

**EXTRAORDINARY MEETING OF BATHURST REGIONAL
COUNCIL**

18 February 2021

His Worship the Mayor & Councillors

**Notice of Extraordinary Meeting of Bathurst Regional Council –
Wednesday 24 February 2021**

I have to advise that an Extraordinary Meeting of Bathurst Regional Council will be held in the Council Chambers on Wednesday 24 February 2021 commencing at 3:30 PM.



A Cattermole
ACTING GENERAL MANAGER

**MINUTES OF THE
EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL
TO BE HELD ON Wednesday 24 February 2021**

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1 RECORDING OF MEETINGS

2 MEETING COMMENCES

MINUTE

Meeting commenced at 3.30pm

Present: Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr M Morse, Cr I North, Cr J Rudge

3 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

4 APOLOGIES

MINUTE

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED: That the apology for the late arrival of Cr J Jennings be accepted.

5 DECLARATION OF INTEREST

Declaration of Interest

MINUTE

RESOLUTION NUMBER: ORD2021-55

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED: That the Declaration of Interest be noted.

Nil

6 RESCISSION MOTIONS

6.1 RESCISSION MOTION - SOCIAL MEDIA POLICY - COUNCILLORS

File No: 08.00021, 41.00089

RECOMMENDATION:

That Council rescind the resolution “DCSF 7.2.5” from the Ordinary Meeting of Council held on Wednesday 17 February, which reads as follows:

SOCIAL MEDIA POLICY – COUNCILLORS

That Council:

- i. Adopt the Social Media Policy – Councillors with the following amendments:
 - a. All occurrences of the word “offensive” be deleted from the Policy.
 - b. Delete Clause 5 dot point 6
 - c. Amend Clause 2 dot point 6 to read “Be respectful, cordial, thorough and professional at all times including when referencing and dealing with Council staff”.
- ii. Notify those that made submissions of Council’s decision.

REPORT:

Council has received a rescission motion from Councillors Rudge, Jennings and Morse which reads as follows:

We the undersigned hereby give notice of rescission of the following resolution ORD2021-52 from the Ordinary Meeting held Wednesday 17 February 2021 stating:

SOCIAL MEDIA POLICY – COUNCILLORS

That Council:

- i. Adopt the Social Media Policy – Councillors with the following amendments:
 - a. All occurrences of the word “offensive” be deleted from the Policy.
 - b. Delete Clause 5 dot point 6
 - c. Amend Clause 2 dot point 6 to read “Be respectful, cordial, thorough and professional at all times including when referencing and dealing with Council staff”.
- ii. Notify those that made submissions of Council’s decision.

DATED: 18 February 2021

SIGNED: Cr Rudge
Cr Jennings
Cr Morse

Copy of the signed rescission motion is **attached**.

FINANCIAL IMPLICATIONS:

There are no financial implications resulting from this report.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.

Strategy 6.3 Advocate for our community.

Strategy 6.4 Meet legislative and compliance requirements.

Strategy 6.5 Be open and fair in our decisions and our dealings with people.

COMMUNITY ENGAGEMENT:

01 **Inform** - to provide the public with balanced and objective information to help them understand the problem, alternatives, opportunities and/or solutions.

ATTACHMENTS:

1. Rescission Motion [6.1.1 - 1 page]

MINUTE

Cr J Jennings arrived at 3.35pm

RESOLUTION NUMBER: ORD2021-56

MOVED: Cr M Morse SECONDED: Cr J Rudge

RESOLVED:

That Council rescind the resolution "DCSF 7.2.5" from the Ordinary Meeting of Council held on Wednesday 17 February, which reads as follows:

SOCIAL MEDIA POLICY – COUNCILLORS

That Council:

- i. Adopt the Social Media Policy – Councillors with the following amendments:
 - a. All occurrences of the word "offensive" be deleted from the Policy.
 - b. Delete Clause 5 dot point 6
 - c. Amend Clause 2 dot point 6 to read "Be respectful, cordial, thorough and professional at all times including when referencing and dealing with Council staff".
- ii. Notify those that made submissions of Council's decision.

Rescission MOTION was PUT and LOST.

7 MEETING CLOSE

MINUTE

The Meeting closed at 3.52pm.

CHAIR:

Extraordinary Meeting of Council - 24 February 2021 Attachments

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General Manager
Bathurst Regional Council

Thursday 18th February 2021

We the undersigned hereby give notice of rescission of the following resolution ORD2021-52 from the Ordinary Meeting held Wednesday 17th February 2021, stating

“ That Council:

- i. Adopt the Social Media Policy – Councillors with the following amendments:
 - a. All occurrences of the word “offensive” be deleted from the Policy.
 - b. Delete Clause 5 dot point 6
 - c. Amend Clause 2 dot point 6 to read “Be respectful, cordial, thorough and professional at all times including when referencing and dealing with Council staff.”
- ii. Notify those that made submissions of Council's decision.



Councillor Jacquie Rudge



Councillor Jess Jennings

Councillor John Fry



Councillor Monica Morse



SOCIAL MEDIA POLICY - COUNCILLORS

INTRODUCTION

Social media can:

- Increase residents' access to Council
- Increase Council's access to residents and improve the accessibility of Council communication
- Allow Council to be more active in its relationship with residents, partners and other Stakeholders
- Increase the level of trust in Council
- Reach targeted audiences on specific issues, events and programs
- Provide effective, fast communication channels during crises
- Provide insights into how Council is perceived

POLICY OBJECTIVE AND SCOPE

To provide guidelines to Councillors on business and personal use of Social Media in order to minimise the potential for negative impacts to Council's reputation.

1. SCOPE

This policy applies to the official, personal and professional use of social media by all Councillors. It applies to all activities undertaken in their capacity as councillors, administrators, council committee members and delegates of council.

As a Councillor, it is your responsibility to ensure that your actions or communications on your personal or Council-owned social media account do not bring Council into disrepute.

2. PRINCIPLES

In support of the Code of Conduct principles, social media usage on behalf on Council must:

- Strengthen the public's trust and confidence in the integrity of Council. (Leadership)
- Be made in the public interest and not in order to gain financial or other benefits for yourself, your family, friends or business interests. (Selflessness)
- Be credible, accurate, fair and transparent. (Impartiality)
- Apply appropriate record keeping to ensure accountability for decisions and actions made. (Accountability)

SOCIAL MEDIA POLICY - COUNCILLORS

- Be responsive and share accurate information within the requirements indicated in this policy. (Openness)
- Be respectful, cordial, thorough and professional at all times. (Respect)
- Demonstrate honesty and integrity, ensuring any actual or potential conflict of interests relating to your social media interactions are declared and taking steps to resolve any conflicts in such a way that protects the public interest and Council's. (Honesty)

3. COMPLIANCE

Depending on the circumstances, non-compliance with this policy (and any other related policy) may constitute a breach of the Code of Conduct, misconduct, harassment, discrimination, or some other contravention of the Council's Policies and applicable laws. Failure to comply with this policy may result in proceedings under the Code of Conduct, disciplinary action and, in serious cases, civil or criminal proceedings in a court of law.

4. DEFINITIONS

council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and includes the council's audit, and risk management committee
Councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
Official Use:	Official use refers to when a Councillor: Creates/comments on an official Bathurst Regional Council social media site as a representative of the Council. Comment on a non-Council social media site as a representative of the Council.
Personal Use:	Personal use is when a Councillor comments in their personal capacity on either their own or another person's/company's social media platform. Councillors should be aware that their personal commentary via social media may have implications as an official of Bathurst Regional Council.
Social Media:	Social media are online services and tools used for collaborating, publishing, sharing and discussing information. Social media services and tools can involve a combination of technology, telecommunications and social interaction. They can use a variety of different formats, including text, pictures, video and audio. Social Media may include (but is not limited to): Facebook, Twitter, YouTube, What's App Messenger, Google+, LinkedIn, Yammer, Instagram, Snapchat, Flickr and Blogs)

SOCIAL MEDIA POLICY - COUNCILLORS

5. ROLES AND RESPONSIBILITIES

COUNCILLORS AND MAYOR

The Mayor and Councillors are personally responsible for the content they publish on social media. Social media sites are in the public domain and it is important that Councillors and the Mayor ensure they are confident of the nature of the information they publish and are aware that any social media activity, either official or personal, is permanent, traceable and easily distributed. Government tribunals have found that it is not possible to distinguish between a Councillors official use and their private use.

Councillors and the Mayor are advised to make use of the stringent privacy settings to avoid their personal social media accounts being accessed by the press or public.

The Mayor and Councillors:

The Mayor is Council's official spokesperson on all policy matters and key decisions made by Council. The Mayor may nominate another Councillor to speak on a particular matter.

In their capacity as a Council official, the Mayor and Councillors:

- May express their personal view on social media on matters relating to Council policy and other matters of public interest, however this should be clearly identified as the personal view of a Councillor and not an official Council position or policy and must not bring the Council, Council decisions or the civic office into disrepute.
- May issue official media releases on his/her personal social media sites.
- Must not publish content or interact in a way that compromises their capacity to perform their official duties in an unbiased manner.
- Should understand that 'shares', 'likes' or 'retweets' may be viewed as an endorsement of the original post.
- Must not make comments or speak on behalf of Council, commit to any actions or communicate materials that are offensive, obscene, pornographic, threatening, harassing, abusive or defamatory.
- Must not make negative references about Council, other Council officials, services or any business-related individual or associated organisation.
- Must not post confidential unauthorised information, or release misleading or pre-empt Council announcements that may be deceptive and impact Council or damage Council's reputation.
- Maintain responsibility for the preparation, posting and management of their own content on their personal social media channels.
- Must not breach the privacy of Council, its officials and staff.

Councillors should also be mindful of their obligations under Council's Code of Conduct and that they are responsible for all content they publish on any form of social media. Any breaches may be referred to the General Manager and may be dealt with under Council's Code of Conduct.

6. OFFICIAL USE OF SOCIAL MEDIA AT BATHURST REGIONAL COUNCIL

It is important to understand that you are personally responsible for the content of your social media posts and blogs, even though you are an approved representative of the Council. You can be held personally liable for any content deemed to be defamatory, obscene, offensive, proprietary or libellous. For these reasons, you must always exercise caution.

SOCIAL MEDIA POLICY - COUNCILLORS

As an Authorised Council representative you must:

- Be mindful you are representing the Council.
- Disclose and comment only on information already within the public domain (unless you are specifically given permission to reveal confidential information).
- Ensure that all content published is accurate and not misleading.
- Cite and link to resources when you can.
- Be responsive to questions and comments.
- Correct mistakes promptly.
- Ensure comments are respectful of the community with which you are interacting.
- Adhere to the Terms of Use of the relevant social media platform/website, as well as copyright, privacy, defamation, contempt of court, discrimination, harassment, other applicable laws, and all relevant Council policies.

As an Authorised Council representative you must not:

- Post material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, or is otherwise unlawful.
- Use or disclose any confidential or secure information (unless required to do so).
- Post photos, videos or other media without the consent of all participants (this includes tagging photos and names) the exception is at “public events” where image release approval is not required.
- Make any comment or post any material that might otherwise cause damage to the Council’s reputation or bring it into disrepute.
- Link the site/page with your personal social media sites/pages.

7. RECORD KEEPING

Social Media content is subject to various legislation which governs retention, storage and publication. You must keep official council social media records. Online comments can be held to the same legal standards as traditional media communications.

Survey Responses

22 July 2016 - 31 January 2021

Draft Social Media Policy - Councillors

Your Say Bathurst Region

Project: Draft Social Media Policy - Councillors



VISITORS					
24					
CONTRIBUTORS			RESPONSES		
10			11		
1	0	9	1	0	10
Registered	Unverified	Anonymous	Registered	Unverified	Anonymous

Attachment 6.2.2



Respondent No: 1
Login: Anonymous
Email: n/a

Responded At: Dec 25, 2020 12:35:29 pm
Last Seen: Dec 25, 2020 12:35:29 pm
IP Address: n/a

Q1. **Name** Bob Singleton

Q2. **Postal Address** 4 Dunrossil Cr Bathurst

Q3. **Email address** b.singo@icloud.com

Q4. **Do you have any comments in regard to the Draft Social Media Policy - Councillors?**

I support the efforts of BRC to guide Councillor behavior

Q5. **You can upload a document here.**

https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/c8cccfee6d60c81c0d23e068d72c1f8369ec6bab/original/1608860100/Bathurst_Regional_Council_Social_Media_Policy.docx_4e46c8c9c31a5c0c21c2ffc54b938338?1608860100

Attachment 6.2.2



Respondent No: 2
Login: Anonymous
Email: n/a

Responded At: Jan 11, 2021 15:13:22 pm
Last Seen: Jan 11, 2021 15:13:22 pm
IP Address: n/a

- Q1. **Name** Nairn K McNab
-
- Q2. **Postal Address** PO BOX 857 Bathurst NSW 2795
-
- Q3. **Email address** mcnabs@exemail.com.au
-
- Q4. **Do you have any comments in regard to the Draft Social Media Policy - Councillors?**
See Document Attached please !
-
- Q5. **You can upload a document here.** https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/24df22d87a1d276f4dfe94305c03a267335cf0b8/original/1610338321/Submission_re_BRC_Social_Media_Policy_-_K_McNab.docx_84b22f6d6e792fad0cad83b61b84541d?1610338321
-

Attachment 6.2.2



Respondent No: 3
Login: Anonymous
Email: n/a

Responded At: Jan 14, 2021 14:50:47 pm
Last Seen: Jan 14, 2021 14:50:47 pm
IP Address: n/a

- Q1. **Name** Peter Rogers
-
- Q2. **Postal Address** POBox 2199 Bathurst
-
- Q3. **Email address** progers5@bigpond.net.au
-
- Q4. **Do you have any comments in regard to the Draft Social Media Policy - Councillors?**
- Thank you for the opportunity to have a comment on the Councils Draft Social Media Policy. Because Social Media is so new, but so popular we are finding Governments, Federal, State, Local Councils, Corporations scrambling to come up with workable policies. The MAIN PROBLEM is that we don't want to kill free speech, a huge part of our history. The word OFFENSIVE is such a word that could kill free speech overnight. How does someone adjudicate this claim. Someone could take OFFENCE at almost anything just to score a political point or too see their opposition get a rap on the knuckles (under the code of Conduct). Who would the council get to adjudicate, once again how would they judge it. If the word Offensive was taken out of the draft policy it would make it a much better document and possibly workable.
-
- Q5. **You can upload a document here.** not answered
-

Attachment 6.2.2



Respondent No: 4
Login: Anonymous
Email: n/a

Responded At: Jan 15, 2021 19:10:05 pm
Last Seen: Jan 15, 2021 19:10:05 pm
IP Address: n/a

Q1. **Name** Mick Golding

Q2. **Postal Address** Bathurst 2795

Q3. **Email address** pec79k@hotmail.com

Q4. **Do you have any comments in regard to the Draft Social Media Policy - Councillors?**

The draft policy looks straight forward and I'm all for it. But the first dot point in which Councillors must not post material that is offensive. How and who will be deciding what is offensive. As what is offensive to one person may not be to another. This word offensive is open to interpretation and I can see that some may use this as a way to silence those providing the community with the truth.

Q5. **You can upload a document here.**

https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/eafa88edcced9e2fc31f257776d05c138b27d2b3/original/1610698184/E17E454F-9C92-42DA-8B9F-C05268306D22.png_09a803a2af35a4c90c515b3fdcc43fb9?1610698184

Attachment 6.2.2



Respondent No: 5
Login: Anonymous
Email: n/a

Responded At: Jan 17, 2021 16:58:00 pm
Last Seen: Jan 17, 2021 16:58:00 pm
IP Address: n/a

Q1. **Name** Marissa McCulkin

Q2. **Postal Address** not answered

Q3. **Email address** not answered

Q4. **Do you have any comments in regard to the Draft Social Media Policy - Councillors?**

The word "offensive" is subjective. Each person has differing political views from another based on their upbringing, cultural background, employment etc.. What one person perceives to be "offensive" may be completely different to the next. If there is a topic, opinion, fact discussed on social media that one person may find "offensive" based on their personal views, they may voice their own opinion if they feel the need to do so. The topic should not be removed or not discussed because some person is offended or does not agree. Isn't this politics after all? I believe the term "offensive" must be removed from the policy for these reasons.

Q5. **You can upload a document here.** not answered

Attachment 6.2.2



Respondent No: 6

Login: Anonymous

Email: n/a

Responded At: Jan 21, 2021 12:28:05 pm

Last Seen: Jan 21, 2021 12:28:05 pm

IP Address: n/a

- Q1. **Name** Mitchell Harnett
-
- Q2. **Postal Address** I do not want my address posted publically for safety and security reasons. I am happy to provide it confidentially if you reach out via email
-
- Q3. **Email address** mitch_h_07@hotmail.com
-
- Q4. **Do you have any comments in regard to the Draft Social Media Policy - Councillors?**
- I am staunchly opposed to the principles of this policy. I think a policy such as this is a limit on free speech no matter how nice and politically correct it's dressed up to be. A government body such as a council should not be able to control, judge, restrain, or police what elected officials say or do in so far as it is not against established the law. We are all governed and accountable by the rule of law and as a society have been for the last 200-300 years. It concerns me that we are moving towards 'the rule of policys' where buerocrats or other unelected persons have the power to tell us as employees (in a general sense) or our elected officials what they can and can't say or comment on. If there are problems with what a councillor is saying or doing they should be censured by the councillor, criticised by a free media and voted out by a well informed rate payer. The most concerning aspects of this policy are regarding use of the word offensive.. by whose standard? Or what definition? There are many groups that are readily offended merely by someone opposing their claims, look at the go kart track for an example of this. Further concerns are not to be critical or embarrass the council, or councillors or other employees. Is this not the job of a councillor? To represent and advocate for our community and to call out and challenge failings when they see it?? They should be free to do this as we are as rate payers who elect them. To prohibit this besides stamping down on dissent, will simply stifle community engagement with local issues as people don't go to council meetings they often read it in the media or on Facebook pages in the modern ages. The only people I think it should protect are individual employees of council from being named and shamed in that forum for example of a councillor has an issue with a parks employee it would be unbecoming for them to name.and criticise this person publically. But the same protections shouldn't be applied to other councillors, Directors, Department Heads or Departments themselves. It is my view that social media posts should be governed through established means and laws. Notably Facebook has its own policy's that act as a moderating standard and there are established laws to deal with hate speech or threats etc, libel etc. Society has gone too far already in this regard where people are fired for expressing political, religious views or opinions that their employer takes issue with. Recent examples such as Israel Folau and Michaela Banerji are examples of this. This whole policy just feels like the first step towards Totalitarianism, the government can not be questioned or criticised. It would be a massive failing of a free democracy if our elected officials were not allowed to say or do what we as rate payers are able to say or do ourselves as private citizens. That is say or do things, or be critical in a way that does not break the law.
-
- Q5. **You can upload a document here.** not answered
-

Attachment 6.2.2



Respondent No: 7
Login: Anonymous
Email: n/a

Responded At: Jan 22, 2021 21:28:57 pm
Last Seen: Jan 22, 2021 21:28:57 pm
IP Address: n/a

Q1. **Name** Daniel la Velle

Q2. **Postal Address** 1279 limekilns road clear creek

Q3. **Email address** Nev92@hotmail.com

Q4. **Do you have any comments in regard to the Draft Social Media Policy - Councillors?**

I have read and re read the policy and watched the debate on YouTube with great interest. The point I would like to make is why isn't the term "offensive" defined in the policy and why gets to decide what is offensive. At present the definition is up to interpretation by the wielder and if left unchecked could be used as a weapon to any individual of any political persuasion. I would like to submit that the policy be put in place but simply remove the term offensive from it. The rest is straight forward. One simple delete and move on. The policy stipulates enough protection for individuals without it. If you leave it in place every time a councillor has a differing opinion and posts that on social media someone will play the offended card and the you will have no leg to stand on.

Q5. **You can upload a document here.** not answered



Respondent No: 8
Login: ejp
Email: ejp@activ8.net.au

Responded At: Jan 23, 2021 16:44:57 pm
Last Seen: Jan 23, 2021 05:11:22 am
IP Address: 203.213.255.146

Q1. **Name** Beth Pratley

Q2. **Postal Address** 35 Marriott Avenue, Kelso

Q3. **Email address** ejp@activ8.net.au

Q4. **Do you have any comments in regard to the Draft Social Media Policy - Councillors?**

I am in favour of this policy. I think it is very important that our elected representatives conduct themselves with civility in online spaces and in a manner that allows the community to respect and trust them and the position they hold. If there are personal disagreements between members of Council or Councillors and Council staff, they should resolve them directly between themselves and not in the public domain. We want our Council to be run by grown ups, who are working for the interests of ratepayers and not getting caught up in online pettiness which does nothing to further the public good. We also need our representatives to ensure they are not promoting misinformation that can bring harm to our community. If anyone thinks this policy is too difficult for them to comply with, then they should step down from their position. The only point in the policy which I think may be too restrictive is this one: "Must not make negative references about Council, other Council officials, services or any business-related individual or associated organisation." This could be construed to restrict a Councillor's ability to voice their dissenting view (in a civil way) to a Council policy or to raise legitimate concerns about some wrongdoing. Having said that, I don't believe that social media is the first (or even 5th) place to raise these issues. They should be raised directly and through a number of other channels before being placed on social media, but there are occasions where the public interest is served by people being able to be 'whistleblowers' into the public domain, when other options have failed or cannot serve the purpose. We also need to be a society who can conduct a civilised and constructive debate on issues, which might involve making 'negative references' but without descending in the realms of abuse and retreating to our opposing tribes with no willingness to listen to and consider alternative viewpoints. I also think 'any business-related individual or associated organisation' seems a bit vague and broad as pretty much every business or individual in the region has a relation to Council in some way - and it seems unreasonable that a Councillor couldn't make a negative comment about a business or individual with a connection to Council, particularly if that comment was about something which was nothing to do with the Council relationship (eg. giving a negative review of a business they've used personally, just because that business also has a relationship with Council)

Q5. **You can upload a document here.** not answered

Attachment 6.2.2



Respondent No: 9
Login: Anonymous
Email: n/a

Responded At: Jan 28, 2021 10:56:25 am
Last Seen: Jan 28, 2021 10:56:25 am
IP Address: n/a

- Q1. **Name** John Fry
-
- Q2. **Postal Address** 404 Rivulet Rd
-
- Q3. **Email address** John.fry@bathurst.nsw.gov.au
-
- Q4. **Do you have any comments in regard to the Draft Social Media Policy - Councillors?**
- Paragraph 5, dot point "must not make negative comments about Council" I would like to see the addition of a qualifier "without restricting the Councillors right to free speech"
-
- Q5. **You can upload a document here.** not answered
-

Attachment 6.2.2



Respondent No: 10

Login: Anonymous

Email: n/a

Responded At: Jan 28, 2021 18:16:59 pm

Last Seen: Jan 28, 2021 18:16:59 pm

IP Address: n/a

Q1. **Name** Allan Elms

Q2. **Postal Address** not answered

Q3. **Email address** not answered

Q4. **Do you have any comments in regard to the Draft Social Media Policy - Councillors?**

social media already have guidelines of use. Why make it harder for people to hear it from the horses mouth not dictated to by the select few whom want a nanny city where the minority find everything offensive to stop the majority of residents and Councillor's beeing heard and spreading the word. True facts as offensive as they are people have the right to know. Its beyond me how and why some Councillor's that are hypocrites get in with next to no votes I find that OFFENSIVE. On another note I am offended that 1 councillor has put his heart and soul into his role and do's what he said he would do whilst the cupcakes that promised things haven't besides making Bx lose out on events one major one is the gocart track more than likely Orange will win again.

Q5. **You can upload a document here.** not answered

Attachment 6.2.2



Respondent No: 11

Login: Anonymous

Email: n/a

Responded At: Jan 29, 2021 15:30:49 pm

Last Seen: Jan 29, 2021 15:30:49 pm

IP Address: n/a

Q1. **Name** Dianne McNab

Q2. **Postal Address** PO Box 857, Bathurst NSW 2795

Q3. **Email address** dmcnabs@exemail.com.au

Q4. **Do you have any comments in regard to the Draft Social Media Policy - Councillors?**

Please see attached Submission.

Q5. **You can upload a document here.**

https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/b7888a7d0db892dd4f2b31c7a6cd6b9163619c8d/original/1611894599/Submission_re_BRC_Draft_Social_Media_Policy_-_D_McNab.docx_c36a3d0fa20716377081f5cc04b589d9?1611894599

Bathurst Regional Council

4 Dunrossil Cr

The General Manager

West Bathurst, 2795

Attn; Mr David Sherley

Mobile: 0413 556 640

Email: b.singo@icloud.com

Wednesday, 17 February 2021

Dear David,

Social Media Policy Submission

I recommend that the following three sections be included into Council's Social Media Policy. This should also apply to staff in line with accepted practice by major corporations.

I note the word OFFEND is used in the Racial Discrimination Act 1975 Section 18C.

The following recommendations were formed from the New South Wales Police Force Code of Conduct and Ethics document.

1. Councillors:
 - a. *"Must not post any offensive comments about fellow Councillors or Staff of Bathurst Regional Council"*.
 - b. *"Must not post any material that may bring Bathurst Regional Council into dispute or otherwise embarrass the Council"*.
 - c. *"Must not consent for any material to be posted by third parties that may bring Bathurst Regional Council into dispute or otherwise embarrass the Council"*.
2. Ethics Panel:
 - a. Complaints should be referred to a panel consisting of eminent three citizens of Bathurst, suggesting:
 - i. One Religious member
 - ii. One University member
 - iii. The General Manager

Thank you for your consideration,

Bob Singleton

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OW2H\Bathurst_Regional_Council_Social_Media_Policy (1).Docx Page 1 of 1

Submission Re BRC Draft Social Media Policy

I have perused the draft Social Media Policy.

The first paragraph states that Government Tribunals have found that it is not possible to Distinguish between a Councillor's official use and their Private use.

This, I feel, is a strange statement.

Councillors should be able to have their own private views expressed on their own private Social Media Site and that should be seen as totally different from the Official Views of the Council.

If the draft Social Media policy comes in, then when a Councillor writes anything they must first think about whether this sentence would OFFEND anybody in the BRC; or in fact in Bathurst or anywhere in Australia. This would restrict their ability to speak freely about their views on individual matters.

Councillors are elected by Ratepayers on the basis that they will freely express their views on matters of importance to Ratepayers and if they are restricted in their ability to do so then they are not fulfilling their duty to the Ratepayers.

Under the Section: *The Mayor and Councillors*:

In the 3rd paragraph I feel that the word OFFENSIVE is not appropriate and should be DELETED. It should also be deleted on every occasion that it appears in the document.

"Offensive" is a very subjective word; as some things that may be offensive to others may not be offensive to me, or Vice Versa.

Everybody has a different view when it comes to what is Offensive to them, or not.

Who will be the Determinator of the so-called "offensive" word or words? It would need to be an impartial independent person, not someone from the Bathurst Regional Council.

The draft Policy wording seems to be attempting to Stifle Debate, Freedom of Speech and Expression. By including the word "Offensive" this seems aimed at closing down accountability or criticism.

Every time that Councillors make a comment they will need to think long and hard about whether it could offend someone else.

This could mean that they would never write anything ever – which would be a reduction in free speech at the BRC.

For example: My wife and I were the Brunt of a Cartoon that appeared in the Western Advocate on Saturday 15th April 2018 but, rather than be offended, we treated it as a good JOKE!

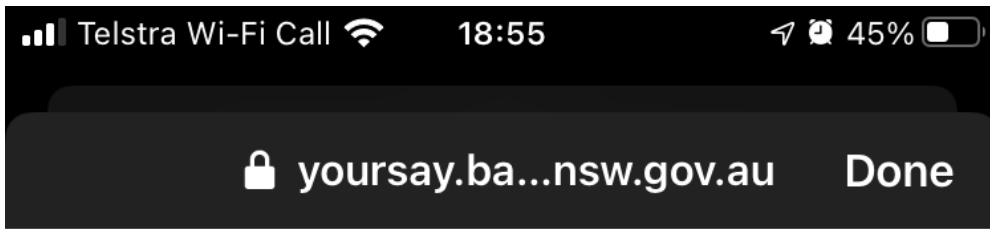
In conclusion, I feel that *if the word "offensive" is removed* from the draft Social Media Policy then it would be a reasonable policy.

As stated, my reason for requesting removal of the word “offensive” is because the judgment of whether a word or statement is offensive lies in the view of the reader, not in the intention of the writer.

NK McNab

Ratepayer for 37 years

11th January 2021



SOCIAL MEDIA POLICY - COUNCILLORS

As an Authorised Council representative you must:

- Be mindful you are representing the Council.
- Disclose and comment only on information already within the public domain (unless you are specifically given permission to reveal confidential information).
- Ensure that all content published is accurate and not misleading.
- Cite and link to resources when you can.
- Be responsive to questions and comments.
- Correct mistakes promptly.
- Ensure comments are respectful of the community with which you are interacting.
- Adhere to the Terms of Use of the relevant social media platform/website, as well as copyright, privacy, defamation, contempt of court, discrimination, harassment, other applicable laws, and all relevant Council policies.

As an Authorised Council representative you must not:

- Post material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, or is otherwise unlawful.
- Use or disclose any confidential or secure information (unless required to do so).
- Post photos, videos or other media without the consent of all participants (this includes tagging photos and names) the exception is at "public events" where image release approval is not required.
- Make any comment or post any material that might otherwise cause damage to the Council's reputation or bring it into disrepute.
- Link the site/page with your personal social media sites/pages.

RECORD KEEPING

Social Media content is subject to various legislation which governs retention, storage and publication. You must keep official council social media records. Online comments can be held to the same legal standards as traditional media communications.



Submission concerning Bathurst Regional Councils proposed social media policy.

Upon studying the draft policy I was immediately concerned by the wording of this document. I would like to focus Councillor's attention to point five (5) within the policy, "Roles and Responsibilities", subheading "The Mayor and Councillor's", where it states, "Must not make comments or speak on behalf of council, commit to any actions or communicate materials that are offensive, obscene, pornographic, threatening, harassing, abusive or defamatory".

I am extremely concerned by the use of the term "offensive" (no matter where in this policy it is included) as it is wildly ambiguous. What I may find offensive, others may find completely reasonable. It is ridiculous having such a word in any document that governs an individual's or organisation's behavior. Such an ambiguous condition is open to abuse by those who are opposed to a particular post, comment, a Councillor on a personal level or democracy itself. It will only embolden people who want to weaponsie the complaints system against an individual, which I myself have already experienced and been the victim of, with none of the ratepayer money wasting complaints being sustained.

Having such a word included in any documentation is in direct contradiction of free expression and debate which this country enjoys when done in a lawful manner. It should not fall to some unelected government bureaucrat to decide what is offensive and what's deemed appropriate. This is completely unacceptable and somewhat terrifying to me as I am a democracy loving, opinionated, passionate, open and honest elected official.

As Councillors are aware, Bathurst Regional Council operates under a Code of Conduct that governs the behaviour of Mayors and Councillor's as well as council staff, so I question the need for a policy that is essentially useless, as this policy itself states, "Any breaches may be referred to the General Manager and may be dealt with under Councils Code of Conduct". If we already have the Code of Conduct as our overarching body regarding Councillor behaviour then why spend precious ratepayer dollars in implementing a social media policy at all, unless its designed to stifle dissenting voices?

Social media platforms also have policies regarding their use and users are to uphold those conditions or risk being banned, not to mention we also have laws we must abide by regarding obscene, pornographic, threatening, harassing, abusive and defamatory comments. So this policy on the face of it is useless and only serves to embolden those who wish to silence opposing voices and prevent Councillor's from holding other elected official's feet to the fire over issues, which as a result, the voting public lose out on good, honest and transparent government.

How can one be, as the policy states, "credible, accurate, fair and transparent" when one is terrified of upsetting someone and being the subject of a complaint because a Councillor or ratepayer with no resilience may find what I've said "offensive". Then to be judged by someone within the belly of the system who decides if what I have posted is offensive or not. Its madness and should be deeply concerning to all freedom loving people.

Bathurst Regional Council Councillor's are elected officials and as such, the voice of the people and not employees of Bathurst Regional Council and should not be held to the same suppressive standards as council staff.

This policy also contains a head scratching point under the same subheading, “Must not make negative references about council, other council officials, services or any business-related individual or associated organisation”. So essentially, as a ratepayer who ran in the last election and was ultimately elected onto council on the basis that council and Councillor’s were dithering and somewhat useless in acting on a number of projects, I would have been in breach of this policy if it existed then as I was making negative references towards council and Councillors. How anti-democratic and draconian is that?

I submit the wording “must not make negative references about council, other council officials” be completely removed and replaced with “Must not make negative references about council staff.” As a ratepayer I have the right to make negative comments about council and Councillor’s if its deserved and especially so if I’m an elected official representing other ratepayers, its that simple. Last time I checked Australia was a free and democratic nation and I have a fundamental freedom to be critical of my elected officials and my government, this isn’t China or North Korea and I’m disgusted this wording actually made it into the draft copy. Any less reasonable person could suggest council is looking to implement this policy to ensure Councillor’s complete and total compliance to a somewhat dictatorial bureaucratic regime.

I find the wording contained in this policy really concerning and so should any other legitimate holder of public office who believes in democracy. Being a Councillor or Mayor is a unique position which is political and adversarial by its very nature, it’s not a mother’s club group or a book club committee. The things we discuss from time to time are very serious items that have real world impacts on our community. If I think any elected official is doing something that negatively impacts on this region or makes stupid, hypocritical or ignorant remarks I should be able to hold that official to account and challenge them in whatever way I deem appropriate providing it does not breach the code of conduct, breach the concerned social media platforms rules or the law itself.

In the future younger and more tech savvy people will be elected to council and when they do, I want them to be passionate, opinionated and hold council and their fellow Councillor’s to account in a public setting which ratepayers can read and participate in. This policy, worded the way it is, will stifle the democratic process and I think council and Councillor’s should be ashamed of this policy as it stands, I’m not even convinced its legal.

I am happy for others to voice their opinions on what I say and I am happy for them to hold me to account and pull me into line if they deem it necessary within our existing code of conduct without the need for me to throw the pathetic and anti-democratic “I’m offended” card on the table.

Interesting to note that Article 19 of the Universal Declaration of Human Rights states “This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers”.

If this policy is to go ahead, in the interests of democracy, free expression and good honest and transparent local government, the amendments I seek must be approved.

Councillor Alex J. CHRISTIAN