
MEDIA RELEASE

10 July 2018

MID-WESTERN COUNCILLOR REPRIMANDED FOR FACEBOOK CODE OF CONDUCT BREACH

The Office of Local Government (OLG) has warned councillors to be cautious in their use of social media following a decision by the NSW Civil and Administrative Tribunal (NCAT) that allegations posted on Facebook by a Mid-Western Regional councillor constituted a breach of the council's Code of Conduct.

The tribunal decided to formally reprimand Councillor Peter Shelley for making allegations of corruption and conflicts of interest at a council meeting and republishing them on a Facebook page he administered.

NCAT Principal Member Titterton found that Cllr Shelley's conduct breached the council's Code of Conduct and therefore the Local Government Act.

The post was on a Facebook page Cllr Shelley administered which contained a disclaimer stating that "all views... are personal and as a ratepayer and not in any official capacity or otherwise as a councillor".

In his judgment, Mr Titterton rejected Cllr Shelley's disclaimer saying: "The Facebook post was inextricably linked to Cllr Shelley's work as a councillor and the carrying out his functions as a councillor.

"This is obvious by the very nature of the publication, which a posting of the very speech, virtually verbatim, that he made in the council chamber the day before.

"I find therefore Cllr Shelley was carrying out his functions as a council official when he published the Facebook post ..."

OLG Chief Executive Tim Hurst welcomed the decision and said the case should serve as a warning to all councillors using social media.

"This is a decision with significant implications for councillors in the execution of their public roles," Mr Hurst said.

"Social media is now a fundamental means of communication and engagement. It is a useful tool for councillors to reach their communities but they need to understand that its use has bearing on their civic work and potential consequences if they don't use it appropriately.

"The judgment shows that a disclaimer will not absolve councillors from their responsibilities and obligations under the Code of Conduct and the Local Government Act."



MEDIA RELEASE

The Office of Local Government is currently finalising a new Model Code of Conduct which will have even clearer standards on the use of social media. These standards will provide further specific guidance to all council officials on the appropriate use of social media when acting in their civic capacity.

NCAT's full judgment in relation to C/r Shelley can be accessed here:

<https://bit.ly/2tJ2RTG>

Media contact: Mark Nolan 0421 613 720