

Circular to Councils

Subject/title	Free speech in local government in NSW Guideline
Circular Details	Circular No 25-11 / 03 June 2025 / A963853
Previous Circular	N/A
Who should read this	Councillors / General Managers / Council Governance Staff / Complaints Coordinators / Conduct Reviewers
Contact	Council Governance/ (02) 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

What's new or changing?

- The Office of Local Government (OLG) has issued a guideline on free speech in local government in NSW (the Free Speech Guideline). The Free Speech Guideline is available on OLG's website [here](#).
- The Free Speech Guideline provides practical guidance to councils on what free speech means in the context of NSW local government.

What will this mean for council?

- The Free Speech Guideline has been adopted as a guideline under section 23A of the *Local Government Act 1993* (the Act).
- Councils and council officials must take the Free Speech Guideline into consideration when exercising their functions.
- The Free Speech Guideline is also to be considered by conduct reviewers when dealing with code of conduct matters that have been referred to them.

Key points

The Free Speech Guideline provides guidance on the following:

- the implied freedom of political communication under the Australian Constitution and how free speech is regulated in Australia
- why the ability to engage freely with the community is central to a councillor's role as an elected representative prescribed under the Act
- the relevant provisions of the Model Code of Conduct for Local Councils in NSW that recognise the importance of public comment by councillors and how they should be applied by councils to ensure they do not unduly inhibit free speech
- the protections available to councillors in relation to civil liability for defamation
- the meeting rules constraining what can be said at council and committee meetings, how they can be applied and the relationship between these and the enforcement mechanisms available under councils' codes of conduct
- how council media and social media policies should be applied so as not to unduly constrain councillors' ability to engage with the community via the media and online.

Where to go for further information

- The Free Speech Guideline is available on OLG's website [here](#).
- For further information please contact the Council Governance Team on 02 4482 4100 or by email at olg@olg.nsw.gov.au.

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