

Report 13.151  
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Committee Council  
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## Wellington Regional Council's Communication Policy for the 2013 pre-election period

### 1. Purpose

To seek Council's endorsement of the policy for communication for the pre-election period, from 12 July 2013 to 12 October 2013 (Election Day).

### 2. The decision-making process and significance

The matter requiring decision in this report has been considered by officers against the requirements of Part 6 of the Local Government Act 2002.

#### 2.1 Significance of the decision

Officers have considered the significance of the matter, taking into account the Council's significance policy and decision-making guidelines. Due to the procedural nature of this decision officers recommend that the matter be considered to have low significance.

Officers do not consider that a formal record outlining consideration of the decision-making process is required in this instance.

### 3. Background

The Office of the Controller and Auditor-General has published a best practice guide on managing the public communications of local authorities. The guide includes recommendations on the types of communications that are acceptable in a pre-election period (**Attachment 1**). The pre-election period for the 2013 local body elections runs from 12 July 2013 to 12 October 2013.

The Office of the Controller and Auditor-General recommends that councils adopt a communications policy based on its guidelines. An agreed set of policies ensures that both councillors and officers clearly understand what communication activities are acceptable during the three-month pre-election period.

## **4. Comment**

### **4.1 Wellington Regional Council must not promote the re-election prospects of a sitting Council member**

It is recommended that the Council adopts the principles under 3.2 and 3.3 of this report (below) for the 2013 pre-election period. These rules apply to Wellington Regional Council's communications. Councillors are still free to undertake any personal communication for election purposes or otherwise, provided they use their own resources and make it clear that the opinions they express are their personal views and are not the Council's position.

The principles are based on the premise that Wellington Regional Council must not promote, nor be perceived to promote, the re-election prospects of a sitting Council member, either directly or indirectly. They also recognise that decisions to restrict communications must be balanced with the need for Wellington Regional Council to continue to communicate matters of Council business to the public.

### **3.2 Policy for communication for the pre-election period from 12 July 2013 to 12 October 2013**

It is suggested that the following principles be observed during the pre-election period from 12 July 2013 to 12 October 2013:

- Wellington Regional Council's resources shall not be used for re-election purposes.
- Councillors shall not use Council resources to express their personal views or opinions.
- Communication by Wellington Regional Council shall be limited to what is necessary to carry out or convey Council business. The Chief Executive will determine this.
- Wellington Regional Council's mass communication facilities, such as *Our Region*, radio advertising, rates newsletters and web site, shall not include content that may raise the profile of a councillor or councillors.
- The Chief Executive, or his delegates, alone have the power to authorise Wellington Regional Council communications.

### **4.3 What does this mean in practice?**

- Councillors must not use Council communication facilities and resources such as stationery, postage, internet, photographs, clothing, email and telephone for campaign purposes.
- Councillors may continue to access Council resources to communicate with individual constituents in their official capacities as members of the Council. However, care should be taken to avoid using, or avoid the perception of using, these resources for campaign purposes.

- At the discretion of the Chief Executive, the Council Chairperson and committee chairpersons will continue to represent the Council. Quotes and comments attributed to them will continue to be used in media statements setting out the Council's position on issues, e.g. major decisions made at committee meetings, and the announcement of new initiatives.
- Mandatory communications such as public notices required by statute, our annual plan and annual report will continue.
- Mass communications from Wellington Regional Council with constituents will not contain quotes from or about councillors, nor include journalistic use of photographic material that may raise the profile of a councillor or councillors.
- Councillors will not be able to include the Council logo, telephone numbers or email addresses in their own media releases, election campaign material, or private advertising.
- Councillor-originated publications, such as brochures, blogs and newspaper columns, to include a disclaimer that states the material is not sponsored by Wellington Regional Council, and does not necessarily reflect the views of the Council. The views of the Council and the opinions of the individual should be clearly distinguished in the body of the text.

#### **4.4 Legal responsibilities of Councillors**

Councillors who intend standing for election should understand that – in addition to the requirements of this policy – they also need to be aware of and, *where necessary*, comply with the election advertising requirements of the Local Electoral Act 2001 (LEA). Advertisements published during the pre-election period may appear to be promoting the election of a candidate even if this is not their purpose.

Section 113(1) of the LEA provides that:

- (1) No person may publish or cause to be published in any newspaper, periodical, notice, poster, pamphlet, handbill, billboard, or card, or broadcast or permit to be broadcast over any radio or television station, any advertisement that is used or appears to be used to promote or procure the election of a candidate at an election, unless subsection (2) or subsection (4) applies.

Section 113(2) provides that:

- (2) A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if—
  - (a) the publication of that advertisement is authorised in writing by the candidate or the candidate's agent or, in the case of an advertisement relating to more than 1 candidate, the candidates or an agent acting for all of those candidates; and
  - (b) the advertisement contains a statement setting out the true name of the person or persons for whom or at whose direction it is published and the address of his or her place of residence or business.

Section 113(4) is not relevant when publishing such an advertisement but is reproduced here for information purposes:

- (4) A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if—
- (a) the publication of the advertisement is endorsed by an organisation or body representing residents or ratepayers in the community or district in which the advertisement is published; and
  - (b) the advertisement contains a statement setting out—
    - (i) the true name of the person or persons for whom or at whose direction it is published and the address of his or her residence or place of business; and
    - (ii) the true name of the organisation or body that has endorsed the publication of the advertisement and the address of the place of business of that organisation or body.

During the pre-election period any advertisements placed by a councillor who is standing for election should be authorised by the councillor (or their agent) in writing and include a statement along the lines of:

*The publication of this advertisement was authorised by [true name] of [address of residence or place of business].*

Or:

*The publication of this advertisement was authorised by [agent's true name] on behalf of [true name] of [address of residence or place of business].*

Additional information and guidance for councillors/candidates who are standing for re-election will be available in documents such as the Candidate Handbook.

## **5. Recommendations**

*That the Council:*

1. ***Receives the report.***
2. ***Agrees to adopt the pre-election communication policy set out in this paper for the period 12 July 2013 to 12 October 2013.***

Report prepared by:

Report approved by:

Report approved by:

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**Attachment: Communications guidance in the local government pre-election period**