

| EME019               | ROLES AND RESPONSIBILITIES OF SHIRE DELEGATES TO EXTERNAL BODIES |                   |                      |
|----------------------|------------------------------------------------------------------|-------------------|----------------------|
| POLICY OWNER:        | Council                                                          |                   |                      |
| DEPARTMENT:          | Office of the CEO                                                |                   |                      |
| CREATION DATE:       |                                                                  | REVIEW SCHEDULE:  | Annually             |
| RELATED PROCEDURES:  |                                                                  |                   |                      |
| RELATED FORMS:       |                                                                  |                   |                      |
| RELATED DELEGATIONS: |                                                                  |                   |                      |
| RELATED POLICIES:    |                                                                  |                   |                      |
| LEGISLATION:         |                                                                  |                   |                      |
| DOCUMENT CONTROL     |                                                                  |                   |                      |
| DATE REVIEWED:       | REVIEWED BY:                                                     | CHANGES (IF ANY): | ENDORSED BY COUNCIL: |
| 23/08/2022           | Council                                                          | Nil               | FC7/8/22             |
| 25/06/2024           | Council                                                          | Nil               | OCM 04/06/24         |
|                      |                                                                  |                   |                      |

## EME019 Roles and Responsibilities of Shire delegates to external bodies.

### OBJECTIVES

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

### POLICY STATEMENT/S

The Shire of Carnarvon provides delegate representation on a range of external organisations and committees and is Endorsed by Council: FC7/8/22 at the second meeting after an ordinary election or as required.

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:

- Ensure that no pledges of financial support, or in-kind support are made, unless express decisions to that effect have been made by the Council or the CEO prior.
- Understand that their appointment/membership is as a representative of the Council and is by right 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.
- Be responsible for ensuring that there is a quorum for meetings and the Shire of Carnarvon 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 deputy (proxy member) to ensure that they will be replaced at the meeting. It is preferable that at least twenty-four (24) hours' notice is afforded.
- Acknowledge that where a delegate has failed to attend three successive external organisation/committee meetings, with or without an apology, the Council shall consider appointing a replacement delegate at either Council determination or at the next Ordinary Meeting of Council



following the ordinary elections, to ensure that the purpose and integrity of Council's participation in the external organisation is maintained.

e. Acknowledge that if they are unable to fulfil their commitment to an external organisation/committee then the delegate must advise the CEO so that Council consideration of appointing a replacement delegate can be facilitated and subsequent formal advice to the external organisation/committee can be provided.

f. 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:

- Firstly, resolutions of Council dealing specifically with the matter at hand,
- Secondly, resolutions of Council dealing generally with the matter at hand,
- Thirdly, relevant statements of the Council's position contained in adopted Council policies or the Shire's Strategic Community Plan,
- 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 CEO 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, employees 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.

g. 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 Shire's position to the external organisation, it is not appropriate to attempt to bind the delegate's vote on any 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 briefing to the next Corporate Information/CEO Briefing Session informing of the decision and the factors which influenced the outcome.

h. Perform the functions and duties of a delegate in accordance with the standards set out in the Shire's Code of Conduct.

i. Ensure that a copy of the minutes is provided to the Shire for record keeping purposes. Where confidentiality requirements exist over either Council or the external organisation's business the delegate must ensure that confidentiality is appropriately maintained and protected.

j. Elected Members or employees who attend meetings of external organisations where access is not generally available to the public, attend as observers only and remain representatives of the Shire and therefore shall:

- 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 the Council's nominated delegate,
- Matters relating to the Development Assessment Panel fall outside the scope of this policy