STAND FOR YOUR COMMUNITY

All you need to know about becoming a councillor in NSW

In co-operation with Local Government NSW
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Foreword from the Minister for Local Government

Local government is responsible for an extensive range of services that benefit and impact the day-to-day lives of people across NSW, such as planning and waste disposal and the delivery of infrastructure including footpaths, parks, swimming pools and roads.

The sector is an important part of the NSW economy, employing 50,000 people and spending close to $10 billion annually in providing services to people across the state.

Our councils are made up of people who are willing to stand up and make a difference to the communities in which they live. By becoming a councillor, you too can serve your local community.

The NSW Government’s historic local government reforms are creating stronger and more sustainable councils that are better able to deliver the services and infrastructure our communities need, making it a particularly exciting time to be a councillor in NSW.

Our communities are at their strongest when they are represented by the people who know their issues and reflect who they are. The NSW Government is committed to gender and cultural diversity in candidates and it is hoped that this publication will encourage a greater cross-section of councillors that reflect the make-up of their local communities.

The opportunity to serve your community by becoming a councillor is a rewarding experience.

If you have a passion for your community and a willingness to learn new skills, show leadership and work with others then I would encourage you to consider becoming a councillor.

As a former mayor myself, I’ve seen first hand the great work councils do and the important role councils play in ensuring the views of local communities are at the heart of decision making.

Paul Toole
The Hon Paul Toole MP
Minister for Local Government
As local government in NSW navigates significant change, strong local leadership and representation are of paramount importance in ensuring the wellbeing of our communities. The responsibilities of the councillor are considerable, not only in providing this leadership and representation, but in pursuing a clear vision for the future of the local area and its people.

The councillor’s role is one that delivers many challenges and, moreover, many rewards. It is a valuable opportunity to contribute to your community. Working with other councillors and council staff you will play a pivotal part in providing responsible stewardship across diverse activities such as community development, asset and infrastructure management, environmental and economic sustainability and land use planning.

You will be an advocate on local issues, a champion of local ideas and initiatives, and a spokesperson for local community groups and interests. Councils represent the sphere of government that is truly embedded within local communities and councillors work closely with local people in fulfilling their responsibilities.

Strong local government relies on co-operation, effective forward planning, innovative thinking and sound decision-making. To the same degree, good governance and management of each council presents unique challenges and requires high levels of collaboration and mutual respect between elected representatives and the administrative leaders.

Communities across NSW have high expectations of their councils in service delivery, local area management and advocacy. To meet these expectations, councils need elected representatives of a high calibre with the vision, energy and commitment required to represent local communities and provide effective local leadership.

This booklet has been designed by the Office of Local Government in conjunction with Local Government NSW as a guide to becoming a councillor in NSW. It is intended for people who are considering standing for election and also as a valuable source of information about the role of a councillor.

As an elected councillor, the commitments of time and energy required are significant, as are the rewards. We urge careful consideration and thorough research before you decide to stand for election as a councillor. Contact your council, speak with your current councillors and attend any local information sessions about becoming a councillor. If you decide to stand for election, we wish you well and thank you for your interest in and commitment to your local community.

Cr Keith Rhoades AFSM
President
Local Government NSW
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Councillors: ordinary people with an extraordinary passion for their community
Who can be a councillor?

If you are passionate about your local community then you already have what it takes to become a councillor. Everything else you need to know about taking the step and nominating for election is in this guide.

There are no special qualifications to become a councillor other than a desire to serve your community. If you are eligible to vote at an election for your council, you can also stand as a candidate for election to the council. You’ll benefit from the skills you develop - and you can learn most of these skills on the job.

A councillor’s role is important. The decisions a council makes and the services it provides can change local communities and environments.

Being a councillor is a rewarding opportunity to:

- make decisions that help people in your local community
- influence the long term vision and direction for your community
- learn new skills, such as leadership, public speaking and advocacy
- work with diverse and passionate people on a range of issues
- balance the needs and priorities of your community
- show leadership and make the best decisions for your community.

More information about who can be a councillor is contained later in this guide.
Being a voice for the local community: why is diverse representation on council important?

NSW is one of the most diverse and inclusive societies in the world.

Across the state, local communities are made up of a mix of people from a diverse range of backgrounds with different needs and interests. These groups include Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse backgrounds, people with a disability, women and young people.

However, there is an under representation of diverse groups of people among elected representatives and in the workforce of many NSW councils.

Local councils need diversity among councillors to reflect the diverse needs of community members.

If a community is diverse, their councillors should be too. This will lead to better leadership and decision making to create stronger councils and better outcomes for local communities.

Information and statistics on local government representation can be found in the *Candidates and Councillors 2012 Report* available at www.olg.nsw.gov.au.
Do you have what it takes to be a councillor?

As well as enthusiasm, passion and caring about the local community, you should be willing to learn new skills. Skills, knowledge and attributes which are helpful for councillors to have include:

• communication skills, including listening and interpersonal skills, public speaking, networking, respecting different opinions, negotiation, mediation and conflict resolution skills
• problem solving and analytical skills, in order to get to the core of a problem and come up with solutions
• teamwork skills, because councillors need to work together to benefit the community
• organisation skills, including time management and priority setting
• understanding of financial and reporting processes, including budget processes and financial reports
• ability to engage with the community
• understanding of social justice principles
• understanding of the role and services of local government
• ability to understand relevant state government legislation
• leadership qualities, such as energy, optimism, motivation, resilience, confidence, assertiveness, strategic thinking and advocacy skills
• ethical and accountable behaviour, and a commitment to act in the best interests of the community as a whole.

While this may seem like a long list, as a councillor you will receive information and training to help you in all of these areas.

Being a councillor is an opportunity to serve your community, and this opportunity involves a commitment of your time. There are a range of factors that determine how many hours councillors spend each week on council activities, including the size of the council and the issues that arise.

Being a councillor is not without its challenges.

To get a good idea of the time it takes to be a councillor in your area, talk to a past or present local councillor.

• working with other councillors and others who may be very different from you and hold very different views
• balancing your commitments to the council and the community with family and work commitments
• experiencing an initial steep learning curve.

Being a councillor is a four-year commitment, with councillors expected to attend all council meetings. The exact number of meetings each year depends on the council, but each council must meet at least 10 times each year. If you miss three consecutive council meetings without getting a prior leave of absence from the council, your office will automatically become vacant.

In the end, standing for council is a personal choice only you can make because you understand your own circumstances and what the time commitment means for you. It is a good idea to talk to your family and friends about your plans to serve your community and run for election.
How do councillors serve their communities?

Councillors work together to make decisions about what the council will do to meet community needs and how money should be spent in the best interests of the community as a whole.

Councillors do not get involved in the day-to-day running of the council, which is the role of the general manager. More information on the role of a general manager is contained later in this guide.

Different communities have different needs, and councillors can be involved in a range of issues. The size and make up of local communities, and whether they are in metropolitan, regional or rural areas, can impact the issues that councillors get involved in.

Some things a councillor does are:

- take part in council meetings, often in the evenings and usually at least once a month
- read council business papers and prepare for council meetings
- review a council’s strategic plans, policies and budget on a regular basis to check if progress is on track
- speak to members of the community about their needs and concerns.

Some other activities that a councillor might typically get involved in are:

- taking part in special council committees, such as local traffic or planning committees
- inspecting progress on council projects, such as road works or the building of a new library
- keeping an eye out for problems with council assets that may need to be reported, such as damage to sports fields or broken signs
- participating in civic events, such as presenting sporting and other awards and attending citizenship ceremonies
- representing the council at events and conferences, such as the Local Government NSW Annual Conference.

Councillors serve their communities by listening to people in the local area and then representing those views on council.
What are councillors’ ethical obligations?

Councillors are expected to comply with the ethical standards outlined in the Model Code of Conduct for Local Councils in NSW.

It is important that communities have confidence in the integrity of their local councils, the councillors they elect and the decisions those councillors make. Councillor misconduct can erode that trust.

Serious breaches of councils’ codes of conduct can carry significant penalties including suspension from office for up to six months. Councillors who are suspended on three or more occasions are disqualified from holding office in a council for five years.

Councillors must be mindful that their actions, including when acting in a private capacity, may have the potential to reflect badly on their council. For this reason, councillors are expected to observe the highest standards of personal conduct 24/7.
Local government: what it is and why it matters
Councils in NSW provide a very wide range of services and activities. What often first springs to mind when people think about the role of local government are services such as garbage collection - however councils have a much wider and more important role than many people realise.

The big picture: How do federal, state and local governments relate?

Local government does not exist in isolation. It is important for councils to maintain strong relationships across different levels of government, between and within councils, and within the community.

Federal, state and local governments each play distinct and important roles. Figure 1 below gives examples of the typical responsibilities of the three spheres of government in Australia.

Some parts of the NSW Government which are particularly important for councils to work with are:
- Office of Local Government,
- Department of Planning and Environment
- Office of Environment and Heritage.

Councils in NSW also have important working relationships with groups such as:
- Local Government NSW
- Local Government Professionals Australia (NSW)
- Australian Local Government Women’s Association.
Guiding principles: introducing the Council’s Charter

The Council’s Charter outlines a set of principles to guide councils in carrying out their functions, including to:

• provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively

• exercise community leadership

• exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism

• promote, provide and plan for the needs of children

• properly manage, develop, protect, restore, enhance and conserve the local environment in a manner that is consistent with and promotes the principles of ecologically sustainable development

• have regard to the long-term and cumulative effects of its decisions

• bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible

• engage in long-term strategic planning on behalf of the local community

• exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights

• facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government

• raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants

• keep the local community and the NSW Government (and through it, the wider community) informed about its activities

• ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected

• be a responsible employer.

Councils adhere to, and go above and beyond, the principles of the charter. Councils pursue their community’s visions and ideas, provide leadership, and express concerns about important issues to other levels of government.
Planning for sustainable development
Councils play a role in providing long term strategic planning for local government areas, as well as in town planning, zoning and subdivisions. In addition, councils are responsible for processing most development applications, building site and compliance inspections, building regulations and connections to water and sewerage.

Providing and maintaining infrastructure
Providing local infrastructure is an important contribution councils make to their communities. For example, councils provide and maintain local roads and bridges, public car parks, footpaths, sporting fields, parks, libraries and art galleries. Councils must consult with their communities about providing and maintaining these assets.

Protecting the environment
Councils regularly assess the state of their local environments, provide environmental programs and use their regulatory powers to prevent pollution or restore degraded environments. They carry out activities such as garbage collection and recycling, street cleaning, regulating parking, controlling dogs and cats and controlling noxious weeds.

Providing community services and development
Councils consult with and assess the needs of their communities, and use the information to target community development activities. They provide a range of services, including some aimed at groups in the community with special needs. Community services include libraries, retirement homes, home care services such as Meals on Wheels, swimming pools, playground facilities and child care centres.

Safeguarding public health
Councils help maintain high standards of public health and reduce the risk of exposure to a wide range of diseases through activities such as inspections of cafes and restaurants, waste management, pest and vermin control and hazardous material containment.

The community benefits: what services and functions do councils provide?
Councils provide services that fall under five broad categories. The list below provides a sample of some of the services provided by councils – but there are many other activities councils undertake.

The range and quality of services provided by a council is shaped by a number of factors, including the:
- availability of funds
- size, location and demographics of the area
- commitment to maintain existing services
- views, wishes and needs of the community.
Money matters: services cost money, but where does it come from?

Councils raise money from the local community through rates, charges and fees. They can also borrow and invest money. All councils receive a Financial Assistance Grant each year, which is paid by the federal government through the state government via the NSW Grants Commission. The amount of the grant varies from council to council. Councils may also be eligible to receive grants from a variety of other sources.
A good working relationship between councillors, the mayor, the general manager and other council staff is fundamental to an effective council.

The roles of key people in councils, including councillors and the general manager, are carefully defined in the *Local Government Act 1993* (the Act) to avoid any confusion.

The mayor is often considered the voice of the council and the leader of the community. While the mayor has the same roles and responsibilities as councillors, they are essentially the “first among equals” and are expected to exercise a leadership role within a council. This leadership role is reflected in their extra responsibilities.

Mayors:

- preside at meetings of the council
- carry out civic and ceremonial functions
- exercise urgent policy making functions, where necessary
- exercise other functions, as determined by the council.

The mayor can be elected in two ways: by the community or by the councillors. Mayors elected by the community hold office for the full four years, while mayors elected by councillors hold office for one year. The Government is proposing to legislate to increase the term of mayors elected by councillors to two years. Check with your local council to learn how your mayor is elected.
What is the role of the general manager?

The general manager is responsible for implementing the policies formulated and monitored by the council.

The general manager is the most senior employee of the council and is the only member of staff selected and appointed by the councillors. A general manager is appointed on a renewable, fixed term, performance based contract for a maximum of five years.

Under the Act, a general manager’s responsibilities include:

- ensuring the efficient and effective operation of the council’s organisation and the implementation of decisions of the council
- assisting the council with the development and implementation of the strategic plans and policies
- running the day-to-day operations of the council
- appointing staff
- directing and dismissing staff
- exercising functions which are delegated by the council.

The general manager may delegate functions to other staff.

What is the role of council staff?

Councils employ staff such as town planners, engineers, building surveyors, librarians, environmental officers, rangers and child care workers. Council staff carry out the day-to-day operations of the council, and implement council policies and other decisions, as directed by the general manager.
Being a councillor: what help is available to you
What fees are provided to councillors?

Under the Act councillors are entitled to an annual fee, paid in monthly instalments. The fee depends on the size of the council, the number of people it serves and the assets it manages. For example, in 2016 the fees ranged from $8,540 per year for a small rural council to $37,640 for a big metropolitan council.

The mayor of a council also receives an additional fee.

The fees paid to councillors are subject to tax, and may affect your assessable income for tax purposes.

A council may decide to reduce or withhold fees if a councillor does not attend meetings for more than three months. Councillors who are suspended from office are not entitled to receive a fee.
What expenses and facilities can be accessed by councillors?

As well as setting councillor fees, the Act allows councils to cover some of the expenses that councillors incur in carrying out their duties, including travel and telephone expenses.

The range of expenses and facilities provided to councillors varies between councils. A council decides what expenses it will cover and what facilities it will provide to councillors.

Councillor expenses covered by councils may include:

- training courses
- conferences
- travel to and from meetings, conferences and training
- accommodation, meals and refreshments
- phone calls and internet use associated with councillor duties
- child care associated with councillor duties.

Councils may also provide facilities for councillors such as computers, fax machines, mobile phones, stationery or administrative assistance. Councils are also encouraged to provide equipment and facilities to assist councillors with disabilities and special needs to access the services and information they need in order to perform their role.
What training and professional development is available to councillors?

One of the great personal benefits of becoming a councillor is the opportunity to undertake structured professional development. Councils may soon be required to provide induction and ongoing professional development for their councillors. All councillors are encouraged to participate in training and ongoing professional development.

The Office of Local Government and Local Government NSW provide a wide range of support for councillors, including training and induction programs.

For example, Local Government NSW provides professional development and training specifically catering to the needs of councillors. Local Government NSW’s Councillor Professional Development Program includes the following modules:

- Elected Life – An Induction Program for Councillors
- Executive Certificate for Elected Members
- Financial Issues in Local Government
- Model Code of Conduct (Councillor)
- Effective and Fair Meeting Procedures
- Chairing and Meeting Procedures
- Good Governance
- Know Your Planning
- Speed Reading for Councillors
- Understanding Sustainability for Councillors.

Information on the program can be obtained by contacting Local Government NSW via the contact details included at the end of this guide.

Individual councils are also strongly encouraged to provide training programs for councillors. The nature of these programs will vary from council to council. As a new councillor, you will be encouraged to tell your council about your own training needs.
Making it happen: how you can stand for election
Anyone who is entitled to vote at council elections in NSW is also eligible to stand for election as a councillor.

Before setting off to become a councillor, ensure you are on the electoral roll for the council area and be clear that you’re not disqualified from standing for office.

People disqualified from standing for office include people who are:

• currently serving a prison sentence
• convicted of certain election-related or criminal offences
• prohibited from managing companies
• suspended on three or more occasions for misconduct as a councillor
• Current state members, if elected, may only hold office as a councillor if they resign from the Parliament before the first council meeting.

Serving judges, the returning officer for elections of the council and council employees are also excluded.

Check point: am I eligible to nominate as a candidate?
How do I nominate as a candidate?

Getting the nomination process right is an essential step in becoming a councillor. It may sound like a complex process, but if you work through it step by step you will find it is much easier than it seems.

Firstly, you need to submit a nomination form. This can be submitted in one of two ways:

- you can be proposed for nomination as a candidate by at least two eligible proposers enrolled for the same ward or area as the one for which you are being nominated. It is wise to have more than two nominators just in case it turns out that one is not eligible
- you can be proposed for nomination by the registered officer of a registered political party.

There are a number of forms to complete at this stage and these need to be officially lodged with the returning officer. These forms include a form of consent and a candidate information sheet. There is also a nomination deposit payable to the returning officer in cash or by bank cheque.

Completed nomination papers must reach the returning officer by noon on nomination day. The papers can be delivered personally, emailed, posted or faxed and the returning officer will provide a receipt if you ask for one.

Make sure you check and verify all information provided on the nomination forms before lodgement, as it is an offence to make a false statement on election papers.
Local government elections: when and how are they conducted?

Local government elections in NSW are generally held on the second Saturday in September every four years in the year immediately following a state government election.

Check with your local council when its next elections are to be held.

Councils can choose whether elections are administered by the general manager or the NSW Electoral Commissioner. The process for nominating as a candidate is the same, regardless of who administers the elections.

Being ready: when and how will nominations be called?

Public notice of a council election must be given at least one week before nomination day. Look out for notices of the elections and the call for nominations in your local newspaper.

If there are more nominees than vacancies on council, public notice of a contested election is then given as soon as possible after the nomination day.
How are political parties registered for council elections?

While many candidates stand for election as independents, other candidates choose to affiliate themselves with a political party. Any party that has been registered for 12 months prior to the nomination day is entitled to nominate candidates for election. A party that is registered for state government elections is automatically registered for local government elections.

If you need further information on the registration of a political party, contact the NSW Electoral Commission, whose details are provided at the end of this guide.
What are the rules about election material?

To keep elections fair and ensure that voters are not misled, there are strict rules about information that candidates and their supporters are allowed to publish or distribute.

All election material published or distributed from the day the election rolls close until election day must contain the name and address of the person who authorised the material. It must also contain the name and address of the printer. For councils administering their own election the electoral material must be registered with the returning officer for that council.

All election material distributed on election day, including ‘how to vote’ cards, must have been registered with the NSW Electoral Commission. An application to register electoral material may be made between nomination day and eight days prior to election day.

Electoral advertisements and ‘how to vote’ material that contain misleading directions about how voters should cast their votes, are banned. Also prohibited is material that suggests a link between a candidate and a political party when no such link exists.

Rules also apply to where electoral material can be placed. You can obtain these rules from the NSW Electoral Commission’s website. A person who publishes and distributes electoral material unlawfully can be fined or even dismissed from civic office under certain circumstances.
Counting the votes: how is it done?

In local government elections, votes are counted under either the proportional system or the optional preferential system.

Under the proportional system a candidate is required to gain a quota of votes, either directly or by transfer, in order to be elected. The percentage of votes required to be elected will vary, depending on the number of councillors to be elected. For example, if three councillors are to be elected to a ward, a candidate is required to receive just over 25 per cent of the votes to be elected.

Under the optional preferential system a candidate must receive an absolute majority (50 per cent plus one) of votes, either directly or by transfer, in order to be elected.

The voting system used will depend on the number of vacancies to be filled in a ward or undivided area. The NSW Electoral Commission website has more information on voting systems.

A candidate can make a written request for a vote recount up to 24 hours after being notified of the original count result. They must pay a deposit to cover the cost of the recount, and the deposit is refunded only if the recount changes the election result. In certain circumstances the NSW Electoral Commissioner can direct that a recount be conducted.
How are electoral expenses and donations managed and disclosed?

The election campaign finances of political parties, candidates, groups of candidates, councillors and others must comply with the requirements of the *Election Funding, Expenditure and Disclosures Act 1981* (EF ED Act).

The objectives of the Act are to establish a fair and transparent election funding, expenditure and disclosure scheme in NSW; promote compliance with that scheme; and facilitate public awareness about political donations.

The NSW Electoral Commission regulates the Act and has the power to investigate and enforce breaches under the Act.

All candidates and groups of candidates must be registered with the NSW Electoral Commission for a local government election prior to accepting political donations or making payments for electoral expenditure.

All candidates and groups of candidates must appoint an official agent who is responsible for managing the candidate or group’s political donations and electoral expenditure.

The political donations and electoral expenditure of political parties, candidates, groups of candidates, councillors and others must be disclosed to the NSW Electoral Commission following the end of each financial year.

The NSW Electoral Commission’s website has more information ([www.elections.nsw.gov.au](http://www.elections.nsw.gov.au)).
Next steps: where to get more information
This guide has been prepared as an introduction to the role of councillors and the operation of councils. It is a starting point to help you decide whether you’d like to run in the next council election.

For more information about registration, nomination, election campaign finances, voting and other election processes, as well as important dates and deadlines, go to the NSW Electoral Commission website at www.votensw.info or www.elections.nsw.gov.au.

Further information on becoming a councillor in NSW can be obtained from the organisations listed on the following pages.
Office of Local Government
Street address:
5 O’Keefe Avenue
NOWRA NSW 2541
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Locked Bag 3015
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Phone: (02) 4428 4100
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Email: olg@olg.nsw.gov.au
Website: www.olg.nsw.gov.au

Local Government NSW
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Level 8, 28 Margaret Street
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GPO Box 7003
SYDNEY NSW 2001
Phone: (02) 9242 4000
Facsimile: (02) 9242 4111
Email: lgnsw@lgnsw.org.au
Website: www.lgnsw.org.au

National State Election Commission
Street address:
Level 25, 201 Kent Street
SYDNEY NSW 2000
Postal Address:
GPO Box 832
SYDNEY NSW 2001
Election enquiries: 1300 135 736
Phone: (02) 9290 5999
Facsimile: (02) 9290 5991
TTY: 133 677 then ask for 1300 135 736
Email: enquiries@elections.nsw.gov.au
Website: www.office.elections.nsw.gov.au

Independent Commission Against Corruption
Street address:
Level 7, 255 Elizabeth Street
SYDNEY NSW 2000
Postal Address:
GPO Box 500
SYDNEY NSW 2001
Toll Free: 1800 463 909
Phone: (02) 8281 5999
Facsimile: (02) 9264 5364
TTY: (02) 8281 5773
Email: icac@icac.nsw.gov.au
Website: www.icac.nsw.gov.au

NSW Ombudsman
Street address:
Level 24, 580 George St
SYDNEY NSW 2000
Postal Address:
As for street address
Toll Free: 1800 451 524
Phone: (02) 9286 1000
Facsimile: (02) 9283 2911
TTY: (02) 9264 8050
Email: nswombo@ombo.nsw.gov.au
Website: www.ombo.nsw.gov.au

STAND FOR YOUR COMMUNITY
Multicultural NSW
Street address:
Level 8
175 Castlereagh St
Sydney NSW 2000
Postal Address:
PO Box A2618
Sydney South NSW 1235
Phone: (02) 8255 6767
Facsimile: (02) 8255 6868
TTY: (02) 8255 6758
Website: www.multicultural.nsw.gov.au

Australian Local Government Women’s Association (NSW Branch)
Contact details for the President and other office bearers are available on the website.
Website: www.algwa.org.au

Council websites
NSW councils have their own websites. These may be accessed by searching by the council’s name, or via the website of the Local Government NSW (under ‘Council websites’) or from the Office of Local Government’s website (under ‘Local Government Directory’).