

Fact Sheet 9: Council's service obligations



What services do councils provide?

Every council in New South Wales provides a different array of services.

Some of these services are considered **'traditional' services** such as infrastructure renewal and waste management – the usual 'roads, rates and rubbish'. Others are **not so traditional** and include everything from housing programs to dental care schemes.

Councils have a legal obligation to provide these services – both traditional and non-traditional – under Section 8 of the NSW Local Government Act. This Section of the Act is called the **"The council's charter"**.

The Charter for Councils

The NSW Local Government Act states that councils **must pursue** the Charter as follows. They must:

- **provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and ensure that those services and facilities are managed efficiently and effectively;**
- exercise community **leadership**;
- exercise their functions in a manner that is consistent with and actively **promotes the principles of multiculturalism**;
- promote and **provide and plan for the needs of children**;
- properly manage, develop, protect, restore, enhance and **conserve the environment** of the areas for which they are responsible, 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 their decisions;
- bear in mind that they are the custodian and trustee of public assets and effectively **plan for, account for and manage the assets for which they are responsible**;
- **engage in long-term strategic planning on behalf of their local community**;
- **exercise their 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 State government (and through it, the wider community) **informed** about their activities;
- ensure that, **in the exercise of regulatory functions**, they **act consistently and without bias**, particularly where an activity of the council is affected; and
- **be a responsible employer**.

How does Waverley Council fulfil the Charter for Councils?

Waverley Council meets its obligations under the Charter with a strong sense of social justice. We have a long history of **proudly delivering services to achieve a cohesive community** where everyone can gain access to vital social support services and where our very scarce environmental resources such as open space are fairly shared.

In 2010 we are delivering 148 services in 22 main service categories to achieve this cohesion. This includes:

- **some of the 'traditional' services of local government**, including infrastructure maintenance and renewal and waste services, but not water supply or sewerage;

and

- **some of the not so traditional services**, such as affordable housing programs, programs for the intellectually disabled, environmental innovation projects and 'place management' services in commercial centres.

All services provided by Waverley Council are core to the Charter. Like other councils, we are required to, and do, supplement the service capacity of other levels of government when requested by our community and as funds permit.

Are a council's services optional?

Councils are not required to branch out into service areas for which no funding is available. However, **they are expressly required to raise funds to meet the obligations of the Charter by various means.**

To improve its capacity to meet the basics of the Charter, **Waverley Council raises a significant proportion of funds for both traditional and non-traditional services from user charges** such as parking fees and fines, developer fees and fees for specific services such as child care or major events management.

Several services are funded directly by users and beneficiaries, not by rates. Examples of services funded substantially or entirely by charges to users and developers (and not by rates) include:

- child care,
- cemetery services,
- parking services,
- affordable housing, and
- waste services.

In other cases Council is assisted by other levels of government via grants.

Could Waverley Council cut services and still fulfil the Charter?

Yes, as long as the service cuts don't make the Council less efficient or effective. Deletion of services for which there is a strong community demand or need may have the effect of diminishing equity of access to basic services, which would be contrary to the Charter. Elimination or deferral of services could also be contrary to the Charter if it gives rise to serious negative consequences such as major cost increases or transfer of cost burdens unfairly between generations.