Mayor is the official local government spokesperson

Fact Sheet

Purpose

This factsheet explains the operation of section 12(4)(g) and section 12(6) of the *Local Government Act 2009.*

The legislation provides that the mayor is the official spokesperson of the local government about local government matters. This role does not prevent other councillors from communicating with the community about local government matters, provided they do not present themselves as the official spokesperson for the local government unless delegated this role by the mayor.

The term 'spokesperson' is not defined in the *Local Government Act 2009* however the dictionary definition is *someone chosen to represent and communicate the views, policies or statements of an organisation, government, company, or other group (in this case the local government)*.

Local governments should consider the following actions to comply with the legislation:

- Review internal media and communications policies to ensure alignment with the *Local Government Act 2009*.
- Provide guidance or training to councillors, media staff and the chief executive officer (CEO) to clarify the distinction between official local government statements and individual commentary.
- Reinforce expectations regarding authorised spokespeople, who will be approving all official statements by the local government particularly about sensitive or high-profile matters.

Clear identification of authorised spokespeople helps ensure local government matters are communicated consistently and accurately, while continuing to support councillors to advocate for their communities in a way that is ethical, respectful, and aligned with local government principles under the *Local Government Act 2009*.

Mayor as official spokesperson

The mayor is the official spokesperson of the local government about local government matters. This role reflects the mayor's democratic mandate as the community's elected leader of local government and provides a clear and authoritative voice for communicating local government's collective position to the media, stakeholders, and the broader community.

The following examples are intended to demonstrate how the mayor as official spokesperson provisions may be applied in practice. They are illustrative only and do not represent an exhaustive list, recognising that councils are empowered to apply the provisions in a manner that best suits their individual circumstances, provided this is not inconsistent with legislative requirements.

As the official spokesperson, the mayor acts as the primary public spokesperson for the local government on behalf of the local government as a whole in matters such as:

- communicating adopted policies, strategic priorities, and formal decisions of the local government.
- representing the local government in official negotiations, engagements, visiting dignitaries, ceremonies, and civic functions.
- explaining the Corporate Plan and other key strategic documents and promoting whole-of-community engagement.
- serving as the primary point of contact with local and regional media on matters reflecting the local government's collective position.
- representing the collective and resolved position of the local government, rather than individual views.

Delegation of spokesperson role

Under section 12(5) of the *Local Government Act 2009*, a councillor who is not the mayor may perform the mayor's extra responsibilities only if the mayor delegates the responsibility to the councillor.

Under section 258 of the *Local Government Act 2009*, the mayor may delegate their authority to a councillor.

This may include, but not limited to, the authority to act as an official spokesperson, for a:

- specific portfolio held by a councillor
- board or committee that the councillor is a member of
- civic event or function to be attended by a councillor
- particular program, strategy, project, or area of local government activity i.e. Pest and Vector Control Strategy, Waterways that a councillor is engaged with.

Any delegation applies only to matters within the scope of that delegation and must be exercised in an official capacity on behalf of local government.

Councillors acting under delegated authority are expected to:

- communicate local government-endorsed positions accurately and responsibly
- act consistently with local government decisions and policies and
- uphold the standards of conduct and integrity expected of public office.

A delegation does not diminish the mayor's overarching role as the local government's official spokesperson.

Absence of formal delegation

Section 165 of the *Local Government Act 2009* provides that the deputy mayor acts for the mayor during leave or temporary incapacity of the mayor. If there is no delegation in place, then the deputy mayor will act as the official spokesperson of the local government during this period.

The role of the CEO and other staff

While the mayor is the official spokesperson for the local government about local government matters, this does not displace the administrative and operational functions of the chief executive officer to manage public communications. The mayor may communicate the local government's position directly or, where appropriate, indicate that the chief executive officer is best placed to provide public information about operational or administrative matters.

This occurs within the established governance relationship between the mayor and the chief executive officer, including the mayor's authority under section 170(1) of the *Local Government Act 2009*, and does not constitute a delegation of the spokesperson role. Communications issued in the course of administrative functions by the chief executive officer or appropriate local government officers are not statements made on behalf of the local government.

It is recommended that media and communications policies are reviewed to ensure they are consistent with sections 12(4)(g) and 12(6) of the *Local Government Act 2009*. Such policies should clearly recognise the mayor as the official spokesperson for the local government, while supporting councillors to communicate with their communities in a capacity other than as the official spokesperson. Where a media policy is inconsistent with the *Local Government Act 2009*, the legislation prevails and the inconsistent policy provisions have no effect.

Communication by other councillors

Councillors, as democratically elected representatives of their communities, have a legitimate role in engaging with the community on matters that affect them. Section 12(6) of the *Local Government Act 2009* clarifies that the mayor's role as the official spokesperson does not prevent a councillor, who is not the mayor, from engaging with their community about local government matters in a capacity other than as the local government's official spokesperson.

It is good practice for councillors to exercise care when expressing individual views, particularly where those views differ from a decision of the local government or relate to matters governed by legislation or formal adopted policies or processes.

The examples below are provided to illustrate how these provisions may operate in practice and are not intended to be exhaustive.

Councillors may:

- represent and advocate for the interests of their communities and constituents.
- engage directly with residents, community groups, and stakeholders on local issues and concerns.
- share information with the community responsibly, ensuring that confidential, restricted, or commercially sensitive information is not disclosed.
- participate in community meetings, forums, consultations, and public events.
- respond to constituents through written and verbal communication about local government matters.
- provide input, perspectives, and commentary on matters affecting their division or the local government area.
- attend civic, community, and ceremonial events on behalf of the local government where appropriate.
- contribute to public discussion by expressing views, raising issues, and explaining local government processes, provided they do not purport to speak on behalf of the local government unless authorised to do so.

While the mayor speaks on behalf of the local government as the official spokesperson, councillors continue to play an important role in community engagement, advocacy, and public discussion, reflecting the diversity of views within the community and the local government.