

Council Policy – Live Streaming and Recording of Council Meetings

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| Responsible Directorate | Office of the Chief Executive Officer |
| Responsible Business Unit/s | Governance |
| Responsible Officer | Manager Governance |
| Affected Business Unit/s | All |

Objective

The objective of this policy is to:

- recognise improved engagement with the community and accessibility to Council decision making through the live streaming and recording of Council meetings;
- provide guidance in relation to live streaming and recording of Council meetings; and
- ensure that there is a clear understanding of the overall process, limitations restrictions and circumstances that apply.

Scope

This policy provides guidance for audio and video streaming (live streaming) broadcast of Council meetings:

- through the Shire's website, or via an appropriate social media platform or through third party software (as approved by the Chief Executive Officer);
- including:
 - the audio and video recording of those meetings;
 - the publishing and retention of audio and video recordings of those meetings; and
 - participation in those meetings by elected members, Shire officers and the public.

This policy does not extend to live streaming a Council meeting, or any part of a Council meeting:

- that is closed to the public in accordance with Section 5.23 of the *Local Government Act 1995*, or other applicable law; or
- approved to be held electronically by way of regulation 14D(2)(c), where the requirements to broadcast are otherwise prescribed in regulation 14E.

Policy Statement

Live Streaming and Recording

Live streaming and video and audio recording of a Council meeting will commence at the time the meeting is due to commence and finish when the presiding member closes or adjourns a meeting for any reason.

Confidential Council meetings and confidential items of business at a Council meeting or any other business closed to the public will not be live streamed, published or otherwise made publicly available, unless required by law.

The Shire will make every reasonable effort to ensure that live streaming of a Council meeting open to the public, is available. Should a technological failure arise, the Shire will endeavour to ensure that a recording or an improvised recording of the Council meeting (excluding any closed part of a Council meeting) is available through the Shire's website or via an appropriate social media platform or through third party software, within 14 days after the Council meeting.

Camera and Audio Capture

Various cameras and audio capture devices (both fixed and/or portable) are positioned within Council Chambers to actively capture live video and audio and record video and audio of a Council meeting.

Elected members and shire officers

It is intended that the standard camera and audio device's locations will generally capture and record live video and audio of all elected members and Shire officers attending a Council meeting, including elected members attending by electronic means. Where an elected member or Shire officer speaks audio will be captured.

An elected member or a Shire officer must ensure that any video or audio capture or recording device that they have control of, is enabled for the duration of a Council meeting, except for confidential matters or as otherwise directed by the presiding member. Intentionally disabling a device is contrary to this policy.

Non-participating public

The standard camera locations within Council Chambers are likely to capture live and recorded vision of all members of the public attending a Council meeting and should a member of the public speak within the Council Chambers it is reasonably likely that audio will also be captured. This is deemed incidental capture under this policy and by attending a Council meeting, a member of public agrees to being recorded.

Public Question Time, Deputations and Presentations

The *Shire of Ashburton Standing Orders Local Law 2012* provides an opportunity for a member public to present a limited number of pre-written questions at Ordinary Council Meeting or for an approved presentation or deputation to be presented to the Council. Time for public questions, deputations and presentations is also provided for at a Special Council Meeting where at matter directly relates to the purpose of the meeting and pre-approval is obtained.

A person proposing to present a question or persons proposing to provide a presentation or deputation is considered to be active participation in the Council meeting proceedings. By addressing the Council meeting live streaming will occur, as will recording of vision and audio.

Where a public question is to be put to an Ordinary or Special Council meeting the author of the question is only required to provide their name and suburb, not their full address, when addressing the meeting. Their contact details (such as a postal, phone and email address) are still required on the public question time submission form, in order that responses can be provided to them for any questions taken on notice.

Signage and advice

Clear signage will be prominently placed in the Council Chambers advising participants that the Council meeting will be live streamed and recorded.

The presiding member at a Council meeting will make an announcement at the start of every meeting, drawing attention to the fact that the meeting will be live streamed and recorded.

Meetings or items of business closed to the public

If Council resolves to close a meeting to the public in accordance with Section 5.23 of the Act, live streaming will cease.

Access to past recordings of meetings

The Shire will ensure that recordings of Council meetings are publicly available through the Shire's website or via an appropriate social media platform or through third party software, excluding any part of a meeting closed to the public, for a period of 5 years.

Recordkeeping

The official record of a Council meeting is the written minutes kept in accordance with the Act and any relevant regulations.

All recordings of a Council meeting will be retained in the Shire's recordkeeping system for a period of 5 years. Disposal will be in accordance with the requirements of the *State Records Act 2000*.

Liability and defamation

Under section 9.57A(2) of the Act the Shire is not liable for an action for defamation in relation to matter published on its official website as part of any broadcast, audio recording, or video recording of Council proceedings.

Under regulation 14K the Shire is not liable for an action for defamation in relation to publicly broadcasting, making a recording, making a recording publicly available, retaining a recording or providing a copy of a recording to the Departmental CEO of a Council meeting.

Under section 9.56 of the Act, elected members and Shire officers are not liable in defamation for any statements made in good faith.

Further defences under the *Defamation Act 2005* may also apply.

Licence and Use of Live Streams and Recordings

Video, images and audio contained in a live stream or recording must not be altered, reproduced or republished in any way, without the express written permission of the Shire. Copyright remains with the Shire in perpetuity.

Definitions

Act means the *Local Government Act 1995*.

Confidential/closed means a Council meeting or part of a Council meeting that is closed to members of the public. (Refer to Section 5.23 of the Act). For the avoidance of doubt any part of a Council meeting closed to the public will not be broadcast.

Council meeting includes a:

Ordinary Council Meeting which means a meeting for the purpose of considering and dealing with the ordinary business of the Council;

Special Council Meeting which means a meeting for the purpose of dealing with Council business that is urgent, complex in nature, or a particular purpose, or confidential;

Council Chambers means any venue in the district used for a Council meeting.

Elected member is a term used to describe a Council member, Councillor or President, as provided for in the Act.

Live streaming means to broadcast an audio recording or a video and audio recording though the medium of the internet using available forms of third party software with the content simultaneously recorded and broadcast in real time, or with a delay to the viewer.

Recording means any recording made by an electronic device capable of recording sound and/or video images.

Regulations means the *Local Government (Administration) Regulations 1996*.

Participation means attendance at a Council meeting either in person or via approved electronic means.

Presiding member means the elected member presiding at the subject Council meeting.

Relevant policies/documents

Employee Code of Conduct

Code of Conduct for Council Member Committee Members and Candidates

Relevant legislation/local laws

Local Government Act 1995

Local Government (Administration) Regulations 1996

Local Government

State Records Act 2000

Freedom of Information Act 1992

Defamation Act 2005

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