

COUNCIL POLICY EM/CP-2 LIVE STREAMING AND RECORDING OF COUNCIL MEETINGS



STRATEGIC OUTCOME SUPPORTED: 11 - Strong, visionary leadership.

1. OBJECTIVE

- 1.1. The purpose of this Policy is to outline the Shire's position in relation to recording and live streaming of Council Meetings.
- 1.2. The primary purpose of live-streaming Council Meetings is to be open and transparent and give the public greater access to Council decisions, debate and discussions, by eliminating geographic and/or personal barriers that may prevent physical attendance at a Council meeting.

2. SCOPE

- 2.1. This Policy applies to all Council Meetings.
- 2.2. This Policy does not apply to confidential items at Council Meetings.
- 2.3. The Policy does not apply to Committee Meetings.

3. DEFINITIONS

- 3.1. **Absolute privilege** an absolute defence to an otherwise defamatory statement because of the venue or context in which the statement was made.
- 3.2. **Record** means any record of information however recorded
- 3.3. **Live Streaming** means to transmit or receive live video and audio coverage of an event over the internet with the content simultaneously broadcast in real time.
- 3.4. **Council Meeting** means an Ordinary Council Meeting, a Special Council Meeting and/or an Agenda Briefing Session.
- 3.5. **Recording** means to capture a visual and audio recording of an event.

4. POLICY STATEMENT

- 4.1. Opinions expressed or statements made by persons during the course of Council Meetings and contained within the live streaming video or meeting recording, are the opinions or statements of those individual persons, and are not opinions or statements of the Shire. The recording is not, and shall not be taken to be, a confirmed official record of Council, or of any meeting or discussion to which it relates or may appear to relate.
- 4.2. The official record of the Meeting will be the written Minutes prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.
- 4.3. Attendance at Council Meetings does not provide any elected member, employee or member of the public with absolute privilege. It does not protect individuals from defamation in relation to behaviour or statements made.

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- 4.4. Images of elected members, relevant officers and members of public participating during Public Question Time or Deputations will appear on the live streaming and recording of relevant meetings. By participating in a Council Meeting, those members of the public in attendance agree to being recorded. While every endeavour will be made to ensure the image of members of the public who attend the meeting in the gallery will not appear in either the live streaming or recording, any loud comments made by the public may be captured on the recording.
- 4.5. Agenda Briefing Sessions will be live streamed only; a recording will not be made.

Recording of Proceedings

- 4.6. All Council Meetings will, wherever technically possible, be recorded by the Shire on recording equipment, excluding where Council has resolved to close the meeting to members of the public in accordance with Section 5.23 of the *Local Government Act 1995*.
- 4.7. Recordings of Council Meetings will be published on the Shire's website no later than the publishing of the Unconfirmed Minutes on the Shire website.
- 4.8. Other than in accordance with this Policy, a person must not use any electronic, visual or audio recording device or instrument to record the proceedings of a Council meeting as per section 6.16 of the *Meeting Procedures Local Law 2018*.

Public notification of recording of meetings

- 4.9. Members of the public attending Council Meetings will be advised that the meeting will be live streamed and recorded. The wording of the advice will be as follows:

"This meeting is being livestreamed and digitally recorded in accordance with Council Policy."

"Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the chairperson."

Whilst every endeavour has been made to only record those who are actively participating in the meeting, loud comments or noises from the gallery may be picked up on the recording.

- 4.10. The public will be advised at Agenda Briefing Sessions that the meeting is being live streamed only.
- 4.11. The live streaming will be accessible on the Shire's website and/or social media platform upon commencement of the relevant Council Meeting. It is to be noted that should any unforeseen technical difficulties arise, the live stream or recording may not be available or may be delayed.

Retention and access of recordings

- 4.12. Confidential items of business will not be live streamed.
- 4.13. Recordings will be stored in accordance with the *State Records Act 2000*.

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- 4.14. The recording will be available on the Shire Website and will not be copied for individuals.
- 4.15. The Shire retains copyright over its recordings of its Council Meetings. Video, images and audio contained in a live stream or recording must not be altered, reproduced or republished without the permission of the Shire.

5. DELEGATION AND AUTHORISATION

- 5.1. Nil

6. LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Local Government (Administration) Regulations 1996*
- 6.3. *Freedom of Information Act 1992*
- 6.4. *State Records Act 2000*
- 6.5. *Shire of Donnybrook Balingup Meeting Procedures Local Law 2018*

7. POLICY VERSION

Current Policy Version Details					
Related Policies:	NIL				
Related Procedure:	NIL				
Responsible Department:	Executive Services				
Reviewer:	Manager Executive Services				
Review Frequency:	Triennial	Next Due:	2024		
Version Date:	27/07/2022	Decision Reference:	93/22	Synergy #:	NPP8885
Version Synopsis:	Amended to include: <ul style="list-style-type: none"> • Live streaming and video recordings in place of audio recording; and • Live streaming to occur for Agenda Briefing; and • Live streaming and video recordings to occur for Council Meetings; and • Policy re-named from EM/CP-2- Audio Recording of Council Meetings to EM/CP-2-Live Streaming and Recording of Council Meetings. 				
Previous Policy Version Details					
Initial Adoption Date:	23/03/2016	Decision Reference:	N/A		
Version Date:	21/12/2021	Decision Reference:	213/21	Synergy #:	NPP7984
Version Synopsis:	<ul style="list-style-type: none"> • Removed policy number 1.17 and added new policy ID; and • Added scope and definitions; and • Updated legislation; and • Added information on: <ul style="list-style-type: none"> - Recording proceedings; and - Official record is the written minutes not the recording; and - Recording as per the State Records Act 2000; and - Transparency to the Purpose of the policy; and - Absolute privilege; and - Public notification of recording of meetings; and - Retention and access of audio recording. 				