

Policy Section:	2. Business Enterprises & Communications
Policy Name:	Media
Classification:	Public – Council Policy
Adopted:	8 March 2022
Frequency of Review:	Every Four Years
Last Review:	February 2022
Next Review Due:	February 2026
Responsible Officer(s):	Manager Business Enterprises and Communications
Policy and Code of Practice Manual File Ref:	CC10/2601
Council File Reference:	CR22/1187
Legislation Authority:	N/A
Related Policies and Codes:	N/A
Related Procedures:	N/A

1. PURPOSE

- 1.1 The Media Policy provides guidelines and direction for appropriate communication by Council Members, Council staff, contractors, volunteers and any other groups who officially represent the Town of Gawler to the community. The policy applies to all forms of media communication using both traditional media and digital media.

2 STATEMENT

- 2.1 The Policy ensures:
- 2.1.1 The framework is clearly outlined to ensure professional, timely, factual and positive comments and responses are provided to the media and community using the most appropriate platform;
 - 2.1.2 Effective and productive community engagement is provided;
 - 2.1.3 Miscommunication and reputation risk is minimised; and
 - 2.1.4 The Council's authorised spokesperson is clearly identified.

3. PRINCIPLES

- 3.1 Be credible; accurate, fair, thorough and transparent.
- 3.2 Be respectful, cordial, honest and professional at all times.
- 3.3 Be responsive and share information where appropriate.
- 3.4 Behave with honesty and integrity.
- 3.5 Be consistent with other Council information.
- 3.6 Be consistent with the Vision, Mission and Values of Council.

4. DEFINITIONS

4.1 Media Communication

Platforms used to liaise with the media for the intent to communicate and promote key messages and build and enhance relationships with the community and stakeholders. This is through (but not exclusively):

- direct media comments
- media releases
- website content
- social networking sites (Facebook, twitter, LinkedIn, Instagram, YouTube etc.)

4.2 Council

Means the Town of Gawler.

4.3 Council Media Authorised Representatives

The official spokesperson for the Council is the Mayor and Chief Executive Officer unless official authority is delegated.

No staff member, other than the Coordinator Marketing and Communications and Manager Business Enterprises and Communications, is to handle an enquiry from the media without prior approval from either the Mayor or Chief Executive Officer.

As members of the community, Councillors are entitled to enter into public debate in their private capacity and make comment on Council affairs provided they clearly state that such public comment reflects their personal opinion and not that of the Council or a committee of the Council.

The Chief Executive Officer may designate Executive Managers to speak on his/her behalf, and specialist staff to speak and respond to media queries on technical or operational matters.

5. POLICY

5.1 Council Media Authorised Representatives must:

- 5.1.1 Only disclose publicly available information. No comments will be made to the media regarding confidential, private or legal matters.
- 5.1.2 Only use authorised or approved imagery such as logos and official Council photographs.
- 5.1.3 Ensure that no copyrighted or trademarked material is published without permission.

- 5.1.4 Take every reasonable step to ensure that information communicated is not inaccurate, illegal, libellous, discriminatory, defamatory, abusive, or obscene.
- 5.1.5 Ensure that media communication does not infringe the Code of Conduct for Council Members, Employee Code of Conduct or any other Council code or policy.
- 5.1.6 Ensure that information either online or through traditional media communication does not infringe relevant legislation which may be used as a guide as included below (but not exclusively):
 - *Copyright Act 1968 (Cth)*
 - *Criminal Law Consolidation Act 1935 (SA)*
 - *Defamation Act 2005 (SA)*
 - *Fair Trading Act 1997 (SA)*
 - *Fair Work Act 1994 (SA)*
 - *Freedom of Information Act 1991 (SA)*
 - *Local Government Act 1999 (SA)*
 - *Local Government (Elections) Act 1999 (SA)*
 - *Equal Opportunity Act 1984 (SA)*
 - *Australian Human Rights Commission Act 1986 (Cth)*
 - *Spam Act 2003 (Cth)*
 - *Privacy Act 1988 (Cth)*
 - *State Records Act 1997 (SA)*
 - *Civil Liability Act 1936 (SA)*
- 5.2 The following content is not permitted under any circumstances:
 - Abusive, profane or sexually suggestive language;
 - Content not relating to the subject matter of that blog, board, forum or site;
 - Content which is false or misleading;
 - Confidential information about Council or third parties;
 - Copyright or trademark protected materials;
 - Discriminatory material in relation to a person or group based on age, colour, creed, culture, disability, family status, gender, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, sex or sexual orientation;
 - Illegal material or materials designed to encourage law breaking;
 - Materials that could compromise Council, employee or system safety;
 - Materials which would breach applicable laws (defamation, privacy, trade practices, financial rules and regulations, fair use, trademarks);
 - Material that would offend contemporary standards of taste and decency;

- Material which would bring the Council into disrepute;
- Personal details or references of Council Members, employees or third parties, which may be inconsistent with Council Privacy Policy;
- Spam, meaning the distribution of unsolicited bulk electronic messages; and
- Statements which may be considered to be bullying or harassment.

6. RESPONSIBILITIES

6.1 Council Members

- 6.1.1 Seek advice from the Chief Executive Officer/Marketing and Communications Department on using digital media;
- 6.1.2 Seek approval for use of Council branding on digital media;
- 6.1.3 Understand and comply with the provisions of this Policy;
- 6.1.4 Seek training and development for using digital media; and
- 6.1.5 Seek advice from the Marketing and Communications Department if unsure about applying the provisions of this Policy.

6.2 Employees, volunteers, contractors and agencies

- 6.2.1 Seek approval from your relevant Manager or Team Leader, Chief Executive Officer, or other Authorised Officer for use of digital media in a business strategy or program of work;
- 6.2.2 Seek authorisation from the Marketing and Communications Department on using digital media and developing a communications plan to support a business strategy;
- 6.2.3 Seek approval for Council branding of digital media;
- 6.2.4 Seek approval before registering any digital media accounts/tools/sites with the Marketing and Communications Department;
- 6.2.5 Seek training and development for using digital media;
- 6.2.6 Understand and comply with the provisions of the Policy;
- 6.2.7 Maintain records of email addresses, comments, friends, followers, and printed or electronic copies of screen grabs when using externally hosted sites to the extent practicable;
- 6.2.8 Seek advice from the Chief Executive Officer or Marketing and Communications Department if unsure about applying the provisions of this Policy;
- 6.2.9 Ensure contractors are provided with a copy of the Policy; and
- 6.2.10 Familiarise self with the End User Licence Agreements of any external digital media tools being used.

6.3 Executive Managers

- 6.3.1 Approve business strategy incorporating use of digital media where necessary;
- 6.3.2 Ensure employees obtain authorisation from the Marketing and Communications Department on their planned use of digital media;
- 6.3.3 Ensure contractors are provided with a copy of the Policy; and

- 6.3.4 Provide appropriate training for employees using digital media.
- 6.4 Information Technology Department
 - 6.4.1 Facilitate secure access to internally hosted digital media sites to support delivery of Council business via digital media;
 - 6.4.2 Regularly back up and archive internally hosted digital media sites; and
 - 6.4.3 Maintain password control on corporate systems through the Information Technology Team.
- 6.5 Marketing and Communications Department
 - 6.5.1 Support use of digital media tools for conducting Council business once communications plans are in place;
 - 6.5.2 Provide advice and assist with the development of communication plans using digital media;
 - 6.5.3 Educate Council Members, Council Staff, volunteers and contractors about this Policy and their responsibilities when using digital media;
 - 6.5.4 Advise appropriate precautions e.g. disclaimers and/or disabling commenting on social media;
 - 6.5.5 Maintain a register of digital media being used for conducting Council business, including records of any business case for using digital media, strategic imperative, the intended audience, the intended administrators, the intended content creators, URL, login and password (must all be recorded and maintained in Council's Records Management System);
 - 6.5.6 Assist employees to retain some record explaining the context or purpose of digital media and a sample of posts where it is impractical to retain large volumes of screen grabs;
 - 6.5.7 Monitor digital media accounts/tools/sites registered for conducting Council business; and
 - 6.5.8 Seek legal advice as appropriate where an issue is likely to be contentious or may create unacceptable legal or public perception risk for Council.
- 6.6 When using Council digital media sites, staff authorised by the Chief Executive Officer (or nominee) will:
 - 6.6.1 Only post content that is genuinely Council or community related and expected to be of interest to followers and or the general community.
 - 6.6.2 Respond to posted enquiries within 24 hours (Monday to Friday) where possible.
 - 6.6.3 Keep messages simple and engage in conversations where appropriate.
 - 6.6.4 Link to more information on Council's website where possible. If external websites are required to be linked to, this must be authorised by the Chief Executive Officer (or nominee).
 - 6.6.5 Provide accurate, fair and thorough information.

- 6.7 If you have any doubt about applying the provisions of this Policy, check with the Marketing and Communications Department before using digital media to communicate. Depending upon the nature of the issue and potential risk, it may also be appropriate to consider seeking legal advice.

7. AUTHORISATION

Ensure Council Digital Media Authorised Representatives (CDMAR) have been duly authorised by the Chief Executive Officer to act as a CDMAR, before using digital media, including but not limited to uploading content and extent to which staff can communicate on behalf of Council.

8. MEDIA

Do not issue statements or make announcements through digital media channels unless authorised. Do not respond directly if approached for comment by media through digital media. Refer media inquiry to the Coordinator Marketing and Communications, who will determine the best person to respond as per Council Policy.

9. EXPERTISE

Council Digital Media Authorised Representatives should not comment outside their area of expertise. Do not commit Council to actions or undertakings outside delegated authority.

9. DISCLOSURE

Council Digital Media Authorised Representatives should only discuss publicly available information. Do not disclose confidential information, internal discussions or confidential decisions of Council, employees or third parties.

This includes publishing confidential, personal or private information where there is sufficient detail for potential identification of Council Members, Council employees or third parties.

10. ACCURACY

Be accurate, constructive, helpful and informative. Correct any errors as soon as practicable. Do not publish information or make statements which you know to be false or may reasonably be taken to be misleading or deceptive.

11. IDENTITY

Be clear about professional identity, or any vested interests. Do not use fictitious names or identities that deliberately intend to deceive, mislead or lie. Do not participate anonymously or covertly via a third party or agency on any digital media platform.

12. OPINION

12.1 Council employees should not express or publish a personal opinion on Council generally or about Council business via digital media.

12.2 Council Members should be mindful of Council's Code of Conduct when discussing or commenting on Council matters. When using digital media, Council Members must state clearly whether they are expressing a personal viewpoint rather than that of the Council (unless a Council Member has been authorised by the Council to speak on its behalf). When expressing personal views, ensure care is taken to show respect for the Council, its decisions, and its decision making process, and for other Council Members, officers and staff.

Council Members should consider using a formal disclaimer to separate personal interests from official Council interests.

13. GENERAL DUTY UNDER LOCAL GOVERNMENT ACT 1999

Council Members and employees must be aware of their respective duties under sections 62 and 109 of the *Local Government Act* 1999 at all times and ensure that their use of digital media is not contrary to these requirements.

13.1 Privacy

Be sensitive to the privacy of others. Seek permission from anyone who appears in any photographs, video or other footage before sharing these via any form of digital media. If asked to remove materials, do so as soon as practicable.

13.2. Intellectual Property

Seek permission from the creator or copyright owner to use or reproduce copyright material including applications, sound recordings (speeches, songs), footage (video), graphics (graphs, charts, logos), images, artwork, photographs, publications or music. Also seek permission before publishing or uploading material in which the intellectual property rights, such as trademarks, are owned by a third party e.g. company logos. Seek permission from the website's owner wherever possible before linking to another site (including to a digital media application).

13.3. Defamation

Do not comment, contribute, create, forward, post, upload or share content that is malicious or defamatory. This includes statements which may negatively impact the reputation of another.

13.4. Reward

Do not publish content in exchange for reward of any kind.

13.5. Transparency

Do not seek to buy or recompense favourable digital media commentary. Encourage online publishers to be open and transparent in how they engage with, or review Council personnel, services or wares.

13.6. Political Bias

Do not endorse any political affinity or allegiance.

13.7. Respect

Always be courteous, patient and respectful of others' opinions, including detractors.

13.8. Discrimination

Be mindful of language and expression.

13.9 State of Mind

Do not use digital media when inebriated, irritated, upset or tired.

13.10. Be Safe

Protect your personal privacy and guard against identity theft.

13.11 Modification and Moderation

Ensure that any digital media sites created or contributed to can readily be edited, improved or removed and appropriately moderated.

13.12 Access

Be mindful of the requisite government web standards for accessibility. Information made available via non-compliant platforms should be made accessible in another form where practical.

13.13 Be Responsive

Specify the type of comments and feedback that will receive a response and clearly communicate a target response time. Make it easy for audiences to reach Council via other methods by publishing Council's phone number, generic email, Facebook and Twitter accounts.

14. MONITORING DIGITAL MEDIA

14.1 Each 'authorised' digital media account of Council will have a documented 'authorised officer/s' name responsible for posting and monitoring content posted on the official, authorised digital media account, to ensure adherence to the Digital Media Policy for appropriate use, message and consistency in branding.

14.2 Comments from digital media users will be monitored and moderated. Content relating to Council that is posted on the internet by Council Members, Council staff, residents and other community members or organisations will be monitored by the Authorised Officer for each Digital Media account through the use of 'Google Alerts' and desk top monitoring at least twice every day of the week. Where necessary, content must be addressed in an appropriate manner as per this Policy.

14.3 Council staff must not use their personal Digital Media accounts to make negative or defamatory comments about the Council or its programs, services, projects, Council Members, Council staff, volunteers, community members or decisions. Council staff are, however, encouraged to positively promote their programs, services or projects across relevant Digital/Social Media platforms with the assistance of the Marketing and Communications Department.

14.4 Non-compliance with the Digital Media Policy by Council representatives will be managed through the relevant Code of Conduct and disciplinary systems.

15. DIGITAL MEDIA AUTHORISED OFFICERS

15.1 Authorised Officers are employees who have access, approved by the Chief Executive Officer, to Council digital media accounts.

15.2 Town of Gawler Authorised Officer(s) are as follows:

15.2.1 Chief Executive Officer

15.2.2 Manager Business Enterprises and Communications

15.2.3 Coordinator Marketing and Communications

15.2.4 Digital Marketing Officer

15.2.5 Additions to authorised officers can be made as required by the CEO.

15.2.6 Council's Marketing and Communication Department will keep an official record of all Council Digital Media Accounts and the Authorised Officers responsible for such accounts.

16. LOCAL GOVERNMENT ELECTIONS

- 16.1 Section 27 of the Elections Act requires that a person must not publish or cause to be published electoral material unless the publication contains the name and address of the person who authorises the publication of the material. A maximum pecuniary penalty of \$2,500 is prescribed for a breach of this provision.
- 16.2 Section 28 indicates that a person who authorised, caused or permitted the publication of electoral material which contains a statement purporting to be a statement of fact and the statement is inaccurate and misleading to a material extent, is guilty of an offence with a maximum penalty of \$5,000.
- 16.3 Electoral material is defined in the Elections Act as '*an advertisement, notice, statement or representation calculated to affect the result of an election or poll*'.
- 16.4 Publication under sections 27 and 28 of the Elections Act can occur by posting on a website, posting to a Facebook site, tweeting or posting a Twitter feed on a website or by posting a comment/image/video on another digital media site (YouTube/Pinterest etc.).
- 16.5 Council is likely to be a publisher of electoral material appearing on its Digital Media platforms where the material originated from a third party where the Council has knowledge of the material and has the ability to promptly remove the material from the digital media platforms. To act promptly with respect to removal of non-compliant electoral material on a Council's website or digital media page is to act without unreasonable delay.
- 16.6 Council could incorporate disclaimers on its website and digital media pages to the effect that the Council does not take responsibility for the posts of others and cannot vouch for the accuracy of material posted by third parties. The disclaimer could also remind third parties of the responsibility of each user to ensure that they comply with the legal requirements, including those under the Elections Act.
- 16.7 During a Local Government Election period Council should notify users of their digital media pages that there are obligations under the Elections Act that they must comply with when posting electoral material online, namely that they:
 - (a) must include the name and address of the person who authorises the publication of the electoral material (section 27); and
 - (b) must not make misleading or inaccurate statements of fact (section 28).
- 16.8 Given that Council cannot control how others use hashtags on Twitter, they could use Council originated hashtags to remind the public of the requirements under the Elections Act - such as #CouncilElections, which is already in use.
- 16.9 Council should monitor third party posts on social media pages and its website where these are permitted and remove posts which the Council is aware do not comply with section 27 or section 28.
- 16.10 Council should, where possible, disable third parties from tagging the Council's social media pages in posts that they make to their own pages. This would remove the burden from Council staff to manually and reactively removing such tags. Alternatively, Council could activate an approval process for each instance where its page is tagged in a post by third party before the tag can be finalised.

16.11 Council can avoid the risk of liability under sections 27 or 28 for publishing noncompliant electoral material by not incorporating Twitter feeds into its web page or by restricting such feeds to include only Council originated tweets and retweets.

16.12 Council can set up its Twitter biography to meet the requirements of section 27 by specifying that it is the authorised Twitter account of the Town of Gawler accompanied by the Council's address. While not literally compliant with the requirements of section 27, Council would be taking reasonable steps to satisfy the intent of these requirements.

17. REVIEW AND EVALUATION

The effectiveness of this Policy will be reviewed every four (4) years to ensure that its commitment to the principles of good administration, conduct and standards of behaviour are being achieved.

The Chief Executive Officer will report to council on the outcome of the evaluation and if relevant make recommendations for amendments, alteration or substitution of a new Policy.

The Policy will not be altered or substituted so as to affect a process already commenced.

18. FURTHER INFORMATION

Further information about this Policy can be obtained by:

Telephone: 8522 9211

Email: council@gawler.sa.gov.au

Appointment: Town of Gawler Administration Centre, 43 High Street, Gawler East.

Letter: PO Box 130, Gawler SA 5118

19. AVAILABILITY OF POLICY

The Policy is available for inspection during ordinary business hours at the Council principal office, Town of Gawler Administration Centre 43 High Street, Gawler East or is available on the Council website at www.gawler.sa.gov.au.

A copy of this Policy will be provided to interested parties upon request, for a fee as contained in the Register of Fees and Charges.

Examples of wording/statements to assist Council during an Election Period

The information below contains examples of wording to assist Council with its social media responsibilities.

“Authorised by” wording

A clear authorisation statement will carry the words “Authorised by,” a person's name and an address (which can be a post office box unlike a letter to the editor).

An example would be: “Authorised by (*insert CEO name*), 43 High Street, Gawler East.” If a twitter biography separately contains the street address then the biography could simply carry the words “Authorised by First name, Surname.”

The same statement should be included in any other Council digital media live during the election period.

Disclaimer/statement on third party postings - for website or digital media sites

Please note that where this site, or digital media linked from it, incorporates statements made by third parties, the Council has not assessed their accuracy, does not take responsibility for them and cannot attest to the accuracy of any statement.

Users publishing electoral material should consider the requirements of the Local Government (Elections) Act particularly Sections 27 & 28.

Warning regarding removal of non-compliant posts

Please note that third party electoral material posted on this website may be removed as soon as it is identified and we are able to remove it.

Promote requirements of the Local Government (Elections) Act

It has been suggested that Digital media can be used to actively promote to the community the requirements of the Local Government (Elections) Act during the period leading to the election.

This could be in the form of questions related to Sections 27 or 28 of the Act, such as:

Publishing #CouncilElection material online? Are you authorising under S27 of LG Elections Act? Fine ≤ \$2.5K

or:

Truth in elections? S28 of LG Elections Act has \$5k penalty for inaccurate & misleading presentation of a fact.

A link to the Act could also be included:

[http://www.legislation.sa.gov.au/LZ/C/A/Local%20Government%20\(Elections\)%20Act%201999.aspx](http://www.legislation.sa.gov.au/LZ/C/A/Local%20Government%20(Elections)%20Act%201999.aspx)