

Council Delegates and Representation on External Organisations, Including Community Groups

Responsible Directorate	Chief Executive Officer
Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Manager Governance
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 Councillors 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. Councillors 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 a Councillor delegate is an important role and carries with it a high level of responsibility because as a Councillor you are representing the Shire of Serpentine Jarrahdale. 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.

Being a Councillor delegate is consistent with section 2.10 of the *Local Government Act 1995* which provides that the role of a Councillor includes representing the interests of electors, ratepayers and residents of the district; providing leadership and guidance to the community in the district; and facilitating communication between the community and the Council.

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 Councillors 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 of Serpentine Jarrahdale must occur through formal 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 of Serpentine Jarrahdale community are not adversely affected.
- Councillors who are private members of an organisation or forum 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 a Councillor and fidelity to an another organisation, Councillors should consider their position on the external organisation.
- Councillors are civic leaders and it is appropriate for Councillors to be members of community associations and groups without being formally delegated as Councillors to the extent that they manage conflicts and abide by their obligations as a Councillor.

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 of Serpentine Jarrahdale;
- 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.

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 Councillors 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.



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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 Councillor 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 Councillors 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 Councillor and interest and merit in the vacant position.

Delegate Roles and Responsibilities

Where a Councillor 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;
- 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;
- 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;
- 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;
- 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.

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.

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 Councillor 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 Councillors who are not Council's resolved delegate to attend meetings of external organisations. In such situations, Councillors should carefully consider the reputational and collegial impacts of attending and inform Council's delegate of their attendance prior to the meeting. Councillors are public officials and participation could be interpreted or perceived as participation as a Councillor.



Continued

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Relevant Policies/Council Documents

- Council Policy 3.3.5 – Councillor and CEO Attendance at Events

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	16 December 2019	Resolution #	OCM294/12/19
Reviewed/Modified	Date		Resolution #	
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