

COUNCIL POLICY

Council Policy Title:	Audio Recordings of Council Meetings
Council Policy ref. no:	18.6
Responsible Department:	Corporate and Community Services
Date of adoption/review:	24 July 2013

1. INTRODUCTION

Local Law No 4 – 2009 Council Meeting Procedures and Common Seal regulates video and audio recording of Council meetings as follows:

Clause 36 – Prohibition of Unauthorised Recording of Meetings

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

2. PURPOSE

The purpose of this policy is to specify the arrangements for creating, storing, using, disclosing, providing access to and disposing of audio recordings of Ordinary and Special Council meetings and Committee meetings.

3. APPLICATION

This policy applies to:

- Councillors and members of the public requesting access to records of audio recordings of Council and Committee meetings; and
- staff involved in creating, storing, using, disclosing, providing access to and disposing of audio recordings of Council and Committee meetings.

4. DEFINITION OF AUDIO RECORDING

“Audio recording” in this document means 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 and stored on compact disc (CD) or in any other format.

5. PRINCIPLES

5.1 Creation of audio recordings

5.1.1 Purpose of audio recordings

Audio recordings will be made of:

- all Ordinary Council meetings;
- all Special Council meetings;
- all Planning Committee meetings; and
- such other Committee meetings as the Council may direct by resolution,

for the purpose of verifying the accuracy of the minutes of the meetings.

Matters discussed by Council or a Committee at a meeting or part of a meeting that is closed to members of the public in accordance with section 89(2) of the *Local Government Act 1989* will not be recorded.

5.1.2 Audio recordings by individuals

Clause 36 of Council's Local Law No. 4 provides:

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

Council does not generally permit individuals to make audio recordings of meetings.

Individuals wishing to make an audio recording of a meeting are required to make a written request addressed to the Council should they seeking to obtain permission to do so.

Any written request must be made at least 7 days before the date of the meeting which the individual proposes to record to ensure that the request can be included on the Agenda for that meeting and a resolution of the Council granting or denying permission can be made.

5.2 Notice of recording

Notice will be provided to members of the public attending meetings that an audio recording of the meeting will be made.

The wording of the notice will be as follows:

“Audio Recording of Council Meetings

Please note: All Council and Committee meetings will be audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose."

The notice will be provided to the public by:

- inclusion on the Agenda for the relevant meeting;
- display at the entry to the relevant meeting room and at points within the relevant meeting room;
- placement on the table from which members of the public address the Council or the Committee; and
- verbal statement by the Chairperson at the commencement of each session of an open meeting.

5.3 Storage of recordings

5.3.1 Secure storage

Council's recordings will be given to and securely stored by the Senior Information Management Officer as soon as is practicable after each Council and Committee meeting.

Audio recordings will be stored securely so that access will be provided only to those members of Council staff who are approved by the General Manager Corporate & Community Services for that purpose.

5.3.2 Retention

Audio recordings are, for the purposes of the *Public Records Act 1972* and the General Retention and Disposal Authority for Records of Local Government Functions, inputs into the development of Council minutes and can be destroyed when administrative use concludes.

Audio recordings of meetings will be stored and destroyed as soon as their administrative use concludes or 4 years after their creation (whichever is the later) 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.

Audio recordings of Council meetings are "*documents*" for the purposes of the *Freedom of Information Act 1982*. Before an audio recording is destroyed the Senior Information Management Officer will ensure that there are no Freedom of Information 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 and all relevant review and appeal periods have expired.

5.4 Access to recordings

5.4.1 Purpose of access

Access to audio recordings will be provided for the purposes of:

- preparing and verifying the accuracy of minutes of meetings; and
- complying with a requirement imposed by law, such as a court order, warrant, subpoena or a request under the *Freedom of Information Act 1982*.
- if requested by the Ombudsman, assisting in an investigation conducted by the Ombudsman under the *Ombudsman Act 1973* or any other Act authorising an investigation by the Ombudsman; and
- if requested by the Independent Broad-based Anti-corruption Commission (IBAC), assisting in an investigation conducted by the IBAC under the *Independent Broad-based Anti-corruption Commission Act 2011* or any other Act authorising an investigation by the IBAC.

5.4.2 Access by staff

Audio recordings of meetings will only be accessed by staff with approval of the General Manager Corporate and Community Services for the purposes outlined above. Access may be approved up until the time that the audio recordings are destroyed or for such shorter time as the General Manager Corporate & Community Services sees fit.

5.4.3 Access by Councillors

Audio recordings of meetings can only be accessed by Councillors with the approval of the Chief Executive Officer or General Manager Corporate & Community Services for the purposes outlined above. Any access so approved will be provided by way of the provision of equipment to listen to the audio recording in the Council offices in a location designated by the Chief Executive Officer or General Manager Corporate & Community Services.

Access will only be provided until such time as the minutes of the meeting to which the audio recording relates are confirmed or at some later stage as required by law. Copies of audio recordings and transcripts of audio recordings will not be provided unless required by law.

This subparagraph operates subject to any other rights of access to Council information that a Councillor has at law.

5.4.4 Access by members of the public

Audio recordings of meetings will not be made available to the public or disclosed to a third party, except as required by law.

6. RELATED LEGISLATION

- *Public Records Act 1973*
- *Information Privacy Act 2000*
- *Health Records Act 2001*
- *Freedom of Information 1982*

7. IMPLEMENTATION AND REVIEW

This policy will be implemented by Council and is subject to periodic review.

ADOPTED/AMENDMENT OF POLICY

Reviewed Date	Reason for Amendment
21 November 2007	Adopted by Council
27 January 2010	Review
24 July 2013	Reivew