

1. PURPOSE

To outline the benefits and risks of social media use by Councillors and provide guidance on its appropriate use and specific provisions which must be observed.

2. INTRODUCTION

2.1 Social media is a powerful tool to maintain connections between Councillors and members of the public. The use of social media can foster an environment of open communication between Councillors and the municipal community.

2.2 Used well, social media can be used by Councillors to:

- strengthen community engagement;
- foster transparency and trust;
- provide a trusted voice in the social media environment;
- distinguish the role of the individual Councillor from that of the Council;
- provide another avenue to contact the Councillor directly; and
- enable Councillors to hear from members of the community that may otherwise be difficult to reach.

2.3 Councillor social media use also presents risks for Councillors, including:

- the exposure to trolling, cyberbullying and other abusive behaviour;
- the creation of a platform for the dissemination of misinformation;
- the creation of an expectation about the 24/7 availability of a Councillor;
- a significant administrative workload associated with managing a platform;
- the risk of inadvertently disclosing confidential information; and
- an exposure to legal liability.

3. SCOPE

This policy applies to all Councillors of Horsham Rural City Council.

4. PRINCIPLES

4.1 Councillor social media

4.1.1 Councillors are under no obligation to maintain a social media presence.

4.1.2 Councillors who choose to maintain a social media presence:

- do so of their own volition;
- have a right to express an independent view consistent with the *Charter of Human Rights and Responsibilities Act 2006*; and
- acknowledge that they are required to adhere to the Model Councillor Code of Conduct.

4.1.3 Councillors who choose to maintain a social media presence are responsible for:

- compliance with this policy;
- administration of the social media platform;
- moderation of community content; and
- compliance with the terms of service of the social media platform in use.

- 4.1.4 The provisions applicable to Councillor social media also apply to a social media presence operated by another person who, with the Councillor's authorisation, administers, moderates, or uploads content on the Councillor's behalf.

4.2 Council resources and support

- 4.2.1 Councillors who choose to maintain a social media presence will be provided with:
- technical support for Council provided hardware;
 - training in social media obligations as part of the mandatory Councillor induction and ongoing professional development programs;
 - generic collateral (such as graphics, images and suggested copy) that promotes Council programs; and
 - access to Council's employee assistance program - a voluntary and confidential service designed to assist Councillors with personal concerns that affect their personal wellbeing and/or performance as a Councillor.
- 4.2.2 Councillors will not be provided with:
- technical or other support for the use of social media platforms;
 - social media monitoring or reporting services; or
 - legal advice regarding social media content.
- 4.2.3 Councillors must not use Council resources, including Council facilities, computer equipment, smartphones and internet connections for social media activity:
- to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person;
 - to cause, or attempt to cause, detriment to the Council or another person;
 - in a way that is intended to, or is likely to, affect the result of an election under the *Local Government Act 2020* (Vic);
 - in a way that is intended to, or is likely to, affect the result of an election for a state or federal parliament; or
 - in the furtherance of private business or commercial activity.

4.3 Good faith behaviour

- 4.3.1 The Model Councillor Code of Conduct requires that Councillors act with integrity, exercise reasonable care and diligence and take reasonable steps to avoid any action which may diminish the public's trust and confidence in the integrity of local government. For Councillors who maintain a social media presence this means:
- not posting content which could be perceived to be an official comment on behalf of the Council (noting that Councillors are free to link or re-post social media content that has been published by the Council, including the addition of their own perspective or commentary);
 - not creating a social media presence purporting to represent a Council auspiced entity, such as an advisory committee, reference group, steering committee or similar;
 - not posting anonymously, or by using a fake or intentionally misleading identity;
 - not engaging in trolling, harassment, personal attacks or similar behaviour;
 - not intentionally publishing misinformation, falsehoods or misleading material;
 - not engaging in doxing;
 - not engaging in cyberbullying; and
 - not publishing defamatory material.

4.4 Freedom of expression

- 4.4.1 Councillors enjoy the human right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, subject to any lawful restrictions reasonably necessary.
- 4.4.2 Subject to this part, Councillors are free to express an independent view on social media, provided it is made clear to the audience that it is their personal view and does not represent the Council. This includes, but is not limited to:
- expressing a personal view that differs from that of the Council;
 - stating a desire for change to a Council policy or position;
 - expressing an opinion on a matter that is to come before the Council (without expressing a pre-determined decision);
 - encouraging members of the public to participate in the decision-making process;
 - expressing disappointment or dissatisfaction or stating that they do not support a Council position or decision;
 - explaining why they voted on a matter in the way that they did in a meeting that was open to the public; or
 - otherwise engaging in robust public debate.
- 4.4.3 Councillors must not post content on their social media that, if posted, would be contrary to the Model Councillor Code of Conduct in that it:
- could reasonably be perceived to be an official comment on behalf of the Council where the Councillor has not been authorised by the mayor to make such a comment;
 - is demeaning, abusive, obscene, threatening or of a sexual nature;
 - intentionally causes or perpetuates stigma, stereotyping, prejudice or aggression against a person or class of persons;
 - constitutes discrimination or vilification
 - undermines the council when applying the council's community engagement policy to develop respectful relationships and partnerships with traditional owners, Aboriginal community controlled organisations, and the Aboriginal community;
 - undermines the council in fulfilling its obligation under the Act or any other Act (including the *Gender Equality Act 2020*) to achieve and promote gender equality;
 - are not in line with the Council's policies and procedures as a child safe organisation and obligations under the *Child Wellbeing and Safety Act 2005* to the extent that they apply to Councillors;
 - adversely affect the health and safety of other persons;
 - would bring discredit upon the council;
 - would deliberately mislead the council or the public about any matter related to the performance of the councillor's public duties;
 - makes council information publicly available where public availability of the information would be contrary to the public interest;
 - expressly or impliedly requests preferential treatment for themselves or a related person or entity; or
 - is otherwise contrary to the Model Councillor Code of Conduct.
- 4.4.4 Councillors must not post content on their social media where publication would be contrary to law including, but not limited to:
- the *Local Government Act 2020* (Vic), insofar as it relates to misuse of position, including the disclosure of confidential information;

- the *Privacy and Data Protection Act* (Vic) 2014, insofar as it relates to the disclosure of personal information;
- the *Health Records Act 2001* (Vic), insofar as it relates to the disclosure of health information;
- the *Defamation Act 2005* (Vic), in a manner that constitutes defamation;
- the *Copyright Act 1968* (Cth), in a manner that constitutes an infringement of copyright;
- the *Summary Offences Act 1966* (Vic), in a manner that is obscene, indecent or uses threatening language and behaviour etc;
- the *Crimes Act 1958* (Vic), in a manner that constitutes stalking; and
- the *Criminal Code Act 1995* (Cth), in relation to the use of a carriage service to menace or harass.

4.4.5 Councillors shall not post content that creates a reasonable apprehension of bias in relation to matters to subject to, or potentially subject to, Council decisions.

4.5 Customer requests

4.5.1 From time to time, Councillors may receive service requests, complaints, feedback or other correspondence intended for the Council (customer requests) from members of the public via social media channels.

4.5.2 The receipt and handling of customer requests is an operational function of the Council. Councillors in receipt of customer requests:

- may pass on customer requests to Council's centralised customer request handling process;
- may provide the customer with details of the Council's official communication channels;
- may refer a customer to Council's website which sets out the official communication channels; or
- may determine to take no action.

4.5.3 Councillors shall not solicit customer requests or otherwise encourage members of the public to bypass the Council's official communication channels.

4.6 Moderation of community content

4.6.1 Councillors have an absolute right to moderate community content on their social media platforms, including comments, reactions and other contributions.

4.6.2 Councillors must remove community content that, if published by the Councillor, would be contrary to the Model Councillor Code of Conduct.

4.6.3 Councillors have an absolute right to block or ban persons from their social media platform at their sole discretion.

4.7 Record keeping

4.7.1 Documents made or received by councillors are not public records (regardless of the content) unless they are then received by an employee of the Council.

4.7.2 Councillors are not required to maintain records of social media content for record-keeping purposes.

4.8 Clarification Statements

- 4.8.1 Councillors who maintain a social media presence must ensure their profile clarifies that their social media presence is not an official platform of the Council. For example:

“This page is hosted by me in my capacity as an individual. This is not an official page of [Council name] and should not be used for making service or maintenance requests or otherwise contacting Council. Council can be contacted at [link to Council’s website].”

- 4.8.2 Councillors who use their social media presence to comment on Council matters must ensure their profile makes it clear that they are speaking in an individual capacity, and not on behalf of the Council. For example:

“The views expressed made on this social media platform are my own and not that of the Council.”

- 4.8.3 Councillors who enable community content on their social media presence should include a statement asserting the Councillor’s right to control access to the page and to moderate third-party content. For example:

“As the host of this page, I endeavour to maintain a safe, positive space for the discussion of Council issues and I reserve the right to hide or delete content and to block or ban users.”

- 4.8.4 Councillors who use their social media presence to publish electoral material must include an authorisation statement in accordance with the Local Government Act 2020 (Vic), noting that this obligation applies at all times, not just during a formal election period. Councillors may not use a Council address for this purpose. For example:

“Authorised by J Citizen, 123 Main Street SUBURB VIC 9999.”

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: Director Corporate Services

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

Term	Meaning
Confidential information	Has the same meaning as at section 3 of the <i>Local Government Act 2020</i> (Vic)
Health information	Has the same meaning as at section 3 of the <i>Health Records Act 2001</i> (Vic)
Model Councillor Code of Conduct	Has the same meaning as at section 3 of the <i>Local Government Act 2020</i> (Vic)
Personal information	Has the same meaning as at section 3 of the <i>Privacy and Data Protection Act 2014</i> (Vic)
Social media	Means online interactive technologies through which individuals, communities and organisations can share, co-create, discuss, and modify user-generated content or pre-made content posted online. Social media may include but is not limited to: <ul style="list-style-type: none">i. social networking websites (eg Facebook, LinkedIn, Yammer, Threads)ii. video and photo sharing websites (eg Flickr, Instagram, Snapchat, TikTok, Vimeo, YouTube)iii. blogs, including corporate blogs and personal blogsiv. blogs hosted by media outlets (eg ‘comments’ on news articles)

	<ul style="list-style-type: none"> v. micro-blogging (eg Mastadon, Truth Social, X) vi. wikis and other online community generated forums (eg Wikipedia) vii. forums, discussion boards and groups (eg Google groups) viii. vodcasting and podcasting ix. group messaging technologies/apps (e.g. WhatsApp, SMS) x. streaming platforms (e.g. Twitch, Mixer) xi. geospatial tagging (eg Foursquare, Facebook checkin); xii. any other tool or emerging technology that allows individuals to publish or communicate in a digital environment (excluding website content)
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8. SUPPORTING DOCUMENTS

Document	Location
Copyright Act 1968 (Cth)	https://www.legislation.gov.au/C1968A00063/latest/text
Criminal Code Act 1995 (Cth)	https://www.legislation.gov.au/C2004A04868/latest/text
Crimes Act 1958 (Vic)	https://www.legislation.vic.gov.au/in-force/acts/crimes-act-1958/307
Defamation Act 2005 (Vic)	https://www.legislation.vic.gov.au/in-force/acts/defamation-act-2005/004
Equal Opportunity Act 2010 (Vic)	https://www.legislation.vic.gov.au/in-force/acts/equal-opportunity-act-2010/030
Freedom of Information Act 1982 (Vic)	https://www.legislation.vic.gov.au/in-force/acts/freedom-information-act-1982/113
Health Records Act 2001 (Vic)	https://www.legislation.vic.gov.au/in-force/acts/health-records-act-2001/049
Local Government (Governance and Integrity) Regulations 2020 (Vic)	https://www.legislation.vic.gov.au/in-force/statutory-rules/local-government-governance-and-integrity-regulations-2020/001
Local Government Act 2020 (Vic)	https://www.legislation.vic.gov.au/in-force/acts/local-government-act-2020/024
Privacy and Data Protection Act 2014 (Vic)	https://www.legislation.vic.gov.au/in-force/acts/privacy-and-data-protection-act-2014/028
Summary Offences Act 1966 (Vic)	https://www.legislation.vic.gov.au/in-force/acts/summary-offences-act-1966/131

9. DOCUMENT CONTROL

Version Number	Approval Date	Approval By	Amendment	Review Date
01	28 April 2025	Council	<ul style="list-style-type: none"> • New policy informed by 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.