

15. COUNCIL DELEGATES – ROLES AND RESPONSIBILITIES

Policy Objective

To prescribe the manner by which delegates nominated by Council as members of external committees or organisations may fulfil their representative role.

Policy Statement

The City provides delegate representation on a range of external organisations and bodies including but not limited to those outlined in the City of Belmont – Elected Member Representatives on Committees and Other Groups document.

This policy sets out the roles and responsibilities delegates must adhere to when fulfilling their role as a delegate.

Policy Detail

Where an Elected Member or employee has been endorsed as Council's nominated representative member on an external committee, body or organisation, the delegate shall:-

1. Understand that their appointment/membership is as a representative of the Council and is by right of their position with Council or the City of Belmont (the City).
2. Ensure their availability to attend scheduled meetings, and where they are unable to do so, provide prior apology to the respective Presiding Member. Apology must also be provided to external meetings for periods where approved leave of absence is granted from Council or the City.

Delegates are responsible for ensuring that there is a quorum for meetings and that the City is represented at external group meetings. Where a delegate is unable to attend a meeting in which they have been appointed, they are to advise their deputies in order of seniority to ensure that they will be replaced at the meeting.

It is preferable that at least twenty-four (24) hours' notice is afforded.

Delegates are also to advise the Chief Executive Officer (or the relevant Director) of the arrangements made and the name of the delegate who will be attendance.

Where a delegate has failed to attend three successive external organisation meetings, with or without apology, during a period where leave of absence has not been granted, the Council shall consider appointing a replacement delegate at either Council determination or at the next Special Council Meeting following the ordinary biennial elections, to ensure that the purpose and integrity of Council's participation in the external organisation is maintained.

If a delegate is unable to fulfil their commitment to an external organisation then the delegate must advise the Chief Executive Officer so that Council consideration of appointing a replacement delegate can be facilitated and subsequent formal advice to the external organisation attended to.

3. Ensure that where Council has nominated a proxy or deputy delegate, that the proxy is provided with early advice and adequate information to facilitate their attendance and participation in meetings where the delegate is unable to attend.
4. Ensure that in participating and contributing to decision making of the external organisation the delegate communicates and is cognisant of Council's determined position, if any, determined from:-
 - i. Firstly, resolutions of Council dealing specifically with the matter at hand.
 - ii. Secondly, resolutions of Council dealing generally with the matter at hand.
 - iii. Thirdly, relevant statements of the Council's position contained in adopted Council policies or the City's Strategic Community Plan.
 - iv. Lastly, if Council has not previously established a position, the Delegate should give due consideration to the potential sensitivity and/or risk inherent to the matter i.e. potential for negative environmental or social impact, or risk of community conflict.

Where the delegate evaluates potential for a significant level of sensitivity or risk then, prior to committing to a position, the Chief Executive Officer is to be requested to prepare a report for Council's consideration. The Delegate may provide a position statement for inclusion in the report; however, officers must provide professional opinion, advice and a recommendation for Council determination.

Delegates must ensure that this occurs where a decision by the external organisation may require a commitment of Council resources.

5. Voting Rights - An Elected Member or employee appointed as a delegate may have to participate in the decision-making process of the external organisation. The delegate may also be entitled to vote on matters coming before the external body.

The delegate will have a fiduciary duty to the external organisation to participate in decision making processes and vote in accordance with the obligations to act in good faith for the purposes for which the external organisation was established.

Council recognises that whilst it can require a delegate to communicate the City's position to the external organisation, it is not appropriate to attempt to bind the delegate's vote on any particular matter. The delegate will have the benefit of discussion around the decision-making table and must vote in accordance with their good faith obligation to the external organisation.

However, this does not entitle a delegate to substitute their personal beliefs for Council's position. Where it is possible for a delegate aware of their obligations to act in good faith for the purposes of the external body, to vote in accordance with Council's stated position, then Council expects that a delegate will vote accordingly.

Where a delegate votes in good faith, in a manner which is opposed to a Council position, the delegate must provide a Delegates Report to the next Council meeting informing of the decision and the factors which influenced the outcome.

6. Perform the functions and duties of a delegate in accordance with the standards set out in the City's Code of Conduct.
7. Ensure that a copy of minutes is provided to the City for record keeping purposes and that the record keeping responsibilities outlined in the *State Records Act 2000* and Policy 43 - Record Keeping – Elected Members are fulfilled. Where confidentiality requirements exist over either Council or the external organisation's business the delegate must ensure that confidentiality is appropriately maintained and protected.
8. Keep Council informed of the activities and achievements of the external organisation via a verbal report to the next Information Forum.
9. Elected Members or employees who attend meetings of external organisations, as observers of the City (Not the appointed Council delegate), where access is not generally available to the public, need be cognisant of the fact that they remain representatives of the City and therefore shall:-
 - i. As a matter of courtesy seek the prior consent of the external organisation's Presiding Member before attending as an observer.
 - ii. Act within the meeting protocols as established by the external organisation.
 - iii. Communicate with the meeting only through Council's nominated delegate or only at the request of the Presiding Member of that meeting, being mindful of not interfering with due process or the role of Council's nominated delegate.
 - iv. Act in accordance with the standards set out in the City's Code of Conduct.
 - v. Matters relating to the Development Assessment Panel fall outside the scope of this policy.

10. Elected Members or employees who attend meetings of external organisations, in a private capacity (Not the appointed Council delegate or an observer), where access to the meeting is generally available to the public need be cognisant of the fact that they remain through their positions as representatives of the City and therefore shall:-
 - i. Act within the meeting protocols as established by the external organisation.
 - ii. Make clear to the meeting that opinions or positions stated are their own and not those of the City.
 - iii. Not reflect adversely on a decision of the Council or a committee.
 - iv. Act in accordance with the standards set out in the City's Code of Conduct.

Reference/Associated Documents

[Local Government Act 1995](#), Part 5, Section.s5.17
[City of Belmont Code of Conduct for Council Members, Committee Members and Candidates](#)
[City of Belmont Code of Conduct](#)
Elected Member Representatives on Committees and Other Groups
[State Records Act 2000](#).
Policy 43 – Record Keeping – Elected Members

Reference to Internal Procedure

N/A

Definitions

Definition: *External Organisation* - An external organisation, statutory corporation, incorporated association, regional local government, committee, working or special interest group, or governmental advisory group.

Monitoring, Evaluation and Review

This policy has been risk assessed as Moderate.

The policy will be reviewed every two years.

THIS POLICY IS SUPPORTED BY:

REGISTER OF DELEGATIONS	N/A
SERVICE AREA:	EXECUTIVE SERVICES
POLICY OWNER:	MANAGER GOVERNANCE, STRATEGY AND RISK

AMENDMENT STATUS

DATE OF AMENDMENT	STATUS OF AMENDMENT	MINUTE ITEM REFERENCE
07/11/06		11.5.9
28/04/09		12.10
28/07/09		12.15
27/07/10		12.9
22/11/11		12.9
25/06/13		12.8
22/09/15	NONE	10.7
27/09/16	REVIEW - MINOR	12.9
25/09/18	REVIEW - MINOR	12.5
10/12/19	REVIEW – MINOR	12.8
24/05/22	REVIEW - MINOR	12.7

NEXT REVIEW DATE	2023
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