



MELTON CITY COUNCIL

**Minutes of the Unscheduled Meeting of
the Melton City Council**

20 December 2021

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MELTON CITY COUNCIL

MINUTES OF THE UNSCHEDULED MEETING OF THE MELTON CITY COUNCIL HELD IN THE VIDEOCONFERENCE ON 20 DECEMBER 2021 AT 6.15PM

Present: Cr G Kesic (Mayor)
Cr L Carli (Deputy Mayor)
Cr S Abboushi
Cr M Deeming
Cr K Majdlik
Cr S Ramsey
Cr J Shannon
Cr B Turner
Cr A Vandenberg

Mr M Heaney, Acting Chief Executive Officer
Ms LJ Mellan, Acting General Manager Corporate Services
Ms S Romaszko, Acting Executive Manager Property and Projects
Mr L Shannon, General Manager Planning and Development
Ms C Crameri, Manager Community Care
Mr S McManus, Manager Engagement and Advocacy
Mr B Dosser, Manager Legal, Governance and Risk
Ms E Haley, Communications Coordinator
Ms B Bensley, Casual Executive Assistant

1. APOLOGIES AND LEAVE OF ABSENCE

Nil.

2. DECLARATION OF ANY PECUNIARY INTEREST, OTHER INTEREST OR CONFLICT OF INTEREST OF ANY COUNCILLOR

Nil.

3. PRESENTATION OF STAFF REPORTS

3.1 POLICY REVIEW PANEL MINUTES OF MEETING- 16 DECEMBER 2021

Author: Bradley Dosser - Manager Legal, Governance & Risk

PURPOSE OF REPORT

To present to Council for its endorsement and approval the Minutes of the Policy Review Panel meeting held on Thursday 16 December 2021 at 10.30am.

RECOMMENDATION:

That Council:

1. Note the Minutes of the Policy Review Panel meeting held on Thursday 16 December 2021 at **Appendix 1**; and
2. Adopt the recommendations arising within the Minutes.

Motion

Crs Majdlik/Deeming

That Council:

1. Note the Minutes of the Policy Review Panel meeting held on Thursday 16 December 2021 at **Appendix 1** and the modifications to the Councillors Social Media Policy made by Council at **Appendix 2** and highlighted in yellow; and
2. Adopt the recommendations arising within the Minutes at **Appendix 1** and the modifications to the Councillors Social Media Policy made by Council at **Appendix 2** and highlighted in yellow.

CARRIED

Cr Majdlik called for a division thereby setting aside the vote.

For:

Crs Kesic, Carli, Abboushi, Deeming, Majdlik, Ramsey, Shannon, Turner and Vandenberg

Against:

Nil

The Mayor declared the Motion CARRIED

REPORT

1. Executive Summary

The Minutes of the Policy Review Panel meeting held on 16 December 2021 at 10.30am are appended to this report as **Appendix 1**.

The Minutes contain recommendations for the consideration and approval of Council.

2. Background/Issues

The Policy Review Panel is an Advisory Committee of Council.

Whilst not explicitly mentioned in the Local Government Act 2020 (the 2020 Act), Council has the power to create Advisory Committees pursuant to its general power set out in section 10 of the 2020 Act.

The Minutes of the Policy Review Panel attached to this report form a written record of meeting including any matters considered and any conflicts of interest disclosed.

The Minutes also serve as the advice/recommendations to Council for its consideration.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing Plan references:

6. A high performing organisation that demonstrates civic leadership and organisational excellence

6.3 An organisation that demonstrates excellence in civic leadership and governance.

4. Financial Considerations

As an Advisory Committee, the Policy Review Panel, is not responsible for operational expenditure and cannot direct Council officers to act without the consent of Council. Operational expenses and administrative actions arising from an Advisory Committee meeting are accommodated within Council's recurrent budgets, unless otherwise requested within the minutes of the meeting and detailed in a recommendation to Council for consideration.

5. Consultation/Public Submissions

Advisory Committees are one method by which Council consults and communicates with the community. Such a Committee may be established to provide strategic level input into a broad area of Council operations, such as community safety or arts and culture. An Advisory Committee may also be established for a specific time-limited project, such as a review of a Local Law.

The Policy Review Panel exists to review Council Policies impacting on the external operations of Council, the Community or the activities and conduct of its Councillors.

6. Risk Analysis

A risk analysis is contained within each report to the Policy Review Panel.

Risks identified by the Policy Review Panel and recommendations in relation to same should be carefully considered by Council as these represent an independent and forensic appraisal of the issues.

With a mandatory responsibility to report to Council and restricted to making recommendations for Council consideration, risks attached to Advisory Committee actions are substantially mitigated.

7. Options

The Policy Review Panel is an Advisory Committees of Council and so Council has the discretion to accept, reject, amend or seek further information on any aspect of the Minutes of the Policy Review Panel and/or any recommendations made within them.

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1. Minutes of the Policy Review Panel- 16 December 2021
2. Councillors Social Media Policy As Modified By Council on 20 December 2021



MELTON CITY COUNCIL

Minutes of the Special Policy Review Panel Meeting of the Melton City Council

16 December 2021

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MINUTES OF THE SPECIAL POLICY REVIEW PANEL

16 DECEMBER 2021

MELTON CITY COUNCIL

MINUTES OF THE POLICY REVIEW PANEL MEETING OF THE
MELTON CITY COUNCIL HELD IN THE VIA A VIDEOCONFERENCE
ON 16 DECEMBER 2021 AT 10:30AM

Present: Cr K Majdlik (Chair)
Cr Carli, Deputy Mayor
Cr M Deeming (entered meeting at 10.40am)
Cr J Shannon

In Attendance: Mr B Dossier, Manager Legal, Governance & Risk
(entered meeting at 10.30am and remained for the entire duration)
Ms E Hayley, Coordinator Communications
Ms S McManus Manager Engagement & Advocacy

1. WELCOME

Cr Majdlik opened the meeting at 10.32am and welcomed the Panel Members.

2. APOLOGIES

Nil.

3. DECLARATION OF INTERESTS AND / OR CONFLICT OF INTEREST

Nil.

4. MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION:

That the Minutes of the Policy Review Panel held on 30 November 2021 and adopted by Council at the Ordinary Meeting held on 13 December 2021 be noted.

Motion

Crs Shannon/Carli.

That the Minutes of the Policy Review Panel held on 30 November 2021 be noted.

CARRIED

MINUTES OF THE SPECIAL POLICY REVIEW PANEL

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5. PRESENTATION OF STAFF REPORTS

5.1 COUNCILLOR SOCIAL MEDIA POLICY

Ms Haley and Mr McManus entered the meeting at 10.36am and confirmed they had no General Conflict or Material Conflict in respect of any of the matters they were presenting on to the Panel today.

Cr Deeming entered the meeting at 10.40am.

Cr Majdlik made Cr Carli the Chair and left the Meeting at 11.00am

Cr Majdlik returned to the Meeting and resumed the Chair at 11.03am

Responsible Officer: Laura-Jo Mellan - Acting General Manager Corporate Services
Document Author: Elissa Haley - Coordinator Communications
Date Prepared: 10 December 2021

1. Recommendation:

- a) To provide feedback on and approve the Councillor Social Media Policy

Motion

Crs Carli/Deeming.

That Council:

- a) approve the revised Councillor Social Media Policy at **Attachment 1** noting the changes made by the Panel highlighted in yellow.

CARRIED

2. Background

2.1 The Policy

The draft Councillors Social Media Policy is a new policy which sets out protocols for use of social media by the elected Councillors of Melton City Council.

The Policy aims to assist Councillors to use social media in a way that encourages two-way engagement with the community and minimises exposure of Council and Councillors to legal and reputational risk.

This Policy applies to use of social media by Melton City Councillors when used in their:

- Professional capacity, in the course of fulfilling their functions and duties to Council; and

MINUTES OF THE SPECIAL POLICY REVIEW PANEL

16 DECEMBER 2021

- Personal capacity, where that use is connected with, or might otherwise impact on, Council, its reputation and/or its effectiveness.

The policy outlines social media use and expectations, prohibited content and moderation.

The Councillor Social Media Policy, will in part, replace the Online Engagement Policy, which also covers use of social media by employees and Council's website.

2.2 Sources/benchmarking

The following sources were used to research and ensure alignment with other Council policy documents:

- Existing Online Engagement Policy
- Media Policy
- Councillor Code of Conduct.

The policy was also reviewed against the Whitehorse City Council Social Media Guide - Councillors, Darebin City Council Councillor Media and Social Media Policy, City of Melbourne Social Media Policy and Latrobe City Council Social Media Policy.

2.3 Consultation

The draft Councillor Social Media has been reviewed by Legal and Governance and reviewed and approved by Executive.

2.4 Communication and Implementation

The Councillor Social Media Policy will be uploaded to the Council website. It will also be distributed to all Councillors.

2.5 Compliance

The policy is compliant with external legislation, including the *Local Government Act 2020 (Vic)* and the Corporate Policy Management Framework.

2.6 Measures of Success

The measures of success for this policy will be:

- Ongoing two-way engagement between Councillors and the community
- Mitigation of reputational risk to Councillors and Council

Responsible Officer: Engagement and Advocacy Manager

Document Author: Communications Coordinator

Date Prepared: 10 December 2021

Submitted by: Communications Coordinator

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LIST OF APPENDICES

1. Councillors Social Media Policy

	Councillors Social Media Policy
Version No.	Version 1.0 December 2021
Endorsement	General Manager Corporate Services
Authorisation	Council
Review date	December 2025
Responsible officer	Manager Engagement and Advocacy
Policy owner	Communications Coordinator

1. Purpose

The Councillors Social Media Policy sets out protocols for use of social media by the elected Councillors of Melton City Council.

This Policy is intended to assist Councillors to use social media in a way that encourages two-way engagement with the community and minimises exposure of Council and Councillors to legal and reputational risk.

2. Scope

This Policy applies to use of social media by Melton City Councillors when used in their:

- Professional capacity, in the course of fulfilling their functions and duties to Council; and
- Personal capacity, where that use is connected with, or might otherwise impact on, Council, its reputation and/or its effectiveness.

This policy should be read in conjunction with other relevant policies and procedures of Melton City Council including the Media Policy and Code of Conduct (Councillors).

The policy applies to digital spaces where people may comment, contribute, create, forward, post, upload and/or share content.

3. Definitions

Word/Term	Definition
Digital spaces	Digital spaces describe any online platform where people may interact with the author and/or others, including commenting, contributing, creating, forwarding, posting, uploading and/or sharing content.
Personal use	Personal use is defined as using social media privately, whether during business hours or outside of business hours.
Professional use	Professional use is defined as using social media when acting as a representative of Melton City Council, whether during business hours or outside of business hours.
Social media	Social media describes the tools/platforms that people use to build online profiles, share content and participate in social networking

4. Policy

Melton City Council recognises that social media provides opportunities for dynamic and interactive two-way engagement with our community.

4.1 Councillors must:

- Adhere to codes of conduct, policies and procedures
- Behave with courtesy, honesty and respect
- Comply with relevant laws and regulations and ensure confidentiality of Council information
- Not mislead the public or community or misrepresent the views of Councillor colleagues

A breach of this policy may result in disciplinary action through Councillor Code of Conduct.

4.2 Social media use and expectations

- Councillors should keep the Mayor informed of any relevant social media content or Councillor contact with organisations, resident groups or others that could foreseeably escalate into adverse media or social media attention and which might negatively impact or compromise Council.
- It is Councillors' responsibility to manage their social media accounts including creating and sharing content, gaining permissions for the use of images and other materials if required and monitoring comments.
- Councillors should identify and separate personal opinions from Council position. When contributing to public comment on social media, Councillors should act in accordance with the principles of the Councillor Code of Conduct and the Media Policy when discussing Council matters.
- Councillors are strongly encouraged to have a dedicated Councillor account separate to any other personal or business accounts they might hold for the purpose of Council related activity.
- Councillors should ensure that they have appropriate privacy settings on all social media sites moderated, managed or operated by them, bearing in mind that all social media posts are public to some degree.
- Councillors should ensure they do not post, like or comment on abusive or inappropriate content, or materials that would breach applicable laws
- Councillors should uphold a positive public image of, and confidence in, the Council at all times as per Councillor Code of Conduct.
- A breach of these uses and expectations may result in disciplinary action under the Councillors Code of Conduct.

4.3 Content not permitted

The following content is not permitted:

- Offensive or inappropriate language or material (such as profanity, inappropriate sexual language, pornography, depictions of extreme violence, racial or other vilification or hatred)

- Content which is false or misleading including having or interacting with a social media account a Councillor knows to be false.
- Confidential information about Council or third parties
- Statements that breach human rights
- Discriminatory material in relation to a person or group based protected attributes in the *Equal Opportunity Act 2010*
- Statements which may be considered to be bullying or harassment
- 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, copyright, trademarks)
- Material which would bring the Council into disrepute
- Personal details or references to Councillors, Council staff or third parties, which may breach privacy laws
- Spam, meaning the distribution of unsolicited bulk electronic messages as defined by the *Spam Act 2003 (Commonwealth)*.

Monitoring

Councillors must actively monitor their social media accounts and moderate comments that are in breach of the above content.

Breaches

A breach of this policy may result in disciplinary action under the Councillors Code of Conduct.

If a Councillor suspects a breach of this policy, they must bring it to the attention of the Manager Legal and Governance or the Chief Executive Officer and/or the Mayor.

4.4 Local Government Act 2020 policy alignment

This policy aligns with the overarching governance principles and five supporting principles in the Local Government Act 2020, in particular, the following public transparency principles:

- (b) Council information must be publicly available unless:
- (i) the information is confidential by virtue of this Act or any other Act; or
 - (ii) public availability of the information would be contrary to the public interest;
- (c) Council information must be understandable and accessible to all;
- (d) public awareness of the availability of Council information must be facilitated.

4.5 Charter of Human Rights and Responsibilities Act 2006

This policy has been assessed against the Charter of Human Rights and Responsibilities Act 2006 as being consistent with that Act and, in particular, as promoting the rights of members of the community to have access to Council and Council information.

5. Responsibility/Accountability

5.1	Councillors
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	<ul style="list-style-type: none"> • Seek advice from the Communications unit on using social media • Register social media accounts/tools/site with the Communications unit • Understand and comply with the provisions in this policy • Seek training and development for using social media • Seek advice from Legal and Governance or the Communications unit if unsure about applying the provisions of this policy
5.2	Executive Promotion of adherence of this policy to Councillors
5.3	Communications unit <ul style="list-style-type: none"> • Provide advice to Councillors on the use of social media • Educate Councillors about this policy and their responsibilities when using social media • Keep a register of Councillor social media accounts • Monitor social media channels for conducting Council business • Monitor online for references to Melton City Council

6. References and links to legislation and other documents

Name	Location
Media Policy	Policy and Procedures Intranet
Code of Conduct (Councillors)	Policy and Procedures Intranet
Copyright Act 1968 (Cth)	www.austlii.edu.au/au/legis/cth/consol_act
Crimes Act 1958 (Vic)	www.legislation.vic.gov.au
Defamation Act 2005 (Vic)	www.legislation.vic.gov.au
Disability Discrimination Act 1992 (Cth)	www.austlii.edu.au/au/legis/cth/consol_act
Equal Opportunity Act 2010 (Vic)	www.legislation.vic.gov.au
Electronic Transactions Act 2000 (Vic)	www.legislation.vic.gov.au
Evidence Act 2008 (Vic)	www.legislation.vic.gov.au
Fair Trading Act 1999 (Vic)	www.legislation.vic.gov.au
Fair Work Act 2009 (Cth)	www.austlii.edu.au/au/legis/cth/consol_act
Freedom of Information Act 1982 (Vic)	www.legislation.vic.gov.au
Human Rights and Equal Opportunity Commission Act 1986 (Cth)	www.austlii.edu.au/au/legis/cth/consol_act
Information Privacy Act 2000 (Vic)	www.legislation.vic.gov.au
Local Government Act 2020 (Vic)	www.legislation.vic.gov.au
Privacy and Data Protection Act 2014 (Vic)	www.legislation.vic.gov.au

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Item 5.1 Councillor Social Media Policy
Appendix 1 Councillors Social Media Policy

16 DECEMBER 2021

<i>Privacy Act 1988 (Cth)</i>	www.austlii.edu.au/au/legis/cth/consol_act
<i>Racial and Religious Tolerance Act 2001 (Vic)</i>	www.legislation.vic.gov.au
<i>Spam Act 2003 (Cth)</i>	www.austlii.edu.au/au/legis/cth/consol_act
<i>Wrongs Act 1958 (Vic)</i>	www.legislation.vic.gov.au

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5.2 COUNCILLORS AS CANDIDATES IN A STATE OR FEDERAL ELECTION POLICY

Responsible Officer: Bradley Dosser - Manager Legal, Governance & Risk

Document Author: Bradley Dosser - Manager Legal, Governance & Risk

Date Prepared: 13 December 2021

Ms Haley and Mr McManus left the meeting at 11.43am.

Mr Dosser presented this report, having already confirmed he had no General Conflict or Material Conflict in respect of any of the matters before the Panel today.

Cr Carli left the Meeting at 12.07pm

Cr Carli returned to the Meeting at 12.10pm

Cr Majdlik made Cr Carli the Chair and left the Meeting at 12.12pm

Cr Majdlik returned to the Meeting and resumed the Chair at 12.14pm

1. Recommendation:

- a) That Council approve the updated Councillors As Candidates In A State Or Federal Election Policy as contained at **Appendix 1**.

Motion

Crs Shannon/Carli.

That Council:

- a) approve the revised Councillors As Candidates In A State Or Federal Election Policy at **Attachment 1** noting the changes made by the Panel highlighted in yellow.

CARRIED

2. Background

2.1 The Policy

The existing policy of this name was scheduled for review on 30 June 2020.

At the Policy Review Panel Meeting held on 30 November 2021 it was requested by all 4 members of the Panel that this Policy be updated in time for a Special Meeting of the Policy Review Panel to be held on 16 December 2021 so that the updated Policy could be endorsed by Council this year, in anticipation of State and Federal elections being called in early 2022 before Council meets again in February for the first time.

MINUTES OF THE SPECIAL POLICY REVIEW PANEL

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A Special Meeting of Council is now scheduled to be held on 20 December 2021 to obtain Council's approval of the updated Policy once endorsed by the Policy Review Panel.

The Policy, having reached its nominal review date, has now been reviewed and updated and has had minor changes made to reflect updated legislative references, dates, and job titles where appropriate.

Numerous provisions from the 1989 Act that were not duplicated in the 2020 Act have simply been deleted as there is no corresponding provision to replace them with. No further changes to the Policy have been made, however, in these locations.

The Policy as amended is functional and substantially the same in all material respects to the previous version of the Policy with updated references wherever applicable.

2.2 Sources/benchmarking

The review of the policy was undertaken by the Manager Legal, Governance and Risk to ensure compliance with the *Local Government Act 2020* and Community Planning were consulted regarding the need to undertake a Gender Impact Assessment to ensure compliance with the *Gender Equality Act 2020*. It was not considered necessary to undertake a Gender Impact Assessment in respect to this Policy but changes were suggested to make the Policy more inclusive in any event and these were accepted and included in the draft document annexed to this Report.

Reference was had in the review of this Policy to the Municipal Association of Victoria's Policy Position on the "Candidature of Councillors State or Federal Elections" which has not been updated in any substantive respect since the introduction of the 2020 Act, as well as the corresponding Policies of the Glen Eira City Council and the South Gippsland Shire Council which both have been updated since the introduction of the 2020 Act but remain substantially the same in all material respects also.

2.3 Consultation

This is an update to the existing Policy and was developed by the Manager Legal, Governance and Risk and approved by Executive.

2.4 Communication and Implementation

If adopted, the Policy will be circulated to all Councillors for their consideration and approval at the Special Meeting of Council to be held on 20 December 2021 and by email subsequently to ensure that they understand the Policy. It will also be placed on the intranet site and Councils website.

2.5 Compliance

The update Policy has been developed in accordance with the requirements of the *Local Government Act 2020* and the *Policy Review Process Policy*.

MINUTES OF THE SPECIAL POLICY REVIEW PANEL

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2.6 Measures of Success

- Compliance with the terms of this Policy by any Councillor running as a Candidate in a State or Federal election; and
- Mitigation of potential embarrassment and reputational risk to Councillors and Council that might otherwise arise from failure of any Councillor to comply with the Policy.

LIST OF APPENDICES

1. Councillors As A Candidate In A State Or Federal Election Policy

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Item 5.2 Councillors As Candidates In A State Or Federal Election Policy
 Appendix 1 Councillors As A Candidate In A State Or Federal Election Policy

	Councillors as Candidates in a State or Federal Election Policy
Version No.	V2 – 8 December 2021
Endorsement	Executive – 9 December 2021 Policy Review Panel - 16 December 2021
Authorisation	Council – 20 December 2021
Review date	19 December 2024
Responsible officer	Manager Legal, Governance and Risk
Policy owner	Governance Coordinator

1. Purpose

The purpose of this policy is to outline Council's position in relation to a Councillor announcing an intention to be, or taking the step to nominate as, a candidate in a State or Federal election.

By complying with this policy, it is expected that Councillors will avoid the appearance that their position as a Councillor is being used as a platform for their campaign in the relevant State or Federal election.

2. Scope

This Policy applies to all Councillors who make the decision to be a Prospective Candidate or take the steps to be a Nominated Candidate for a Federal or State election.

This policy recommends the same treatment for Prospective Candidates and Nominated Candidates.

3. Definitions

Word/Term	Definition
Act	<i>Local Government Act 2020 (Vic)</i>
Nominated Candidate	a Councillor who has taken the steps required to nominate as a candidate for election. Typically, nomination takes place three to six weeks prior to the relevant election date.
Prospective Candidate	a Councillor who either: a) nominates for Pre-selection as a candidate for election by a political party; b) is endorsed as a candidate for election by a political party; or c) who if not a member of a political party has announced their intention to nominate as a candidate in an election.
Council	means the Melton City Council, a body corporate constituted as a municipal Council under the Act.
Election	a Victorian State election or a Federal election or a by-election for either parliament.

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Item 5.2 Councillors As Candidates In A State Or Federal Election Policy
Appendix 1 Councillors As A Candidate In A State Or Federal Election Policy

Election Period	the period commencing on the day a Councillor nominates as a candidate for election and concluding at the close of voting on election day.
Formal nomination date	the date set by the relevant electoral commission at which nominations to be candidates in an election close.

4. Policy

This policy supports good governance at the City of Melton prior to and during an Election Period, provides guidance to Councillors to act in the best interests of the community whilst undertaking normal business including the functions of legitimate advocacy in an unbiased manner.

4.1 Councillors to declare their candidacy in an election

A Councillor who becomes a Prospective Candidate or a Nominated Candidate should provide written advice to the Chief Executive Officer (CEO) and Mayor, as soon as practicable, who will then advise all Councillors in writing.

A Councillor who is a Prospective Candidate or a Nominated Candidate, should declare their intended candidacy at a meeting of the Council as soon as practicable after notifying the CEO and Mayor as above.

4.2 Leave of absence

During an Election Period in respect of an Election, a Councillor who is, or who becomes a Prospective Candidate or Nominated Candidate in respect to that Election during the Election Period, must apply for leave of absence from the Council and this leave of absence should commence no later than the date of their advice to the CEO and Mayor and conclude no earlier than the close of voting for the election.

Such a leave of absence is to be sought in accordance with the processes ordinarily adopted by Council.

A Councillor must request for their Councillor allowance be ceased for the period they are on leave of absence. Section 39(2),(4)-(7) of the Act deals with payment of Councillor allowances.

During this period, a Councillor who is on a leave of absence must not attend meetings of the council or otherwise act as a Councillor.

If the Councillor who becomes a Prospective Candidate or Nominated Candidate holds the Office of Mayor, it is the position of this Council that the Mayor should take a leave of absence in the same way as any other Councillor. In this circumstance, the Council must appoint one of the Councillors to be the acting Mayor, with the Deputy Mayor (if any at the time) given the first right of refusal to become the Acting Mayor during the then current Mayor's leave of absence. If the Deputy Mayor assumes the role of Acting Mayor the Council will also vote as to whether elect an Acting Deputy Mayor. If so the election shall occur pursuant to procedure set out in the Council's Governance Rules but the appointment of the Acting Deputy Mayor shall last only as long as the Mayor's leave of absence.

4.3 Improper Use of Position by Councillors

A Councillor who is a Prospective or Nominated Candidate must take care to differentiate between their role as a state or federal election candidate and role as a Councillor when making public comment.

MINUTES OF THE SPECIAL POLICY REVIEW PANEL

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Item 5.2 Councillors As Candidates In A State Or Federal Election Policy
Appendix 1 Councillors As A Candidate In A State Or Federal Election Policy

A Councillor who is a Prospective or Nominated Candidate must at all times avoid campaigning on (opposing or taking credit for) Council decisions in an effort to not be seen as misusing or inappropriately making use of their position. This includes making their views public on matters before the council (before or after it has been resolved) by way of letters, fliers, social media posts and other communication avenues.

Sections 123, 125, and 126-131 of the Act prohibit Councillors from misusing or inappropriately making use of their position. A breach of sections 123 and 125 respectively attract serious penalties, including possible imprisonment in the case of section 123.

4.4. Council Resources and Activities

A Councillor who is a Prospective Candidate or a Nominated Candidate, must not use Council resources, including Council equipment and facilities in relation to their candidacy. This includes no use of office equipment including (but not limited to) computer equipment, printers and printer ink, vehicles, telephones, mobile phones, logos, paper, letterhead and other stationary, council email addresses, mail and publications in relation to their candidacy.

The Councillor must not use Council activities, including committee meetings and council-related external activities in relation to their candidacy.

4.5. Media Advice

Where a Councillor speaks on Council issues who is a Prospective or Nominated Candidate, the Councillor must clearly identify this fact.

No media advice or assistance will be provided in relation to election issues or publicity that involves Councillors who are a Prospective or Nominated Candidate. However, the Council Communications and Governance teams will continue to provide advice respectively as required in relation to whether a breach of this policy has occurred, or a potential breach of this Policy may occur, in certain circumstances from time to time.

Consistent with Council's Media Policy, media and external communications issued by Council are not to be used for political advantage by Councillors who are a Prospective or Nominated Candidate.

Media releases will not refer to specific Councillors in their capacity as Prospective or Nominated Candidates. Councillors who are Prospective or Nominated Candidate are not eligible to be Council's official spokesperson on Council advocacy priorities, Council will nominate an alternate Councillor to be Council's advocacy spokesperson where required.

Councillors will not use Council staff and other Council resources to gain media attention in support of an election campaign for a Councillor who is a Prospective or Nominated Candidate.

Photos of and references to Councillors who are a Prospective or Nominated Candidate will only feature in Council's publications where it is related to usual Council business, functions or events.

During this time the Mayor and Deputy Mayor will not delegate to any Councillor who is a Prospective or Nominated Candidate any responsibility to represent them.

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Item 5.2 Councillors As Candidates In A State Or Federal Election Policy
Appendix 1 Councillors As A Candidate In A State Or Federal Election Policy

5. Responsibility /Accountability

5.1	Governance Coordinator <ul style="list-style-type: none">The Governance Coordinator is the policy owner and is responsible for updating and amending this policy and related procedures.
5.2	Manager Legal, Governance and Risk <ul style="list-style-type: none">The Manager Legal and Governance is the responsible officer and is responsible for providing professional advice and guidance to Councillors regarding this policy.

6. References and links to legislation and other documents

Name	Location
Local Government Act 2020	www.legislation.vic.gov.au
Councillor Code of Conduct	Policy Intranet
Governance Rules	Policy Intranet
Conflict of Interest: A Guide for Council Councillors	Policy Intranet
Mayor and Councillors Purchase Card Procedure	Policy Intranet
Resource Support and Expenses of Councillors and Special Committee Members Policy	Policy Intranet
Media Policy	Policy Intranet

MINUTES OF THE SPECIAL POLICY REVIEW PANEL

16 DECEMBER 2021

5.3 POLICY REVIEW PANEL 2022 MEETING SCHEDULE

Responsible Officer: Bradley Dosser - Manager Legal, Governance & Risk

Document Author: Bradley Dosser - Manager Legal, Governance & Risk

Date Prepared: 13 December 2021

Mr Dosser presented this report, having already confirmed he had no General Conflict or Material Conflict in respect of any of the matters before the Panel today.

1. Recommendation:

- a) That the Council adopt the following Policy Review Panel Meeting Schedule dates and locations for 2022 with all meetings to commence at 10.30am:

Motion

Crs Deeming/Carli.

That Council:

- a) adopt the following Policy Review Panel Meeting Schedule dates and locations for 2022 noting the changes made by the Panel highlighted in yellow.

CARRIED

Date of Policy Review Panel Meeting	Location
Thursday 17 February 2022	Online
Thursday 8 March 2022	Online
Thursday 14 April 2022	Online
Thursday 12 May 2022	Online
Thursday 16 June 2022	Online
Thursday 14 July 2022	Online
Thursday 11 August 2022	Online
Thursday 8 September 2022	Online
Thursday 13 October 2022	Online
Thursday 10 November 2022	Online
Thursday 8 December 2022	Online

2. Background

2.1 The Meeting Schedule

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It is the general policy of all Council Advisory Committees to determine their Meeting Schedule for the coming year in the final meeting of the current year. Due to time constraints at the last meeting of the Policy Review Panel held on 30 November 2021 the determination of this Meeting Schedule was deferred until this Special Meeting of the Policy Review Panel for consideration.

A proposed Meeting Schedule for the Policy Review Panel with dates and locations for 2022 has been prepared for the Panel's consideration. All meetings are proposed to commence at **10.30am** unless otherwise agreed. The proposed schedule is set out below:

Date of Policy Review Panel Meeting	Location	Minutes to Go Ordinary Council Meeting
Thursday 17 February 2022	Online	Monday, 7 March 2022
Thursday, 8 March 2022	Online	Monday, 4 April 2022
Thursday 14 April 2022	Online	Monday, 2 May 2022
Thursday 12 May 2022	Online	Monday, 30 May 2022
Thursday 16 June 2022	Online	Monday, 18 July 2022
Thursday 14 July 2022	Online	Monday, 15 August 2022
Thursday 11 August 2022	Online	Monday, 12 September 2022
Thursday 8 September 2022	Online	Monday, 10 October 2022
Thursday 13 October 2022	Online	Monday, 14 November 2022
Thursday 10 November 2022	Online	Monday, 12 December 2022
Thursday 8 December 2022	Online	Monday, 12 December 2022

This proposal has been prepared with the following factors in mind:

- Pursuant to sections 394 and 396 of Part 12 of the *Local Government Act 2020* (Vic) Council meetings and other meeting types specified in section 394 may be conducted by electronic means of communication until 27 April 2022.
- After 27 April 2022, following the repeal of *Part 12* of the *Local Government Act 2022* containing COVID-19 temporary measures (including the ability to conduct Council Meetings and other meetings by electronic means of communication) the location of Policy Review Panel meetings shall be the Melton Civic Centre unless otherwise agreed in advance.

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- All meetings dates are outside of school holidays.

2.2 Sources/benchmarking

The Meeting schedule was prepared by the Manager Legal, Governance and Risk in consultation with the approved Council Meeting Schedule for 2022 and the Policy Review Panel Implementation Plan as at 13 October 2021.

2.3 Consultation

This Meeting schedule was prepared in consultation with the Members of the Policy Review Panel during the General Business section of the meeting of the Policy Review Panel held on 30 November 2021 and accommodates the preference of the Members that meetings be held on Thursdays and commence at 10.30am.

2.4 Communication and Implementation

If adopted, the Policy will be circulated to all Councillors, Staff, and Members of the Policy Review Panel for their consideration and approval at the Special Meeting of Council to be held on 20 December 2021 and by email subsequently to ensure that they understand the Schedule. It will also be placed on the intranet site for the information of Councillors and Staff.

2.5 Compliance

Not applicable

2.6 Measures of Success

- The success of this Meeting Schedule will be determined by whether it is sufficient to allow the Policy Review Panel to continue the work of the Policy Review Project and business as usual policy review work without additional meetings of the Panel being required to be called.

LIST OF APPENDICES

Nil.

SPECIAL POLICY REVIEW PANEL

16 DECEMBER 2021

6. GENERAL BUSINESS

Nil.

7. CONFIDENTIAL BUSINESS

Nil.

8. NEXT MEETING

17 February 2022, 10.30am.

9. CLOSE OF BUSINESS

The meeting closed at 12.18pm.

Confirmed

Dated this 16 December 2021

.....CHAIRPERSON

	Councillors Social Media Policy
Version No.	Version 1.0 December 2021
Endorsement	General Manager Corporate Services
Authorisation	Council
Review date	December 2025
Responsible officer	Manager Engagement and Advocacy
Policy owner	Communications Coordinator

1. Purpose

The Councillors Social Media Policy sets out protocols for use of social media by the elected Councillors of Melton City Council.

This Policy is intended to assist Councillors to use social media in a way that encourages two-way engagement with the community and minimises exposure of Council and Councillors to legal and reputational risk.

2. Scope

This Policy applies to use of social media by Melton City Councillors when used in their:

- Professional capacity, in the course of fulfilling their functions and duties to Council; and
- Personal capacity, where that use is connected with, or might otherwise impact on, Council, its reputation and/or its effectiveness.

This policy should be read in conjunction with other relevant policies and procedures of Melton City Council including the Media Policy and Code of Conduct (Councillors).

The policy applies to digital spaces where people may comment, contribute, create, forward, post, upload and/or share content.

3. Definitions

Word/Term	Definition
Digital spaces	Digital spaces describe any online platform where people may interact with the author and/or others, including commenting, contributing, creating, forwarding, posting, uploading and/or sharing content.
Personal use	Personal use is defined as using social media privately, whether during business hours or outside of business hours.
Professional use	Professional use is defined as using social media when acting as a representative of Melton City Council, whether during business hours or outside of business hours.
Social media	Social media describes the tools/platforms that people use to build online profiles, share content and participate in social networking

4. Policy

Melton City Council recognises that social media provides opportunities for dynamic and interactive two-way engagement with our community.

Nothing in this Policy is intended to limit, restrict or detract from robust public debate in a democracy.

4.1 Councillors must:

- Adhere to codes of conduct, policies and procedures
- Behave with courtesy, honesty and respect
- Comply with relevant laws and regulations and ensure confidentiality of Council information
- Not mislead the public or community or misrepresent the views of Councillor colleagues

A breach of this policy may result in disciplinary action through Councillor Code of Conduct.

4.2 Social media use and expectations

- Councillors should keep the Mayor informed of any relevant social media content or Councillor contact with organisations, resident groups or others that could foreseeably escalate into adverse media or social media attention and which might negatively impact or compromise Council.
- It is Councillors' responsibility to manage their social media accounts including creating and sharing content, gaining permissions for the use of images and other materials if required and monitoring comments.
- Councillors should identify and separate personal opinions from Council position. When contributing to public comment on social media, Councillors should act in accordance with the principles of the Councillor Code of Conduct and the Media Policy when discussing Council matters.
- Councillors are strongly encouraged to have a dedicated Councillor account separate to any other personal or business accounts they might hold for the purpose of Council related activity.
- Councillors should ensure that they have appropriate privacy settings on all social media sites moderated, managed or operated by them, bearing in mind that all social media posts are public to some degree.
- Councillors should ensure they do not post, like or comment on abusive or inappropriate content, or materials that would breach applicable laws
- Councillors should uphold a positive public image of, and confidence in, the Council at all times as per Councillor Code of Conduct.
- A breach of these uses and expectations may result in disciplinary action under the Councillors Code of Conduct.

4.3 Content not permitted

The following content is not permitted:

- Offensive or inappropriate language or material (such as profanity, inappropriate sexual language, pornography, depictions of extreme violence, racial or other vilification or hatred)
- Content which is false or misleading including having or interacting with a social media account a Councillor knows to be false.
- Confidential information about Council or third parties
- Statements that breach human rights
- Discriminatory material in relation to a person or group based protected attributes in the *Equal Opportunity Act 2010*
- Statements which may be considered to be bullying or harassment
- 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, copyright, trademarks)
- Material which would bring the Council **or individual Councillors** into disrepute
- Personal details or references to Councillors, Council staff or third parties, which may breach privacy laws
- Spam, meaning the distribution of unsolicited bulk electronic messages as defined by the *Spam Act 2003 (Commonwealth)*.

Monitoring

Councillors must actively monitor their social media accounts and moderate comments that are in breach of the above content.

Breaches

A breach of this policy may result in disciplinary action under the Councillors Code of Conduct.

If a Councillor suspects a breach of this policy, they must bring it to the attention of the Manager Legal, Governance **and Risk** or the Chief Executive Officer and/or the Mayor.

4.4 Local Government Act 2020 policy alignment

This policy aligns with the overarching governance principles and five supporting principles in the Local Government Act 2020, in particular, the following public transparency principles:

- (b) Council information must be publicly available unless:
 - (i) the information is confidential by virtue of this Act or any other Act; or
 - (ii) public availability of the information would be contrary to the public interest;
- (c) Council information must be understandable and accessible to all;
- (d) public awareness of the availability of Council information must be facilitated.

4.5 Charter of Human Rights and Responsibilities Act 2006

This policy has been assessed against the Charter of Human Rights and Responsibilities Act 2006 as being consistent with that Act and, in particular, as promoting the rights of members of the community to have access to Council and Council information.

5. Responsibility/Accountability

5.1	Councillors <ul style="list-style-type: none"> • Seek advice from the Communications unit on using social media • Register social media accounts/tools/site with the Communications unit • Understand and comply with the provisions in this policy • Seek training and development for using social media • Seek advice from Legal and Governance or the Communications unit if unsure about applying the provisions of this policy
5.2	Executive Promotion of adherence of this policy to Councillors
5.3	Communications unit <ul style="list-style-type: none"> • Provide advice to Councillors on the use of social media • Educate Councillors about this policy and their responsibilities when using social media • Keep a register of Councillor social media accounts • Monitor social media channels for conducting Council business • Monitor online for references to Melton City Council

6. References and links to legislation and other documents

Name	Location
Media Policy	Policy and Procedures Intranet
Code of Conduct (Councillors)	Policy and Procedures Intranet
<i>Copyright Act 1968 (Cth)</i>	www.austlii.edu.au/au/legis/cth/consol_act
<i>Crimes Act 1958 (Vic)</i>	www.legislation.vic.gov.au
<i>Defamation Act 2005 (Vic)</i>	www.legislation.vic.gov.au
<i>Disability Discrimination Act 1992 (Cth)</i>	www.austlii.edu.au/au/legis/cth/consol_act
<i>Equal Opportunity Act 2010 (Vic)</i>	www.legislation.vic.gov.au
<i>Electronic Transactions Act 2000 (Vic)</i>	www.legislation.vic.gov.au
<i>Evidence Act 2008 (Vic)</i>	www.legislation.vic.gov.au
<i>Fair Trading Act 1999 (Vic)</i>	www.legislation.vic.gov.au
<i>Fair Work Act 2009 (Cth)</i>	www.austlii.edu.au/au/legis/cth/consol_act
<i>Freedom of Information Act 1982 (Vic)</i>	www.legislation.vic.gov.au
<i>Human Rights and Equal Opportunity Commission Act 1986 (Cth)</i>	www.austlii.edu.au/au/legis/cth/consol_act
<i>Information Privacy Act 2000 (Vic)</i>	www.legislation.vic.gov.au

<i>Local Government Act 2020 (Vic)</i>	www.legislation.vic.gov.au
<i>Privacy and Data Protection Act 2014 (Vic)</i>	www.legislation.vic.gov.au
<i>Privacy Act 1988 (Cth)</i>	www.austlii.edu.au/au/legis/cth/consol_act
<i>Racial and Religious Tolerance Act 2001 (Vic)</i>	www.legislation.vic.gov.au
<i>Spam Act 2003 (Cth)</i>	www.austlii.edu.au/au/legis/cth/consol_act
<i>Wrongs Act 1958 (Vic)</i>	www.legislation.vic.gov.au

4. CONFIDENTIAL BUSINESS

Nil.

5. CLOSE OF BUSINESS

The meeting closed at 7.25pm.

Confirmed

Dated this

.....CHAIRPERSON