

Council Policy – Council Delegates and Representation on External Organisations, Including Community Groups

Responsible Directorate	CEO
Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Manager Corporate Performance
Affected Business Units	All

Objective

The objective of this Policy is to provide guidance to Council on the nomination of delegates to external organisations, including community associations and guide Elected Members acting as delegates on their required roles and responsibilities.

Scope

This Policy applies to all delegates appointed by Council resolution to external bodies, agencies, and forums. Elected Members should also consider the policy generally when interacting with external organisations.

Policy

Introduction

Council membership of external organisations including community groups can assist engagement, partnership and collaboration and inform Council decision-making. Historically, Council is often asked to nominate one or more delegates to represent Council.

Being an Elected Member delegate is an important role and carries with it a high level of responsibility because as Elected Members represent the Shire of Serpentine Jarrahdale (the Shire). It is important to ensure that the most appropriate person is appointed for a delegate position and that clear guidance is given as to the obligations of the role.

This Policy sets the manner by which those nominated as delegates to external committees or organisations may fulfil their representative role. It provides guidance to Elected Members and the CEO on the process to be used in selecting and making appointments to external bodies and forums.

Principles

- Appointees to external bodies and forums are delegates of the Council and as such will take a position on any matter consistent with formally established Council position, or with the Council's known strategic vision or direction.
- Where a matter arises requiring a decision which may be inconsistent with established policies, strategies or vision, these matters will always be referred to the Council for discussion and direction and any pressures for early decision on such matters will be withstood.

- Sign-off of any joint document involving the Shire must occur through a Council resolution unless formally delegated by the Council.
- Where possible within these parameters, delegates will have the ability to explore new ideas and possible solutions freely, and to achieve consensus with other members.
- Delegates to any organisation or forum will always advocate for their community but also should seek where possible wider outcomes which benefit other communities, provided the interests of the Shire community are not adversely affected.

Provisions

Appointment of Delegates

Council will only consider the appointment of a delegate to a body/group/organisation or forum where:

- it represents state or regional interests that are likely to have an impact on the Shire;
- the terms of reference or constitution of the organisation complements the objectives of the Shire and does not readily involve a conflict;
- it is considering or working on a matter or issue of significant strategic interest to the Council. This may be confined to local interests, involve state or regional matters, or be issue based at any level;
- it represents local interests and the Council has a direct financial or strategic interest in the affairs of that group; and
- it represents local interests and the group occupies Shire property.

Review of Appointments

The Council will review its appointment to external bodies and forums in conjunction with the regular election cycle. Council will not consider the appointment of a delegate to a body/group/organisation or forum prior to being provided with the terms of reference or constitution of the group. This will enable the Shire to identify any potential real or perceived conflicts associated with appointing a Council delegate.

The Chief Executive Officer (CEO) will call for the nomination of delegates to all relevant bodies, groups, organisations and forums as soon as possible after the local government elections and appointment of Elected Members to their positions. Where a position arises outside this process, the CEO will call for nominations within five days of notification of the position coming available.

At the next available meeting of the Council:

- where the nominations equal available vacancies, the delegates will be appointed by resolution of Council;
- where there are more nominations than vacancies, Council by resolution may:
 - ask the CEO to conduct a secret ballot using the first past the post system to establish the preferred delegate or delegates to fill the position. In the event of a tied vote for a position, lots will be drawn by the Chief Executive Officer to determine the preferred delegate; or
 - ask the CEO to draw lots; or another method determined by Council.

The Shire President will call for a resolution of Council for the preferred delegate or delegates to be appointed to the vacant positions. The next preferred delegate will be appointed as the deputy for the position to carry out the duties of the appointed Elected Member in his or her absence when required.

Where the external time for acceptance of nominations closes prior to the next available Council meeting, and it is deemed inappropriate to hold a Special Council Meeting, the Chief Executive Officer is to forward any relevant nomination and subsequently advise Council of the nomination, so that it can be considered and ratified through the normal process.

Where the number of nominations from Elected Members exceeds the number of vacant positions, the Chief Executive Officer will consult with the President to determine an order of preference, based on experience in the position of Elected Member and interest and merit in the vacant position.

If a delegate is unable to fulfil his or her commitment to an external organisation then the delegate must advise the Chief Executive Officer so that Council's consideration of appointing a replacement delegate can be facilitated, and subsequent formal advice to the external organisation provided in a timely way.

Delegate Roles and Responsibilities

Being an Elected Member delegate is consistent with the *Local Government Act 1995* (the Act), which provides that the role of a Councillor includes representing the interests of electors, ratepayers and residents of the district, including taking into account the interests of other persons who work in, or visit, the district and facilitating communication between the community and the Council.

Where an Elected Member has been approved as Council's delegate for an external committee, body organisation or forum, the delegate shall understand that their appointment / membership is as a representative of the Council and is by virtue of their position with Council.

Attendance at Meetings

Delegates are required to:

- ensure their availability to attend scheduled meetings, and where they are unable to do so, provide prior apology to the respective Presiding Member;
- provide timely notice of anticipated absences to any deputy delegate where one is appointed.

Participation in Meetings

Delegates are required to:

- ensure that in participating and contributing to decision making of the external organisation, the delegate communicates and is cognisant of Council's determined position on matters before the external organisation;
- keep Council informed of the activities and achievements of the external organisation in a timely manner;
- bring any significant matters to Council for discussion and direction where any matter may fall outside current Council policy positions or known strategic direction.

Communication

Both the delegate and Council have a shared responsibility to ensure that effective communication between delegates and Council occurs before and after meetings of external organisations. This is to enable Council to deliberate and discuss relevant matters and to consider and inform future decision making.

One of the primary purposes of appointing Council delegates to external organisations is to inform Council decision-making and Elected Member delegates should carefully consider managing situations where external organisations wish to discuss confidential matters.

Non-delegate participation in external organisations

It may be appropriate or necessary for Elected Members who are not Council's resolved delegate to attend meetings of external organisations, outside of their role as an Elected Member. In such situations, Elected Members should carefully consider the reputational and collegial impacts of attending and inform Council's delegate of their attendance prior to the meeting. Elected Members are public officials and participation could be interpreted or perceived as participation as a Councillor.

Conflicts of Interest

Elected Members are to disclose any financial, proximity and impartiality interest in accordance with section 5.60 of the *Local Government Act 1995*.

Elected Members who are private members of an organisation or forum that is receiving financial assistance from the Council, or with a financial interest in the outcomes of any its deliberations, will not be appointed as a delegate to that organisation.

Where conflict arises being the statutory obligations as an Elected Member and fidelity to another organisation, Elected Members should consider their position on the external organisation.

Elected Members are civic leaders, and it is appropriate for Elected Members to be members of community associations and groups without being formally delegated as Elected Members to the extent that they manage conflicts and abide by their obligations as a Councillor.

Code of Conduct

Elected Members are required to perform the functions and duties of a delegate in accordance with the principles set out in this policy and the standards set out in the Shire's Code of Conduct for Councillors, Committee Members, and candidates,

Definitions

Delegate means a representative nominated by the Shire of Serpentine Jarrahdale through a decision of Council made after a local government election or as required.

External Organisation means other committees or organisations that Council nominates representatives.

Related Documents

- Council Policy – Councillor and CEO Attendance at Events
- Shire of Serpentine Jarrahdale Code of Conduct for Councillors, Committee Members and candidates

- Committees and Related Groups Handbook (SJ518)

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

Relevant Delegations			
		Date	Resolution Number
Council Adoption		16 December 2019	OCM294/12/19
Version	Date	Resolution Number	Amendment Details
2	17 March 2025	OCM068/03/25	New template and minor amendments to restructure the policy and reflect legislative changes.