Policy M3 – Council Members and CEO Public Statements Policy

1. Policy Intention

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

Council Members, 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 a 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 the Act, Section 2.8.

2. Policy

2.1 The Shire President

(a) When speaking to the media, or otherwise in public, the Shire President is the only Council Member who may speak on behalf of the Council.

(b) 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 they are not speaking as Shire President or in any other Council capacity.

2.2 The Deputy Shire President

(a) The Deputy Shire President may only speak to the media, or otherwise in public, on behalf of the Council in the circumstances set out in s.5.34 of the Act being:

- if the Shire President role is vacant; or
- the Shire President is not available, or is unable or unwilling to perform the functions of Shire President.

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

2.3 Councillor

(a) A Councillor may not speak to the media or otherwise in public on behalf of the Council or the operations of the Shire of Murray.

(b) When a Councillor is speaking to the media or otherwise in public, they must make it clear that they are not speaking on behalf of the Council, but rather in the role of a Council Member.

(c) A Councillor speaking on Council matters to the media, or otherwise in public, may identify himself/herself as a Council Member, but must avoid any suggestion or appearance of speaking on behalf of the Council.

2.4 Chief Executive Officer

(a) It is part of the function of the CEO to speak on behalf of the Council if the Shire President agrees.

(b) The Shire President may give agreement to the CEO speaking on behalf of the Council:

- on a specific occasion;
- on a specific subject matter; or
- on a specified category of occasions or a specified category of subjects, when they arise.

(c) Further to the above, the CEO may speak to the media, or otherwise in public, as to the Shire's affairs in performance of the CEO's functions under s.5.41 of the Act, including that of managing the day-to-day operations of the Shire. The CEO 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.

(d) Where appropriate, the CEO 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 that:

- the CEO has already been given the authority to speak by the Shire President; or
- it is within the day-to-day affairs of the Shire, for example a Library promotion.

2.5 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.

2.6 Media Releases

All written media releases must be approved by the CEO 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 Shire President).

Policy Detail		
Responsible Directorate	Office of the CEO	
Responsible Department	Governance	
Responsible Officer	Manager Governance	
Next Policy Review / Schedule	2025 (3-yearly)	
Council Adoption	**Date / Resolution**	24 August 2017 (OCM17/165)
Amendment Record	**Date / Resolution**	22 February 2018 (OCM18/008)
		23 June 2022 (OCM22/070)
		19 December 2024 (OCM24/159)