

Live Streaming and Publishing Recordings of Council Meetings Policy



Policy type	Council
Adopted by	Council
Responsible General Manager	General Manager Corporate
Responsible officer	Manager Governance & Risk
Date adopted	24 March 2021
Scheduled for review	This policy will be reviewed four years from the date of adoption, or sooner if required.

PURPOSE

This Policy outlines the requirements associated with the live streaming and publishing of Council Meeting recordings via Council's chosen social media platform and the Council website.

This policy informs members of the public and Councillors on the processes, the potential benefits and any mitigation action to manage the potential risks of live streaming.

OBJECTIVE

Council is committed to improving accessibility and community participation in Council Meetings. Live streaming of meetings and making recordings available on Council's website will provide greater flexibility and convenient access for residents.

This gives the community greater access to Council decisions and debate, and eliminates geographic and time barriers which may prevent the public from attending meetings in person, (while also enabling compliance with any relevant COVID-19 stay at home directions that may be in place).

SCOPE

This Policy will apply to all public Council Meetings including unscheduled and joint meetings conducted by Council. The policy does not extend to any meetings closed to the public in accordance with Section 66(2) of the *Local Government Act 2020*.

DEFINITIONS

Chairperson	Chairperson of a Council meeting, usually the Mayor.
Council	Refers to the 'Moirá Shire Council'.
Council Meeting	A Council Meeting, as defined in Section 61(1) of the <i>Local Government Act 2020</i> .
Unscheduled Meeting	A meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Council meetings already set by Council, as defined in Council's <i>Governance Rules</i> .
Joint Meeting	A Joint Meeting of two or more Councils, as defined in Section 62 of the <i>Local Government Act 2020</i> .

Live Streaming and Publishing Recordings of Council Meetings Policy



Closed Meeting	A Meeting of the Council which has been closed to members of the public under Section 66(2) of the <i>Local Government Act 2020</i> .
Electronic attendance	Attendance at a Council Meeting by video/virtual means under the requirements of the <i>COVID-19 Omnibus (Emergency Measures) Act 2020</i> .
Defamation	Intentional false communication which damages the reputation of another individual.
Privacy Breach	Unauthorised access to, or collection, use or disclosure of personal information.

POLICY

Meetings to be Streamed Live and Recorded

All public Council meetings (including unscheduled and joint meetings) will be streamed live and made available to the public via Council's chosen social media platform and via a link made available on the Council website. After the meeting the recording will be made available on Council's website. While Closed Meetings may also be recorded, these files will not be made publicly available.

Access and Storage of Files

All recordings will be available via the Council website within five business days of the meeting. Following a Council meeting, members of the public will be able to access and watch the recording via a link on Council's website. These links will remain on the website for a minimum of 12 months.

Council reserves the right not to upload or publish a recording if it is believed it may contain information that could be considered misleading, offensive and/or defamatory. Council may, from time to time, also direct staff to remove recordings or portions of recordings from the website where it considers it appropriate or advisable to do so.

Notice to the Public

At the commencement of each meeting, the Chairperson shall notify those present (including electronic attendees) that the meeting is being streamed live via social media and that the recording will be made publicly available on Council's website.

Appropriate signage will also be placed at the entrance to the meeting location notifying all attendees that the meeting will be streamed live. Notice will also be given on Council's website and printed in the meeting agenda.

Electronic attendance at Council Meetings

In response to the COVID-19 Pandemic, temporary measures have been put in place to enable Councillors to attend and participate in meetings by electronic means. Temporary amendments have been made to the *Local Government Act 2020* under the *COVID-19 Omnibus (Emergency Measures) Act 2020* to allow for electronic attendance and for meetings to be closed to the public.

These requirements are detailed under Part 12 of the *Local Government Act 2020*. Council will comply with these requirements and any subsequent amendments, until these temporary

Live Streaming and Publishing Recordings of Council Meetings Policy



measures have been repealed. Electronic attendees will also be live streamed as part of the meetings.

Recording by members of the gallery

In accordance with Councils Governance Rules, a person in the gallery must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson.

The consent of the Chairperson may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease.

Identified Risks and Mitigation Action

Public Council meetings are an open forum of statements, questions and answers. Occasionally, comments could be made which may be regarded as offensive, defamatory or contrary to law.

By live streaming and publishing recordings of Council meetings, the potential audience is significantly increased, which also increases the likelihood and/or severity of potential liability.

No protection will be afforded to Councillors, staff or the public for comments made during meetings which are subsequently challenged in a court of law and determined to be slanderous.

While Council may not be liable for any inaccurate or defamatory comments made by an individual at a meeting, Council will endeavour to ensure that the broadcast of these comments is terminated or excluded from the livestream where deemed appropriate.

To avoid any such occurrences:

- the Chairperson may at any time during a meeting request that a live stream and/or recording be terminated;
- the CEO or General Manager Corporate may choose to exclude part or all of any meeting recording which they deem to be inappropriate for publishing on Councils website. Material considered as inappropriate may include, but is not limited to:
 - Defamation
 - Infringement of Copyright
 - Breach of privacy / disclosure of personal information
 - Offensive behaviour including discrimination
 - Vilification or inciting hatred
 - Confidential or privileged Council information

Disclaimers

A privacy and defamation disclaimer has been developed to ensure that gallery attendees are aware of possible privacy concerns regarding the live streaming of meetings. Privacy disclaimer signage will be posted at the entrance of the meeting location to advise attendees (refer to Appendix).

The disclaimer relating to defamation will ensure Councillors are fully aware of the possible legal consequences arising from making defamatory statements and/or comments.

Privacy Disclaimer

The audio-visual recording equipment will be configured in a way which avoids coverage of the public gallery area and Council will endeavour to ensure images in this area are not streamed

Live Streaming and Publishing Recordings of Council Meetings Policy



and recorded. However, Council expressly provides no assurances to this effect and in the event a person's image is webcast, by remaining in the public gallery area it is implied that consent has been given to the Council to broadcast a person's image.

Any members of the public who address Council will be heard on the livestream, and the audio of them speaking will be recorded. Any members of the public who submit a question for a Council Meeting should be aware that their name and question will be read out during the live streaming.

Defamation Disclaimer

The opinions or statements made during the course of the Council meeting are those of the particular individuals, and are not necessarily the opinions or statements of Council. Council does not necessarily endorse or support the views, opinions, standards or information contained in the live streaming/recording of the Council meetings.

Council does not accept any responsibility for the comments made or information provided during Council meetings and does not warrant nor represent that the material or statements made during the streamed meetings are complete, reliable, accurate or free from error. The Council does not accept any responsibility or liability for any loss, damage, cost or expense a person might incur as a result of the viewing, use or reliance of information or statements provided in the live streaming/recording of Council meetings.

Termination by the Chairperson

The Chairperson has the discretion and authority at any time to direct the termination or interruption of live streaming if they believe it is advisable to do so. Directions may include but are not limited to where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

Technical Disclaimer

There may be situations where, due to technical difficulties a live stream or recording may not be available. Council takes no responsibility for and cannot be held liable for, the live streaming or the recording on Council's website being temporarily unavailable due to technical issues beyond its control.

Technical issues may include, but are not limited to, the availability of the internet connection, device failure or malfunction, unavailability of social media platforms, power outages.

Every effort will be made to notify the community if live streaming is subject to any disruptions via social media and the Council website.

RELATED LEGISLATION

Privacy and Data Protection Act 2014

Freedom of Information Act 1982

Local Government Act 2020

COVID-19 Omnibus (Emergency Measures) Act 2020

Charter of Human Rights & Responsibilities Act 2006

REFERENCES

Councillor Code of Conduct

Employee Code of Conduct

Governance Rules

Live Streaming and Publishing Recordings of Council Meetings Policy



Appendix

PUBLIC GALLERY NOTICE

This public meeting is being streamed live on the internet via Moira Shire Council social media. The recording will be available after the meeting on Council's website.

All care is taken to maintain your privacy. It is not intended that members of the public will be visible in a live stream of a meeting, however as a visitor in the public gallery, your presence may be recorded. By remaining in the public gallery it is assumed your consent is given in the event your image is broadcast.

Any members of the public who address Council will be heard on the live stream, and the audio of them speaking will be recorded.

MEETING CHAIRS STATEMENT

Please note that this meeting is being livestreamed on social media in accordance with Council's Live Streaming and Publishing Recordings of Council Meetings Policy.

If the meeting is closed to the public for security reasons (e.g. COVID-19 Stay at Home measures):

Please note that this meeting is being livestreamed on Council's Social Media. This meeting cannot be attended by the public. Council appreciates your understanding.

DISCLAIMERS

Agenda Disclaimer

Recording

Consistent with section 12.3 of our Governance Rules, Council officers have been authorised to record the public session of this meeting using an audio recording device.

Live streaming

Council meetings will now be live streamed to allow those interested to view proceedings greater access to Council decisions and debate, without attending the meeting in person (*and enables residents to comply with any relevant stay at home directions - if applicable*).

Technical Disclaimer (website)

There may be situations where, due to technical difficulties a live stream may not be available. Whilst every effort will be made to ensure the live streaming and website are up and running smoothly, the Moira Shire Council takes no responsibility for and cannot be held liable for, the live streaming or Council website being temporarily unavailable due to technical issues beyond its control.

Technical issues may include, but are not limited to the availability of the internet connection, device failure or malfunction, unavailability of social media platforms or power outages.

