters before that meeting unless he or she has a financial interest (refer to section 2.4.2 for further details). Therefore, it is important for councillors to read the agenda items and officers' reports before the council meeting. Without this background reading, it is extremely difficult for councillors to make effective assessments of issues and provide constructive input to council debate and decision making. It is also recommended that further information be requested if there is insufficient information available to make an informed decision.

Background reports and papers can often be lengthy. Consequently, councillors must set aside adequate time for preparation prior to each council meeting. The lodging of proxy votes is not permitted at meetings of council or its committees.

2.3.2.2 Being Aware of Local Issues

Because councillors are required by law to vote on all issues before the meeting, it is important that a ward councillor obtains information on, and remains informed about, issues occurring outside their ward but within other areas of the local government district.

Councillors must also endeavour to remain informed about current affairs at a State and national level. This will give an elected member a broader perspective on issues affecting council.

2.3.3 Following Up Problems

It is very important that a councillor ensures that electors' enquiries and complaints receive an appropriate response, either by telephone, email, or letter. Electors are then reassured that their local government takes notice of them.

2.3.4 Setting Aside Time and Gaining the Support Needed

To maintain contact with electors, attend meetings of council, perform other civic duties and remain informed about all relevant local issues is time consuming. This is particularly so for newly elected councillors who are unlikely to have a background knowledge of many of the issues being considered.

Newly elected councillors will need to examine their present commitments and establish priorities to manage their time effectively.

If it is important for you to have the support of your family or friends, this support should be gained before standing for election. Additionally, you will often need assistants, especially for running an election campaign (refer to section 3.5).

2.4 Accountability to the Community

2.4.1 Public Access to Information

Members of the public can attend all council meetings and certain committee meetings and they are given a right of access to certain local government records and information.

Any person can attend the office of a local government during office hours and inspect certain local government information whether it is current or not. Some examples of the documents that can be accessed are:

- the register of financial interests (refer to section 2.4.2);
- confirmed minutes of council and committee meetings;
- unconfirmed minutes of council and committee meetings; and
- notice papers, agenda, reports and other documents that will be tabled or presented to a meeting (these documents must be available to the public at the same time they are available to the members of the council or a committee).

02. What it Means to be a Councillor

Members of the public do not have a right to inspect notice papers, agenda or minutes for closed meetings. In most cases only a part of the meeting will be closed. Discussion from that closed part of the meeting will not be accessible to the public. However, details of each decision made during that time are available to the public.

Meetings can only be closed in a limited number of circumstances prescribed by the legislation.

2.4.2 Disclosure of Financial Interests

Tip: *It is pointless to seek election to a local government on a single issue in which you have a financial interest, because you would not be able to vote anyway. In this case it may be better for you to join a community group which deals with that one issue.*

Councillors must disclose certain financial interests:

- in matters before council and committee meetings; and
- in primary and annual returns.

This is an important area about which councillors need to inform themselves because there are a number of offences that can be committed. Fines of up to \$10,000 or imprisonment of up to two years can be imposed.

Disclosures at meetings and in primary and annual returns are recorded in a register to which the public has access. This enhances the accountability of councillors to the public. At the same time, protection is given to councillors because it is an offence for a person to publish information from the register unless under specified circumstances.

KEY CONCEPT

A councillor's right to privacy is balanced by the public's right to be aware of the benefits a council member could gain from a decision.

2.4.3 Disclosure of Interests Affecting Impartiality

In addition to financial interests, councillors must declare interests which the community may perceive would affect their ability to act with impartiality. Interests which commonly fall within this definition are when a councillor is a member of a group, club or association and that organisation requires council to make a decision on an application it has made. In addition, if a member's parents, siblings or children (not living at home) have an item before council, it would be wise for the member to disclose an interest affecting impartiality.

It is important to note that if a member has an interest affecting impartiality, once they have declared their interest they can still take part in debate and vote on the matter.

The Department has produced a guideline in relation to Disclosure of Interests Affecting Impartiality which is available from the Department's website.

2.4.4 Freedom of Information

Local government is subject to the *Freedom of Information (FOI) Act 1992* which gives the public a legally enforceable right to access any document held by a local government unless it has been exempted for a limited number of reasons. Personal information can be exempted from release. Both FOI legislation and the access provisions in the *Local Government Act 1995* are aimed at encouraging public participation in government and maximising the accountability of local governments to their community.

2.4.5 Financial Protection and Liability

A councillor is not personally liable for the actions of a local government where that person has acted in good faith and is properly exercising his or her powers and functions under the *Local Government Act 1995*.

However, councillors are, in effect, the trustees of local government funds and property. Any unauthorised act, such as the unauthorised use of a local government's assets in a wilful way, may result in councillors being personally liable for loss or damage that may result.

If a councillor is convicted of misapplying money and ordered to repay it, the person may be disqualified from acting as a councillor for up to five years, even if the money has been voluntarily repaid.

2.4.6 Defamation

Council members are not protected from defamation in the same manner as Members of Parliament for statements they make in the council chamber.

Defamation is the aspect of the law that protects people's reputations. It may be divided into libel, which relates to written or pictorial material, and slander, which relates to oral comments. Defamation can be defined as anything that tends to lower a person in the estimation of members of society.

In a council meeting, the elected member fulfils a public duty and is therefore given limited protection from legal actions of defamation. However, unlike a Member of Parliament, the councillor's privilege is qualified. This means that protection is only provided as long as the statements are made in good faith. Statements made with malice or made recklessly are not protected by qualified privilege. It should also be remembered that statements made outside council meetings are unlikely to attract qualified privilege.

2.4.7 Declaration

A person elected as a councillor or elected at large as a mayor or president must make a declaration to observe the code of conduct of the local government before acting in the office.

The declaration must be made within two months of election and will be organised by the local government's CEO.

2.5 A Councillor's Rights

2.5.1 Request that Votes be Recorded

In council or committee meetings, a member can request that either his or her vote or the votes of all members present be recorded in the minutes. If such a request is made, the vote or votes must be recorded.

2.5.2 Right to be on at Least One Committee

A council member is entitled to be on at least one committee comprising council members only or council members and employees if the council operates using a committee structure. The council determines the committee(s) on which the councillor is placed.

2.5.3 Request Further Information when Making Decisions

Council and committee members have information access rights that are additional to those given to the general public. These rights are to ensure that members are properly informed on matters that are relevant to their functions. Members can access the following additional information held by a local government:

- all written contracts of the local government;
- all documents relating to written contracts which the local government proposes to enter into; and
- any information that is relevant to their functions.

The functions of members are not defined, but are likely to include:

- any function that a member is appointed or authorised to carry out by the council (eg attend a meeting or conference);
- preparations for an upcoming meeting; or
- anything the member is doing in carrying out his or her role as mayor or president or councillor.

The access provisions do not give members unlimited licence to information held by the local government. Members may only seek access to information that is relevant to the performance of a particular function. Access arrangements should be made through the CEO.

02. What it Means to be a Councillor

Food for thought: *Council members, committee members or employees who make improper use of information acquired in the performance of their functions: to gain an advantage for themselves or any other person either directly or indirectly; or to cause detriment to the local government or any other person may be liable to a penalty of up to \$10,000 or two years in jail. The Local Government Act 1995 does not define the term "improper use", but it is likely to include wilfully taking advantage of confidential or restricted information held by a local government.*

KEY CONCEPT

Council members have a right to be informed before making decisions - they should always ask for further information if they need it.

2.5.4 Meeting Attendance Fees

Each council member has a right to be paid meeting attendance fees. The fee for attending a meeting is not a salary but a recognition of the amount of time and effort members must put into preparing for council and committee meetings.

The council decides the amount of the fee within the maximum and minimum amounts determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975*.

Fees for individual meetings apply unless council decides to pay an annual fee. If the council omits to set the amount of the individual meeting fee payable, members are entitled to claim the minimum amount.

Council members cannot claim fees for attending committee meetings unless they are formally appointed members of that committee.

Meeting attendance fees are taxable.

Budgets and annual financial reports (accessible by the public) are required to disclose the total amount of fees, expenses and allowances paid to council members but not the individual amounts paid to each council member.

2.5.5 Expenses

There are two types of expenses to be considered: those that must be reimbursed by the local government and those that may be by council discretion. It is important to note that some expenses may be tax deductible. The Western Australian Local Government Association (WALGA) can provide information regarding taxation matters.

2.5.5.1 Expenses That Must be Reimbursed

Each council member is entitled to be reimbursed for:

- information and communications technology expenses;
- child care expenses; and
- travel costs.

As with the amount payable for meeting fees, the extent to which the above expenses can be reimbursed is established by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975*.

Additionally, where the SAT determines that annual allowances may be paid toward these expenses, councils can decide to pay their members those allowances at the amount, or within the range, set by the SAT.

While there is capacity for councils to reimburse their members for expenses incurred in excess of these allowances, the SAT does impose limits on the level of some of these reimbursements.

2.5.5.2 Expenses That May be Reimbursed

The Act allows expenses incurred by a council member in performing a function under the express authority of the local government and expenses incurred by a council member in relation to a person who accompanies them while performing a function of the local government to be reimbursed, if a local government so wishes.

A local government may also decide upon further types of expenses to be reimbursed. Reimbursement of the actual amount is to be verified by the council members providing sufficient information.

2.5.6 Additional Allowances for Mayors and Presidents

Mayors and presidents are entitled to an annual allowance in addition to the meeting attendance fee. This allowance can be used for any local government related purpose.

- The right to claim this allowance rests only with the mayor or president and cannot be refused by the council.
- The council may decide the amount to be paid provided it is within the maximum and minimum limits set by the SAT.

Tax deductions are available for the cost of providing entertainment for the public at large in relation to official duties. (Professional advice should be sought on the issue before costs are incurred.)

2.5.7 Additional Allowance for Deputy Mayors and Deputy Presidents

Councils also have the discretion to provide an annual allowance for the deputy mayor or deputy president of a certain percentage of the annual allowance to which the mayor or president is entitled, as determined by the SAT.

Tip: *The Salaries and Allowances Tribunal now reviews the appropriate amounts for meeting fees, allowances and reimbursements on an annual basis. For up to date information on the amounts set by the SAT, look for the most current determination in the 'Local Government Elected Members' section of the SAT website, at www.sat.wa.gov.au.*

2.6 CHECKLIST: What it Means to be a Councillor

1. COUNCILLOR'S ROLE

Do you have an understanding of the councillor's role in:

- ☐ representing the community?
- ☐ providing leadership and guidance?
- ☐ facilitating communication between the community and the council?

- ☐ making decisions on all matters before council?
- ☐ determining council policy?
- ☐ governing finances?
- ☐ forward planning and evaluation of council's progress?

2. COUNCILLOR'S RESPONSIBILITIES

Are you clear about:

- ☐ the need for a councillor to be fully informed?
- ☐ the importance of council and committee meetings and voting?
- ☐ requirements about attending meetings and leave of absence?
- ☐ the importance and value of following up problems?
- ☐ the support you would need?

3. ACCOUNTABILITY TO THE COMMUNITY

Are you satisfied that you have a good appreciation of the accountability requirements in relation to:

- ☐ public access to information?
- ☐ disclosure of financial interests in meetings and returns?
- ☐ disclosure of interests affecting impartiality?
- ☐ financial liability?
- ☐ defamation?
- ☐ making the necessary declaration as an elected member before you act in the office?

4. COUNCILLOR'S RIGHTS

Are you aware of a councillor's right to:

- ☐ request that his or her vote be recorded in meeting minutes?
- ☐ request further information when making decisions?
- ☐ be on at least one committee?
- ☐ receive meeting attendance fees?
- ☐ receive reimbursement of certain expenses?
- ☐ receive an additional allowance if mayor or president, deputy mayor or deputy president?

03. How to Become a Councillor

There are a number of significant dates associated with local government elections that candidates need to be mindful of when running for council. See page 39 and also on the Department's website for a copy of the timetable.

3.1 Nominating

3.1.1 Are You Eligible to Nominate?

To stand for election as a councillor or a mayor or president elected by the people of the district, you must:

1. be 18 years of age or older;
2. be an elector of the district (if you are only an elector because you are a nominee of a company then you are not eligible to stand);
3. (if you are a current council member), have a term that ends on Election Day, unless you are standing for mayor or president elected at large.

3.1.2 You Are Not Eligible to Nominate if You:

1. are a member of State or Federal Parliament;
2. are an insolvent under administration;
3. are serving a prison sentence for a crime;
4. have been convicted of a serious local government offence within the last five years, (unless the court waived the disqualification);
5. have been convicted on indictment of an offence for which the indictable penalty was or included imprisonment for life; or imprisonment for more than 5 years;
6. are a member of another council; or
7. are subject to a court order disqualifying you from being a council member because you have misapplied local government funds or property;
8. are the nominee of a company;
9. propose standing for two positions on council (unless you are standing for mayor or president as well as councillor); and
10. are currently disqualified by the State Administrative Tribunal from holding office as a member of a council.

3.1.3 How to Make an Effective Nomination

For a nomination to be effective:

1. you must fill out the nomination form;
2. the nomination must be received by the Returning Officer (this role is explained further in section 4.2) within the period beginning the 44th day before Election Day and ending at 4pm on the 37th day before Election Day;
3. it must be accompanied by a candidate profile (refer to section 3.1.3.4 and Appendix 2);
4. if made by an agent it must be accompanied by a written authorisation from you (or such authorisation must follow before nominations close, ie 37th day before Election Day); and
5. it must be accompanied by a deposit of \$80 or the deposit must be paid before nominations close.

KEY CONCEPT

For an "effective nomination" you must have a:
nomination form
candidate profile
deposit
authorisation (if using an agent to lodge).

Tip: *The earlier you lodge your nomination, the easier it will be for the Returning Officer to notify you of any errors or irregularities.*

3.1.3.1 Name on Nomination

The name to be printed on the ballot paper must be your surname and one or more of your given names (or an initial or a commonly accepted variation). You must use the same name on your candidate profile. To ensure fairness between candidates the Returning Officer may rule that a name is inappropriate for inclusion on the ballot paper. If so, he or she may ask you to nominate another name or choose one he or she considers appropriate. Talk to the Returning Officer if you are uncertain about whether you can use a certain variation.

3.1.3.2 Forwarding of Nomination

A nomination can be:

- delivered by you or your agent (if your nomination is signed and sent with someone else you must provide a written authorisation signed by you before nominations close, permitting them to lodge the nomination);
- posted;
- faxed; or
- sent by any electronic means providing a hard copy of the nomination can be printed in full including your signature.

A nomination is deemed to be received when a hard copy is printed. Note that the receipt of your nomination does not mean that it has been accepted as an effective nomination. Also the \$80 deposit must be paid before a nomination can be accepted.

Tip: *If faxing or e-mailing your nomination, phone your local government's Returning Officer to check if he or she has received and made a hard copy of it before the close of nominations.*

3.1.3.3 Deposit

The \$80 deposit can be paid by cash, bankdraft or postal order made out to the local government. It can also be paid in other ways such as by cheque or electronic funds transfer subject to the approval of the Returning Officer. The reason that a deposit is required is to discourage frivolous nominations.

3.1.3.4 Candidate Profiles

Your profile:

- is to be in English;
- is to be no more than 150 words (excluding your name and contact details);
- is to be confined to information about you, your policies and beliefs;
- is not to contain information that is false, misleading or defamatory;

- is to be on a single-sided A4 page (it can be handwritten, typed or printed);
- is to include your full name, address and contact numbers (your name is to be in the form in which you have asked for it to be shown on the ballot paper); and
- can include a recent head or head and shoulders photograph no larger than a passport photo if you so wish.

The purpose of the profile is to provide information to electors about your policies and beliefs as well as your personal details so that they can make an informed choice when voting.

You may wish to tell them what you think are important services and facilities for your community and which you would like your local government to consider providing; highlight new areas where council could develop policies; and tell them what you would work towards on their behalf should you be elected.

Statements could be worded:

- I believe
- I support
- I participated in
- I raised the idea / concept in council
- To illustrate my beliefs / policies I have been involved in....

A candidate who has not been an elected member previously could relate the beliefs / policies to positions, decisions or outcomes they would try to have the council adopt. They could indicate their involvement with community groups that may have aims / purposes / agendas with which the candidate agrees.

Take care to avoid negative comments about other candidates or anyone else. Such comments could be viewed as defamatory. Make sure that the statements you make are practical and will not mislead.

03. How to Become a Councillor

The Returning Officer can amend your profile if it does not meet these requirements. Preferably, this will be done in consultation with you. This can be done before or after nominations close. If a profile is changed, the Returning Officer will promptly provide you with written notice of the change and the reason for it.

Where there is a voting-in-person election, the Returning Officer will arrange for the display of your profile at each polling place as well as the local government's public notice board. For this purpose, the Returning Officer may reproduce it in the same form or another form.

In a postal voting election or where a postal voting package is sent to a person in a voting-in-person election, the profile will be included in the package. Again it may be reproduced in the form in which you submitted it, or it may be re-formatted. (Types of elections are explained in section 4.)

Two examples of candidate profiles are included in this Guide at Appendix 2.

Tip: *Read the notes on the back of your nomination form (refer to Appendix 4 for an example of the nomination form) before you fill it out and before you write your profile. Adhere to the conditions set down for candidate profiles as your nomination could be rejected if it does not conform with the requirements.*

Tip: *Should you wish to submit a photo, it is suggested that you use one with a light background as this provides better quality reproduction. The photo is included in the overall size limitation of the profile (single-sided, A4).*

KEY CONCEPT

The purpose of the candidate profile is to enable electors to make an informed choice when voting.

3.1.4 Rejection of Nomination

A nomination can be accepted or rejected. It can only be rejected if it is ineffective, (ie does not meet one of the requirements listed in section 3.1.1 and 3.1.2.), or if it is not properly completed and signed, or if the deposit fee is not received by the end of nominations.

When a nomination is rejected, the Returning Officer must give you written notice of the decision and the reasons for it, without delay. This is another reason for lodging your nomination early.

3.1.5 Display of Nomination and Profile

When a nomination has been accepted the Returning Officer will arrange for your nomination details, but not your nomination form, and your profile to be displayed on a public notice board at the local government's offices. Nomination details include the candidate's name, the name to appear on the ballot paper, the ward (if any), mayor/president or councillor position and the type of election, ie ordinary or extraordinary.

The details and profile will stay on display at the local government's offices until the result is declared if no election is required (see section 3.2) or until 6pm on Election Day.

A copy of the profile will also be displayed in a prominent position in each polling place and must accompany each set of postal voting papers.

3.1.6 Nominations Can be Cancelled

A nomination is cancelled if you withdraw it before nominations close. Nominations can only be withdrawn by a written notice to the Returning Officer. If the notice is from your agent it must be accompanied by, or be followed by, a letter of authorisation from you before the close of nominations. A withdrawal notice or letter of authorisation can be transmitted in the same way as a nomination paper. (see section 3.1.3.2)

When a nomination is cancelled, nomination details and profiles will be removed from display and be replaced by a notice of the cancellation until nominations close.

If you withdraw after 4pm on the day before nominations close, you will forfeit your deposit. Withdrawing of nominations can only occur up to the close of nominations, (4pm on the 37th day before Election Day). Your nomination cannot be withdrawn after the close of nominations.

3.2 Is There Going to be an Election?

NO

- If the number of candidates equals the number of vacancies to be filled at the election, the candidates are declared elected unopposed and no formal election (poll) is held.
- If the number of candidates is less than the number of vacancies to be filled at the election, the candidates are also elected unopposed and an extraordinary election will be held to fill the remaining vacancies.

YES

- If there are more candidates than vacancies to be filled an election (poll) will be held.
- The Returning Officer will draw lots to determine the order in which the names of the candidates will appear on the ballot paper.

3.3 Rights and Obligations of Candidates

Are you going to be involved in an election? If the answer is “yes” then the next few sections will outline your rights and obligations as a candidate standing for election.

3.3.1 Candidates are to Receive Copies of the Electoral Rolls

As a candidate in an election you are entitled to a copy of the roll (hard copy or CD) for that election free of charge. You may be charged for any additional copies. This will depend upon the policy of your local government.

3.3.2 Candidates may be Present for the Acceptance of Nominations

After nominations close, the Returning Officer must announce the nominations that have been accepted in front of any candidates (and anyone else) then present. This will normally occur shortly after 4.00pm but it could be delayed, for example, if the Returning Officer has decided to amend a candidate's profile. You can expect to be advised if there is a delay. You can also be present for the drawing of positions on the ballot paper.

3.3.3 Disclosure of Electoral Gifts

Both candidates and donors are to disclose information about any electoral related gift with a value of \$200 or more that was given or promised within the six month period prior to the relevant Election Day. For example, the reporting period for the 19 October 2013 elections commenced from 19 April 2013.

In addition, any gifts from unidentified donors must be disclosed and provided to the CEO of the relevant local government for disposal.

Within three days of nomination, a candidate will need to disclose any gifts received within the relevant period prior to nomination and then disclose any further gifts thereafter. Details about each gift are to be submitted within three days of receiving the gift once nomination has been made. Donors will also need to disclose any gifts made within the relevant period and candidates should advise donors of their reporting responsibilities

A “gift” includes a gift of money, a gift which is nonmonetary but of value, a gift in kind or where there is inadequate financial consideration such as the receipt of a discount (where the difference or the discount is worth more than \$200). A “gift” could also include a financial or other contribution to travel, the provision of a service for no consideration or for inadequate consideration, and a firm promise or agreement to give a gift at some future time.

A “gift” does not include a gift by will; a gift by a relative; a gift that does not relate to the candidate's candidature; or the provision of volunteer labour.

The disclosure of a gift is to be made to the Chief Executive Officer of the local government. Information to be supplied includes the name of the candidate, the name and address of the donor, the date the gift was promised or received, the value of the gift and a description of the gift.

The disclosure period finishes three days after Election Day for unsuccessful candidates and on the start day for financial interest returns for successful candidates.

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3.3.4 Candidates may Observe Counting of Votes

You may be present at the place the votes are counted subject to any directions of the Returning Officer. This place will be identified in the election notice that the local government publishes. If you do not see the notice you should ask the Returning Officer for your local government where the votes will be counted.

Candidates must also be given advance written notice of when and where the electors' certificates for postal voting papers will be checked. They may also be present for the checking of certificates for absent voting papers. However, ballot papers for postal and absent votes will not be checked until after voting closes.

Where a postal election is conducted by the Electoral Commissioner, to expedite the count, the Returning Officer may arrange for the opening of the ballot paper envelopes prior to 6pm on polling day. Without examining the ballot paper, the Returning Officer may remove the ballot paper from the envelope and place it into a sealed ballot box which must remain sealed until the close of voting.

3.3.5 Candidates may be Present at the Result Declaration

After the result of an election is determined, the Returning Officer must as soon as is practicable declare in the presence of any candidates or other persons, the names of each candidate, the order in which they were elected or excluded and the terms of office of those declared elected.

3.3.6 Candidates can Appoint Scrutineers

A scrutineer is a person who observes the conduct of an election, on behalf of a candidate. After an election is called and polling places are identified you can appoint your scrutineers. Any number of scrutineers may be appointed but only one of your scrutineers may be actively representing you at any one polling place at any one time.

- A scrutineer must be 18 years of age or over to be appointed.

- You cannot be appointed to act as a scrutineer for elections at which you are a candidate.
- Before acting, each scrutineer must make a declaration on the prescribed form before an authorised witness. This may be the Returning Officer, the Returning Officer's deputy or a Presiding Officer.
- The declaration sets out rights and duties for scrutineers.
- Scrutineers must be identifiable as scrutineers at the polling and counting places. They can observe proceedings to see that legal requirements are being met. However, they must not interfere with the process or conduct of an election. This means that they are not to slow down workflows, slow down the checking of votes or interfere with automated processes, nor expect a Returning Officer to provide them with lists of information such as who has voted.
- Only one scrutineer can be present at the count. However, a Returning Officer may permit one scrutineer per candidate for each counting table.
- Scrutineers must comply with the directions of the Returning Officer and with reasonable requests made by an electoral officer.

3.4 Rights and Duties of a Scrutineer

3.4.1 What you may do

As a scrutineer you may:

- attend at a polling place mentioned in your notice of appointment to observe the conduct of the election and to make sure that the *Local Government Act 1995* is being complied with;
- observe the checking of absent and postal votes; and
- be present when ballot boxes are opened, when preferences indicated on ballot papers are recorded electronically and votes are being counted.

3.4.2 What you must do

As a scrutineer you must:

- wear identification of your appointment as a scrutineer;
- have your copy of the Appointment of Scrutineer form with you at all times and produce it when requested to do so by the Presiding Officer at a polling place; and
- comply with all directions given by the Returning Officer and all reasonable requests made by any other electoral officer.

3.4.3 What you must not do

As a scrutineer you must not:

- enter a polling place if another scrutineer appointed by the same candidate is already there (unless one of you is in the polling place just to cast your vote);
- take part in the conduct of the election;
- while in or within 6 metres of a polling place:
 - canvass for votes;
 - solicit the vote of an elector;
 - induce an elector to vote for a particular candidate;
 - induce an elector not to vote at the election; and
 - record the name of a person who attends a polling place to vote or record any information given by a person to an electoral officer in order to receive a ballot paper.

3.5 Return of Nomination Deposits

Nomination deposits are to be returned to any successful candidate, and any candidate who receives at least 5% of the total number of votes in the count.

Deposits are also to be returned if a candidate withdraws before 4.00pm on the 38th day before Election Day, or if a candidate in both an election for councillor and an election for mayor or president is elected as mayor or president.

3.6 Offences

There are a number of other offences set out in the *Local Government Act 1995* (the Act) that you need to be aware of, some of which are as follows.

It is an offence to:

- bribe or exert undue influence to get someone else to commit an electoral offence;
- print, publish or distribute misleading statements or make or publish false or defamatory statements about others;
- not disclose to the CEO of a local government, an election gift received in the period 6 months before an election;
- publish unfair or inaccurate information derived from an electoral gift register;
- make false statements in your nomination;
- canvass voters, solicit the vote of an elector, or induce an elector not to vote for a particular candidate or not to vote at the election, within six metres of the polling place, unless the Presiding Officer or Returning Officer relaxes this requirement;
- forge, deface or destroy a ballot paper;
- fraudulently put a ballot paper in to a ballot box;
- interfere with any ballot box or ballot paper;
- assume the identity of an elector;
- supply a ballot paper or mark a ballot paper without authority;
- communicate with, assist or interfere with an elector while the elector is marking a ballot paper from a postal voting package;

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- apply undue influence or pressure on an elector to apply for a postal vote, interfere with an elector while the elector is applying for a postal vote or take custody (or cause any other person who is not the elector to take custody) of an envelope in which there is a postal vote (these offences specifically relate to candidates, or a person expressly authorised to act on behalf of candidates such as a scrutineer); and
- not include the name and address of the person authorising electoral (campaign) material to be printed along with the name and business address of the printer.

The offences listed above carry maximum penalties ranging from \$2,000 to \$10,000 or imprisonment for two years.

For other offences it is suggested that sections 4.85 to 4.95 of the Act be perused.

Tip: Now you know what is involved in becoming a councillor! Use the following checklist as it will be useful if you decide to go ahead and nominate.

3.7 CHECKLIST: How to Become a Councillor

1. ELIGIBILITY TO NOMINATE

Do you meet the requirements?

- ☐ 18 years of age or over.
- ☐ An elector of the district.
- ☐ Not eligible because you:
 - a. are a member of Parliament;
 - b. are an insolvent under administration;
 - c. are serving a prison sentence for a crime;
 - d. have been convicted of a serious local government offence;
 - e. have been convicted on indictment of an offence for which the indictable penalty was or included imprisonment for life; or imprisonment for more than 5 years;
 - f. are a member of another council;
 - g. have misapplied local government funds or property; or
 - h. the nominee of a company.

- ☐ Are not standing for two positions of councillor.
- ☐ Are not a current member whose term continues past Election Day (unless you are standing for mayor or president).

2. EFFECTIVE NOMINATION

Have you made an effective nomination?

- ☐ Nomination form (Form 8 or 9) completed and received by the Returning Officer before nominations close.
- ☐ If Form 9 is submitted by your agent, your written authorisation must be provided before nominations close.
- ☐ Candidate profile must be submitted before nominations close.
- ☐ Deposit must be paid before nominations close.

3. CANDIDATE PROFILE

Does your profile meet the requirements?

- ☐ It is in English.
- ☐ It contains no more than 150 words (not including your full name and details of how and where you can be contacted).
- ☐ It is confined to information about you, your policies and beliefs. There is no information which could be considered to be false, misleading or defamatory.
- ☐ It is hand written, typed or printed or capable of being printed on a single A4 page.
- ☐ If you have included a recent photograph, was it taken less than 6 months before your nomination or shows a reasonable likeness to you, and is no larger than passport size and it is of your head or head and shoulders only.
- ☐ It includes your full name in the form you have requested it to appear on the ballot paper.
- ☐ It includes details of how and where you can be contacted.

4. RIGHTS AND OBLIGATIONS

Have you noted that:

- ☐ You can receive a copy (hard copy or CD) of the electoral roll for the election for which you are nominating free of charge.
- ☐ Both a candidate and any donor will need to disclose to the CEO all gifts received in the six-month period before the date of the election.
- ☐ You can be present when the Returning Officer declares nominations and draws lots for positions on the ballot paper if there is an election.
- ☐ You can observe the counting of votes, subject to the directions of the Returning Officer.
- ☐ You should receive advice from the Returning Officer about where postal and absent voting papers will be checked, and you can be present for this.

5. SCRUTINEERS

Have you:

- ☐ Only appointed scrutineers who are 18 years of age or over?
- ☐ Advised your scrutineers of their rights and duties and what they cannot do?

Key Steps For Candidates

- Are you eligible?
- Is your nomination in order?
- Does your profile meet the requirements?
- Will you be appointing scrutineers?
- Are they aware of their rights and responsibilities?

3.8 Campaigning

This information is designed to give some assistance to people who have never been involved in campaigning for an election before. There are many ways to campaign. This is merely an introduction to the subject.

Tip: *You may not need to run a campaign (as there is always a possibility of being elected unopposed) so it may be unwise to spend money before nominations have closed.*

3.8.1 Tax Deduction for Campaign Expenses

Under the Income Tax Assessment Act, councillors are entitled to claim the first \$1,000 of their campaign expenses as a tax deduction.

Info Note: *Unsuccessful candidates are also entitled to claim the first \$1,000 of their campaign expenses as a tax deduction.*

3.8.2 Preparing for the Campaign

To begin organising a campaign, a candidate needs information about the electorate and about whether the election is a voting in person election or a postal election (these methods of voting are explained in section 4.4).

Tip: *You should note that with the variety of voting methods available to electors your formal campaign should begin at least as soon as notice is given to hold the election.*

The Returning Officer is able to provide details of electors in ward or district boundaries, while the Australian Bureau of Statistics can provide information on the people living in the area. As mentioned earlier, each candidate, when nominating, must be supplied free of charge with a roll identifying all voters in the electorate.

As a candidate you need to become familiar with the election processes (refer to section 4) and with your local government's existing policies, activities and latest initiatives because many questions are likely to be asked about these matters. For example, you could have a look at your local government's policy register, strategic plan, budgets and minute books.

03. How to Become a Councillor

3.8.3 Planning the Campaign

Tip: *It is worth remembering that voting in local government elections is voluntary. Before you can convince people to vote for you, you must first motivate them to vote.*

When organising a campaign, three key points need to be remembered:

- voting is voluntary and people are more likely to vote if they believe that you can achieve something for the district;
- local government is locally based and personalised, so a campaign should reflect this; and
- you may need assistants.

There are many methods of campaigning, including:

- telephoning people you know;
- distributing leaflets and pamphlets;
- doorknocking;
- making contact with local organisations;
- meeting people in public areas like shopping centres;
- preparing articles for local newspapers;
- paying for press advertisements;
- providing a profile of your background to the local paper;
- addressing public meetings; and
- giving interviews to local radio stations.

The methods used and the type of campaign run by you will depend on a number of factors, including:

- the likely strength of opponents;
- the most effective media for reaching voters in the district;
- time availability;
- the number of assistants who can be organised;
- the size of the district to be covered;
- the funds available for the campaign;
- the type of election (voting in person or postal); and
- the structure of your local government, eg is it divided into wards?

3.8.4 Campaigning Techniques

3.8.4.1 Doorknocking

Apart from nominating, doorknocking is usually the most important pre-election task for a candidate. Although it may be the most effective form of communicating, it can also be the most frustrating. It is a slow process and you will be lucky to cover 15 houses in an hour and many of these will be unattended.

It can also be disappointing. Many people will show no interest whatsoever, some may be abusive, while others will have little knowledge of anything to do with local government.

Tip: *When you find a home unattended do not announce this fact to potential thieves by leaving visiting cards or election material on the door step, tucked into screen doors or under doormats; anywhere visible. Potential voters will not view such actions favourably. If you or your assistants wish to leave any messages or election material, it might be best to place it in the letterbox.*

To doorknock effectively you need to:

- be positive - you are offering to perform a voluntary service for the people of the community;
- briefly explain the purpose of the call - if the person is busy, ask for a time to call back;
- be friendly and listen to the issues people want to talk about - do not push ideas on to people;
- write down details of the person's concerns and reactions to the visit - assistants could phone back supportive electors to remind them to vote for you on Election Day;
- limit the time spent at each dwelling or business;
- be prepared for complaints and be able to suggest ways in which people can pursue them through the current council;
- explain who can vote and try to speak to everybody in the household who is eligible to vote;
- finish the conversation by seeking support;

- leave a handout or a leaflet behind – this will serve as a reminder of the visit; and
- leave a note or an election handout at dwellings where nobody is home.

Tip: *Respect the confidence of people who have expressed concerns or ideas to you. Discussing ideas and concerns with other residents can be an effective means of gauging public feeling on important issues. This can be done without revealing the identities of people who have previously commented.*

When doorknocking, be cautious about making promises which require the support of others. You can only assure people that you will endeavour to keep issues of concern on the council's agenda. Additionally, you should not be afraid of saying that you do not have an answer to a question. In such situations, you should subsequently research the issue and provide the elector with any information requested as soon as possible.

You are unlikely to be able to visit all of the houses in your electoral area. You might target suburbs or groups within the community which are most likely to support you. You may also consider using assistants to cover suburbs which you cannot. However, they need to be well informed and briefed on your views as they are speaking on your behalf.

Many people are suspicious of strangers and will not unlock security screen doors to speak to you. Respect their right to that security and ensure that you and your helpers wear prominent identification.

You may wish to offer to transport electors to the polling place, particularly if the people are aged or infirm.

Tip: *If your local government is holding a full postal election, you may wish to remind electors that they can only vote by post. Electors cannot put in an early or absent vote or vote in person. (Voting procedures are explained further in section 4.)*

3.8.4.2 Printed Election Material

In addition to the candidate profile it is common for candidates to distribute other forms of election material to inform voters they are running for council. This material can take the form of pamphlets, posters, how to vote cards and letters. If you use any of these methods it will need to be authorised. To appropriately authorise campaign material you must include the name and address (not a post office box) of the person who authorised the material to be printed (usually that will be you but it does not have to be). You also need to include the name and business address of the printer (this includes someone who photocopies material for you).

There are offences associated with the printing and publication of electoral material outlined in section 3.6.

Tip: *While the candidate profile must be printed in English for the purpose of nomination, there is nothing to prevent you producing other promotional material in other languages if you believe it would be beneficial.*

Any printed material should contain a wide variety of information in a concise and readable form. This must include your name and could include some personal details such as your occupation and involvement with community groups; issues of concern and suggested ways to address these. It may also be useful to include your photograph on the printed material. You should note that, before getting any documents printed, it is advisable to ask a friend or supporter to read and check the information for clarity.

Ideally, every household in your electorate should receive a leaflet. If your ward or district has many absentee property owners, you may wish to send pamphlets to them along with instructions for postal and absent voting (that is, if your local government is not holding a full postal voting election).

03. How to Become a Councillor

Distributing these leaflets can be time consuming and you should try to get supporters to deliver the leaflets where possible. Your time will be better spent in personal contact with electors. Advise your helpers to respect the “No Junk Mail” signs on letterboxes.

If your budget allows, you may wish to use a professional distribution company to deliver your leaflets.

Personally addressed letters, either from yourself and/or other people in the local community can also be an effective way to gain support for your campaign. However, before deciding on whether you will use somebody else to send a letter on your behalf, you will need to seriously consider whether it will be of benefit to you.

Posters are also a useful way to publicise that you are standing for council. In general, posters are only

allowed to be placed on private property. However, if you are in any doubt, check with your council before affixing any signs.

Newspaper advertisements are commonly used by candidates. Advertisements must be authorised. However, the name and business address of the printer of the newspaper should be on the newspaper, so it does not need to appear in the advertisement.

Food for thought: *If a person photocopies a printed advertisement, this person is considered to be “printing” and is required to put his or her name and address on the photocopy.*

Names and addresses of authorising people and printers do not have to appear on car stickers, clothing, lapel badges, pens, pencils, balloons and other similar promotional material.

04. What You Need to Know About Elections

4.1 Types of Elections

4.1.1 Ordinary

Local government elections are held every second year. Councillors and mayors/ presidents elected by electors are elected for four-year terms. One half of the councillors retire from each district or ward at each election.

4.1.2 Extraordinary

In cases where a councillor or a mayor/president elected by electors dies, resigns or is disqualified during his or her period of office, an extraordinary election may be held to fill the vacancy. In such cases, a person is elected for the remainder of the former councillor's or mayor / president's term.

4.1.3 Inaugural

When a local government is newly established an inaugural election must be held to elect the first council.

4.2 Who Conducts Elections

The Returning Officer runs the election. This is normally the CEO of the local government but the council may, with the approval of the Electoral Commissioner, appoint another person. An alternative Returning Officer could be another staff member, a CEO from another local government or the Electoral Commissioner or any other person approved by the Electoral Commissioner. If the election is to be a full postal election, then the Electoral Commissioner will conduct the election and appoint an Returning Officer.

4.3 Who Can Vote?

An elector will be one of three groups of people who are eligible for enrolment.

1. Residents who are on the Legislative Assembly roll for a residence within the district or ward (the electorate).
2. Non-resident owners or non-resident occupiers of rateable property within an electorate who are on a State or Commonwealth Government electoral roll for a residence outside the electorate.

3. Non-resident owners or non-resident occupiers of rateable property within an electorate who are not on a State or Commonwealth Government electoral roll (not Australian Citizens) but who:

- were enrolled on the last completed owners and occupiers roll of the local government before the introduction of the Local Government Act 1995; and
- have owned or occupied rateable property within the district continuously since that roll was prepared.

Residents on a State or Commonwealth Government roll for the district are automatically enrolled, while owners and occupiers of rateable property must apply for enrolment.

For non-resident occupiers of rateable property, an application will only operate for two ordinary elections before a new application needs to be made. Occupants will have 6 months after the second ordinary election to re-apply.

To be a non-resident occupier, a person must have a right of continuous occupation under a lease, tenancy agreement or other legal instrument. The right of continuous occupation must extend for a period of at least three months from the time the person claims enrolment.

Where rateable property is owned or occupied by two persons, both of them are eligible to be enrolled. If property is owned or occupied by more than two owners or occupiers or the owner or occupier is a company, only two people can be nominated to enrol. The same two people must be nominated for all of the properties within the district that are owned or occupied by the company or people concerned. This ensures that in any election, a company or multiple owners or occupiers have no greater voting rights than a couple who own or occupy rateable property.

If an elector's property is divided by local government district boundaries, a person can go on to the roll for each district. If property is divided by ward boundaries, a person is entitled to be enrolled only for the ward they nominate. If they fail to nominate a ward, the CEO will do so.

04. What You Need to Know About Elections

If there are separate occupancies within a building or property, up to two people can be enrolled for each occupancy.

Electoral rolls close at 5pm on the 50th day before polling day.

4.4 Conduct of Election and Method of Voting

Each local government can choose to conduct an election as either a “*voting in person election*” or as a full “*postal voting election*”.

4.4.1 Voting In Person Election

In a voting in person election the principal method of casting votes is by the elector voting in person at a polling place in the local government district on Election Day. However, votes can also be cast in person before Election Day at a polling place in the local government district (early vote), in person at another local government district up to 4pm on the fourth day before Election Day (absent vote) or by post (postal vote).

4.4.1.1 Voting on Election Day

Voting in person at an appointed polling place on Election Day is between the hours of 8am and 6pm.

4.4.1.2 An Early Vote

An early vote can be cast as soon as the election notice is published Statewide. The notice will be published as soon as the preparations for the election have been made. This could be any time after nomination day (36 days before the election) and not later than 19 days before Election Day.

The latest an early vote can be cast is by 4pm on the day before Election Day.

The places and times for early voting will be published in the election notice.

4.4.1.3 An Absent Vote

As with an early vote, an elector will be able to cast an absent vote as soon as the election notice is published. An absent vote can be cast at any local government office other than the office of the local government for which the elector wishes to vote.

The latest they will be able to do so will be 4pm on the 4th day before Election Day.

4.4.1.4 A Postal Vote

For voting in person elections, electors will be able to make an application for a postal vote at any time.

The latest they will be able to apply for a postal vote will be 4pm on the 4th day before Election Day.

Postal voting papers will be sent to all electors who have applied for a postal vote after the election notice is published (ie 36 to 19 days before Election Day). Completed papers can be returned to the local government or one of its polling places at any time up to 6pm on Election Day but it must be remembered that most post offices will be closed on Election Day ie. Saturday.

A postal vote can be cast as soon as the election package is received (this could be any day after the 37th day before Election Day).

Food for thought: *An election candidate who applies undue influence on an elector to apply for a postal vote, interferes with an elector whilst they are applying for a postal vote or takes custody of an envelope in which there is a postal vote, commits an offence.*

4.4.2 Postal Election

Each local government can choose to conduct an election as a postal election in preference to a voting in person election. As mentioned earlier, postal elections will be conducted by the EC. Postal voting is more expensive but it has been shown to increase voter participation and make voting easier. In a postal election, an elector can only cast a postal vote.

Info Note: *Candidates participating in a postal voting election should also obtain the candidate pack which includes: "A Guide for Candidates – Local Government Postal Elections" which is available from your Returning Officer or the WA Electoral Commission (The WAEC). The candidate pack may be downloaded from the WAEC website: www.waec.wa.gov.au.*

A postal voting election package is sent to all electors on the local government's roll; no application being required. The package can be sent as soon as practicable after the close of nominations. The package contains:

- voting instructions;
- candidate profiles (reproduced in such form as the Returning Officer determines);
- a ballot paper;
- a ballot paper envelope;
- an elector's certificate; and
- a pre-paid envelope for return of the papers to the Returning Officer.

Completed postal voting papers can be checked by the Returning Officer at any time prior to the close of polling, and, as mentioned earlier, candidates may be present.

Food for thought: *An election candidate who communicates with, assists or interferes with an elector while the elector is marking a ballot paper from a postal voting package, commits an offence.*

A candidate or a person assisting a candidate should ensure that they do not take possession of a postal voting envelope with postal votes.

4.5 What system of voting is used for the local government elections?

4.5.1 First past the post voting

Local government elections are conducted using the 'first past the post' system, in which electors indicate the candidate, or candidates, of their choice by placing a tick in the box opposite the names of the chosen persons, up to the number of vacancies to be filled.

If an elector ticks fewer boxes than the number of vacancies the vote will be valid. However, if the elector ticks more boxes than vacancies the vote will be invalid as the voter's intention will be unclear.

The result of an election is determined by counting the number of votes received by each candidate in the count.

In cases where there is a single vacancy, the candidate with the most votes is elected, while in cases where there is more than one vacancy, candidates are elected in order according to the number of votes received by each, until all vacancies are filled.

Where a person is a candidate for a mayoral or presidential vacancy and a councillor vacancy, the mayoral or presidential election is decided first. If the candidate is successful in the mayoral election, the candidate's votes are not counted for the councillor election.

4.5.2 Declaration of result

After the result of an election is determined, the Returning Officer is to declare the name of each candidate, the votes received by each candidate and the terms of office of those declared elected.

The RO must then give local public notice of the result.

04. What You Need to Know About Elections

4.6 Court of Disputed Returns

Any person can make a complaint to a Court of Disputed Returns (Magistrates Court) within 28 days after notice is given of the election result. The 28 days is calculated from the publication of the notice in a local newspaper.

The Court has the power to declare that:

- an election is invalid;
- a candidate should be declared elected in place of another candidate;
- the term of office of a candidate should be longer or shorter than the term determined by the RO;
- the result is tied and lots need to be drawn to determine the result; or
- the invalidity complaint is rejected.

4.7 Complaints to the Returning Officer or Electoral Commissioner

Rather than make a complaint to a Court of Disputed Returns a person may complain to the RO or the EC. The RO or the EC may investigate any complaint of electoral misconduct, malpractice or maladministration. An investigation could also be carried out regardless of whether there has been a complaint. Any person may prosecute for an offence against the electoral provisions.

4.8 Candidates' Deposits

After the time that a Court of Disputed Returns is able to deal with a complaint, the RO should ensure that nomination deposits are returned to eligible candidates.

05. Useful Knowledge and Skills for Councillor

5.1 Knowledge

Some new councillors will begin with a knowledge of local government and the relevant legislation under which it works. For others, it will be new and perhaps a little daunting at first.

Some of the main areas of local government powers are listed below and it would greatly assist your work as a councillor if you could become familiar with these as soon as you are able. You will then feel more comfortable in your role as a councillor.

- *Local Government Act 1995* and the associated regulations.
- Other key legislation such as town planning, health and environmental protection legislation.
- Meeting procedures, including Standing Orders of your local government.

5.1.1 There is Help Available for You

It is a primary function of the CEO of a local government to provide information and advice to councillors on legislative requirements and related matters. This will be supported by further information, including reports, provided by other members of staff of your local government.

The Department has produced the “*Elected Member Induction Guideline*”, which includes a checklist, to assist new councillors with preparing for their role as a councillor. It is a useful guide to ensure newly elected councillors are briefed on the different aspects of local government. Newly elected councillors will be automatically sent a copy of the Guidelines.

Additionally, training is available for new councillors soon after they have been elected and a Councillor's Guide has been produced by the Western Australian Local Government Association.

A list of contacts in the industry is included in Appendix 3.

5.2 Skills

If elected as a councillor, you will find yourself in a wide range of situations including:

- taking telephone calls from people in the district, some with ideas to put to you, others irate or wanting you to fix a problem;
- speaking to small groups of people in public places;
- putting forward motions at council or committee meetings;
- participating in debates on complex issues at meetings;
- reading and preparing notes from a large assortment of material in preparation for council meetings;
- dealing with situations involving major change;
- listening to the views of people at community meetings and forums; and
- contributing in planning and review workshops.

The skills required for you to be able to deal with these situations are often skills that you have already acquired in everyday life.

These include:

- conflict resolution
- interpersonal skills
- team skills
- active listening skills
- time management
- forward planning
- problem solving and analytical skills
- understanding of financial (eg budgeting) and legislative processes
- public speaking
- negotiating
- managing change
- patience

If you would like to sharpen your skills in some areas or perhaps learn new ones as part of the challenge and enjoyment of being a councillor, there are many workshops and short courses available. You should discuss your needs with your CEO.

06. How to Hit the Ground Running if You Get Elected

6.1 Find Out About Your Local Government

The time between Election Day and your first council meeting can vary. Your local government's CEO will inform you of the time and date of the first meeting.

During the time between the election and the first meeting, you should acquaint yourself with key aspects of your local government's operations. These include your local government's:

- meeting procedures (in many cases these are formalised in Standing Orders local laws);
- latest budget;
- existing policies and activities;
- forward works or financial plans;
- town planning scheme(s);
- Code of Conduct; and
- local laws.

6.2 Dealing With Meetings

Many books have been written about formal meeting procedures. These should be available through local libraries and they provide a useful introduction to the subject.

However, the best way to learn about the specific meeting procedures adopted by an individual council is to have observed a meeting in action. This is particularly important because the meeting procedures used by councils vary. For instance, as a new councillor you will need to become familiar with your council's rules for debating as well as moving, seconding and voting on a motion.

Additionally, you may be prepared for council meetings due to your involvement in organisations which use formal meeting procedures.

6.2.1 Participating in Meetings and Moving Motions

You need to be well organised to participate effectively at meetings. This requires you to establish a good home filing system and allow ample time for background reading and research.

As a councillor it is important that you are clear about the meaning of all agenda items, reports and recommendations before your meeting begins.

The councillor's role is to present information, suggest new initiatives and make proposals in a logical manner; identifying the benefits to individuals or community groups; the likely cost; and the support required from council. Consequently, when framing formal motions to put before council, new councillors need to ensure that the wording is succinct, meaningful, clear, precise and accurate.

There is no other means of achieving your goals other than by a motion which receives support from the majority of other council members.

During council debates, it is important to be assertive without being aggressive, manipulative or resorting to personal attacks. New councillors need to pay particular attention to the manner in which arguments are presented; keeping debate purely to factual matters. It must be remembered that you need to maintain a working relationship with other council members, even when there are differences of opinion. Therefore it is vital that debate is conducted in a non-personal manner.

6.3 Meet Other Councillors and Key Staff

During the period following your election to office, you should ask the CEO to organise a meeting with your local government's staff to make yourself aware of their duties. In larger councils, it may only be possible to meet the senior staff initially. As mentioned previously, councillors have no role in managing or directing staff but need to know how the organisation is structured. Further, it is the council's responsibility to ensure that there is an appropriate structure for administering the local government.

New councillors should also get to know other members and, in particular, other councillors for your ward. As a new councillor you will need to work closely with, and communicate effectively with, other councillors.

KEY CONCEPT

Good preparation and good information makes the job easier and gives a better result for all concerned.

6.4 CHECKLIST: Preparation For Your First Meeting

- ☐ Have you met the other councillors in your ward or district?
- ☐ Have you met key staff?
- ☐ Have you read your agenda papers for the first meeting?
- ☐ Do you know about your local government's meeting procedures?

Appendix 1:

CRITICAL TIMELINES FOR LOCAL GOVERNMENT ELECTIONS

DATES AND TIMEFRAMES

2.1 STATUTORY DATES		
BEFORE ELECTION DAY	80 days	Last day for local governments to decide whether election will be a postal voting election (cannot be rescinded after this day). If no decision to this effect, to be a voting in person election. s. 4.20, s. 4.61[5]
	70 days	First day for the CEO to give Statewide public notice of the time and date of close of enrolments. s. 4.39[2]
	56 days	First day the returning officer can give Statewide public notice calling for nominations of candidates. s.4.47 Last Day for the CEO to advise Electoral Commissioner of need to prepare residents roll for the election. s.4.40 Last day the CEO can give Statewide public notice of time and date of close of enrolment for owners and occupiers. s. 4.39. Note that if 56 days before election day is Saturday then this deadline falls on the next working day.
	50 days	Enrolment claims for inclusion on the roll must be in and accepted by 5.00pm. s. 4.39
	45 days	Last day the returning officer can give Statewide public notice calling for nominations of candidates. s. 4.47
	44 days	Candidate nominations commence. s. 4.47, s. 4.49
	37 days	Candidate nominations close at 4.00pm. s. 4.49
	36 days	Last day for CEO to prepare owners and occupiers roll. s. 4.40, s. 4.41
	22 days	On or before this day the returning officer is to delete from the owners and occupiers roll the name of any person whose name also appears on the residents roll (not necessary if rolls consolidated). Reg 18[2] If a roll is altered after it has been supplied to members of the council and candidates, the returning officer is to supply details of the alteration to those members and candidates in accordance with regulations. (There are no regulations) s. 4.43
	19 days	Last day that the returning officer can give Statewide public notice about election. s. 4.64
	4 days	Casting of an absent vote in a voting in person election closes at 4.00pm s. 4.68 Applications for a postal vote in a voting in person election close at 4.00pm. reg 37[3][4]
	1 day	Casting of an early vote in a voting in person election closes at 4.00pm. s. 4.68
ELECTION DAY		Voting in person at polling places, counting of votes and declaration of result. s. 4.7
POST ELECTION	14 days	Notice of declaration of result to be given as soon as is practicable s. 4.77 Returning officer to provide the Minister for Local Government with a report on result of election. Note that if 14 days after the election is a Saturday then this deadline falls on the next working day. s. 4.79, reg. 81
	28 days	Invalidity complaints are to be made within 28 days following local public notice of the result of the election. This notice is to be given as soon as is practicable. s. 4.77, 4.81, reg. 80

Appendix 2:

CANDIDATES PROFILE EXAMPLES

No 1 PETER BARLOW

Your candidate for Oxford

A VOTE FOR PETER IS A VOTE FOR INDEPENDENCE AND INTEGRITY

- 31 years of age, married to Simone with three children, Tim 5, Jane 3 and James 1.
- 31 years resident of Oxford who enjoys and values the unique hills lifestyle.
- Through his business, will ensure easy access for all residents to a sympathetic ear.
- Loves and wants to keep our forest environment.
- Positive thinking/acting individual who believes in teamwork.
- Will ensure strong support for our volunteer organisations (SES, Bush Fire, Someone Cares, Scouts).
- Keen to support open and accountable government - giving residents and ratepayers an opportunity to be part of the team.
- Keen to see the implementation of the district conservation strategy in the Shire's new town planning scheme.
- Keen to support Council's investment policy and plan.
- Keen to see continuation of discounts for early payment of rates.
- Contactable on tel: 123 4567 (H), 789 5432 (W), Fax 123 458 and at 16A Valley Road, Oxford.

No 2. JENNIFER SIMMONDS

I am married with two children and live in Tuart Street, Smithdale.

I am a small businessperson and am therefore very aware of the problems faced by small business people in the community. I am also supportive of living in a healthy and safe environment.

I believe that a local government should be open and accountable in the way it conducts its business and that people in the community should have every opportunity to participate in their local government.

I am therefore keen to promote steady and careful growth in our community and to promote the principles and aims of the new local government legislation.

My contact details are:

Address: 21 Tuart Street
Smithdale

Telephone: 9999 9999

Appendix 3:

CONTACTS IN THE INDUSTRY

DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES

140 William Street
PERTH WA 6000

GPO Box R1250
PERTH WA 6844

Telephone: (08) 6551 8700
Fax: (08) 6552 1555
Freecall: 1800 620 511 (Country Only)
Email: info@dlgc.wa.gov.au
Web: www.dlgc.wa.gov.au

WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

15 Altona Street
WEST PERTH WA 6005
Po Box 1544
WEST PERTH WA 6872

Telephone: (08) 9213 2000
Fax: (08) 9322 2611
E-mail: info@walga.asn.au
Website: www.walga.asn.au

Local government Website addresses are listed on the WALGA Website.

LOCAL GOVERNMENT MANAGERS AUSTRALIA (WESTERN AUSTRALIA)

Shop 21, 168 Guildford Road
Maylands WA 6004

Telephone: (08) 9218 8141
Fax: (08) 9225 6927
E-mail: admin@lgma.org.au
Website: www.lgmawa.org.au

WESTERN AUSTRALIAN ELECTORAL COMMISSION

Level 2, 111 St. George's Terrace
PERTH WA 6000

GPO Box F316
PERTH WA 6841

Telephone: 13 63 06 (WA callers) or (08) 9214 0400
Telephone Typewriter (TTY): (08) 9214 0487
Fax: (08) 9226 0577
E-mail: waec@waec.wa.gov.au
Website: www.waec.wa.gov.au

Appendix 4:

FORMS

FORM 8. NOMINATION FOR ELECTION BY CANDIDATE

<i>Local Government Act 1995, s.4.49 (a)</i> NOMINATION FOR ELECTION BY CANDIDATE See back for notes on how to make your nomination	
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NOMINEE	Family name:		
	Other names:		Date of birth:
	Name on ballot paper ¹ :		
	Postal address	No.:	Street name:
		Suburb:	
	Postcode:		
	Phone numbers (H):		(W):
	Fax number:		E-mail:
	Property for which nominee is enrolled as an elector	No.:	Street name:
Suburb:			
Postcode:			

OFFICE	Local government district:		
	Ward:		
	Office:	☐ Mayor/President	☐ Councillor
	Vacancy:	☐ Ordinary	☐ Extraordinary ☐ Other

DECLARATION [Making a false declaration is an offence]	• I declare that: • I am at least 18 years of age; • I am an elector of the district²; • I am not disqualified from being a member of the council³; • [nominees for councillor only] I am eligible to nominate as a councillor⁴; and all of the details set out above are true and correct.		
	[To be signed before a witness]	<table border="1"> <tr> <td>Signature:</td> <td>Date:</td> </tr> </table>	Signature:
Signature:	Date:		

WITNESS [Witness must be at least 18 years of age]	Full Name:	
	Signature:	Date:

Appendix 4:

FORMS

BACK OF FORM 8.

1 Name on ballot paper	The name to be printed on the ballot paper must be your surname and one or more of your given names (or an initial or a commonly accepted variation). You must use the same name on your candidate profile To ensure fairness between candidates the Returning Officer may rule that a name is inappropriate for inclusion on the ballot paper. If so he or she may ask you to nominate another name or choose one he or she considers appropriate.
2 Who is an elector	You are an elector of the district if you are eligible to be included on the electoral roll for that district. However it is not sufficient if you are only eligible to be on the roll as the nominee of a body corporate which owns or occupies property in the district. You need not be an elector in the ward in which you nominate.
3 Disqualification	You are disqualified from being elected as a member of a council if you: • are a member of the Legislative Assembly, the Legislative Council, the House of Representatives or the Senate (or have been elected as such a member but have not yet taken office); • are a member of the council of another local government; • are an insolvent under administration; • are in prison serving a sentence for a crime; • have been convicted of a serious local government offence within the last 5 years (unless the court waived the disqualification); or • are subject to a court order disqualifying you from being a member of a council because you have misapplied local government funds or property.
4 Eligibility to nominate as a councillor	You are not eligible to nominate as a councillor if you are: • a member of the council (unless your term of office expires on Election Day); or • a candidate in another election for the office of councillor.
Where to send your nomination	When you have completed and signed this form, send it to the Returning Officer for the district. You may send your nomination by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures. If you send it by fax or electronically you should check that it has been received.
Closing date for nominations	Your nomination must be received by the Returning Officer before 4 p.m. on the 37th day before Election Day. If you send your nomination electronically it is taken to be received at the time the Returning Officer prints it out.
Candidate's profile	Your nomination must be accompanied by a candidate's profile of not more than 150 words plus your name, address and contact numbers. The profile must be confined to information about you. It may include a recent passport size photo of your head or head and shoulders. The profile must be (or if it is sent electronically, be capable of being) printed on a single A4 page.
Deposit	When you make your nomination you must pay a deposit of \$80. You may send this with your nomination form or deliver it to the Returning Officer at any time before the closing date for nominations. You may pay your deposit in cash or by cheque, bank draft or postal order. If you make appropriate arrangements with the Returning Officer you may be able to pay your deposit by electronic transfer or other means.
Withdrawing your nomination	You may withdraw your nomination by giving written notice to the Returning Officer before the closing date for nominations. You may send your withdrawal by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures. A withdrawal may be lodged by your agent if it is accompanied by a written authorisation, signed by you, permitting the agent to lodge the withdrawal.

(Form 8 amended in Gazette 21 Jan 2005 p.266 and 268; 18 Mar 2005 p.976)

FORM 9. NOMINATION BY AGENT

Local Government Act 1995, s.4.49 (a)

NOMINATION FOR ELECTION BY AGENT

See back for notes on how to make your nomination

AGENT	Full name:			
	Postal address	No.:	Street name:	
		Suburb:	Postcode:	
	Phone numbers (H):	(W):	(M):	
	Fax number:	E-mail:		

NOMINEE	Family name:			
	Other names:			Date of birth:
	Name on ballot paper ¹ :			
	Postal address	No.:	Street name:	
		Suburb:	Postcode:	
	Phone numbers (H):	(W):	(M):	
	Fax number:	E-mail:		
	Property for which nominee is enrolled as an elector	No.:	Street name:	
		Suburb:	Postcode:	
		Lot/location No.:		

OFFICE	District:		Ward:	
	Office:	☐ Mayor/President	☐ Councillor	
	Vacancy:	☐ Ordinary	☐ Extraordinary	☐ Other

DECLARATION [Making a false declaration is an offence]	I declare that, to the best of my knowledge the nominee:	
	- Is at least 18 years of age; - Is an elector of the district²; - Is not disqualified from being a member of the council³; [nominees for councillor only] Is eligible to nominate as a councillor⁴;	
	and that all of the details set out above are true and correct.	
[To be signed before a witness]	Signature:	Date:

WITNESS [Must be at least 18 years of age]	Full Name:	
	Signature:	Date:

AUTHORISATION BY NOMINEE ⁵	Full Name:	
	Signature:	Date:

Appendix 4:

FORMS

BACK OF FORM 9.

1 Name on ballot paper	The name to be printed on the ballot paper must be the candidate's surname and one or more of his or her given names (or an initial or a commonly accepted variation). The same name must be used on the candidate profile. To ensure fairness between candidates the Returning Officer may rule that a name is inappropriate for inclusion on the ballot paper. If so he or she may ask you to nominate another name or choose one he or she considers appropriate.
2 Who is an elector	The nominee is an elector of the district if he or she is eligible to be included on the electoral roll for that district. However it is not sufficient if he or she is only eligible to be on the roll as the nominee of a body corporate which owns or occupies property in the district. The nominee need not be an elector in the ward in which he or she is nominated.
3 Disqualification	The nominee is disqualified from being elected as a member of a council if he or she: • is a member of the Legislative Assembly, the Legislative Council, the House of Representatives or the Senate (or has been elected as such a member but has not yet taken office); • is a member of the council of another local government; • is an insolvent under administration; • is in prison serving a sentence for a crime; • has been convicted of a serious local government offence within the last 5 years (unless the court waived the disqualification); or • is subject to a court order disqualifying him or her from being a member of a council because he or she has misapplied local government funds or property.
4 Eligibility to nominate as a councillor	The nominee is not eligible to be nominated as a councillor if he or she is: • a member of the council (unless his or her term of office expires on Election Day); or • a candidate in another election for the office of councillor.
5 Authorisation	You must give to the Returning Officer written evidence that the nominee has authorised you to make the nomination. The nominee may fill in and sign this box or you may send a written authorisation, signed by the nominee, to the Returning Officer with your nomination form or at any time before the closing date for nominations.
Where to send your nomination	When you have completed and signed this form, send it to the Returning Officer for the district. You may send your nomination by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures. If you send it by fax or electronically you should check that it has been received.
Closing date for nominations	Your nomination must be received by the Returning Officer before 4 p.m. on the 37th day before Election Day. If you send your nomination electronically it is taken to be received at the time the Returning Officer prints it out.
Candidate's profile	Your nomination must be accompanied by a candidate's profile of not more than 150 words plus the nominee's name, address and contact numbers. The profile must be confined to information about the candidate. It may include a recent passport size photo of the candidate's head or head and shoulders. The profile must be (or if it is sent electronically, be capable of being) printed on a single A4 page.
Deposit	When you make your nomination you must pay a deposit of \$80. You may send this with your nomination form or deliver it to the Returning Officer at any time before the closing date for nominations. You may pay your deposit in cash or by cheque, bank draft or postal order. If you make appropriate arrangements with the Returning Officer you may be able to pay your deposit by electronic transfer or other means.
Withdrawing your nomination	You may withdraw your nomination by giving written notice to the Returning Officer before the closing date for nominations. You may send your withdrawal by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures.

(Form 9 amended in Gazette 21 Jan 2005 p.267 and 268; 18 Mar 2005 p.977)

FORM 9A DISCLOSURE OF GIFTS

*Local Government Act 1995
Local Government (Elections) Regulations 1997, (s.4.59)
(r.300)*

DETAILS OF PERSON MAKING DISCLOSURE	☐ Candidate ☐ Donor (Tick one box)
	Surname:
	Other names:
DETAILS OF CANDIDATE	Surname:
	Other names:
DETAILS OF PERSON MAKING THE GIFT	Name:
	Address:
DETAILS OF PERSON ON WHOSE BEHALF THE GIFT IS MADE (if other than the person making the gift)	Name:
	Address:

DETAILS OF GIFT (value of which is \$200 or more, or which is one of 2 or more gifts with a total value of \$200 or more)	Date gift promised, received or made:
	Value of gift:
	Description of gift

CANDIDATES ONLY

If you are unable to provide the information required by this form, set out the reasons for not providing it in the space below

--

PERSON MAKING DISCLOSURE TO COMPLETE AND SIGN THE DECLARATION BELOW

I _____ declare that all information and details provided are true and correct, and no known, relevant information is omitted.

Signature:	Date:
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Appendix 4:

FORMS

FORM 18. APPOINTMENT OF SCRUTINEER — ORIGINAL COPY

<i>Local Government (Elections) Regulations 1997, reg 69</i> APPOINTMENT OF SCRUTINEER (To be completed by candidate. See back for notes on how to complete this form.)			
CANDIDATE	Full name:		
	Address		
	Candidate for: ☐ Mayor/President ☐ Councillor		
SCRUTINEER	Full name:		
	Address		
	Phone numbers (H):	(W):	(M):
	Fax number:	E-mail:	
ELECTION	Local government district:		
	Ward:		
	Election date:		
	Polling Place(s):		
SIGNATURE OF CANDIDATE			Date:

BACK OF ORIGINAL COPY OF FORM 18.

Where to send this form	When you have completed and signed your part of this form and the declaration by the scrutineer has been completed, send both copies of the form to the Returning Officer for the district or give them to the presiding officer at a polling place. You may send your form by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures. If you send it by fax or electronically you should check that it has been received.
Duplicate copy of form	You must complete 2 copies of this form. The original will be retained by the Returning Officer or presiding officer. The duplicate will be returned and must be given to, and retained by, the scrutineer.

FORM 18. APPOINTMENT OF SCRUTINEER — DUPLICATE COPY

Local Government (Elections) Regulations 1997, reg 69

APPOINTMENT OF SCRUTINEER

(To be completed by candidate. See back for notes on how to complete this form.)

CANDIDATE	Full name:
	Address
	Candidate for: ☐ Mayor/President ☐ Councillor

SCRUTINEER	Full name:
	Address
	Phone numbers (H): (W): (M):
	Fax number: E-mail:

ELECTION	Local government district:
	Ward:
	Election date:
	Polling Place(s):

SIGNATURE OF CANDIDATE:	Local government district:	Date:
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ACKNOWLEDGEMENT OF APPOINTMENT

RETURNING OFFICER OR PRESIDING OFFICER	Full name:
	Signature: Date:

DECLARATION BY SCRUTINEER

To be completed before the notice of appointment has been acknowledged and returned.

DECLARATION ¹ [Making a false declaration is an offence]	I declare that I am at least 18 years of age and will comply with the provisions of the <i>Local Government Act 1995</i> and the <i>Local Government (Elections) Regulations 1997</i> which relate to scrutineers.
	Signature: Date:

WITNESS	Full name:
	Office:
	Signature: Date:

Appendix 4:

FORMS

BACK OF DUPLICATE COPY OF FORM 18

1 Declaration	The declaration by the scrutineer must be signed before: • a Justice of the Peace; • a person authorised under the <i>"Oaths, Affidavits and Statutory Declarations Act 2005"</i> to take statutory declarations; or • the Returning Officer, Deputy Returning Officer or a Presiding Officer.
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The rights and duties of a scrutineer

What you may do	As a scrutineer you may: • attend at a polling place mentioned in your notice of appointment to observe the conduct of the election and to make sure that the <i>Local Government Act 1995</i> is being complied with; • observe the checking of absent and postal votes ; • be present at the preparation of postal voting papers but only at a sufficient distance so that you cannot ascertain the markings on the ballot papers; and • be present when the ballot boxes are opened and votes are being counted.
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What you must do	As a scrutineer you must: • wear identification of your appointment as a scrutineer; • have your copy of the Appointment of Scrutineer form with you at all times and produce it when requested to do so by the Presiding Officer at a polling place; and • comply with all directions given by the Returning Officer and all reasonable requests made by any other electoral officer.
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What you must not do	As a scrutineer you must not: • enter a polling place if another scrutineer appointed by the same candidate is already there (unless one of you is just there to cast your vote); • take part in the conduct of the election; • while in or within 6 metres of a polling place: · canvass for votes; · solicit the vote of an elector; · induce an elector to vote for a particular candidate; or · induce an elector not to vote at the election; · record the name of a person who attends a polling place to vote or record any information given by a person to an electoral officer in order to receive a ballot paper.
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If you would like to stand as a candidate for your local government please contact us and we can help you.

140 William Street
Perth WA 6000
PO Box R1250
Perth WA 6844

Telephone: (08) 6551 8700

Facsimile: (08) 6552 1555

Freecall: 1800 620 511 (Country Only)

Email: info@dlgc.wa.gov.au

Web: www.dlgc.wa.gov.au

Extract of Sections 4.85 to 4.94 of the Local Government Act 1995 And Regulations 30A-30I and 78

Division 11 — Electoral offences

4.85. Bribery and undue influence

- (1) A person who —
- (a) promises, offers or suggests a reward for, or on account of, or to induce, electoral conduct or a promise of electoral conduct; or
 - (b) gives, takes or seeks a reward for, or on account of, electoral conduct or a promise of electoral conduct,

commits an offence.

Penalty: \$10 000 or imprisonment for 2 years.

- (2) A person who —
- (a) threatens, offers or suggests detriment for, or on account of, or to induce, electoral conduct or a promise of electoral conduct;
 - (b) uses, causes, inflicts or procures detriment for or on account of, electoral conduct; or
 - (c) interferes with the free exercise of the franchise of an elector,

commits an offence.

Penalty: \$10 000 or imprisonment for 2 years.

- (3) The making of a declaration of public policy or a promise of public action does not give rise to an offence against this section.

- (4) In this section —

detriment means violence, injury, punishment, damage, loss or disadvantage;

electoral conduct means —

- (a) candidature at an election;
- (b) withdrawal of candidature from an election;
- (c) a vote, or an omission to vote, at an election; or
- (d) support of, or opposition to, a candidate for election;

reward means a reward in the form of valuable consideration or any other recompense, benefit or advantage.

4.86. Breach or neglect by officers

An electoral officer who —

- (a) attempts to influence the vote of an elector, or, except by recording that vote, the result of an election;
- (b) discloses, except under compulsion of law, knowledge officially acquired concerning the vote of an elector; or
- (c) refuses or wilfully neglects to discharge a duty imposed under this Part or otherwise contravenes a provision of this Part,

commits an offence.

Penalty: \$10 000 or imprisonment for 2 years.

4.87. Printing and publication of electoral material

- (1) A person who prints, publishes or distributes electoral material or causes electoral material to be printed, published or distributed, commits an offence unless —
 - (a) in the case of all electoral material, the name and address (not being a post-office box) of the person who authorised the electoral material appears at the end of the electoral material; and
 - (b) in the case of electoral material that is printed otherwise than in a newspaper, the name and business address of the printer appears at the end of the electoral material.

Penalty: \$2 000.

- (2) Subsection (1) does not apply to electoral material on an item included in a prescribed class of items.

- (3) In this section —

electoral material means any advertisement, handbill, pamphlet, notice, letter or article that is intended or calculated to affect the result of an election but does not include an advertisement in a newspaper announcing the holding of a meeting;

print includes photocopy or reproduce by any means.

[Section 4.87 amended by No. 49 of 2004 s. 41.]

4.88. Misleading, false or defamatory statements

- (1) A person who, during the relevant period in relation to an election —
 - (a) prints, publishes or distributes deceptive material or causes deceptive material to be printed, published or distributed; or
 - (b) makes or publishes any false or defamatory statement in relation to the personal character or conduct of a candidate in the election or causes such a statement to be made or published,

commits an offence.

Penalty: \$5 000 or imprisonment for one year.

- (2) It is a defence to a charge under subsection (1)(a) to prove that the accused person did not know, and could not reasonably have been expected to know, that the material was likely to mislead or deceive an elector in relation to the casting of the elector's vote.

- (3) It is a defence to a charge under subsection (1)(b) to prove that the accused person believed the statement to be true and had reasonable grounds for doing so.

- (4) In this section —

deceptive material means any matter or thing that is likely to mislead or deceive an elector in relation to the casting of the elector's vote at the election;

print includes photocopy or reproduce by any means;

publish includes publish by radio or television;

relevant period means the period commencing when notice calling for nominations for the election is published and ending at 6 p.m. on election day.

4.89. No canvassing in or near polling places

- (1) If, on any day on which polling for an election takes place, a person —
- (a) canvasses for votes;
 - (b) solicits the vote of an elector;
 - (c) induces an elector not to vote for a particular candidate; or
 - (d) induces an elector not to vote at the election,

in a polling place or within 6 metres from the entrance to a polling place, that person commits an offence.

Penalty: \$2 000.

- (2) It is a defence to a charge under subsection (1) to prove that the accused person was within 6 metres of the entrance to a polling place with the approval of the presiding officer.

[Section 4.89 amended by No. 64 of 1998 s. 27.]

4.90. False statements

- (1) A person who makes a statement in an application, form, nomination, return, declaration or certificate or other document under this Part relating to an election, or in answer to a question authorised to be asked under this Part, knowing the statement to be false, commits an offence.

Penalty: \$5 000 or imprisonment for one year.

- (2) A person who induces another person to commit an offence against subsection (1) also commits an offence against subsection (1).

4.91. Offences relating to nomination papers, ballot papers and ballot boxes

- (1) A person who —
- (a) forges or fraudulently defaces or destroys a ballot paper or nomination paper;
 - (b) fraudulently puts a ballot paper into a ballot box;
 - (c) wilfully destroys, takes, opens or otherwise interferes with any ballot box or ballot papers without authority; or
 - (d) personates any elector,

commits an offence.

Penalty: \$10 000 or imprisonment for 2 years.

- (2) A person who —
- (a) supplies a ballot paper without authority;
 - (b) is in possession of an unauthorised ballot paper;
 - (c) votes more than once in an election; or
 - (d) marks a ballot paper without authority,

commits an offence.

Penalty: \$5 000 or imprisonment for one year.

- (3) A person who fraudulently leaves a polling place with a ballot paper commits an offence.

Penalty: \$2 000.

4.92. Offences relating to postal votes

A candidate in an election, or a person expressly authorised to act on behalf of a candidate in connection with an election, who, in relation to the election —

- (a) applies undue influence or pressure on an elector to apply for a postal vote;
- (b) interferes with an elector while the elector is applying for a postal vote;
- (c) takes custody of an envelope in which there is a postal vote; or
- (d) causes any other person, not being the elector whose vote is in the envelope, to do anything referred to in paragraph (c),

commits an offence.

Penalty: \$5 000 or imprisonment for one year.

4.93. Interference with electors: infringement of secrecy

A person who —

- (a) unlawfully communicates with, assists or interferes with an elector while the elector is marking a ballot paper;
- (b) unlawfully looks at or becomes acquainted with the vote of an elector; or
- (c) discloses the vote of an elector,

commits an offence.

Penalty: \$5 000 or imprisonment for one year.

4.94. Other electoral offences

A person who —

- (a) when in a polling place on a day on which polling is taking place, misconducts himself or herself or fails to obey the reasonable instructions of an electoral officer;
- (b) re-enters a polling place without permission after being removed from the polling place under section 4.70;
- (c) not being a candidate in an election, canvasses at the election while he or she is an employee of the local government in question;
- (d) wilfully defaces, mutilates, destroys or removes a notice, list or other document which an electoral officer, acting within the scope of his or her authority, has exhibited or caused to be exhibited; or
- (e) bets on the result of an election,

commits an offence.

Penalty: \$2 000.



**CODE OF CONDUCT
FOR COUNCIL MEMBERS,
COMMITTEE MEMBERS AND
CANDIDATES**

Adopted: 17th February 2021

Division 1 — Preliminary provisions

1. Citation

This is the Shire of Cuballing Code of Conduct for Council Members, Committee Members and Candidates.

2. Terms used

(1) In this code —

Act means the Local Government Act 1995;

candidate means a candidate for election as a council member;

complaint means a complaint made under clause 11(1);

publish includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act unless the contrary intention appears.

Division 2 — General principles

3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

4. Personal integrity

(1) A council member, committee member or candidate should —

- (a) act with reasonable care and diligence; and
- (b) act with honesty and integrity; and
- (c) act lawfully; and
- (d) identify and appropriately manage any conflict of interest; and
- (e) avoid damage to the reputation of the local government.

(2) A council member or committee member should —

- (a) act in accordance with the trust placed in council members and committee members; and
- (b) participate in decision making in an honest, fair, impartial and timely manner; and
- (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
- (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

(1) A council member, committee member or candidate should —

- (a) treat others with respect, courtesy and fairness; and
- (b) respect and value diversity in the community.

(2) A council member or committee member should maintain and contribute to a harmonious, safe and productive working environment.

6. Accountability

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

- (1) A council member, committee member or candidate —
 - (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
 - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
 - (b) must comply with all policies, procedures and resolutions of the local government.

9. Relationship with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and

- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

- (1) The local government must dismiss a complaint if it is satisfied that —
 - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
 - (a) in writing; and
 - (b) given to a person authorised under clause 11(3).

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

Notes for this Division:

1. Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

- (1) In this clause —

electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the Electoral Act 1907 or the Commonwealth Electoral Act 1918;

resources of a local government includes —

- (a) local government property; and
- (b) services provided, or paid for, by a local government.

- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
 - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
 - (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or The Criminal Code section 83.

19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

- (1) In this clause —

local government employee means a person —

- (a) employed by a local government under section 5.36(1) of the Act; or
- (b) engaged by a local government under a contract for services.

- (2) A council member or candidate must not —
 - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
 - (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.

- (5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

21. Disclosure of information

- (1) In this clause —

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non confidential document means a document that is not a confidential document.

- (2) A council member must not disclose information that the council member —
- (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
- (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

22. Disclosure of interests

- (1) In this clause —

interest —

- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
- (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
- (a) that they had an interest in the matter; or

- (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
 - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
 - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

FORM 8
Local Government Act 1995
Local Government (Elections) Regulations 1997 [s.4.49(a)]
NOMINATION FOR ELECTION BY CANDIDATE
 (see back for notes on how to make your nomination)

Nominee	Family name:					
	Other names:				Date of birth:	
	Name on Ballot Paper (1):					
	Postal Address:	No:		Street Name:		
		Suburb:			Postcode:	
	Phone numbers (H):				(W):	
	Fax number:				Email:	
	Property for which nominee is enrolled as an elector:	No:		Street Name:		
Suburb:				Postcode:		
Lot/Location No:						

Office	Local Government District:		Shire of Cuballing	
	Ward:	Whole District		
	Office	☐ Mayor / President		☒ Councillor
	Vacancy:	☒ Ordinary	☐ Extraordinary	☐ Other

Declaration [Making a false declaration is an offence] [To be signed before a witness]	I declare that:		
	• I am at least 18 years of age; and • I am an elector of the district ⁽²⁾; and • I am not disqualified from being a member of the council ⁽³⁾; and • [nominees for councillor only] I am eligible to nominate as a councillor ⁽⁴⁾; and • I completed the course of induction on _____ [date] (reference number _____)5; and • All the details set out above are true and correct.		
	Signature:		Date:

Witness [Witness must be at least 18 years of age]	Full Name:		
	Signature:		Date:

Back of Form 8:

1 Name on ballot paper	The name to be printed on the ballot paper must be your surname and one or more of your given names (or an initial or a commonly accepted variation). You must use the same name on your candidate profile. To ensure fairness between candidates the Returning Officer may rule that a name is inappropriate for inclusion on the ballot paper. If so he or she may ask you to nominate another name or choose one he or she considers appropriate.
2 Who is an elector	You are an elector of the district if you are eligible to be included on the electoral roll for that district. However it is not sufficient if you are only eligible to be on the roll as the nominee of a body corporate which owns or occupies property in the district. You need not be an elector in the ward in which you nominate.
3 Disqualification	You are disqualified for membership of a council if you: - are a member of the Legislative Assembly, the Legislative Council, the House of Representatives or the Senate (or have been elected as such a member but have not yet taken office); or - are a member of the council of another local government; or - are an insolvent under administration; or - are in prison serving a sentence for a crime; or - have been convicted of a serious local government offence within the last 5 years (unless the court waived the disqualification); or - have been convicted of an offence for which the indictable penalty was or included — (i) imprisonment for life; or (ii) imprisonment for more than 5 years; or - are subject to a court order disqualifying you from being a member of a council because you have misapplied local government funds or property.
4 Eligibility to nominate as a councillor	You are not eligible to nominate as a councillor if you are: - a member of the council (unless your term of office expires on election day); or - a candidate in another election for the office of councillor.
5 Course of induction	The compulsory course of induction that must be completed before nominating as a candidate is titled <i>Local Government Candidate Induction</i>. This is available on the Department's official website www.dlgsc.wa.gov.au/local-government/local-governments/council-elections/induction-for-prospective-candidates. A reference number is emailed to you on completion of the course, and must be included on this form.
Where to send your nomination	When you have completed and signed this form, send it to the Returning Officer for the district. You may send your nomination by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures. If you send it by fax or electronically you should check that it has been received.
Closing date for nominations	Your nomination must be received by the Returning Officer before 4 p.m. on the 37th day before election day. If you send your nomination electronically it is taken to be received at the time the Returning Officer prints it out.
Candidate's profile	Your nomination must be accompanied by a candidate's profile of not more than 1000 characters and spaces plus your name, address and contact numbers. The profile must be confined to information about you. It may include a recent passport size photo of your head or head and shoulders. The profile must be (or if it is sent electronically, be capable of being) printed on a single A4 page.
Deposit	When you make your nomination you must pay a deposit of \$100. You may send this with your nomination form or deliver it to the Returning Officer at any time before the closing date for nominations. You may pay your deposit in cash or by cheque, bank draft or postal order. If you make appropriate arrangements with the Returning Officer you may be able to pay your deposit by electronic transfer or other means.
Withdrawing your nomination	You may withdraw your nomination by giving written notice to the Returning Officer before the closing date for nominations. You may send your withdrawal by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures. A withdrawal may be lodged by your agent if it is accompanied by a written authorisation, signed by you, permitting the agent to lodge the withdrawal.

Form 9. Nomination for Election by Agent

Local Government Act 1995, s. 4 .49(a)

NOMINATION FOR ELECTION BY AGENT

See back for notes on how to make your nomination

Agent	Full name:		
	Postal Address:	No.:	Street name:
		Suburb:	
	Postcode:		
	Phone numbers (H): (W): (M):		
Fax number: Email:			

Nominee	Family name:		
	Other names:		Date of birth:
	Name on ballot paper ¹ :		
	Postal Address:	No.:	Street name:
		Suburb:	
	Postcode:		
	Phone numbers (H): (W): (M):		
	Fax number: Email:		
	Property for which nominee is enrolled as an elector	No:	Street name:
Suburb:			
Postcode:			
Lot/Location No.:			

Office	District: WHOLE DISTRICT	Ward:
	Office: ☐ Mayor/President	☐ Councillor
	Vacancy: ☐ Ordinary ☐ Extraordinary ☐ Other	

Declaration (Making a false declaration is an offence) [To be signed before a witness]	I declare that, to the best of my knowledge the nominee: • is at least eighteen years of age; • is an elector of the district²; • is not disqualified from being a member of the council³; • [nominees for councillor only] is eligible to nominate as a councillor⁴; and that all of the details set out above are true and correct.	
	Signature:	Date:

Witness [must be at least 18 years of age]	Full name:	
	Signature:	Date:

Authorisation by nominee⁵	Full name:	
	Signature:	Date:

Where to send your nomination	When you have completed and signed this form, send it to the Returning Officer for the district. You may send your nomination by post, fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures. If you send it by fax or electronically you should check that it has been received.
Closing date for nominations	Your nomination must be received by the Returning Officer before 4.00pm on the 37th day before election day. If you send your nomination electronically it is taken to be received at the time the Returning Officer prints it out.
Candidate's profile	Your nomination must be accompanied by a candidate's profile of not more than 1000 characters plus your name, address and contact numbers. The profile must be confined to information about you. It may include a recent passport sized photo of your head or head and shoulders. The profile must be (or if it is sent electronically, be capable of being) printed on a single A4 page.
Deposit	When you make your nomination you must pay a deposit of \$100. You may send this with your nomination form or deliver it to the Returning Officer at any time before the closing date for nomination. You may pay your deposit in cash or by cheque, bank draft or postal order. If you make appropriate arrangements with the Returning Officer you may be able to pay your deposit by electronic transfer or other means.
Withdrawing your nomination	You may withdraw your nomination by giving written notice to the Returning Officer before the closing date for nominations. You may send your withdrawal by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures. A withdrawal may be lodged by your agent if it is accompanied by a written authorisation, signed by you, permitting the agent to lodge the withdrawal.

Local Government Act 1995
Local Government (Elections) Regulations 1997

[2.4.59]
[r.30D]

Form 9A
DISCLOSURE OF GIFTS

Details of Candidate

Surname..... Other names.....

Complete and sign the declaration at the end of the form

Details of Gifts (value of which is \$200 or more, or which is one of 2 or more gifts with a total value of \$200 or more)

Name and Address of

Donor.....
.....

Date gift promised or received.....

Value of gift.....

Description of gift.....
.....
.....

Note:

*THE DONOR IS THE ORIGINAL SOURCE OF THE GIFT. THE DONOR MAY OR MAY NOT
ACTUALLY BE THE PERSON WHO DELIVERS THE GIFT.*

*IF YOU ARE UNABLE TO PROVIDE THE INFORMATION REQUIRED BY THIS FORM, SET OUT
THE REASONS FOR NOT PROVIDING IT IN THE SPACE BELOW.*

.....
.....
.....
.....

It is declared that all information and details provided are true and correct, and no known relevant information is omitted.

Signature..... Date.....