



Council Policy

18.13 - LIVE STREAMING AND RECORDING OF COUNCIL AND PLANNING COMMITTEE MEETINGS

PURPOSE

The Live Streaming and Recording of Council and Planning Committee meetings Policy provides direction for live streaming and recording of scheduled and special Council and Planning Committee meetings via a link from Council's website.

This policy aims to improve accessibility and community participation in relation to decision making processes. It is envisaged that live streaming of scheduled and special Council and Planning Committee meetings via a link from Council's website will provide greater flexibility and convenient access for the community, as it will allow the public to watch the meeting in real time via the internet without the need to attend in person.

Live streaming of scheduled and special Council and Planning Committee meetings, also eliminates geographic and time barriers which may prevent the public from attending meetings in person; thereby resulting in greater community confidence in the integrity and accountability of the decision making process.

SCOPE

This policy applies to:

- All public scheduled and special Council and Planning Committee meetings conducted by the Colac Otway Shire Council to be live streamed and recorded;
- Councillors and officers of Colac Otway Shire Council;
- Members of the public who attend scheduled and special Council and Planning Committee meetings; and
- Members of the public who access the live streaming and recordings of scheduled and Special Council and Planning Committee meetings via a link from the Colac Otway Shire Council website.

The policy does not extend to any meetings closed to the public in accordance with Section 66 of the *Local Government Act 2020*.

The Governance Rules regulate video and audio recording of Council and Planning Committee meetings as follows:

Rule 13 – Prohibition of Unauthorised Recording of Meetings

“Other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be permitted without specific approval by resolution of the relevant Council Meeting.”

Nothing in this policy intends to reduce access to existing audio recordings which have been published on Councils website.

DEFINITIONS

Audio Recording - any recording made by any electronic device capable of recording sound. This includes, but is not limited to, recordings made by video camera, cassette recorder, digital audio tape, mobile phone or such other device capable of being used to record a conversation or words spoken.

Council – Colac Otway Shire Council

Chair – person presiding over the meeting

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Confidential meetings - a Meeting of Council which has been closed to members of the public in accordance with Section 66(2) of the *Local Government Act 2020*.

Exceptional Circumstances – a circumstance where there is:

- a risk or threat to public health and safety;
- a threat of violence or aggression by one or more people attending the Council Meeting against others;
- unlawful conduct by an attendee of the Council Meeting;
- significant disruption of the Council Meeting by the conduct of an attendee; and/or
- a reputational risk to the Council.

Inappropriate Information – information which amounts to, or could be perceived to amount to:

- defamation;
- infringement of copyright;
- breach of privacy;
- offensive behaviour including discrimination;
- vilification or inciting hatred;
- confidential or privileged; or
- misleading.

Live streaming – a live transmission of an event over the internet.

Council Meeting – a Meeting of Council, as defined in Section 61(1) of the *Local Government Act 2020*.

Planning Committee Meeting – a Planning Committee Meeting, as constituted by Council under Section 63 of the *Local Government Act 2020*.

Special Meeting – a Special Meeting of Council or the Planning Committee, in accordance with clause 11 of the Governance Rules.

REFERENCES

- *Local Government Act 2020*
- *Public Records Act 1973*
- *Privacy and Data Protection Act 2014*
- *Health Records Act 2001*
- *Freedom of Information Act 1982*
- *Evidence Act 1958*
- Retention and Disposal Schedule – Public Records Office Standards 09/05

STATEMENT OF POLICY

Scheduled and special Council and Planning Committee meetings may be streamed live and recorded and then made available via a link from the Colac Otway Shire website following the principles set out below:

Live Streaming

Colac Otway Shire Council commits to live streaming and recording all scheduled and special Council and Planning Committee meetings where it is practicably possible to do so, and the meeting location has the required equipment and internet capability and connections.

Confidential sections of scheduled or special Council and Planning Committee meetings will not be live streamed.

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Council will make every reasonable effort to make available, via a link from Council's website, the live stream and recording of scheduled and special Council and Planning Committee meetings. Where technical difficulties beyond Council's control prevent or interrupt the video of a scheduled or, special Council or Planning Committee meeting, the live stream and recording may not be available. Technical issues may include, but are not limited to, the availability of the internet, network or device failure or malfunction, or power outages.

The live stream recordings of Council meetings will be accessible from the Colac Otway Shire's website for a period of at least 12 months.

Audio Recording

Council Meetings may also be audio recorded to facilitate the preparation of the minutes of Council and Planning Committee meetings and to ensure their accuracy. These will be disposed of after 4 years.

In the event that a live streaming recording is not available to be made accessible to the public, this audio recording will be published instead.

Members of the public

The live streaming equipment will be configured to capture all of the scheduled and special Council or Planning Committee meetings, while minimising images and audio of the public gallery.

Notice will be given to people in the public gallery.

- at the commencement of each Council and Planning Committee meeting to be live streamed and recorded, the Chairperson shall provide a statement to notify the attendees of the meeting that the meeting will be live streamed and/or recorded;
- notice will also be given in the meeting agenda;
- where the recording is to be published on Council's website, notice will also be given on Council's website;

The Chief Executive Officer, at his or her discretion, may from time to time update the terms of the notices to be given under this clause without updating this policy.

Where a member of the public participates in scheduled or special Council or Planning Committee meetings in any form, those members of the public are, in doing so, agreeing to be live streamed and/or audio recorded.

Viewing live video over the internet can consume larger than usual amounts of data. Council is not responsible or liable for any costs incurred by the viewer.

Termination of live streaming

The Chairperson and/or the Chief Executive has the discretion and authority at any time to direct the termination or interruption of live streaming of scheduled and special Council or Planning Committee meetings where:

- there are Exceptional Circumstances; or
- the content of the scheduled or special Council or Planning Committee meeting is considered by the Chair/Chief Executive to contain Inappropriate Information.

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Editing of recordings

The Chief Executive Officer has the discretion and authority to delay publication of a recording in instances where comments made by members of the public at the meeting are considered to be objectionable, offensive, defamatory or inappropriate. The Council is authorised to resolve that live stream recordings of meetings be edited by the deletion of comments from the public which the Council considers to be objectionable, offensive, defamatory or inappropriate.

Liability

The opinions or statements made during the course of a scheduled or special Council or Planning Committee meeting are those of the particular individuals, and not necessarily the opinions or statements of the Colac Otway Shire Council. The Council does not necessarily endorse or support the views, opinions, standards or information contained in the live streaming of scheduled and special Council and Planning Committee meetings.

Council does not accept responsibility or liability for any loss, damage, cost, or expense incurred by any individual or entity as a result of the viewing, use or reliance on information or statements provided in the live streaming of scheduled or special Council and Planning Committee meetings.

The meeting minutes, once confirmed by Council, provide the definitive record of Council's resolution and the Council's position on a particular matter.

Access to Live Streams and Audio Recordings

Access to live streams and recordings of scheduled and special Council and Planning Committee meetings are provided for personal and non-commercial use.

Video images and audio contained in a live stream must not be altered, reproduced or republished without the permission of Council. Failure to comply could lead to prosecution.

As soon as practicable following each open Council or Planning Committee meeting, the live stream recording will be accessible on Council's website as an attachment to the relevant meeting on the "Minutes & Agendas" page.

The live stream recording will be made easily accessible wherever possible, which may include bookmarking technology.

RETENTION

Live stream recordings are, for the purposes of the *Public Records Act 1973* and the Retention and Disposal Authority for Records of Local Government Functions, inputs into the development of master sets of Council minutes and it is permissible to destroy them when administrative use concludes.

Live stream recordings and existing audio recordings of meetings will be stored and destroyed four years after their creation, except where retention for a longer period is otherwise required or recommended by the General Retention and Disposal Authority for Records of Local Government Functions published by the Public Records Office.

Live stream recordings of Council meetings are "documents" for the purposes of the *Freedom of Information Act 1982*. Before a recording is destroyed, if the audio recording is no longer accessible outside of Freedom of Information, the Manager, Governance & Communications will ensure that there are no such requests relating to the recording. If there are requests relating to the recording, the recording will not be destroyed until after the request is dealt with and all relevant review and appeal periods have expired.

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RELATED DOCUMENTS

Governance Rules
 Councillor Code of Conduct
 Staff Code of Conduct
 Retention and Disposal Authority for Records of Local Government Functions

DOCUMENT CONTROL

Policy owner	Manager, Governance & Communications	Division	Executive
Adopted by council	24 February 2021	Policy Number	18.13
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