

---

## CGP003 – Elected Members and Chief Executive Officer Public Statements

---

### 1. Intention

To establish the parameters for written, oral and electronic public statements.

### 2. Scope

This policy applies to Elected Members of the Shire of Waroona.

### 3. Statement

Section 2.8 of the *Local Government Act 1995* provides that the Shire President speaks on behalf of the Local Government. Section 5.41(f) provides for the Chief Executive Officer to speak on day-to-day matters and/or when the Shire President authorises.

Members of Council, outside their official capacity as members of the Council have the right to speak in public within the limits of the law. The performance of a role as Council member overlaps with a role of the public, and imposes 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 Shire President cannot speak on behalf of the Council, as per Section 2.8 of the *Local Government Act 1995*.

#### 3.1 Shire President

When speaking to the media or otherwise in public the Shire President is the only member of Council who may speak on behalf of the Council.

When the Shire President is speaking to the media or otherwise in public but not officially speaking on behalf of the Council, the Shire President must make it clear that he/she is not speaking as Shire President or in any other Council capacity.

#### 3.2 Deputy Shire President

The Deputy President may only speak to the media or otherwise in public on behalf of the Council in the circumstances set out in Section 5.34 of the *Local Government Act 1995*, being:

1. If the Shire President role is vacant; or
2. The Shire President is not available, or is unable or unwilling to perform the functions of Shire President.

The Deputy President must otherwise comply with the limits on the role of a Councillor when speaking to the media or otherwise in public.

#### 3.3 Elected Members

An elected member may not speak to the media or otherwise in public on behalf of the Council or the operations of the Shire.

When an elected member is speaking to the media or otherwise in public, he/she must make it clear that she/he is not speaking on behalf of the Council, but rather in the role of an elected member.

An elected member speaking on Council 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 Council.

### 3.4 Chief Executive Officer

It is part of the function of the Chief Executive Officer to speak on behalf of the Council if the Shire President agrees.

The Shire President may give agreement to the Chief Executive Officer speaking on behalf of the Council:

1. On a specific occasion; or
2. On a specific subject matter; or
3. On a specified category of occasions or a specified category of subjects when they arise.

Further to the above, the Chief Executive Officer may speak to the media or otherwise in public as to the Shire's affairs in performance of the Chief Executive Officer's functions under Section 5.41 of the *Local Government Act 1995*, including that of managing the day-to-day operations of the Shire. The Chief Executive Officer only requires the agreement of the Shire President when making statements of the kind which would ordinarily fall within the role of the Shire President as spokesperson of the Council.

Where appropriate, the Chief Executive Officer can further delegate the role to speak on a specific issue to an officer if it is related to their area of expertise and is deemed to add value, provided:

1. The Chief Executive Officer has already been given the authority to speak by the Shire President; or
2. It is within the day-to-day affairs of the Shire, for example a Library promotion.

### 3.5 Employees and Volunteers

All media enquiries to be referred to the Chief Executive Officer for action and/or appropriate delegation.

## 4. 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.

## 5. Media Releases

All written media releases must be approved by the Chief Executive Officer in consultation with the Shire President prior to release. Where one or the other is unavailable, responsibility is passed through to the next in line (i.e.; Acting Chief Executive Officer and Deputy President).

## 6. Legislative and Strategic Context

The *Local Government Act 1995* and the associated subsidiary legislation provide the broad framework within which this policy operates.

## 7. Review

This policy is to be reviewed as required.

## 8. Associated Documents

Nil.

<b>Division</b>		Corporate & Governance			
<b>Policy Number</b>		CGP003			
<b>Contact Officer</b>		Chief Executive Officer			
<b>Related Legislation</b>		Local Government Act 1995			
<b>Related Shire Documents</b>		CGMP006 – Public Statements CG5 – Media Release Form			
<b>Risk Rating</b>	Low	<b>Review Frequency</b>	As required	<b>Next Review</b>	When required
<b>Date Adopted</b>	22/06/2004			OCM04/083	

Amendments		
Date	Details of Amendment	Reference
26/09/2017	Updated as part of major policy review.	OCM17/09/091
18/12/2018	Updated as part of major policy review.	OCM18/12/126
22/06/2021	Updated as part of major policy review and reformatted.	OCM21/06/071
Previous Policies		
CORP005 – Media Releases 1.7 – Media Releases		