

Recording of Public Council Meetings Policy

Policy Number: SVC -COR-PO-005-01

Aim

Snowy Valleys Council is committed to open, transparent and accountable decision making and providing access to Council Meetings. All residents are entitled to attend a public meeting of Council, however in some instances the timing and location of the meeting makes this difficult. Live streaming provides access to Council Meetings for people for whom the timing or location of the Council Meeting may be problematic.

Snowy Valleys Council recognises the changing needs and expectations of our community and will seek to facilitate access to Council Meetings for all community members. While Council currently provides information on Council Meetings through a range of channels, including notices, agenda, minutes and reports, live streaming makes use of the relevant technology to provide access to view Council Meetings at locations other than the Council chambers.

Snowy Valleys Council will balance its commitment to open, transparent and accountable decision making with the need to manage any risks associated with live streaming Council Meetings.

This Policy does not extend to Confidential Sessions of Council Meetings which are closed to the public in accordance with section 10A of the *Local Government Act (1993)*

Legislation

Council is guided by the *Local Government Act, (1993)*, the *Government Information (Public Access) Act (2009)*, the *Privacy and Personal Information Protection Act (1998)*, the *State Records Act (1998)*, and the *Copyright Act (1968) (Cth)* and the *Racial Discrimination Act 1975 (Cth)*.

Definitions

Council - means Snowy Valleys Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council Policy and Strategies.

A defamatory statement or inappropriate comment - is one which tends to injure another's reputation or which brings the other 'into hatred, contempt or ridicule'. A statement will also be defamatory if it induces people to shun or avoid a person for the reasons of pity or misfortune. A statement can be made by spoken words, signs or gestures, writing or images in person or by broadcast.

The *Racial Discrimination Act 1975 (Cth)* makes it unlawful to treat others unfairly because of their race, colour, descent, national or ethnic origin or immigrant status. It is unlawful to do something in public based on the race, colour, national or ethnic origin of a person or group of people which is likely to offend, insult, humiliate or intimidate.

In this Policy the phrase "potentially defamatory or inappropriate comment" is used, as it may not be possible to determine whether a comment is defamatory or one of racial discrimination.

Council Meeting - is a meeting of Council or a Committee of Council that is conducted in accordance with Council's adopted Code of Meeting Practice.

Confidential Session - is a meeting of Council or a Committee from which the media and the public have been excluded by a resolution carried in accordance with section 10A of the *Local Government Act 1993*.

Minutes - are required to be taken, to be accurate and to be signed in accordance with section 375 of the *Local Government Act 1993*. The minutes are the official record of the Council Meeting and are a true and accurate reflection of the meeting once adopted at a subsequent meeting.

Scope

This Policy covers all elected/appointed members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of the Council.

This Policy does not confer any delegated authority upon any person. All delegations to staff are issued by the Interim General Manager.

This Policy applies to all those persons attending the Council Meeting including Councillors, Staff, Invited Speakers, observers and members of the public, both as visitors in the public gallery and as contributors to the public meeting.

This Policy applies during the adopted trial period and until such time as the trial is concluded by way of Council resolution.

All those persons attending the Council Meeting are required to act in a professional and ethical manner in accordance with Council's Code of Conduct (CCC002), other related Policies and any relevant Office of Local Government (NSW) and IPC guidelines.

The policy applies to the Council and it is intended that the default camera position will ensure that all Elected Members present will be visible.

Overview

At its meeting held 23 February 2017, Snowy Valleys Council resolved to trial live streaming of Council Meetings for a period of not less than six months. This trial will commence on 23 March 2017 with the live streaming of the Council Meeting held in the Tumbarumba Chambers. This resolution reflects Council's commitment to transparent and accessible decision making processes.

The purpose of this Policy is to set out the parameters under which the trial will be conducted and the success measures that will be applied.

Procedures

Meetings of Council which are held in the Council Chambers of the Tumbarumba and Tumut Offices will be broadcast and recorded in a format that allows both live streaming as well as subsequent viewing for a suitable period of time, as determined by Council.

The platform for this live streaming and subsequent viewing will be determined based on consideration of risks associated with various services, balanced with the ability to easily reach a wide viewership.

Council will seek to use a platform and process that increases ease of access for viewers. However, it is acknowledged that the quality of the live stream and recording will depend on the individual user settings, PC memory capacity and internet connection bandwidth.

To ensure those present at the meeting are aware that the meeting will be live streamed and recorded, an announcement will be made prior to each meeting setting this out and signage will be placed in the Chambers. The announcement and signage will remind people of the recording and the expectation that they will refrain from potentially defamatory or inappropriate comments.

Staff responsible for the management of the live stream may be directed to halt the stream by the Administrator, General Manager or any member of the Executive Leadership team present at the meeting.

To resume a halted live stream, a direction by the Administrator, General Manager or any member of the Executive Leadership team present at the meeting is required to staff responsible for the management of the live stream to resume live streaming.

No protection will be afforded to Council Officials or the public by the Council, for comments and statements made during the live streaming of Council Meetings which may be or are subsequently challenged in a Court of Law and determined to be potentially defamatory or inappropriate comments.

Council Officials may be sued for defamation for remarks made in meetings of the Council or its Committees which are open to the public. While the defenses of qualified privilege or justification may attach, there is no absolute privilege in relation to Council proceedings of the kind which attaches to statements made in Parliamentary proceedings.

The Confidential session of the Council Meetings will not be recorded and to manage the risk of potentially live streaming a closed part of the Council Meeting, the Council Meeting will pause prior to commencing discussion of any confidential matter for the Administrator to confirm with staff responsible for the management of the live stream that the live streaming has been halted.

Following the meeting, the recording will remain accessible through Council's website and/or the agreed platform. It will remain accessible until the minutes of the meeting have been adopted at a subsequent Council Meeting as the minutes are the official record of the meeting.

Following the Council Meeting, it may be determined to edit or remove the recording where there is concern that defamatory or inappropriate comments had been made. Editing or removal of the recording (or part of the recording) would be at the direction of the Interim General Manager

The recording will be retained as required by the State Records Authority NSW (under GA39 General Retention and Disposal Authority: Local Government Records, reference number 13.6.2), until the minutes of the Council Meeting have been confirmed at a subsequent Council Meeting. At the conclusion of this period the recording may be destroyed. During the retention period the recording is classified as open access information as defined under the *Government Information (Public Access) Act* and will be accessible through Council's Website.

Live streams of Council Meetings cannot be reused or reproduced without approval from Council and are subject to copyright under the *Copyright Act 1968 (Cth)*.

It is the personal responsibility of all Council Officials and agents thereof to have knowledge of, and to ensure compliance with this Policy.

This Policy is supported by Procedures and instructions specific to the operation of live streaming.

Responsibilities

Council – Elected/Appointed members of Council

Elected/Appointed members of Council are responsible for the adoption of this Council policy and the consideration of resources towards the implementation of this policy.

General Manager

The General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.

Directors, Managers and Team Leaders

Are responsible for

- The implementation of the policy and procedures in their work area.
- The monitoring of implementation and compliance with the policy and associated Procedure.

Key Performance Indicators

Nil

Contact Officer: General Manager

Associated Documents

External	-	Nil
Internal	-	Snowy Valleys Council Code of Conduct, Model Code of Meeting Practice

Superseding Policy No. and Title:

Nil

Policy prepared by: Executive Assistant, Administrator

History table:

Version Control No	Development /Amendment Date	Approval Date	Resolution Number	Activity log
0				Prepared by (use position title)
0		23.02.2017	M8/17	Adopted Ordinary Council Meeting for Public Exhibition
0		27.04.2017	M41/17	Adopted Ordinary Council Meeting