

PALM ISLAND ABORIGINAL SHIRE COUNCIL

POLICY STATEMENT

- SUBJECT:** MEDIA POLICY
- AUTHORITY:** Council of the Whole
- PURPOSE:** This policy is intended to clarify the appropriate process for:
- a) Preparing/releasing media statements (proactive)
 - b) Responding to media enquiries (reactive)
 - c) Use of official titles
 - d) Communication of council official decisions and positions
 - e) Communication of personal statements as a Councillor
- POLICY:** Council acknowledges the important role that media interaction plays in community engagement and respects the principle of freedom of the press and the right of media outlets to report on Council matters in a manner that they consider appropriate; and
- That Council provides information to the media where appropriate to ensure accurate reporting.
- Council and the community expect balanced and objective reporting from local media.
As a general rule, Council will not respond to "Letters to the Editor", unless a gross inaccuracy requires explicit correction.
Should a Councillor breach this policy they will be subject to a complaints based investigation.
Any breach of this, or any policy, is also a breach of the Code of Conduct.
- DELEGATION:** Authority in respect of this policy is hereby delegated to the Mayor and Chief Executive Officer.

2. PRINCIPLES

- 2.1 Council acknowledges the important role that media interaction plays in community engagement.
- 2.2 Council respects the principle of freedom of the press and the right of media outlets to report on Council matters in a manner that they consider appropriate, and provides information to the media where appropriate to ensure accurate reporting. Council and the community expect balanced and objective reporting from local media.
- 2.3 As a general rule, Council will not respond to "Letters to the Editor", unless a gross inaccuracy requires explicit correction.
- 2.4 Should a Councillor breach this policy they will be subject to a complaints based investigation. Any breach of this, or any policy, is also a breach of the Code of Conduct.

3. HEAD OF POWER

Local Government Act 1993 – s243A (1) – A councillor must comply with the obligations stated in the local government's code of conduct.

Local Government Act 1993 – s1131 (3) – The Chief Executive Officer alone is responsible for... (b) conducting correspondence between the Local Government and The Mayor and Chief Executive Officer are Council's official spokespeople and have primary responsibility for communicating decisions of Council, or its position on a particular issue. The Mayor will be responsible for communicating (amongst others) Council's:

Policy

Strategy

Service Levels

Political response to, or on behalf of, community advocacy issues

The Chief Executive Officer (or his/her delegate) will be responsible for communicating with the media on operational matters.

This Policy does not address paid advertisements, Community Notices or Date Claimers, or Promotional Material prepared by Council.

This Policy also does not cover Political or Electioneering Media Statements during the Local Government Elections (defined as the period between the date nominations open, to the publication of the results of the poll).

This Policy is not intended in any way to limit a Councillor from communicating with or engaging with their constituents. Councillors are actively encouraged to do this, provided that

the Code of Conduct requirements are complied with.

Councillors are not permitted to distribute in any way, any documentation pertaining to the council and council business, without first seeking approval from the Chief Executive Officer to

determine if the document is available to the public and assessed against the Right to Information

Act and Public Interest test.

5. PROCEDURE

5.1 Definitions: -

Communication – will include all forms of communication to both the media and public for example, but not limited to, interviews, press statements, emails, facsimiles, letters, phone calls etc.

Council Business – includes any matter that has been, or is being, considered by Council as having appeared in Council's business papers or can be reasonably expected to appear in Council's business papers. This includes the time between when a decision of Council is made and when the resolution is communicated to the stakeholders via 'Official Correspondence'.

Official Correspondence – Under the Local Government Act 1993, the Chief Executive Officer alone is responsible for... (b) conducting correspondence between the Local Government and other persons. Official correspondence is that which is signed by the Chief Executive Officer or delegate.

Official Title - The title afforded to the Councillor by virtue of the Local Government's election,

or in the case of an Officer, the title of the position held by the Officer.

Personal Statement - A statement made which is made from the perspective of the individual, as a Councillor. .

5.2 Communicating with the Media on Council Business

At the Mayor's/Chief Executive Officer's discretion, media statements may be undertaken in the

following manner:

- a. By the Mayor
- b. By the CEO
- c. If the matter being reported has origins of obvious significance for certain Councillors' portfolios (i.e. the matter relates to a Council-appointed committee of which the Councillor is Chair), that Councillor may be nominated as Council's spokesperson by the Mayor;
- d. Alternatively, if the matter has a specialised or technical component, the Mayor/ Chief Executive Officer may call on a senior officer for input and approve that the remarks be attributed accordingly;
- e. All written media releases are approved by the CEO and/or Mayor.
- f. Should a councillor wish to represent council and communicate with the media on a particular issue of council business, they must seek delegation from the Mayor in writing. All external media enquiries and requests for media comment on official council position or policy should be directed to the Chief Executive Officer in the first instance. The Chief Executive Officer will ensure the Mayor will be offered the first opportunity to respond or to delegate to another councillor. On those occasions where the Mayor is unavailable, the CEO will refer the request to the Acting Mayor. If the matter has origins of obvious significance to a Councillor's portfolio (ie. the matter relates to a Council-appointed committee of which the Councillor is Chair), that Councillor may be nominated as Council's spokesperson by the Mayor and/or CEO. Alternatively, if the matter has a specialised or technical component, or is operational, the Chief Executive Officer (or delegate) may respond. As a matter of courtesy, copies of final media releases will be distributed to Councillors by email at the same time as the item is released to media outlets.

Where the matter is of a sensitive nature, spokespeople authorised under this policy are encouraged to consider seeking the opportunity to provide a written response to specific questions.

All communications to the media or Official Statements / Correspondence, must have regard to the Law, preservation of privacy and be free from discrimination. All reasonable steps must be taken to ensure that the statement / correspondence is accurate, factual and not prejudicial to Council's legal standing.

5.3 Use of Official Titles

A Councillor may use their Official Title when conducting Council Business, such as representing Council at a function, conference or course, or having been authorised to communicate with the media on council business as per section 5.2.

Any use by a Councillor of their official title (i.e. Councillor) is to accompany a disclaimer (which is obvious to the recipient either in the written or spoken sense), that the opinion/comments provided are those of the councillor and not those of the Longreach Regional Council. This is reflected in the Code of Conduct.

A Councillor must consider whether using their official title (Councillor) may lead a recipient of the information to assume that the Councillor is commenting on behalf of council, and it is the responsibility of the Councillor to ensure this is clear to the recipient of the information. This is reflected in the Code of Conduct.

5.4 Personal Statements by Councillors

This policy does not purport to restrict Councillors from making statements, or from responding to media enquiries, in their capacity as a Councillor about their personal opinion regarding a council matter that has not been the subject of a council decision. Should Councillors intend to make statements as above reflecting their personal opinion, such remarks should be clearly qualified accordingly.

It is the sole responsibility of the councillor making the comment/opinion on any issue, in any way, to ensure that the information they are commenting on is accurate, and that any information they provide to the media in their capacity as Councillor is accurate. The responsibility does not rest with the Council, the Mayor or the Chief Executive Officer (or designate) to correct any misinformation or incorrect information provided by a Councillor to the community or media, or to pass any judgement or respond to any comment a councillor may make to the community or media in a personal capacity. Should it be found that a Councillor has provided misinformation or incorrect information to the community or media it is the responsibility of that Councillor to correct this through an avenue amenable to council. This does not negate the fact that should a Councillor breach this policy they will be subject to a complaints based investigation. All communications to the media and the community must have regard to the Law, preservation of privacy and be free from discrimination and potential defamation. All reasonable steps must be taken to ensure that the communication is accurate, factual and not prejudicial to Council's legal standing or in any way defamatory to other Councillors, officers or persons. Above all, it is the responsibility of the Councillor to ensure that their communications are based on fact. This clause does not affect the underlying responsibility of Councillors under the Local Government Act 1993, and the Code of Conduct (to publicly support the consensus decisionmaking process, regardless of their viewpoint on a particular matter) and refers only to Councillors providing opinion or comment on an issue prior to a council decision being made.

It is the sole responsibility of the Councillor under the Code of Conduct to ensure that when communicating with the public or media, they make it clear when they are expressing a personal opinion, and when they are speaking on behalf of Council.

5.5 Recommended Disclaimer

The following email disclaimer, which is in line with policy, is recommended if a Councillor is sending an email with their official title attached:

Opinions expressed in this message are those of the sender and cannot be taken to represent the official position or opinions of the Longreach Regional Council.

This message (including attachments) is intended for the addressee named above. It may also be confidential, privileged and/or subject to copyright. Any unauthorised use, alteration, disclosure, distribution or review of this email is strictly prohibited.

Any unauthorised use of this material is prohibited. If you have received this message in error please notify the

sender immediately, delete the message and destroy any printed or electronic copies. Any privilege or confidentiality attached to this message is not waived, lost or destroyed because you have received this message in error.