

## **Elected Member Guideline – Use of Social Media**

The City of Joondalup recognises that Elected Members may wish to use social media to promote their activities online to their local communities. These guidelines are not intended to discourage nor unduly limit an Elected Member's personal expression or online activities, however it identifies certain obligations and requirements that apply as a result of an Elected Member's civic position.

### **What is Social Media**

Social media is a set of online technologies, websites and practices which are used to share opinions, experiences and perspectives. Social Media tools include, but are not limited to the following platforms:

- Facebook
- Twitter
- YouTube
- Flickr
- On-line blogs

Social media involves interactive dialogue between two people or the community at large and Elected Members may choose to use social media to connect with members of the community or their 'followers'. Elected Members could use social media to raise awareness of certain issues in the community build credibility with specific audience groups or to generally engage with local residents.

### **Elected Member Responsibilities**

Elected Members are personally responsible for the content they publish in a personal capacity on any form of social media platform, and in this regard must understand their legal obligations. Unlike other communication channels, what is said on social media platforms is written down and is permanent.

If using social media for Elected Member or Council activities, Elected Members must recognise the potential damage that may be caused (either directly or indirectly) to the City in certain circumstances via personal use of social media when they can be identified as an Elected Member of the City of Joondalup. Accordingly, Elected Members should comply with this Guideline to ensure that the risk of such damage is minimised, including minimising action against an Elected Member under the *Local Government (Rules of Conduct) Regulations 2007*.

As civic leaders, Elected Members must comply with the requirements of the *Local Government Act 1995* and the *Local Government (Rules of Conduct) Regulations 2007* and such obligations extend to when Elected Members use Social Media to communicate with the community.

In particular, the *Local Government (Rules of Conduct) Regulations 2007* requires that Elected Members must not:

- cause detriment to the City, other Elected Members, City officers or any other person;
- disclose information that an Elected Member has derived from a confidential document or acquired from a closed meeting, or otherwise considered confidential in nature.

In view of this, Elected Members when using social media must:

- expressly state on all postings the stated views are their own and are not those of the City or the Council;
- only disclose and discuss publicly available information;
- ensure that all content published is accurate and not misleading and complies with all relevant City policies and legislative requirements;
- endeavour to be polite and respectful to all people they interact with;
- comply with their record keeping responsibilities when using social media for Elected Member activities and Council related matters;
- adhere to the guidelines of the relevant social media platform/website, as well as copyright, privacy, defamation, contempt of court, discrimination, harassment and other applicable laws.

To protect Elected Members it is recommended that Elected Members do not:

- imply that they are authorised to speak as a representative of the City or the Council, or give the impression that the views expressed are those of the City or the Council;
- post material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breaches a Court suppression order, or is otherwise unlawful;
- use the City logos or insignia;
- use the identity or likeness of another Elected Member, City employee, contractor or other member of the City;
- use or disclose any confidential information obtained in their capacity as an Elected Member of the City;
- use social media for electioneering purposes;
- make any comment or post any material that might otherwise cause damage to other persons, or the City's reputation or bring it into disrepute.

# Elected Members' Communications Policy

## City Policy

### Responsible Directorate: Governance and Strategy

**Objective:** To guide the use of appropriate communication systems by Elected Members.

#### 1. Application:

This Policy applies to all current Elected Members of the City of Joondalup Council.

#### 2. Statement:

The City supports and implements good governance practices and applies these principles to the appropriate use of and access to communication systems and information managed and retained by the City.

As such, it is the City's position that communications, made on behalf of the City or Council, should be appropriately coordinated to ensure that quality and consistent information is provided to the community and City stakeholders.

#### 3. Details:

##### 3.1. Elected Member Communications — General:

There are various statutory requirements relevant to Elected Member communications as follows:

- a. *State Records Act 2000* requires that all correspondence, including email, relating to the business of the City and the Council must be retained in the official records of the City.
- b. Sections 2.8(1)(d) and 5.41(f) of the *Local Government Act 1995*, provides that only the Mayor may speak on behalf of the City (or the Chief Executive Officer if authorised by the Mayor to do so).
- c. *Freedom of Information Act 1992* requires the preservation of correspondence and its availability for Freedom of Information purposes.

- d. Section 5.93 of the *Local Government Act 1995* provides that an Elected Member (as well as employees) must not make improper use of any information acquired.
- e. ~~Regulation 6 of the *Local Government (Rules of Conduct) Regulations 2007*~~ The City's Code of Conduct for Council Members, Committee Members and Candidates (which is modelled on the *Local Government (Model Code of Conduct) Regulations 2021*) provides for Elected Members to maintain confidentiality.

### **3.2. Media Relations:**

In accordance with the *Local Government Act 1995*, the Mayor only can speak on behalf of the City, or if authorised by the Mayor, the Chief Executive Officer.

When speaking to the media as spokesperson for the City, the Mayor may only represent the official view of the City, having regard to the City's Code of Conduct for Council Members, Committee Members and Candidates and ~~the *Local Government Act 1995* and the *Local Government (Rules of Conduct) Regulations 2007*~~.

Elected Members other than the Mayor, or the Deputy Mayor in the role as Acting Mayor, may not speak to the media purporting to represent the views of the Council or the City.

### **3.3. Representing the City at Functions and Events:**

The Mayor or, where unavailable, the Deputy Mayor, is the Council's and the City's official representative at civic functions and events. In the event that neither is available for a specific event, the Mayor will nominate one of the following in order of preference:

- a. Relevant Ward Councillor
- b. Councillor with a specific interest.

### **3.4. Use of Social Media:**

The City of Joondalup recognises that Elected Members may wish to use social media to promote their activities online to their local communities. Social Media tools include, but are not limited to the following platforms:

- Social networks, including - Facebook, Yammer, LinkedIn and Google+.
- Media Sharing networks, including - Snapchat, Instagram, Flickr, Tic Toc Soundcloud, YouTube and Podcasts.
- Blogging networks, including - Wordpress and newshub.
- Micro-blogging networks, including - Twitter and Tumblr.

Elected Members are personally responsible for the content they publish in a personal capacity on any form of social media platform. When Elected Members use Social Media to communicate with the community, they must comply with the requirements of the *Local Government Act 1995* and the City's Code of Conduct for Council Members, Committee Members and Candidates.

In view of this, Elected Members when using social media must:

- a. expressly state on all postings the stated views are their own and are not those of the City or the Council

- b. not imply that they are authorised to speak as a representative of the City or the Council, or give the impression that the views expressed are those of the City or the Council
- c. not use the City logo or insignia, or use the identity or likeness of another Elected Member, City employee, contractor or other member of the City
- d. only disclose and discuss publicly available information
- e. ensure that all content published is accurate and not misleading and complies with all relevant City policies and legislative requirements
- f. be polite and respectful to all people they interact with
- g. comply with their record keeping responsibilities when using social media for Elected Member activities and Council related matters
- h. adhere to the guidelines of the relevant social media platform/website, as well as copyright, privacy, defamation, contempt of court, discrimination, harassment and other applicable laws.

### **3.5. Correspondence:**

Mayoral letterhead will be available for the Mayor for responses to civic invitations, functions and the like. In the event that the Mayor receives correspondence relevant to the business of the City, the Mayor may use mayoral letterhead to acknowledge receipt and advise that the City will respond to the matter raised.

Where the Mayor is providing technical information to correspondents, the Chief Executive Officer will be requested to draft the correspondence or that section of the correspondence for the Mayor. Councillors will be issued with Councillor letterhead. In the event that Councillors choose to comment in writing on Council or City matters, they do so as individual Councillors, and must not purport they are speaking on behalf of the City or the Council, or commit the City or the Council.

Correspondence generated and received by Elected Members that relate to the business of the City is subject to the *State Records Act 2000*, the *City's Records Management Policy* and *Recordkeeping Plan*, and as such must be retained within the City's corporate recordkeeping system.

### **3.6. Electronic Correspondence:**

Electronic correspondence generated and received by Elected Members that relate to the business of the City is subject to the *State Records Act 2000*, the *City's Records Management Policy* and *Recordkeeping Plan*, and as such must be retained within the City's corporate recordkeeping system.

Each Elected Member is provided with a City of Joondalup email address and is to be used for electronic correspondence between the community and the Elected Members and which relates to the business of the City.

Electronic equipment, in particular computers, utilised by any Elected Member, is subject to the conditions of use and service agreement between Elected Members and the City.

Elected Members utilising the City's equipment and/or email facilities are required to sign the written agreement regarding usage and support of the equipment and facilities.

### 3.7. Ward Meetings:

Each financial year, up to three external meetings per Ward will be available for the relevant Ward Councillors and the Mayor to meet with the community in that Ward. A Councillor may use an external ward meeting for their Ward individually, subject to the agreement of their co-ward Councillor and Mayor.

Requests for ward meetings are to be directed to the Chief Executive Officer who will make the necessary arrangements, should the meeting occur in one of the City's facilities and the facility is available for use.

Where the Mayor or Ward Councillor wishes to use a non-City facility, the relevant Elected Members are to make all the necessary arrangements and meet any associated costs. These costs may be claimed in accordance with the *Elected Members' Entitlements Policy*.

Such meetings will be promoted on the City's relevant social media platform and on the City's website.

No external ward meetings will be arranged within three months of a local government election day.

### 3.8. Access to Information:

Access to corporate information by Elected Members is managed in accordance with Section 5.92 of the *Local Government Act 1995* and the City's *Freedom of Information Guide*.

Elected Members who wish to view records outside of those records detailed within Section 5.92 of the *Local Government Act 1995* and the City's *Freedom of Information Guide*, must demonstrate to the Chief Executive Officer the relevance of the information to their performance as an Elected Member. Should approval be granted, the Chief Executive Officer will determine the manner in which the access is permitted.

<b>Creation Date:</b>	March 2012 Formerly: <ul style="list-style-type: none"><li>• <i>Communications Policy</i></li><li>• <i>Provision of Information Policy</i></li><li>• <i>Public Submissions Policy</i></li><li>• <i>Use of Common Seal and the Signatories for Contract Execution Policy</i></li></ul>
<b>Amendments:</b>	CJ032-03/12; CJ068-05/20; <a href="#">CJXXXXX</a>
<b>Related Documentation:</b>	<ul style="list-style-type: none"><li>• <a href="#">Code of Conduct for Council Members, Committee Members and Candidates</a></li><li>• <a href="#">Elected Members' Entitlements Policy</a></li></ul>

- [Elections Caretaker Policy](#)
- *Freedom of Information Act 1992*
- [City of Joondalup Freedom of Information Guide](#)
- *Local Government (~~Rules of~~ [Model Code of Conduct](#))  
Regulations ~~2007~~[2021](#)*
- *Local Government Act 1995*
- *Online Services Usage Protocol for Elected Members*
- *Recordkeeping Plan*
- *Records Management Policy*
- *State Records Act 2000*
- *State Records Commission Policy — Local Government*