

## 1. PURPOSE

The purpose of this policy is to provide the Horsham Rural City Council and individual Councillors with guidance as to what comprises good governance concerning all interactions with the media. It should be read in conjunction with the *Model Councillor Social Media Policy*.

## 2. INTRODUCTION

This policy provides guidance to assist Councillors to exercise respectful behaviours in relation to Council decisions, the different views of other Councillors, and the work of Council staff.

It is not the intent of this policy to curtail any individual human right to freedom of expression, but to acknowledge that all human rights come with responsibilities and must be exercised in a way that respects the human rights of others [*Charter of Human Rights and Responsibilities Act 2006* (the Charter) Preamble] and that Councillors must comply with legal obligations in the *Local Government Act 2020* and the Model Councillor Code of Conduct.

Relevant human rights of others include the right to privacy and reputation as set out in the Charter.

## 3. SCOPE

This policy applies to all Councillors of the Horsham Rural City Council, whether carrying out functions as spokesperson for or on behalf of Council, or when interacting with media in their role as Councillor. As per the Communications Policy (CO4/258) Council's authorised media spokespersons are the Mayor, Chief Executive Officer, Directors, and Media and Communications Officer (or nominated representative). Other people may be delegated responsibility as authorised media spokespersons from time to time.

Interactions with media may include comments made at public meetings, including Council Meetings, where media representatives are present.

This policy also applies to Councillors in relation to interactions with the media in their personal capacity where it might be reasonably assumed by a reader or listener that:

- Their opinions are related to their role as Councillors rather than being the expression of a personal view.
- They are purporting to express views on behalf of Council or other Councillors.
- The content or subject matter of the media interaction relates to a matter currently before Council.
- The content or subject matter of the media interaction might reasonably be interpreted as causing a detriment by bringing Council, another Councillor, Federal or State Government or any other Local Government into disrepute in contravention of the *Local Government Act 2020* and Model Councillor Code of Conduct.

This policy is in addition to the responsibilities of Councillors under the Model Councillor Code of Conduct.

## 4. PRINCIPLES

### 4.1 Legal obligations underpinning this policy

The principles of good governance require all Councillors to respect the decisions of Council, irrespective of whether they personally agree with those decisions.

This does not restrict Councillors from expressing their own views to the media provided they do not

seek to publicly undermine Council decisions or other Councillors.

The Good Governance Guide states:

*“When a Council decision contradicts a promise made by a Councillor during an election, they need to be able to indicate to their constituents that they did not agree with the decision. If this needs to be done, it should be done in such a way that it doesn’t undermine the Council decision.”*

### **4.2 Local Government Act 2020 obligations**

Section 28 of the *Local Government Act 2020* requires, among other tasks, that in performing their role, Councillors must:

- Consider the diversity of interests and needs of the municipal community
- Support the role of Council
- Acknowledge and support the role of Mayor
- Act lawfully and in accordance with the oath or affirmation of office
- Act in accordance with the standards of conduct
- Comply with council procedures required for good governance.

The standards of conduct are established by the Councillor Code of Conduct – Section 139(30(a) of the *Local Government Act 2020*.

### **4.3 Confidential information**

Confidential information provided to Council and Councillors must never form the basis of any comment to the media this includes private and personal information.

### **4.4 Respecting Council decisions and roles**

Council decisions and the systems and processes set out by the *Local Government Act 2020* should not be undermined.

Any Councillor may make comments to the media regarding their own view concerning a Council decision but must respect the decision made. A Councillor’s comments must not cause any detriment to Council or any other person or undermine public confidence in Council or the office of Councillor.

No Councillor is to make any comment to the media purporting to convey the views of any other Councillor or the views of Council (other than to state the content of a decision that has been made) unless they have been delegated the role of spokesperson by the Mayor.

If a decision is still under consideration, all requests for comment should be referred to Council’s Community Relations and Advocacy Team.

### **4.5 Respecting other Councillors and Council staff**

The health, safety, wellbeing, privacy and reputation of any other Councillor or Council staff member must not be compromised by any offensive, derogatory, humiliating, intimidating or undermining comment which identifies them by name or inference in any media interaction.

Councillors should not infer the reasons for another Councillor’s viewpoint in relation to their voting on decisions.

Councillors should not criticise other Councillors or the work done by other Councillors and Council staff as this may undermine public confidence in the role of Councillor.

Councillors must not seek to improperly influence decisions of a member of Council staff through any media interaction or campaign.

### **4.6 No surprises**

It is respectful to other Councillors and Council staff (via the CEO) that if Councillors become aware of any critical or potentially critical or misleading comment that might be made in media concerning that Councillor or Council staff member in relation to any comment, post or response by a Councillor or journalist or member of the public, then, as soon as possible after becoming aware of that material the Councillor:

- Advise all other Councillors and the CEO by email or text of that comment, post or article so that no person is taken by surprise by the media material
- Advise Council's Community Relations and Advocacy Team of the material.

### **4.7 Leadership and integrity**

In all interactions with media, Councillors are to demonstrate leadership and integrity and to ensure that all statements made by them are honest and are not likely to mislead or deceive another person. No Councillor should take personal credit for any Council decision as this is disrespectful of the contributions of other Councillors.

No media interaction should undermine the peace, order and good government of Council or denigrate any Local, State or Federal Government.

### **4.8 Effective communication between community and Council**

Councillors are encouraged to use the broad reach of media to engage constructively and effectively with the local community including encouraging public engagement and discussion and active participation in civic life.

In using media to engage with the community, Councillors should consider:

- Not all community members access or express views using the media
- Some community members or groups may have a disproportionately strong vocal reach in media and do not necessarily reflect majority opinions

### **4.9 Matters particular to media**

- Councillors might consider taking time to respond to media requests for comment or declining to comment, to ensure they have considered all implications of their response before it is published or broadcast.
- Councillors might also wish to request journalists to confirm with them first what they are going to publish to allow Councillors to correct any errors or misstatements before they are published.
- Letters written to any other party by any Councillor on Council letterhead should be approved by the Mayor before being sent, as such material may reasonably be assumed by any recipient to be official correspondence from Council.
- If asked to comment on any operational matter, Councillors should refer the journalist to Council's Community Relations and Advocacy Team.

### **4.10 Consequences of breach of principles**

By adopting this policy, Councillors agree to follow these principles.

Councillors are reminded that the obligations governing Councillor conduct are set out in the *Local Government Act 2020*.

Any action by a Councillor in relation to their interaction with the media which breaches obligations under the *Local Government Act 2020* or Model Councillor Code of Conduct, may result in further action taken pursuant to the Act, Section 123 Misuse of position, and Section 147 Sanctions that may be imposed by an arbiter on finding of misconduct.

## 5. COMMUNICATION

This policy will be communicated to all Councillors. It will be available on the Councillor portal, staff intranet and Horsham Rural City Council website and will form part of the Councillor induction manual.

## 6. RESPONSIBILITY

Policy Owner: Manager Governance and Community Relations

This Policy will be reviewed every 4 years or earlier as required by changed circumstances including changes to legislation and plans, strategies or policies of HRCC.

## 7. DEFINITIONS AND EXCERPTS

Term	Meaning
<b>Media</b>	The means of mass communication, typically involving broadcasting and/or publishing that reach or influence people widely. Media includes Local, State, National and International radio, television, newspapers, magazines and the internet. Interactions with media include being interviewed by a journalist, being aware that journalists are present in any public meeting or in the Council Chamber, approaching media journalists to make a comment or writing opinion pieces or letters to the editor, sending personal views or letters of support on Council letterhead or any other published material.
<b>Document</b>	<b>Excerpt</b>
<b><i>Charter of Human Rights and Responsibilities Act 2006</i></b>	Section 13 Privacy and reputation A person has the right— (a) Not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and (b) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and (c) not to have his or her reputation unlawfully attacked
<b><i>Charter of Human Rights and Responsibilities Act 2006</i></b>	Section 15 Freedom of expression (1) Every person has the right to hold an opinion without interference. (2) Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and whether— (a) orally; or (b) in writing; or (c) in print; or (d) by way of art; or (e) in another medium chosen by him or her. (3) Special duties and responsibilities are attached to the right of freedom of expression and the right may be subject to lawful restrictions reasonably necessary— (a) to respect the rights and reputation of other persons; or (b) for the protection of national security, public order, public health or public morality.

<b>Good Governance Guide</b>	<p><b>Talking publicly about Council decisions</b> (page 52)</p> <p>A unique feature of Local Government is that all decisions are taken in the name of the whole Council. Councillors are bound by the Council decision, regardless of whether they were in favour of it or not. This is how Councillors' accountability to the Council works.</p> <p>The Councillors' role means that they are also accountable to their constituents who may have voted for them on the basis of a pledge to achieve a particular outcome. When a Council decision contradicts a promise made by a Councillor during an election, they need to be able to indicate to their constituents that they did not agree with the decision.</p> <p>If this needs to be done, it should be done in such a way that it doesn't undermine the Council decision. The Councillor should focus on the content of the decision rather than resorting to inflammatory statements which can be both destructive and undermining. For example, stating that 'the Council has done X, even though I support Y' is preferable to saying 'the Council has done X because they don't care about the community'.</p>
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## 8. SUPPORTING DOCUMENTS

Document	Location
<i>Charter of Human Rights &amp; Responsibilities Act 2006</i>	<a href="https://www.legislation.vic.gov.au">https://www.legislation.vic.gov.au</a>
Model Councillor Code of Conduct	<a href="#">HRCC Website</a>
HRCC Communications Policy (Policy No C04/258)	<a href="#">HRCC Website</a>
<i>Victorian Local Government Act 2020</i>	<a href="https://www.legislation.vic.gov.au">https://www.legislation.vic.gov.au</a>
<i>Victorian Privacy and Data Protection Act 2014</i>	<a href="https://www.legislation.vic.gov.au">https://www.legislation.vic.gov.au</a>
VLGA Good Governance Guide	<a href="https://www.vlga.org.au/governance-leadership/local-government/vlga-good-governance-guide">https://www.vlga.org.au/governance-leadership/local-government/vlga-good-governance-guide</a>

## 9. DOCUMENT CONTROL

Version Number	Approval Date	Approval By	Amendment	Review Date
1.0	22 February 2021	Council	• New policy	22 February 2024
1.1	March 2023	n/a	New logo	22 February 2024
2.0	28 April 2025	Council	Revised to align with Model Councillor Social Media Policy	28 April 2029

*It is recognised that from time-to-time circumstances may change leading to the need for minor administrative changes to Council and Administrative Policies. Where an update does not materially alter a Policy, such a change may be made administratively, without the need for formal adoption by EMT or Council. Examples include a change to the name of a Council Department/Position Title, a change to the name of a Federal or State Government Department, and a minor update to legislation which does not have a material impact. However, all changes will be noted in the document control section and version number updated.*