



# PERSONAL RESPONSIBILITIES OF COUNCILLORS

At the Orange City Council meeting on Tuesday 19th November the issue of Councillor attendance was discussed. Councillor Joanne McRae had asked, among other things, for statistics about Councillor attendance at Council meetings, community Committee meetings and training to be reported so that people considering standing for election as Councillors in the September 2020 local government elections understand the potential workload.

In the same vein this column looks at the personal responsibilities of Councillors. Much of this column is quoted directly from the NSW Office of Local Government 2017 Councillor Handbook.

## Personal responsibilities of councillors

### » Work Health and Safety Act 2011

It is important that councillors ensure that they are familiar with the key provisions of the Work Health and Safety Act 2011 (the WHS Act). For more information about the WHS Act visit the SafeWork NSW Website. <https://www.safework.nsw.gov.au/>

### » Social justice

As leaders of the community it is essential that councillors promote the social justice principles of equity, access, participation and rights for all people. This is consistent with the requirement in the Local Government Act 1993 for councils' Community Strategic Plans and Community Engagement Strategies to be based on social justice principles.

Social justice for local government means a commitment to ensuring:

- **EQUITY** - there is fairness in the distribution of resources
- **RIGHTS** - rights are recognised and promoted
- **ACCESS** - people have fairer access to the economic resources and services essential to meet their basic needs and to improve their quality of life

- **PARTICIPATION** - people have better opportunities for genuine participation and consultation about decisions affecting their lives.

To promote social justice councillors also need to be aware of and comply with personal responsibilities in relation to the following matters:

### » Anti-Discrimination

A Fact sheet for local government councillors – August 2011 is available to assist councillors to understand their responsibilities under anti-discrimination legislation.

More detailed Anti-Discrimination Guidelines for Local Councils – August 2011 have been prepared for councillors and council managers to assist councils comply with anti-discrimination legislation. These resources were prepared by the Anti-Discrimination Board in conjunction with the Office of Local Government. For further information about the Anti-Discrimination Act 1997 visit the Anti-Discrimination Board website. <https://www.antidiscrimination.justice.nsw.gov.au/>

### » Equal Employment Opportunity

There are Equal Employment Opportunity (EEO) requirements specifically included in the Local Government Act 1993 - Section 345 Preparation and implementation of Equal Employment Opportunity management plans

### » Principles of multiculturalism

Councillors should also be aware of their council's responsibility to implement the principles of multiculturalism set out in the Multicultural NSW Act 2000. For further information about this Act see Multicultural NSW's website at [www.multicultural.nsw.gov.au](http://www.multicultural.nsw.gov.au)

### » Ecologically Sustainable Development

The Local Government Act 1993 states that council

decision-making should consider the principles of ecologically sustainable development. This requires the integration of economic and environmental considerations in decision-making processes.

A number of principles underpin ecologically sustainable development and can be used to guide our decision making and actions.

They include:

- » the precautionary principle
- » intergenerational equity
- » biodiversity and ecological diversity
- » improved economic valuation including environmental factors.

### Legislation under which councillors have personal responsibilities

- ▶ State Records Act 1998
- ▶ Government Information (Public Access) Act 2009
- ▶ Privacy and Personal Information Protection Act 1998
- ▶ Work Health and Safety Act 2011
- ▶ Anti-Discrimination Act 1997

### Other Responsibilities of Councils

As well as the Local Government Act 1993 Councils also have responsibilities under the following Acts:

- ▶ Companion Animals Act 1998
- ▶ Swimming Pools Act 1992
- ▶ Impounding Act 1993
- ▶ Environmental Planning and Assessment Act 1979
- ▶ Protection of the Environment Operations Act 1997
- ▶ Waste Avoidance and Resource Recovery Act 2001
- ▶ Threatened Species Conservation Act 1995
- ▶ Noxious Weeds Act 1993
- ▶ Road Rules 2014
- ▶ Road Transport Act 2013
- ▶ Road Transport (General) Regulation 2013
- ▶ Roads Act 1993
- ▶ Transport Administration Act 1988
- ▶ Multicultural NSW Act 2000
- ▶ Coastal Management Act 2016

I have received feedback that many people find these columns informative and I am happy to receive comments from readers about this column and other issues you would like me to cover so please either contact me at Orange City Life or [aes@amandaspaldingconsulting.com](mailto:aes@amandaspaldingconsulting.com)