



# Tips and Shortcuts

Supporting and Promoting Accountability and Responsibility for Councillors (SPARC)

## SPARC Book 1: Local Leadership

- ⇒ Do you know your legal obligations as a councillor under the Local Government Act?
- ⇒ Do you understand that you must not disclose confidential information or improperly influence staff?
- ⇒ Do you know the behaviour expected of you including honesty, respect and diligence?
- ⇒ Do you know the penalties for breaches of the Local Government Act or Code of Conduct?

### Shortcuts:

Powers of a Council	p.8
Peace, order and good governance	p.9
Councillor conduct principles	p.11
Code of Conduct	p.12
Councillor Conduct Panels	pp.12-14
Other legal obligations	p.15 and p.19
Conflicts of interest and bias	pp.16-18

### What you need to know:

The **powers of a Council** are set out in the Local Government Act 1989, are limited and can only be exercised by the Council as a whole, not by individual Councillors – p.8

Community debate can get heated, but by listening and not over-reacting, Councillors can maintain **peace, order and good governance** and high standards of behaviour – p.9

New provisions in the Local Government Act set out **councillor conduct principles** that all Councillors need to know about and adhere to – p.11

Each Council must have a **Code of Conduct** that can establish ways of resolving breaches of the Code internally – p.12

**Councillor Conduct Panels** can be convened to hear complaints about Councillor conduct and may make findings of misconduct and ask Councillors to make amends by, for example, apologising or taking leave of absence – pp.12-14

The Local Government Act also sets out other **legal obligations**: use of information, confidentiality, not improperly influencing staff, authorised function and proper use of funds – p.15 and p.19

Councillors must also avoid **conflicts of interest** and **bias** in decision making – pp.16-18



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## SPARC Book 2: How it works

- ⇒ Do you find it easy to respond to resident requests?
- ⇒ Do you know how to engage with and consult your community?
- ⇒ Do you understand the role of Council, Mayor, Councillors, CEO and Officers?

### Shortcuts:

Community consultation	pp.5-7
Representing constituents	p.8
Day-to-day requests	p.9
Managing difficult requests	pp.9-10
The work of a Council	p.13
Planning framework	p.16-19
Role of Mayor and Councillors	pp.22-23
Councillors and officers	pp.24-26

### What you need to know:

**Community consultation** takes different forms: some is statutory (planning – Planning & Environment Act, s.223 of the Local Government Act); some is short term (Budget); and some is medium term (Council Plan, Masterplans, Strategic Plans). There are different frameworks for consultation and engagement – pp. 5-7

**Representing constituents** on controversial issues can be difficult, but good communication and consultation can mitigate misinformation and criticism – p.8

Work with your Council organisation, by lodging requests or seeking advice, to respond to **day-to-day requests** and provide timely and accurate advice to residents – p.9

Councillors receive requests from angry residents and requests to waive parking fines. Advice is provided for **managing these requests** and responding appropriately to lobbying – p. 9-10

Your main **role as a Council** as set out in the LG Act s.3D(1) is a strategic one involving leadership and good governance – p.13

The **planning framework** is complex, but essential knowledge for all Councillors – p.16-19

Councils are responsible for numerous **Strategic Plans as well as Local Laws** – pp. 20-21

Understanding and carrying out the **role of a Mayor or Councillor** can be difficult, but there is support available – pp.22-23

Understanding the **distinction between Councillors and Officers** is essential for good governance. Good working relationships with the CEO and Council Staff and an understanding of Council delegations – pp.24-26



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## SPARC Book 3: Account-ability

- ⇒ Do you understand the budget process that every Council must follow?
- ⇒ Do you understand the way rates are calculated?
- ⇒ Do you know about Council's financial obligations?
- ⇒ Do you understand Council's financial reporting processes?

### Shortcuts:

Financial framework	pp.4-5
Rates, fees and charges	pp.6-7
Grants and borrowings	pp.8-9
Rules for council expenditure: Best Value, Procurement, contracts	pp.10-12
Asset management	p.14
Council Plan	p.15
Strategic Resource Plan	p.16
Budget	pp.17-18
Annual Report	p.20
Audited statements	p.21
Risk management	p.23
Audit Committees and Auditor-General	pp.25-26

### What you need to know:

Decision making needs to be in line with the **financial framework** established by your Council Plan, Strategic Resource Plan and Budget – pp.4-5

Rates, fees and charges usually constitute the greatest source of income for a Council. The **rating system** needs to be understood – p.6-7

Councils also rely on **grants and borrowings** – pp. 9-10

There are rules governing **Council expenditure**: Best Value Principles, procurement strategy, entering into contracts, asset management, Strategic Resource plan – pp. 10-16

The **budget process** must meet certain criteria – pp.17-18

Councils remain financially **accountable to their community** through their Annual Report, audit statements and periodic financial reports – pp. 19-22

Councillors need to be aware of the roles and functions of risk management strategies, Audit Committees and the Auditor-General – pp.23-26



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## SPARC Book 4: Meetings

- ⇒ Are your Council meetings well run?
- ⇒ Do you understand the meeting procedures and know what to expect?
- ⇒ Do you understand other types of Council meetings?

### Shortcuts:

Meeting rules	pp.4-5
Motions	pp.6-7
Types of meetings	pp.8-11

### What you need to know:

**Meeting rules** are found in the Local Government Act, but mostly in your Council's Local Laws that must set out meeting procedures – pp.4-5

Moving, amending, debating and rescinding **motions** can be complicated and Councillors need to understand the processes pp.6-7

Councils can call **different types of meetings** with different attendees, functions and rules pp.8-11

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## SPARC Book 5: The Acts

- ⇒ Do you know what Victorian legislation applies to you and the Council?

### Shortcuts:

Charter of Human Rights and Responsibilities Act 2006	p.6
Equal Opportunity Act 1995	p.10
Freedom of Information Act 1982	p.11
Information Privacy Act 2000	p.13
Local Government Act 1989	p.17
Ombudsman Act 1973	p.25
Planning and Environment Act 1987	p.27
Whistleblowers Protection Act 2001	p.33
Victorian State-Local Government Agreement	p.34

### What you need to know:

Councils and Councillors are subject to a number of **Acts of Parliament** – p.5