

Policy

Elected Members Representation



Policy Type

Council

Policy Purpose

The aim of this policy is to:

1. Establish a transparent and consistent framework for the appointment of Elected Members to represent the Council on internal and external committees, advisory or reference groups, boards, working groups and delegations.
2. Clarify the roles, responsibilities and expectations of Elected Members when acting as representatives of the Council.
3. Ensure the Council's interests are effectively represented while providing equitable opportunities for Elected Member participation.

Policy Statement

1. Introduction
 - 1.1. Council recognises that participation by Elected Members on internal or external committees, advisory or reference groups, boards, working groups and delegations can assist in advancing the City's strategic objectives, strengthening stakeholder relationships and ensuring the City's interests are appropriately represented.
 - 1.2. Appointments will be made in a fair, transparent and equitable manner, having regard to the skills, experience, interests and availability of Elected Members, and the strategic interests of the City.
2. Scope
 - 2.1. This policy applies to:
 - 2.1.1. Internal committee, reference groups and working groups established by Council:
 - 2.1.2. External committees, advisory groups, boards and working groups where the City has representation rights:
 - 2.1.3. Regional, State and industry bodies where Elected Member representation is sought:
 - 2.1.4. Meetings and forums where an Elected Member attends as an appointed representative of Council:

- 2.1.5. Delegations (excluding Sister City delegations), study tours or advocacy missions; and
 - 2.1.6. Any other appointment by Council of an Elected Member to represent the City.
- 2.2. This policy does not apply to:
 - 2.2.1. Attendance at events, which are addressed through the City's Attendance at Events Policy;
 - 2.2.2. Attendance at conferences, functions or seminars pursuant to an approved continuing professional development application made under the Elected Member Professional Development Policy; and
 - 2.2.3. Appointments made pursuant to specific legislative requirements.
- 3. Guiding Principles
 - 3.1. Appointments should:
 - 3.1.1. support the strategic interests of the City;
 - 3.1.2. be made in a fair, transparent and equitable manner;
 - 3.1.3. recognise the skills, experience and interests of Elected Members; and
 - 3.1.4. balance continuity of representation with opportunities for participation by all Elected Members.
- 4. City representation
 - 4.1. In accordance with the Local Government Act 1995, the Mayor is recognised as the principal spokesperson and civic leader of the City.
 - 4.2. Unless Council determines otherwise, the Mayor is the default representative of the City for external engagements, meetings and forums where no other Elected Member has been appointed to represent the City.
 - 4.3. Where Council appoints an Elected Member to represent the City on a committee, advisory or reference group, board, working group or similar body, that Elected Member becomes the City's authorised representative for that body.
 - 4.4. The appointed representative is responsible for:
 - 4.4.1. attending meetings where reasonably practicable;
 - 4.4.2. representing Council's adopted position where one exists;
 - 4.4.3. acting in the best interests of the City; and
 - 4.4.4. reporting significant matters or outcomes to Council as appropriate.
 - 4.5. Where an appointed representative is entitled to vote or otherwise participate in decision-making on behalf of Council, they should, where practicable, act consistently with Council's adopted position. Where no Council position exists, the representative shall exercise their discretion in the best interests of the City.
 - 4.6. Representatives should exercise caution when attending and participating in external engagements, meetings and forums to ensure they do not purport to

represent Council's views or imply Council endorsement of a matter where Council has not previously adopted a position.

- 4.7. Unless restricted by legislation, Council may appoint one or more alternate representatives (proxies) to attend in the absence of the primary representative.
- 4.8. Nothing in this clause requires an appointed representative to act contrary to any statutory or fiduciary duty, governance obligation or confidentiality requirement arising from their appointment to an external body.

5. Establishment of Reference Groups

- 5.1. Council may establish reference groups to facilitate discussion, information sharing, strategic input or stakeholder engagement on matters relevant to the City.
- 5.2. A reference group is advisory in nature and does not have any delegated authority to make decisions on behalf of Council or the City.
- 5.3. In establishing a reference group, Council shall determine:
 - 5.3.1. the purpose of the reference group;
 - 5.3.2. its membership;
 - 5.3.3. the term of the reference group; and
 - 5.3.4. any applicable Terms of Reference.
- 5.4. Unless otherwise determined by Council, appointments to a reference group will be made in accordance with this policy.

6. Biennial Appointment Process

- 6.1. Following each ordinary local government election, Council will undertake a review of all Elected Member appointments to internal and external committees, advisory or reference groups, boards and working groups.
- 6.2. The CEO will:
 - 6.2.1. prepare a list of appointments requiring Council representation;
 - 6.2.2. invite nominations from Elected Members;
 - 6.2.3. provide relevant information regarding each appointment, including expected time commitments, responsibilities, remuneration and any terms of reference; and
 - 6.2.4. provide a list of all nominations, in order of receipt, to all Elected Members for their consideration.
- 6.3. All appointments will be made by resolution at a meeting of the Council.
- 6.4. In making appointments, Council should consider:
 - 6.4.1. relevant experience or expertise;
 - 6.4.2. demonstrated interest in the subject matter;
 - 6.4.3. previous participation and contribution;
 - 6.4.4. availability and capacity to attend meetings;
 - 6.4.5. continuity of representation; and
 - 6.4.6. broader opportunities for Elected Member participation.

- 6.5. Council recognises the benefits of continuity of representation, including established relationships, accumulated knowledge and subject matter expertise.
 - 6.6. Whilst incumbent representatives will not be automatically re-appointed, Council may give favourable consideration to their re-appointment where:
 - 6.6.1. they have actively and effectively fulfilled the role; and
 - 6.6.2. continuity of representation would be beneficial to the City.
 - 6.7. Unless otherwise specified, appointments remain in effect until the next biennial review or until otherwise determined by Council.
7. Mid-Term Vacancies and Additional Appointments
- 7.1. Where a vacancy arises or a new appointment opportunity becomes available between local government elections:
 - 7.1.1. The CEO will invite expressions of interest from Elected Members; and
 - 7.1.2. Council will determine the appointment by resolution at a meeting of Council.
8. Removal and Replacement of Representatives
- 8.1. Unless restricted by legislation, Council may remove and replace an appointed representative at any time by resolution at a meeting of Council.
 - 8.2. In determining whether an appointed representative should be removed or replaced, Council may have regard to factors including:
 - 8.2.1. the representative's attendance, participation and contribution;
 - 8.2.2. changes to the City's strategic objectives or Council priorities;
 - 8.2.3. changes to the role, purpose or requirements of the committee, advisory or reference group, board, working group or organisation; and
 - 8.2.4. requests or recommendations from the relevant committee, advisory or reference group, board, working group or organisation.
 - 8.3. Before considering removal for non-attendance reasons, the affected Elected Member should be provided an opportunity to respond.
 - 8.4. Elected Members may resign as an appointed representative at any time in accordance with any applicable legislation or the Terms of Reference of the relevant committee, advisory or reference group, board or working group.
9. Meeting Requests and External Engagements
- 9.1. This clause must be read in conjunction with clause 4.
 - 9.2. Where an Elected Member or external organisation requests a meeting about matters relating to Council, the request should ordinarily be coordinated through the CEO.
 - 9.3. The CEO will determine, which, if any staff, are to attend meetings requested by an Elected Member of external organisation, and the extent of their involvement or participation.

- 9.4. Where a meeting relates primarily to a particular ward, the relevant ward Councillors should be notified of the meeting where practicable.
- 9.5. Notification pursuant to clause 9.4 above does not create an entitlement to attend unless attendance is considered appropriate by the Mayor or CEO.
- 9.6. In determining which Councillors should attend meetings with external organisations, consideration should be given to:
 - 9.6.1. the purpose of the meeting;
 - 9.6.2. existing Council appointments;
 - 9.6.3. the need for efficient and effective representation; and
 - 9.6.4. the role of the Mayor as principal spokesperson and civic leader of the City.
- 9.7. Where an appointed representative exists, they should ordinarily be invited to attend any meeting concerning that body.
- 9.8. The appointed representative may travel intrastate or interstate to attend meetings associated with their appointment, with travel paid for by the City subject to sufficient funding being available within the Elected Members travel budget (or other budget as applicable).

10. Delegations

- 10.1. Council may appoint one or more Elected Members to represent the City as part of a delegation.
- 10.2. A delegation may include visits, meetings, study tours, advocacy activities, fact-finding exercises or other engagements that support the City's strategic interests.
- 10.3. In determining whether participation in a delegation is appropriate, Council must give consideration to the following:
 - 10.3.1. the strategic benefit to the City;
 - 10.3.2. the cost of participation;
 - 10.3.3. opportunities to advance Council priorities;
 - 10.3.4. the role and responsibilities of the proposed representative/s; and
 - 10.3.5. any reporting requirements arising from the delegation.
- 10.4. Unless otherwise determined by Council or where the CEO is in attendance, Elected Members attending a delegation are expected to provide a report or briefing to Council following completion of the delegation.
- 10.5. Elected Member participation in a delegation is subject to sufficient funding being available in the Elected Members travel budget (or other budget as applicable).
- 10.6. This clause does not apply to Sister City delegations, which are captured by the Sister City Relationships and Engagement Policy.

11. Reporting and Communication

- 11.1. Elected Members appointed as City representatives should keep Council suitably informed of significant matters arising from their participation.

12. Conflicts of Interest

- 12.1. Elected Members appointed as City representatives must comply with the disclosure requirements of the Local Government Act 1995 and the City's policies relating to conflicts of interest.
- 12.2. Where an actual, potential or perceived conflict of interest arises in relation to their representative role, the Elected Member should notify the Mayor and CEO as soon as practicable.

13. Limitations of Representation

- 13.1. Appointment as a representative does not authorise an Elected Member to:
 - 13.1.1. make decisions on behalf of Council;
 - 13.1.2. engage in operational matters without proper authorisation;
 - 13.1.3. commit the City to any action, funding arrangement or position;
 - 13.1.4. purport to speak on behalf of Council where no Council position exists; and
 - 13.1.5. direct City employees.
- 13.2. Representatives must distinguish personal views from Council-adopted positions.

14. Dispute Resolution

- 14.1. Any disputes regarding this policy will be referred to the Chief Executive Officer in the first instance. If the Elected Member and the Chief Executive Officer cannot reach an agreement, the matter will be referred to Council for determination.

Related policies:

- Attendance at Events
- Elected Member Professional Development Policy
- Sister City Relationships and Engagement Policy

Definitions

CEO means the Chief Executive Officer of the City of Cockburn.

Policy Information

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