



POLICY NO. CP 5.4.42 COUNCIL DELEGATES - ROLE AND RESPONSIBILITIES

PURPOSE To establish overarching standards expected of Councillors appointed by Council as delegate members on Advisory Groups and external committees.

POLICY STATEMENT

1. SCOPE

This Policy applies to Councillors appointed as delegates to positions on Advisory Groups and external Committees.

2. METHOD AND TERM OF APPOINTMENT FOR DELEGATE

2.1 Council may appoint Councillors as delegates to fill positions on certain Advisory Groups and external Committees by resolution. Delegates are generally appointed:

- (a) At the first Council meeting following a local government election; or
- (b) Where a request is received for a new delegate or where a vacancy has occurred. In this case the appointment will be considered at the next Council meeting at which the matter may reasonably be considered.

2.2 A delegate is appointed as a representative of the Council and the appointment is by right of the delegate's position as a Councillor.

2.3 The term of appointment is from the time of resolution by Council and acceptance of the nomination by the external organisation, until a resolution by Council at the meeting following the next local government election or earlier if required.

2.4 Before nominating or accepting a nomination for a position as a delegate, Councillors should ensure that they are available to facilitate their regular attendance in accordance with the external organisation's meeting schedule.

3. ROLE AND RESPONSIBILITIES OF DELEGATES

3.1 Delegate Behaviour

The delegate must perform the functions and duties associated with the external organisation in a manner that is in accordance with the standards set out in the City's Code of Conduct.



3.2 Attendance at Meetings

- (a) Delegates shall attend scheduled meetings regularly as well as events that are relevant to their position with the external organisation.
- (b) Where a delegate is unable to attend as required, the Delegate must ensure that:
 - (i) They contact the deputy delegate appointed by Council to attend in their absence as soon as practicable, and provide the deputy delegate with any information relevant to attend the meeting;
 - (ii) They send their apologies to the relevant Presiding Member and advise them if the deputy delegate will be attending, where applicable.
- (c) Where a delegate has failed to attend three successive meetings of a relevant external organisation, with or without apology, during a period where leave of absence has not been granted, Council may consider appointing a replacement delegate to ensure that the purpose and integrity of Council's participation in the external organisation is maintained. A decision regarding a replacement delegate may be considered by Council or where the local government elections are imminent the consideration may be delayed to occur at the meeting following elections.
- (d) If a delegate considers that they are unable to fulfil their commitment to an external organisation on an ongoing basis, the delegate should advise the Chief Executive Officer as soon as possible. The Chief Executive Officer will cause a report to be provided to Council for consideration of appointing a replacement delegate and provide formal advice to the external organisation.

3.3 Participation in Meetings

- (a) A delegate may be required to participate in the decision making processes of the external organisation. The delegate may also be entitled to vote on matters coming before the external body.

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

Council recognises that whilst it can require a delegate to communicate the City's position to the external organisation, this does not bind the delegate's vote on any particular matter, as 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.



- (b) When participating and contributing to the decision making of the external organisation a delegate should be aware of and communicate the resolved position, if any, of the Council. This may be 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 Council's position contained in adopted Council policies or the City's Strategic Plan; and
 - (iv) Lastly, if Council has not previously established a position, the Delegate should give due consideration to the potential sensitivity and the risks inherent to the matter for example, the potential for negative environmental consequences, the sustainability or social impact and the risk of community conflict.

- (c) Where the delegate evaluates potential for a significant level of sensitivity or risk relevant to the City, then the delegate shall request the Chief Executive Officer to cause a report to be prepared for Council's consideration. The Delegate may provide a position statement for inclusion in the report however officers will fulfil their obligations to provide professional opinion, advice and a recommendation for Council's determination.

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

3.4 Delegate Reporting Requirements

- (a) A Council Delegate should ensure that Council is informed through periodic reports of the external organisation's activities and achievements relevant to the City's operations.

- (b) Where confidentiality requirements exist over either Council or the external organisation's business, the delegate must ensure that confidentiality is appropriately maintained and protected.

- (c) A Council Delegate to an external organisation who is appointed by that organisation to a subsidiary group, must seek Council's resolution to confirm that participation in the subsidiary group is aligned with the City's strategic objectives and the role of a Delegate representing the Council. Such resolution will support the Council Delegate in subsequently seeking reimbursement of allowable expenses incurred through participation in the subsidiary group.



3.5 Councillors Attending Meetings of External Organisations

Councillors who are not appointed by Council as delegates on a particular advisory group or external committee will not attend meetings of external organisations unless they have received an invitation to attend from the person presiding at the external organisation or unless the meeting is open to the public.

In accordance with the Councillor Allowances, Expenses and Supplies Policy (policy number 5.4.23), Councillors attending a meeting of an external organisation at the invitation of the presiding member will only be reimbursed for travel expenses if they provide a copy of the invitation with their travel claim.

A Councillor attending a meeting of an external organisation by invitation remains a representative of the City and therefore shall act in accordance with the meeting protocols as established by the external organisation and the City’s Code of Conduct.

GOVERNANCE REFERENCES

Statutory Compliance	Nil.
Industry Compliance	Nil.
Organisational Compliance	Council Policy 5.4.10 Code of Conduct – Councillors and Employees Council Policy 5.4.23 Councillor allowances, Expenses and Supplies
Process Links	Nil.

POLICY ADMINISTRATION

Directorate		Officer Title		Contact:	
Business Services		Coordinator Governance		9397 3000	
Risk Rating	Low	Review Cycle	Triennial	Next Due:	2023
Version	Decision Reference	Synopsis			
1.	OCM 532/27/10/2009	New Policy to guide Delegates to external organisations.			
2.	OCM 386/24/08/2010	Amended to facilitate reimbursement of Delegate expenses relevant to subsidiary groups			
3.	OCM 375/23/08/2011	Amended to clarify attendance by Councillors at meetings of external organisations.			
4.	OCM 382/23/09/2014	Reviewed and amended to improve clarity with clause 3.5 modified to remove breach of the Code of Conduct.			
5.	OCM 320/26/09/2017	Reviewed with no amendments.			
6.	OCM 251/08/09/2020	Reviewed and amended.			