

**TERRITORY FAMILIES**


# Media and Public Comment Policy

## Policy Approval and Distribution

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| **Related Territory Families Policy or Procedure** | Media and Public Comment Policy |
| **Approved by** | Ken Davies, Chief Executive Officer | December 2018 |
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### PURPOSE

This policy has been developed to:

* 1. Ensure that any information provided to the media and the public is accurate, reliable, represents the best interests of children and families as well as being in the public interest.
	2. Reduce the risk of inaccurate and unauthorized information being disseminated to the public about Territory Families activities.
	3. Clearly identify Territory Families’ official spokesperson and authorised media contacts.
	4. Identify cross-agency collaborative responses to media enquiries received and determine who the appropriate Agency is to lead the media response.

### SCOPE

This Policy applies to all Territory Families Officials as defined in Northern Territory Public Sector Code of Conduct.

### POLICY STATEMENT

### Principles of Territory Families Communication with the Media

* + 1. Territory Families encourages open communication with the media.
		2. Media organisations and their representatives will be treated equally and without bias or preference.
		3. The aim of Territory Families media engagement is to:
			- Increase the awareness and understanding about Territory Families activities and services in the community.
			- Increase community engagement opportunities for Territory Families.
			- Ensure the community is properly informed about relevant Territory Families issues.
			- Enhance the positive program outcomes being achieved for children and families.

### Official Spokesperson

* + 1. The CEO or their nominee is the official Territory Families spokesperson.
		2. The CEO will make comments or statements to the media about policy or public interest matters on behalf of Territory Families.

### Enquiries from the Media

* + 1. All media enquiries made to Territory Families, staff, contractors and consultants are to be referred to the CEO through the Director of Corporate Communications and/or the CEO.
		2. Media enquiries are to be referred and dealt with in a timely manner.
		3. Subject matter experts must assist the Director of Corporate Communications or media officer with information in order to respond to queries.

### Approaching the Media

* + 1. The Director of Corporate Communications and/or the CEO are responsible for making comments and releasing statements to the media.
		2. The details of any issues that may give rise to a potential media opportunity should be referred to Director of Corporate Communications and/or the CEO.

### Territory Families and the Media

* + 1. Whenever Territory Families staff publicly express their own personal opinions, they must make it clear that they are speaking for themselves and not on behalf of Territory Families unless the CEO has authorised them to do so.
		2. In accordance with the Code of Conduct in dealing with the media, Territory Families should refrain from including personal criticism of Territory Families or Territory Families employees.

### Territory Families Staff and the Media

* + 1. Journalists may on occasion contact a staff member. When this occurs, the staff member must immediately refer the journalist to the Director of Corporate Communications.
		2. Staff must only make comment to the media on matters concerning Territory Families when authorised to do so by the CEO.
		3. Territory Families staff must not respond to media criticism of Territory Families, its staff, policies, letters to the editors, social media commentary and the like in their capacity as an employee, unless expressly authorised to do so.
		4. Territory Families staff may comment or write letters to the media in a personal capacity providing they do not identify themselves as employees, contractors or consultants of Territory Families and their comments and/or statements are not seen to represent the views of Territory Families.

### Comments made ‘off the record’

All persons should refrain from making any ‘off the record’ comments to the media, whether informal or agreed upon as these may be treated as ‘on the record’ and attributed to them, resulting in a breach of the Code of Conduct and/or the provisions of this policy.

### Confidential and Private Information

Territory Families and agency staff must comply with the provisions of the Y*outh Justice Act,* the *Care and Protection of Children Act*, and the *Information Act* and the NTPS Code of Conduct and ensure that confidential or personal information is not released without authority.

Some young people in detention will also be in the care of the Chief Executive Officer of Territory Families and subject to a protection order.

***3.8.1 Youth Justice Act***

There are a number of provisions in the *Youth Justice Act* which prohibit disclosure or publication. These are all offence provisions, where penalties apply.

* *Youth Justice Act,* s 43 (Reporting on the diversion of youth): It is an offence to publish information and details of the diversion of youth, except as aggregated data for statistical purposes where the information does not identify a particular young person.
* *Youth Justice Act,* s 50 (Restriction on publication of proceedings): The Court has the power to order that the Youth Justice Court be closed (*Youth Justice Act,* s 49).  It is an offence to publish a report of, information relating to, or the results of proceedings against a youth before the court in circumstances where the court has been closed, or where the court has issued a separate direction that the proceedings must not be published.
* *Youth Justice Act,* s 140P (Prohibition on publication of certain information):
A person must not publish information which identifies someone as a party to proceedings for a family responsibility order, or as a person or youth named or identified in a family responsibility order.
* Section 214(1) of the *Youth Justice Act* specifically prohibits a person who has performed functions or duties under *Youth Justice Act* fromrecording, disclosing and publishing any information related to a young person involved with the youth justice system, whether or not in detention. This prohibition includes disclosure of information to another person or body (including a court).

***3.8.2 Care and Protection of Children Act***

The *Care and Protection of Children Act* also contains a number of provisions which prohibits disclosure or publication of information. These are also penalty provisions.

* *Care and Protection of Children Act,* s 97 (Restrictions on publication): A person is guilty of an offence if a person publishes a report of any of the proceedings or the results of proceedings before the Family Matters Court (i.e. proceedings where the decision is made whether or not a child should be subject to a protection order).
* *Care and Protection of Children Act,* s 301 (Disclosure of child’s identity): A person must not publish information that may identify that a young person is:
* In the care of the CEO;
* Subject to an application for a temporary protection order, assessment order or protection order;
* Subject to a temporary protection order, assessment order or protection order; or
* Involved or alleged to have been involved in a sexual offence (whether as a victim or otherwise).

This section applies unless publication is permitted or authorised under the Act or any other law in force in the Territory (section 301(2)).

* *Care and Protection of Children Act,* s 308 (Confidential information): A person is guilty of an offence if the person:
	+ Discloses to someone any information acquired by the person in exercising a power of performing a function as an authorised officer;
	+ Does something that recklessly results in disclosing information to someone and is reckless as to whether doing the thing would result in the disclosure;
	+ Uses the information;
	+ Publishes all or part of a document obtained by the person in exercising a power or performing a function as an authorised officer; or
	+ Produces to a court or tribunal a thing obtained by the person in exercising a power or performing a function as an authorised officer
	+ Authorised officer powers are, in the main, those which are associated with conducting a child protection investigation, or an investigation into harm to a child in care.
	+ *Care and Protection of Children Act,* s 308 does not apply if the person affected has consented to the information being disclosed or published or disclosure has been has been approved by the CEO as being in the public interest or for research purposes under certain conditions.

***3.8.3 Information Act***

The *Information Act* applies to all information held by the public sector, and has the dual objects of providing Territorians with access to government information and protecting the privacy of personal information held in the public sector.

* *Information Act,* s 148 (Confidentiality of Information): A person commits an offence if the person intentionally does something which results in the disclosure or use of information, or in a record being made of information which was obtained in the course of performing functions under the *Information Act.*
* Information Privacy Principle 2: The Information Privacy Principles in the *Information Act* bind public sector organisations in their collection, handling, use and disclosure of personal information. Information Privacy Principle 2 prevents the disclosure of personal information about children for a purpose other than the primary purpose of collection, unless particular exceptions apply.

***3.8.4 OCPE Code of Conduct***

* Office of the Commissioner of Public Employment Code of Conduct, Clause 14 (Use of information obtained in the course of employment): A public sector officer must not disclose information or documents acquired in the course of their employment, other than as required by law or where proper authority has been given.

### Defamation

Territory Families and staff are reminded that defamation laws apply to all members of the community and caution should be exercised when making public comment that may be considered to harm another person’s reputation.

### Responding to media enquiries

* + 1. Territory Families must respect the privacy of its clients when it collects and handles their personal information. As a result, Territory Families is not able to make public comment on or provide information to the media, unless required by law, about:
* The name of a client and their family
* Personal details about a client and their family
* Information about a client’s engagement with Territory Families including the number or type of notifications, investigations and the outcome of any investigations
* A client’s family circumstances and/or their interactions and history with Territory Families.
	+ 1. Where there is a child in care at risk or missing, the CEO can approve the publication of a child’s name and/or image in partnership with NT Police to seek public support and information.
		2. Territory Families must not make public comment about cases or clients that are subject to a police investigation or that are going through the legal process and are before the Courts.
		3. Territory Families will issue a media statement if there has been a serious breach at a youth detention centre, foster or kinship care placement or residential out-of-home care facility that impacts on public safety. In all other situations Territory Families will respond to relevant media enquiries.
		4. Territory Families must not disclose personal information about the individual circumstances of its staff members, contractors, consultants, clients and their families other than in exceptional circumstances or if required by law.

### Emergency management

In the event of an emergency situation, Territory Families will provide timely, tailored and relevant information to the community in line with the agencies functions and responsibilities.

Territory Families will also participate in the Whole of Government Emergency Management Public Information Group when required to assist with the coordination and dissemination of public information.

### Crisis communications involving other NTG Agencies

Territory Families Corporate Communications will follow Interagency Working Guidelines to liaise with other relevant Northern Territory Government departments when a media enquiry is received involving issues in addition to Territory Families’ responsibilities.

Territory Families will continue to work with other Northern Territory Government departments including the Department of Housing, Department of Attorney-General and Justice, Department of Health, Department of Education, Department of the Chief Minister and NT Police to respond to media enquiries and provide a coordinated response.

Territory Families will:

1. Make the other relevant agencies aware of the media enquiry
2. Share background information to inform a response (without breaching confidentiality)
3. Coordinate an appropriate response between Territory Families and other relevant agencies

### ROLES AND RESPONSIBILITIES

### The CEO

The CEO as the official spokesperson of Territory Families will make comment on all policy or public interest matters on behalf of Territory Families.

### The Director of Corporate Communications

The Director of Corporate Communications is authorised to make public comment on any operational matters on behalf of Territory Families and will ensure that procedures are in place to provide adequate training to Territory Families and staff members in regard to its obligations under this policy.

The Director of Corporate Communications or their delegate is responsible for the coordination of responses and providing and distributing accurate and timely information to the media on behalf of Territory Families.

### Territory Families and Staff

Territory Families and all staff members are required to comply with this policy.

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### COMPLIANCE WITH POLICY

1. Sanctions for a breach of this policy will be determined in accordance with the provisions applied under the NTPS Code of Conduct.
2. Staff members in breach of this policy could be subject to disciplinary procedures as provided under the NTPS Code of Conduct.

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### REVIEW AND ENDORSEMENT

Corporate Communications is responsible for the review and issue of this policy every three years.

The Director of Corporate Communications, or their delegate, is authorised to approve variations to this policy in order to comply with legislative requirements. Any variation made will be reported to Territory Families through the Policies and Priorities Committee and/or the Territory Families Executive Leadership Group.

### DEFINITIONS

Media Includes journalists, print media such as national or local newspapers, magazines, newsletters or journals; television and radio; Internet publications and social media applications such as Facebook, Twitter, YouTube, LinkedIn, Blogs etc.

Media Comment A verbal statement made to the media on a particular matter.

Media Statement A written statement provided to the media on a particular matter, including a statement made by entry in a social media application, on the internet or email.

### LEGISLATION AND OTHER REFERENCES

* *Child Protection and Care Act*
* *Youth Justice Act*
* *Information Act*

### RELATED DOCUMENTS

* NTPS Code of Conduct