

# Community and Stakeholder Engagement Report

## Councillor use of Social Media Policy (Stage 1 of 1)

Impact level: Four

Consultation period: 11 January to 10 February 2021

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# 1. Summary<sup>1</sup>

This report outlines the community and stakeholder engagement conducted as part of the public exhibition of the draft Councillor use of Social Media Policy.

## 1.1. Engagement snapshot<sup>2</sup>

 Total submissions received	10		
 Have Your Say	Visitors: 261	Visits: 309	Av. time onsite: 1m5s
 Electronic direct mail (EDM)	Community Engagement (fortnightly) newsletter: 2	Distribution: 20,000 subscribers	
 Sentiment <sup>3</sup>	Generally favourable of the draft Councillor use of Social Media Policy: 3 submissions. Unfavourable of the draft Councillor use of Social Media Policy: 5 submissions. Undetermined: 2 submissions.		

<sup>1</sup> Community and stakeholder views contained in this report do not necessarily reflect the views of the Northern Beaches Council or indicate a commitment to a particular course of action.

<sup>2</sup> Standard demographic questions were provided in the online submission form as optional. No submitters chose to provide this information.

<sup>3</sup> Based on a qualitative analysis of submissions.

## 2. Background

Following the Council adoption of the Draft Communications Policy endorsed by Council at its Meeting 26 February 2020, Council resolved to request staff research the social media policies of other Councils as they apply to Councillors, and present the findings to Councillors at a briefing.

Further to the briefing, a Notice of Motion No 25/2020 requested a Social Media Policy be developed and be brought back to a Council briefing.

The draft policy provides guidance for Councillors about the use of social media. It intends to assist Councillors to use social media in a way that minimises exposure of Councillors and Council to legal risk.

It outlines guidance for Councillors with regards to confidentiality, governance, privacy, record keeping and other legal and regulatory risks when using social media.

## 3. Engagement objectives

- Provide accessible information so community and stakeholders can participate in a meaningful way (inform).
- Build community and stakeholder awareness of project (inform).
- Provide a mechanism to receive community and stakeholder feedback about the draft policy (consult).

## 4. Engagement approach

The engagement was planned, implemented and reported in accordance with Council's [Community Engagement Matrix](#) (2017). A documented engagement approach is outlined in the Councillor use of Social Media Policy Community and Stakeholder Engagement Plan (TRIM LINK 2021/088867).

All practical attempts were made to ensure that project information was provided in a way that was accessible to our community.

Community and stakeholder engagement for the insert project title was conducted over a 30-day period (excluding public holidays) and involved the following:

- Establishment of a project page on [yoursaynorthernbeaches.nsw.gov.au](https://yoursaynorthernbeaches.nsw.gov.au).
- Inclusion into the community engagement fortnightly e-newsletter to generate awareness.

Submissions were primarily collected through an online submission form embedded into the your say page. Feedback was also accepted via email and post.

This report represents what Council has heard as accurately and transparently as possible.

## 5. Findings

Submissions received show a mixed response to Council's role in guiding the social media practices of Councillors.

Some contributors opposed any kind of regulation, expressing views that such a policy was a restriction of free speech or that policing the policy was the responsibility of other authorities or organisations.

There were also responses supporting the need for a Council policy and some contributors suggested the policy needed to go further than what is currently drafted.

Other comments were seen as favourable for the policy as they related to concern over perceived behaviour of Councillors on social media.

Redacted verbatim submissions are available in Appendix 1.

**Table 1: Questions received and Council's response**

Question received <sup>4</sup>	Council's response
How will the policy be enforced?	This policy will be enforced through a process where complaints will be directed to the CEO and reviewed in line with clause 3.1.b in the Northern Beaches Code of Conduct policy.
Who is responsible for monitoring?	Council staff are not delegated with responsibility for monitoring Councillors' social media channels. Complaints about Councillor use of social media will be directed to the CEO and reviewed in line with clause 3.1.b in the Northern Beaches Code of Conduct policy.
How will independence be assured?	Where Council is unable to resolve complaints, complainants will be provided information about alternative options.
How will Council define a political statement versus a personal view?	The CEO will review complaints and make recommendations.
How will Council decide if a Councillor has provided an accurate account of the resolution or decision?	The CEO will review complaints and make recommendations.
Can you please provide information on whether councillors are allowed to bully or threaten administrators of local community facebook groups to remove and delete comments that they disagree with, or feel paints them in a bad light?	Councillors' general conduct obligations including conduct relating to harassment and bullying, is outlined in section 3 of the Northern Beaches Code of Conduct. The draft policy intends to assist Councillors to use social media in a way that minimises exposure of Councillors and Council to legal risk.

<sup>4</sup> Extracted from submissions

## Appendix 1 Verbatim community and stakeholder responses\*

Count	Submission
1	If you are not responsible enough to use Social Media should you really be a Councillor? This sounds like a bit of a gag order to me. I believe in free speech so am against this proposal.
2	This policy is inappropriate and unnecessary. Social media should be viewed as merely another form of communication, in the same way as radio, press, TV etc. The same principles should apply to SM as these other media channels. Social media is such an important part of our daily lives that it brings Council matters to the public's attention. On this basis, I would object to the policy as it stands.  Specific questions I have include: How will the policy be enforced? Who is responsible for monitoring? How will independence be assured? It is vital that Councillors are able to challenge and question Council processes and decisions. How will Council define a political statement versus a personal view? How will Council decide if a Councillor has provided an accurate account of the resolution or decision? Many decisions are subject to interpretation, and the very nature of politics means this is evident and should continue. The policy fails to manage this correctly.
3	Do not use a privacy policy to prevent Councillors from expressing their opinions on policies that they have voted against & know the general public is against. Council is meant to represent the rate payers & general community and their policies do not always reflect this and certain Councillors are prepared to stand up for us. Do not try and prevent them from doing so.
4	Draft Policy states "Councillors are encouraged to ensure prompt removal of inappropriate content from third parties" This is not enough. The inappropriate comment needs to be deleted before it is posted. If it is posted and read by one person before its removal the inappropriate comment has been published and the Councillor is potentially liable. Councillors need to have a system so that potential posts are not published until the site administrator has reviewed the post and authorised for it to be posted
5	There are 3 submissions to date can they be read. I can't so far
6	Please ensure that all clr when using their social media accounts, whether personal or not, are using and/or relaying factual information only. ██████████ ██████████ has used ██████████ account to spread misinformation, denigrate and humiliate other councillors and made representations of council decisions in a way that has inflamed an issue or riled up a section of the community. This is absolutely not acceptable and perhaps council should perhaps consider hiring a social media moderator for all clr social media accounts and have posts approved before they are allowed to be posted. Thank you.
7	Sounds like a gag order to me. If councillors want to post online let them do so from a personal account. What they post up is their business, if its lies or hate speech or just crazy conspiracy theory then let the NSW law deal with that not the council through a policy.
8	Can you please provide information on whether councillors are allowed to bully or threaten administrators of local community facebook groups to remove and delete comments that they disagree with, or feel paints them in a bad light? There has been definite interference in the local ██████████ facebook group by councillors who have demanded the removal of comments and or other members of the group
9	I strongly believe councillors should not be able to politicise issues and attack other councillors for decisions made at council. Especially if this involves telling only half the story, as was the case for the proposed coronavirus artwork for example. Some councillors choose to divide the community and inflame the situation by omitting relevant information. In other words, posts ought to be fact-based and not full information and background given.

\*Personal details and statements that have identified specific people or groups have been redacted where possible. Spelling and grammatical errors have been amended only where misinterpretation or offence may be caused.

10	<p>Thank you for the opportunity to comment on the Northern Beaches Council Draft Policy on Councillor use of Social Media.</p> <p>My experience of councillors and social media I believe I have seen examples of harassment, intimidation and bullying on social media by some councillors. [REDACTED], I have repeatedly had to delete comments by councillors that at the very least created a hostile environment. On one occasion, when I deleted a potentially defamatory comment by a group member, a councillor soon after posted a comment that appeared to be encouraging a repetition of the original comment.</p> <p>However, I believe the council has a mechanism to deal with this sort of behaviour and ensure a respectful dialogue through the Councillor Code of Conduct, in sections 3.6 to 3.11. These sections cover the issues of harassment and discrimination, and bullying.</p> <p>The problem is that members of the general public are not aware that they can complain to the council or with whom to lodge a complaint. Therefore, the council should in plain English publicise how members of the public can take action if they believe they or anyone else have been harassed, discriminated against or bullied.</p> <p>I also believe that some of the social media posts by councillors reflect the toxic atmosphere that often prevails at council meetings. On many occasions I have seen some councillors bullying or intimidating other councillors and staff, particularly women. Stronger and earlier intervention by the mayor might prevent some of this behaviour, encourage respectful dialogue which might be reflected in social media.</p> <p>Principles I do not believe Northern Beaches Council has a right to dictate how councillors will use social media – other than in line with the Council Code of Conduct. The High Court case <i>Lange vs Australian Broadcasting Corporation</i> or 1997 established that the Australian Constitution has an implied Freedom of Speech in government and political matters. Under the ruling, freedom of speech is necessary for democracy to exist and the community to be able to make free and informed choices.</p> <p>Therefore, the council and/or its staff cannot determine in what manner councillors will use their social media including:</p> <ul style="list-style-type: none"> <li>• creating a policy requiring them to inform the community about council decisions or how feedback has been used</li> <li>• to engage or “build a highly satisfied community”</li> <li>• or to “accurately respond to community needs”.</li> </ul> <p>I note that the landing page on the council website for the “Council Use of Social Media Policy” includes a background section that states: “The draft policy defines a set of principles to ensure communication between Councillors and the community will be in a manner that: ...</p> <ul style="list-style-type: none"> <li>• respects the democratic process acknowledging Council resolutions represent the majority view.”</li> </ul> <p>I believe this statement also encourages responses to the draft policy that support an infringement of councillors’ freedom of political speech – noting that they are under no obligation to support the majority view.</p> <p>It is also redundant to have a policy asking councillors to abide with the law or regulations – because they are already bound to do so.</p> <p>However, the two most concerning clauses are the requirements to:</p> <ul style="list-style-type: none"> <li>• “protect and promote(s) the interests of Council through social media”; and</li> </ul>
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	<ul style="list-style-type: none"> <li>• “respect the democratic process acknowledging Council resolutions represent the majority view”. These two clauses in particular would restrict freedom of political speech, violating councillors’ Constitutional rights.</li> </ul> <p>Scope and application The Constitutional Right to Freedom of Political Speech applies to both professional and personal social media communications carried out by councillors.</p> <p>Councillor Use of Social Media Some of the statements under this heading cannot be enforced because of the Lange vs the ABC judgement. These include the fact that whilst social media is a significant form of communication, standards that might apply to staff cannot be imposed on councillors – the political representatives of the community. Neither can councillors be forced to use it as a customer service channel.</p> <p>Again, under the above-mentioned High Court judgement, even if the council votes to support the draft policy, councillors have no responsibility to protect the reputation of the council. In fact, as elected representatives, we would expect them to reveal to us, the voters, any issues that might bring the council into disrepute.</p> <p>And neither does social media exist to “provide a platform to encourage dialogue between Councillors and the community”.</p> <p>However, some statements in this section of the policy could be useful reminders for councillors. For example:</p> <ul style="list-style-type: none"> <li>• that they are responsible for their social media</li> <li>• importance of privacy settings and permanency of some social media</li> <li>• that shares and likes can be interpreted in a number of ways</li> <li>• that they are legally liable for their comments and may be for those of others and</li> <li>• that anything they post in the course of conducting government business may be treated as digital records under the GIPA.</li> </ul> <p>As such, it would be useful to inform councillors about these issues at the start of their terms, however, they are not appropriate as elements of a policy as such.</p> <p>Breaches As mentioned above, the council should clearly publicise from time to time on its website, in the media and on social media how the public (and councillors) can lodge complaints against councillors who have breached the Councillor Code of Conduct on social media – or in any other way.</p>
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