

LOCAL GOVERNMENT IN NSW:

ISSUES AND INFORMATION

FOR ABORIGINAL COMMUNITIES

July 2001

Department of Local Government

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Access to Services

The Department of Local Government is located at

Civic Tower Building
Levels 10 - 11
66 - 72 Rickard Rd
Bankstown NSW 2200

Postal Address
Locked Bag 1500
Bankstown NSW 2200

Telephone (02) 9793 0793
Facsimile (02) 9793 0799
Tty (02) 9707 2508
Website <http://www.dlg.nsw.gov.au>

Office Hours

Monday to Friday 8.30am to 5.00pm
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INTRODUCTION

This publication has been prepared by the Department of Local Government to provide the NSW Aboriginal community with information about the role of local government. We also hope it will encourage Aboriginal communities to communicate more with their local council and become involved in council activities.

The document has eight parts.

- Part 1 Shows how local government and your local council fit into the overall scheme of government in Australia.
- Part 2 Gives examples of council activities.
- Part 3 Talks about how councils get the money to provide services.
- Part 4 Covers the specific issue of rates, particularly as applied to Aboriginal land.
- Part 5 Provides basic information on building work and urban planning.
- Part 6 Explains the range of regulatory functions that councils have under the Local Government Act 1993.
- Part 7 Looks at how Aboriginal people can contribute to the development of policies and services by their council.
- Part 8 Highlights initiatives for Aboriginal people.

WHERE DOES LOCAL GOVERNMENT FIT WITH OTHER LEVELS OF GOVERNMENT?

There are three levels of government in Australia - Federal or Commonwealth Government, State Government and Local Government. Your council is part of Local Government. Each level of government has its own elected representatives.

The Federal Government looks after issues that involve the whole country such as pensions, the Defence Forces and trade with other countries.

The State Government looks after statewide services such as schools, hospitals and the police.

In NSW, the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979 set out the main roles of local councils. Councils also have responsibilities under a number of other State and Commonwealth Acts.

Your council works from council chambers, in the same way as the Federal Government is run from the Federal Parliament in Canberra and the NSW State Government is run from the State Parliament in Sydney.

The elected representatives in local councils are called councillors. The Mayor heads the council. He or she can be directly elected by the people or elected by the councillors from amongst themselves. The policies decided by the councillors are put into action by the council staff who are paid employees. The head of the council staff is the General Manager.

The Department of Local Government reports to the Minister for Local Government. We provide advice to councils on the most efficient and effective ways of carrying out their various functions. We also provide information about local government to councils, the public and industry and monitor the performance of councils, particularly in relation to financial matters.

WHAT ACTIVITIES DO COUNCILS CARRY OUT?

Each council has a charter that sets out principles to guide the way it carries out its activities. This charter includes providing equitable and appropriate services and facilities for the community, making sure that those services and facilities are managed efficiently and effectively, and acting consistently and without bias.

Councils provide day-to-day services needed by the community and are responsible for issues that directly affect our daily lives. These functions are quite different from local Land Councils and the Regional Councils of the Aboriginal and Torres Strait Islander Commission (ATSIC).

Each council has to decide what services are needed in its community and how these should be paid for. Councils can provide a wide variety of services as long as they are for the good of the community.

Some of the services councils provide are:

- collecting household garbage and paper, aluminium and plastic for recycling
- roads, footpaths and gutters
- council housing
- immunisation programs and baby care at early childhood centres
- childcare centres, kindergartens and play centres
- youth activities
- meals on wheels
- activities for older people eg senior citizen centres, Seniors Week
- libraries
- public halls
- swimming pools, tennis courts, golf courses and other sporting facilities
- public toilets and community rubbish bins
- health inspections of restaurants and shops
- managing public land such as parks and other types of recreation areas.

HOW DO COUNCILS GET THE MONEY TO PAY FOR THEIR ACTIVITIES?

It costs a lot of money to run the sorts of services provided by councils. This money must be collected by councils from the community, that is the people who use the services.

Councils obtain money in six main ways.

- rates
- charges
- fees
- grants
- borrowings
- investments.

Rates

Rates are a council's basic source of income and are used to maintain and improve services and facilities for the community. If you own a house or land you have to pay rates, but if you rent a house or flat you don't. The owner of the house or flat will receive a bill from council for the rates on your rented property. There is more information about rates in Part 4.

Charges

Councils may make an annual charge for providing services such as water, sewerage, drainage and waste management. Waste management does not cover domestic garbage collection. Please see Part 4 for more information.

Fees

Councils may charge fees for any service they provide other than services, such as water or sewerage, that are charged on an annual basis.

For example, councils may charge fees for:

- entry to swimming pools
- use of council owned halls
- use of council owned car parks
- assessing and approving building and development applications.

Grants

Each council is given a financial assistance grant every year. The grant is paid to the State Government each financial year by the Federal Government under the Local Government (Financial Assistance) Act 1995.

The NSW Local Government Grants Commission advises the NSW Minister for Local Government about how this financial assistance grant should be divided up between councils. The Grants Commission is made up of four people nominated by the Minister. One is an officer of the Department of Local Government and two of the other three must have had experience in local government.

Because of their special needs, country councils often get more financial assistance than city councils. For example, the 2000/2001 Grants Commission Annual Report shows that Rockdale City Council with an estimated population of 91,218 received \$1,886,772 while Kempsey Council with an estimated population of only 27,073 received \$3,198,256.

Because the grant is untied, it is up to councils to decide how the money will be spent. This should encourage groups to approach their local council with proposals, suggestions and submissions on the needs of their group. When a council comes to allocate its financial assistance grant, it needs to be aware of projects that the community believes are important or urgent.

Councils are also sometimes given grants for specific projects. For example, the NSW Roads and Traffic Authority may make a grant for work to be carried out on a particular road. By looking at a council's annual report and management plan, you can see what projects the council is planning or working on. Councils must put their management plan on public display for at least 28 days before 30 June each year. There is more information about getting involved in council planning in Part 5.

Borrowings

Councils can also borrow money but this can only be done with the approval of the Minister for Local Government. Borrowings make up only a small proportion of a council's total income.

Investments

Councils may invest money which is not currently needed for any other purpose. However, this can only be done within strict guidelines laid down by the Minister for Local Government and published in the Government Gazette.

RATES AND CHARGES

How are rates calculated?

Rates vary between each council area because of the different services councils provide. They also vary depending on the rating structure adopted by the council, the rating category and the value of the land.

Rating categories

There are four categories of rateable land – residential, farmland, business and mining. Most of us are charged ordinary rates under the residential category.

If you are not satisfied with the category given to your property, you may apply to the council for the category to be reviewed. If you do this, the council must notify you of its review decision and the reasons for that decision. If you still do not agree with the category given to your property, you may appeal to the Land and Environment Court. You must do this within 30 days of receiving the council's review decision. Contact the court to find out how to lodge an appeal.

Value of land

Land is valued by the State Government's Valuer General under the Valuation of Land Act 1916 (as amended). These valuations are carried out approximately every four years and you should get a valuation notice after it is done.

You may feel your land has been valued too highly and therefore your rates are higher than they should be. If you do not agree with the valuation of your land, you can get the valuation checked by lodging an objection with the Valuer-General. You must do this within 42 days of receiving your valuation notice. The Valuer-General's Office will give you an objection form free of charge.

However even if you lodge an objection, you must still pay your rates while your objection is being considered. If the Valuer-General's Office agrees with your objection, it will authorise a refund of part of the rates. Whatever the Valuer-General's office decides about your objection, they must notify you in writing. If you still do not agree with the valuation, you may appeal to the Land and Environment Court. You have a limited time to do so. The Valuer-General's response to your objection will explain the final date for an appeal.

Contact the Land and Environment Court to find out how to lodge an appeal because procedures change from time to time.

Is there any land that does not attract rates?

Yes. The Local Government Act provides for certain types of land to be free of all rate payments.

The types of land include:

- Land that is vested in the NSW Aboriginal Land Council or a Local Aboriginal Land Council and is declared under Division 5 of Part 6 of the Aboriginal Land Rights Act 1983.
- Land within a national park, historic site, nature reserve or State game reserve.
- Land occupied by a church or another building used or occupied for public worship.
- A building used or occupied for religious teaching or training.
- Land that belongs to and is occupied and used in connection with a school.
- Land owned by the Crown not held under a lease for private purposes.

Some land under the Act is exempt from all rates, except for water supply and sewerage rates. Some examples are:

- Land that is a public place or public reserve.
- Land that belongs to and is used by a public benevolent institution or charity.
- Land that belongs to a public hospital.

If you think your land should be rate free, then you can apply for a review by the council or lodge an appeal with the Land and Environment Court. You must lodge your appeal with the Registrar of the Land and Environment Court and also with the General Manager of your council within 30 days of the time you get your rate notice. You can get a 'Notice of Appeal' form from your council.

How often do rates have to be paid?

Ratepayers receive a bill each year for a year's rates starting from 1 July. This can either be paid in four equal quarterly instalments or as a single payment. If you choose to pay the whole year's rates in one payment, your council may offer you a discount. If you choose to pay four quarterly instalments, your payments will be due on 31 August, 30 November, 28 February and 31 May each year. If you are renting, the owner of the property will receive the rates bill, not you.

What happens if rates are not paid on time?

If you do not pay your rates by the due date, councils are entitled to charge interest at a daily rate. To avoid this, you should always discuss with the council any difficulties you may have in paying your rates. If you do this, make a note of when you contacted the council, the name of the person you spoke to and what was agreed.

Many councils are willing to come to an agreement about how rates will be paid. If you comply with this agreement, council may choose to write-off or reduce interest owing on the previously outstanding amount.

Can a council sell a property if the rates are not paid?

Councils have the power under section 713 of the Local Government Act to sell any land on which rates are not paid. They usually cannot do this until the rates are five years overdue. If the land is vacant, it can be sold after one year in certain circumstances. However, make sure you contact the council before it gets to this stage. There may be ways to solve the problem that will satisfy both you and the council.

Section 44 of the Aboriginal Land Rights Act prevents councils from selling land owned by Aboriginal Land Councils to recover unpaid rates.

What about charges for garbage collection?

If you are a ratepayer and live in an area that has a garbage collection service, there will be a separate amount for garbage collection on your rates bill. It is often called 'domestic waste management'. Like rates, these charges can either be paid as a single payment or in four equal quarterly instalments. If the owner of your property has paid the garbage collection charge, you are entitled to have your garbage collected from outside your house or block of flats.

Are there any reductions for pensioners or other groups?

Yes. Eligible pensioners responsible for paying rates and charges are entitled to a reduction in the amount they pay. Your council will not automatically know that you are entitled to such a reduction, so you should let them know when you become a pensioner or start to receive other social security benefits. They will ask you to provide proof of this.

BUILDING WORK AND URBAN PLANNING

Building work

You must obtain permission from your local council for most building work. You will need to complete a building application and pay a fee.

Urban planning

Under the Environmental Planning and Assessment Act 1979, councils control many aspects of the development of your local area. Anyone wanting to, for example, build a shopping centre must obtain permission from the council by submitting a development application.

Councils are required to prepare a number of environmental planning instruments which they use when assessing development applications. These include a Local Environment Plan (LEP), Development Control Plans (DCP) and a Section 94 Contributions Plan. The Environmental Planning and Assessment Act is currently being reviewed. If they decide to integrate local, regional and state planning processes, the names of these plans may change.

Local Environment Plan (LEP)

An LEP divides the council area into zones for particular purposes. These zones include residential, commercial, industrial and community land. Any development application needs to comply with the zoning for the area.

Development Control Plan (DCP)

A DCP lists the controls that apply to a particular type of development, such as a shopping mall, or a development in say a residential area. A DCP refines or supplements an LEP. All development applications need to comply with any relevant DCPs.

Section 94 Contributions Plan

Under section 94 of the Environmental Planning and Assessment Act, councils may ask for contributions from developers so that adequate open space is provided as part of a new development or public facilities required by a new development are provided without cost to the community. This can be an opportunity for you to approach your council with proposals, suggestions and submissions on the needs of your group, such as a space to meet.

Community consultation

One of the objectives of the Environmental Planning and Assessment Act is to provide opportunities for public involvement and participation in environmental planning and assessment issues. Under the Act, councils must consult with their community when preparing LEPs, DCPs and contributions plans. Some development applications may also include community consultation but this will vary from council to council.

Further information

Please contact your council if you want more information about planning and development issues. The Department of Urban Affairs and Planning may also be able to give you some general information. You can contact them on (02) 9391 2000.

WHAT REGULATORY ACTIVITIES DO COUNCILS CARRY OUT?

Councils have a range of regulatory functions under a number of different pieces of legislation, including the Local Government Act and the Companion Animals Act. For example they can inspect food premises, make sure people keep their dogs under control and issue fines for littering.

Dogs and cats

Registering and microchipping your dog

If your dog has an up-to-date annual registration with a local council, it must wear a collar and ID tag. It can stay on annual registration until June 2002 unless there has been a breach of the Act eg your dog has been found straying or without a collar and tag. If your dog is not registered with a local council, it must be microchipped at point of sale or by 12 weeks of age (whichever is sooner) for lifetime identification. You must also lifetime register your dog with a local council by six months of age. Contact your council for more information.

Registering and microchipping your cat

If you got your cat before 1 July 1999, it must have a microchip or a collar and ID tag. It does not have to be registered with your local council unless there has been a breach of the Act such as a nuisance order or your cat has been taken to the pound. If you got your cat after 1 July 1999, it must be microchipped at point of sale or by 12 weeks of age (whichever is sooner) for lifetime identification. You must also lifetime register your cat with a local council by six months of age. Contact your council for more information.

Responsibilities of dog and cat owners

Owners of dogs and cats have a number of responsibilities under the Companion Animals Act. If you don't meet these responsibilities your dog or cat may be seized, the council may issue an order requiring you to stop your dog or cat causing a nuisance, or you may be fined.

These responsibilities include:

- A dog in a public place must be under the effective control of a competent person on a chain, cord or leash.
- Dogs are not allowed in school grounds or child care centres or within 10 metres of a children's playground.
- A dog must not rush at, attack, bite, harass or chase any person or animal or cause excessive noise by barking.
- A dog's faeces must be removed immediately and disposed of properly.

Approvals

Certain activities, such as operating a caravan park, can only be carried out if a council gives approval. If you don't obtain or comply with an approval, it is an offence under sections 626 and 627 of the Local Government Act 1993.

Orders

A council can order you to do, or stop doing, a range of things. For example they can order you to keep fewer animals on your premises, remove something that is obstructing a public place, and fence land next to a public place. If you don't comply with an order, it is an offence under section 628 of the Local Government Act 1993.

If councils decide to issue an order they must:

- give you notice of the proposed order
- allow you to make representations about the proposed order
- give reasons for issuing the order
- give you a timescale for complying with the order
- explain that you can appeal against the order to the Land and Environment Court and how long you have to appeal.

Power to erect notices in public places

A council can erect notices controlling activities in public places. These notices may cover:

- paying a fee to enter or use the place

- using a vehicle in a place
- taking or using an animal or anything in the place
- doing anything in the place
- using the place or any part of the place.

If you don't comply with a notice, it is an offence that can carry a fine. Only authorised council employees or the police can take action to prosecute you for committing any of these offences.

Other offences under the Local Government Act that relate to behaviour in public places

Some other offences relating to behaviour in public places include:

- the consumption of alcohol
- controlling animals, including dogs
- the conduct and costume of people on the beach
- the use of skateboards, roller blades and roller skates where this obstructs or causes danger to any other person
- wilfully breaking, throwing or leaving a bottle, glass, syringe or anything likely to endanger or cause injury to any person
- damaging, defacing or polluting a public bathing place
- using loudspeakers or sound amplifying device without council approval
- injuring or removing plants, animals, rocks and soil.

These offences can carry a fine. Only authorised council employees or the police can take action to prosecute you for committing any of these offences.

HOW TO HAVE A SAY IN COUNCIL ACTIVITIES

One of the main aims of the Local Government Act 1993 is to encourage local communities to have a say in what their council does and how it does it. There are a number of ways in which you can participate in council affairs.

Vote in elections, referendums and polls

Elections

Elections are held every four years, on the second Saturday in September, to elect representatives or councillors to all councils in New South Wales. The next election will be in 2003.

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

Once your name is on the electoral roll, you must vote unless you have a very good reason why you can't. You may be fined if you don't vote. It is very important for Aboriginal people to vote because the people who are elected are responsible for deciding what the council does. There are areas in country NSW where a large proportion of the population is Aboriginal - your vote is one way that Aboriginal people can get councillors who understand their needs.

After each local government election, the Department of Local Government surveys all councils about the characteristics of candidates and councillors. These characteristics include age, gender, occupation and ethnic background. At the 1999 elections, 28 Aboriginal or Torres Strait Islander people were elected. This was an increase of 16 from the 1995 elections. The Department produces a report on the findings from the survey so that the community can see how well the councillors reflect the characteristics of people living in their communities. A small number of hard copies of the report, called 'Candidates and Councillors', are distributed to councils. If you are interested, you can contact your local council or local library to find out if they have a copy. The report is also available on the Department's website at www.dlg.nsw.gov.au.

Referendums

Councils may hold constitutional referendums on a set list of issues specified in the Local Government Act. The results of these referendums are legally binding.

There are also certain things that a council cannot do without first having a referendum to ask the approval of the community. For example, a council cannot change the way in which a mayor is elected or change the number of councillors elected to office without first getting the approval of the majority of the people voting.

Polls

Councils may take a poll of the people who are on the electoral roll at any time. Polls, like referendums, are elections where people vote on an issue rather than for a person.

A poll can be taken on any issue that the council needs information and guidance about. For example, a council may be planning to spend funds on a new library but people may be saying that a new swimming pool is needed more urgently. The council may decide to take a poll of the electors in its area to find out what the residents see as the most urgent need - a library or a swimming pool.

Unlike a referendum, a poll is not binding on the council. So if the council believes that there are good reasons why the library should be built first, it may still decide to do this even if the poll showed most people preferred the swimming pool.

Run for election as a local government councillor

One of the best ways to ensure that the interests of Aboriginal people are considered by your council is to stand for election as a councillor. The Department of Local Government has a helpful booklet on how to go about this. It is called 'So you're thinking of becoming a Local Government Councillor' and was published in April 1999. There are copies on the Department's website at www.dlg.nsw.gov.au or you can contact our publications section on (02) 9793 0711.

The Local Government and Shires Associations (LGSA) has a booklet called 'Becoming a Councillor'. The LGSA also holds information sessions before elections for anyone interested in standing as a councillor. These sessions are held throughout NSW and are advertised in local newspapers. Contact your council for a copy of the booklet or for more details about the information sessions.

The Department also established the Aboriginal Mentoring Program to give Aboriginal people thinking of standing for election as a councillor a chance to find out what is involved by setting up a mentoring relationship with a current councillor. More information about the Program is provided in Part 8.

Attend council meetings

Councils are required to have meetings but when they meet varies between councils. Anyone can attend council meetings, whether it is a meeting of the whole council or one of council's committees. A council must give public notice of the times and places of these meetings. For details, contact your council or check your local newspaper or notice boards at council chambers or libraries.

Many councils set aside time at the beginning of meetings for members of the public to speak. You may need to let your council know if you want to do this.

Agendas and business papers which set out what will be discussed at a meeting must be made available at the council's office and at the meeting before it starts. If you want to take away copies of the agenda and business papers, you are entitled to do so but you may be charged for photocopying.

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

These reasons include when the meeting is discussing:

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

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

Participate in council committees

Councils often establish committees, which include members of the community, to help them develop various plans and policies. These committees vary from council to council, but can include those that deal with environmental and heritage issues. If you want to find out about or participate in these committees, you should contact your local council.

Look at council documents

Under section 12 of the Local Government Act, members of the public are entitled to have access to a number of council documents. In general, access to council records is free although

you may have to pay reasonable photocopying charges.

If you want to access council documents, you should also be aware of the Privacy and Personal Information Protection Act 1998 which came into operation on 1 July 2000. This Act helps to protect personal information and the privacy of individuals.

Under section 343 of the Local Government Act, the Public Officer of a council is responsible for helping people to gain access to council documents. If you are refused access to documents on the grounds of privacy, you should read a document called 'Privacy, You and Your Local Council' (March 2001). It provides a brief overview of the Privacy and Personal Information Protection Act and answers some frequently asked questions. Councils have been encouraged to display this information to help anyone wanting to access council documents. The document is also available on the Department's website at www.dlg.nsw.gov.au under or you can contact our publications section on (02) 9793 0711.

Section 12 (1) of the Local Government Act specifies that the following council documents must be made available free of charge for people to inspect at council offices during business hours.

- code of conduct
- code of meeting practice
- annual report
- annual financial reports
- auditor's report
- management plan
- EEO management plan
- social/community plan
- policy about the payment of expenses and the provision of facilities to councillors
- land register
- register of investments
- returns of the interests of councillors, designated persons and delegates
- any codes referred to in the Local Government Act 1993
- returns about candidates' campaign donations
- agendas and business papers for council and committee meetings, but not business papers for matters considered when part of a meeting is closed to the public
- minutes of council and committee meetings - if any part of a meeting is closed to the

public, only the resolutions and recommendations that were made are included in the minutes

- register of delegations
- annual reports of bodies exercising delegated council functions
- building and development applications under the Environmental Planning and Assessment Act 1979 and associated documents
- local policies adopted by the council concerning approvals and orders
- records of approvals granted, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
- records of building certificates under the Environmental Planning and Assessment Act 1979
- plans of land proposed to be compulsorily acquired by council
- leases and licences for the use of public land classified as community
- land
- plans of management for community land
- environmental planning instruments, development control plans and plans made under sections 94A and B of the Environmental Planning and Assessment Act 1979 that apply to land within the council's area
- the statements of affairs, the summary of affairs and the register of policy documents required under the Freedom of Information Act 1989
- Departmental representatives' reports presented at a meeting of the council in accordance with section 433 of the Local Government Act 1993.

A council may also allow access to its other documents - this will be a matter for each council to decide, taking into account whether or not it is in the public interest (section 12 (6) of the Local Government Act).

Since 1 July 1993, the Freedom of Information Act has been expanded to give the community access to council documents they couldn't previously see. You may be able to use this Act if you can't obtain documents under section 12 of the Local Government Act.

Many councils have their own websites on the internet and may put some of these documents on their website. You can access a council's website through the Department of Local Government's website at www.dlg.nsw.gov.au. Select Local Government Directory, then local councils, the name of your council and then its web address. If you think a council document should be on its website, you can ask the council to put it on. The Department of Local Government has encouraged councils to do this, but it is up to each council to decide whether it does.

Participate in the development of council plans and policies

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

Management plan

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

A management plan must contain:

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

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

Councils have been encouraged to consult with their communities, including Aboriginal people, at the beginning of the development of the management plan. It is up to councils how they do this but consultation might include public meetings, focus groups, workshops, meetings with community organisations, suggestion boxes, telephone surveys or hotlines, as well as feedback via the internet.

Councils need to know what their communities think. If you are unable to participate in a consultation organised by your council, but would like to express your views, you should contact the council to find out how you can do this. You can do this at anytime – you don't have to wait until council asks.

The Department of Local Government has produced 'Management Planning for NSW Local Government Guidelines' (February 2000) to help councils prepare their management plan. You can get a copy of this document from the Department's website at www.dlg.nsw.gov.au or you can contact our publications section on (02) 9793 0711.

Social/Community plans

Under the Local Government (General) Regulation 1999, councils are required to develop and adopt a social or community plan at least once every five years. This plan has to identify the needs of seven mandatory target groups. Aboriginal people are one of these target groups.

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

Councils are not required to implement their social or community plan. However, they are required to include information about planned access and equity activities in their management plan. This includes activities aimed at Aboriginal people. Councils also have to include information in their annual report about the access and equity activities they have carried out.

The Department has produced 'Social/Community Planning and Reporting Guidelines' (May 1998) and a 'Social/Community Planning and Reporting Manual' (May 1998) to help councils develop their social or community plan. Councils have to comply with the guidelines, but use of the manual is optional. You can get a copy of these documents from the Department's website at www.dlg.nsw.gov.au or you can contact our publications section on (02) 9793 0711.

Plans of management for community land

Under the Local Government Act, all public land in a council's area must be classified as either community land or operational land. A council must prepare a plan of management for all community land (s36). The plan may apply to one or more areas of community land.

A plan of management must:

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

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

Providing input to plans of management for community land is one way Aboriginal people traditionally associated with that land can bring any important issues to a council's attention.

Land that may be of Aboriginal significance is set out in clause 13 of the Local Government

(General) Regulation 1999. It includes land that may be important to traditional or contemporary culture or land that contains European settlement that is of significance to Aboriginal people. This could be old mission buildings, cemeteries or camping places. When councils are deciding whether or not land is an area of Aboriginal significance, they must inform and invite submissions from the Aboriginal community traditionally associated with that land. Clause 20 of the Regulation sets out the procedure.

A council must:

- give written notice to the Local Aboriginal Land Council for the area concerned
- place an advertisement in a newspaper circulated across the State that is primarily concerned with issues of interest to Aboriginal people
- put a written notice on the land in a position where the notice is visible to anyone on adjacent public land
- specify the closing date for submissions which cannot be less than 28 days after the date the notice was given
- not prepare a draft plan of management for land that is of Aboriginal significance unless it has called for and considered any submissions made by Aboriginal people traditionally associated with the land.

Councils are also encouraged to consider taking oral as well as written submissions. Oral history is a legitimate source of information and evidence and provides a culturally appropriate and accessible forum for Aboriginal people to express their views.

Aboriginal sacred sites and State of the Environment Report

The NSW National Parks and Wildlife Service is responsible for the care, control and management of all Aboriginal relics and places in NSW. This includes sites of significance and sacred sites. Under section 90 of the National Parks and Wildlife Act 1994, it is illegal to destroy a known sacred or significant site. If you are aware of a site which may be in danger of being destroyed or damaged, you should contact the National Parks and Wildlife Service.

Although your council does not have direct responsibility for sacred sites, councils generally encourage notification and protection of sites because they are of historical importance in the local area.

Local government plays a significant role in environmental management. A local State of the Environment (SoE) report provides a summary of the attributes of the local government environment and the human impacts on that environment. It also provides a public record of the activities of government, industry and the community in protecting and restoring the environment. Each council must submit an annual SoE report as part of its annual report. SoE reports cover the eight environmental sectors of land, air, water, biodiversity, waste, noise, Aboriginal

heritage and non-Aboriginal heritage. Contact your local council if you would like to see a copy of this report.

Other plans and policies

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

Annual report

Councils are required to produce an annual report that provides information about the implementation of their management plan. If you look at your council's annual report you can see whether programs that affect your community have actually been implemented and how well they have been implemented. You can use this information to make suggestions to your council about how those programs might be improved or to suggest new programs.

Customer feedback and complaints

If you have a problem with your local council, you should first talk to council staff. A specific person in the council usually has overall responsibility for managing the complaints system, so if you are not happy with how your complaint is dealt with, you should ask to speak to this person. They may be known as the Public Officer. If you are not satisfied with their response, you should write to the General Manager. You may also take complaints to the Mayor or your elected councillors.

Remember, until someone complains, a council may not know there is a problem with a particular service. You should be kept informed about what is being done about your complaint.

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

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

- The **NSW Ombudsman** can help make sure local councils act fairly and reasonably. They can investigate issues such as councils not complying with proper procedures or the law, not enforcing development consent conditions, not replying to correspondence, not notifying affected persons before certain decisions are made, and not acting reasonably, consistently, impartially and fairly. Some council decisions, such as setting rates or

adopting particular policies, are usually not investigated. Their address is Level 24, 580 George Street, Sydney and their phone number is (02) 9286 1000.

- The **Independent Commission Against Corruption's (ICAC)** role is to expose and minimise corruption in the NSW public sector. This includes local councils. Their address is 191 Cleveland Street, Redfern and their phone number is (02) 9318 5999.
- The **Human Rights and Equal Opportunity Commission (HREOC)** was set up by the Commonwealth Government to deal with complaints about discrimination on grounds such as race, gender and disability. Their address is Level 8, Piccadilly Tower, 133 Castlereagh Street, Sydney and their phone number is (02) 9284 9600 or toll free number is 1300 656419.
- The **Anti-Discrimination Board (ADB)** administers the NSW Anti-Discrimination Act. They can help resolve complaints about the types of discrimination or harassment listed in the Act. These may include discrimination on the grounds of race, age, gender and disability. Their address is Level 17, 201 Elizabeth Street, Sydney and their phone number is (02) 9268 5555.

If your complaint is about discrimination, you should contact both HREOC and the ADB to check which agency is best equipped to resolve your specific complaint.

INITIATIVES FOR ABORIGINAL PEOPLE

There are a number of initiatives set up by local government to address the needs of Aboriginal people. Some of these are described below. If you would like find out more about these and other things councils are doing, you should contact your local council.

Local Government Aboriginal Network

The Local Government Aboriginal Network was formed in 1987 as a forum for discussing local government issues that affect Aboriginal communities. The Network is made up of Aboriginal liaison officers working in local government and Aboriginal people who have been elected as councillors. It provides support and information for network members.

Network meetings are currently held twice a year, usually in March and October, in different locations in New South Wales. You don't have to be an Aboriginal liaison officer or councillor to attend meetings. If you are interested in local government issues, you are welcome to attend. Please contact the Community Services Section of your council for more information.

Aboriginal advisory or consultative committees

Aboriginal advisory or consultative committees have been set up in a number of council areas to address issues of concern to the council and Aboriginal communities.

If you live in a council area that has an advisory committee, you can raise any concerns you may have about local government with them. Check with the Community Services Section of your council to see if you have a committee in your area. If your area doesn't have an advisory committee and you would like one established, you could ask your council to establish one. It is up to the council to decide if it establishes a committee.

Aboriginal Mentoring Program

The Aboriginal Mentoring Program was established to enable Aboriginal community members to get a greater insight into local government. It encourages Aboriginal people to run for office through a mentoring relationship with current councillors. To participate in this program, you must be seriously considering standing for election. Participation in the program does not guarantee you a position on council at the next election.

Contact your council if you are interested in the mentoring program. If your council does not have a program, you can ask for one to be established. It is up to the council to decide if it establishes one.

The Department of Local Government evaluated the Aboriginal Mentoring Program in 1999. There is a report on this evaluation on the Department's website at www.dlg.nsw.gov.au.

National Commitment

In December 1992, the National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal People and Torres Strait Islanders was endorsed by the Council of Australian Governments. The Council includes representatives of the Australian Local Government Association.

The Commitment states that the role and responsibility of local government is to:

- ensure the provision of a full range of local government services to Aboriginal people and Torres Strait Islanders in accordance with appropriate planning, co-ordination and funding mechanisms, and
- recognise the need for local area planning integrated with ATSIC and state and territory planning processes.

The Department of Local Government issued a copy of the National Commitment to all councils in August 1993 and advised them to carefully consider the principles set out in it and the stated role of local government. The Local Government and Shires Associations is currently working with selected Aboriginal communities and councils to develop agreements about the provision of services.

NSW Local Government Aboriginal Employment Strategy

The Local Government Aboriginal Employment Strategy aims to increase the employment of Aboriginal people in councils.

If you are interested in participating, contact your local council to find out if it is involved in the program. For more information about the program, contact the Aboriginal Community Programs Unit in the Department of Education and Training on (02) 9266 8350.

Other relevant organisations

The Local Government and Shires Associations (LGSA) and the Australian Local Government Association (ALGA) are industry groups that develop policies and procedures for member councils, including policies that affect Aboriginal people. They also lobby government agencies on behalf of those councils. The LGSA represents all NSW local councils and ALGA represents local government at a national level.