

Public Statements by Councillors and Chief Executive Officer Policy

POL-CMR 10



Objective

To provide clarity as to the roles and responsibilities of the Mayor, the Deputy Mayor, Councillors and the Chief Executive Officer when speaking publicly/issuing public statements.

Statement

Introduction

- Members of the public have the right to speak in public within the limits of the law.
- Members of Council, outside their official capacity as members of the Council, share that right.
- However, the performance of a role as Council member overlaps with the role of a member of the public, and imposes special limitations on what would otherwise be a normal right to speak in public on local government affairs.
- The principal limitation is that a Council member who is not the Mayor cannot speak or purport to speak on a matter which the *Local Government Act 1995* (WA) (**LG Act**) assigns to the role of the Mayor, or the function of the CEO.

Speaking on behalf of Local Government:

- s.2.8(1)(d) of the LG Act provides that it is part of the role of the Mayor to speak on behalf of the local government.
- s.5.41(f) of the LG Act provides that it is part of the function of the CEO to speak on behalf of the local government if the Mayor agrees.
- Under s.5.41, the CEO has additional broad functions including the function of managing the day-to-day operations of the local government. That function requires the CEO from time to time to speak in public as to the local government's affairs, but the agreement of the Mayor is only required where the CEO makes a public statement on behalf of the local government of a kind which would ordinarily fall within the role of the Mayor as the spokesperson of the local government.
- s.2.10 of the LG Act sets out the role of a Council member, and the role does not include speaking on behalf of the local government.
- s.5.34 of the LG Act provides that the Deputy Mayor may perform the functions of the Mayor if –
 - (a) the office of Mayor is vacant; or
 - (b) the Mayor is not available, or is unable or unwilling to perform the functions of Mayor.

Speaking otherwise than for the Local Government:

- Each of the Mayor, Deputy Mayor and a Councillor may speak in public to the extent that doing so does not conflict with the above roles.
- It is common experience that the Mayor or a Councillor identified as such in a media or other public statement is at risk of being understood as speaking for the local government. It is appropriate to take precautions against that risk

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Statement:

1) The Mayor

- 1.1) When speaking to the media or otherwise in public the Mayor is the only member of Council who may speak on behalf of the City.
- 1.2) When the Mayor is speaking to the media or otherwise in public but not officially speaking on behalf of the City, the Mayor must make it clear that he/she is not speaking as Mayor or in any other City capacity.

2) The Deputy Mayor

- 2.1) The Deputy Mayor may only speak to the media or otherwise in public on behalf of the City in the circumstances set out in s.5.34 of the LG Act.
- 2.2) The Deputy Mayor must otherwise comply with the limits on the role of a Councillor when speaking to the media or otherwise in public.

3) Councillor

- 3.1) A Councillor may not speak to the media or otherwise in public on behalf of the City.
- 3.2) When a Councillor is speaking to the media or otherwise in public, he/she must make it clear that he/she is not speaking on behalf of the City, or in the role of a Council member.
- 3.3) A member of Council speaking on City matters to the media or otherwise in public may identify himself/herself as an elected member of the Council but must avoid any suggestion or appearance of speaking on behalf of the City.

4) Chief Executive Officer

- 4.1) It is part of the function of the Chief Executive Officer to speak on behalf of the City if the Mayor agrees.
- 4.2) The Mayor may give agreement to the CEO speaking on behalf of the City:
 - (a) on a specific occasion; or
 - (b) on a specific subject matter; or
 - (c) on a specified category of occasions or a specified category of subjects when they arise.
- 4.3) Further to the above, the CEO may speak to the media or otherwise in public as to the City's affairs in performance of the CEO's functions under s.5.41 of the LG Act, including that of managing the day-to-day operations of the City. The CEO only requires the agreement of the Mayor when making statements of the kind which would ordinarily fall within the role of the Mayor as spokesperson of the City.

5) Written, oral and electronic statements

This Policy applies equally to statements in public whether they are communicated orally, in writing, electronically, or by any other means.

Legislative Context

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Local Government Act 1995 s 2.8(1)(d), s 5.41, s 2.10, s 5.34

Related Documents

These documents are mandatory and required to give effect to this policy:

POL-CMR 03 Media and Public Statements Policy –

POL-CMR 03 Media and Public Statements Policy is intended to be applied in conjunction with this Policy, but in the case of any apparent overlap or conflict of provisions or principles, this Policy is to prevail.

Responsible Directorate: Strategy and Economic Development

Responsible Department: Corporate Communications

Reviewer: Manager Corporate Communications

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Amendments			
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