



# Live Streaming and Recording of Council Meetings Policy

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4 May 2017

# Live Streaming and Recording of Council Meetings Policy



<b>Responsible</b>	<ul style="list-style-type: none"><li><i>Governance</i></li></ul>	<b>TRIM folder</b>	<i>18/08/05</i>
<b>Internal Stakeholders</b>	<ul style="list-style-type: none"><li><i>Digital Communications &amp; Design</i></li><li><i>Corporate Facilities</i></li><li><i>Risk &amp; Assurance</i></li></ul>		
<b>Approved by</b>	<i>Interim Chief Executive Officer</i>	<b>Approval date</b>	<i>4 May 2017</i>
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# Live Streaming and Recording of Council Meetings Policy



## PURPOSE

This Policy outlines Council's guidelines for the live audio and video streaming of Ordinary and Special Council Meetings on Council's website, audio and video recording of those meetings, and publishing the audio and video recordings of those meetings on Council's website.

This Policy is intended to provide information and guidance for employees, Councillors and the community.

## GUIDING PRINCIPLES

Community interest and engagement in Council decision making is high and live streaming will improve accessibility of Council Meetings for a broader audience.

Increased community awareness can promote confidence in the integrity and accountability of decision making processes.

Live streaming or viewing a recording of a meeting allows viewers to choose to watch and listen to a meeting in real time or at a later time, giving greater access to Council decision making and debate and encouraging openness and transparency.

This can help reduce geographic and time barriers which may prevent the public from attending meetings in person.

Port Phillip Council employees and Councillors are expected to maintain the high standards of conduct and behaviour required by the Employee Code of Conduct and Councillor Code of Conduct.

## DEFINITIONS

- 3.1 **Chair** – Chair of the Ordinary or Special Council Meeting, usually the Mayor.
- 3.2 **Council** – Port Phillip City Council.
- 3.3 **Ordinary Meeting** – An ordinary meeting of the Council, as defined in Section 83(b) of the *Local Government Act 1989*.
- 3.4 **Special Council Meeting** – A special meeting of the Council, as defined in Section 83(b) of the *Local Government Act 1989*.

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- 3.5 Confidential** – An item on a meeting agenda or a meeting which has been closed to members of the public under Section 89(2) of the Local Government Act 1989.
- 3.6 Defamation** – Intentional false communication which damages the reputation of another individual.
- 3.7 Privacy Breach** – Unauthorised access to, or collection, use or disclosure of personal information.

## 4. SCOPE

This Policy applies to all Ordinary and Special Council Meetings of Council, and also deals with any items of business and any meetings closed to the public in accordance with Section 89 (2) of the *Local Government Act 1989*.

## 5. COUNCIL POLICY

### 5.1 Meetings to be recorded and live streamed via Council website

All public Ordinary and Special Council Meetings will be streamed live and publicly available via Council's website.

Confidential Council Meetings and confidential items of business in a Council meeting will not be streamed live and will not be recorded or made available later as a recording.

Recordings of a meeting will be available for viewing on Council's website approximately 48 hours after the meeting.

Council will make every reasonable effort to ensure that a live stream and recording is available. However technical difficulties may arise in relation to live streaming or access to Council's website, and the availability of recordings may be delayed.

Viewing live or recorded audio and video over the internet consumes data – the user is responsible for any charges that a service provider may impose for data usage, particularly over a mobile internet connection.

It is intended that the standard camera positions will only provide vision of the Councillors who are present at the meeting.

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As far as practically possible, it is not intended that there be either live or recorded footage of Council officers or the public, however this Policy recognises that there might be incidental capture, for example in the background behind a Councillor and the audio of an officer or member of the public addressing the meeting.

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

At the commencement of each meeting, the Chair (usually the Mayor) will state that the meeting will be live streamed and that a video and audio recording of the meeting will be made publicly available for viewing on Council's webpage.

## **5.2 Councillors**

It is intended that the standard camera positions will provide live and recorded vision of all Councillors who are present at a Council meeting, and live and recorded audio when they speak, for the duration of the meeting (other than for confidential items or meetings).

## **5.3 Officers**

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

As far as practically possible, it is not intended that there be either live or recorded video footage of Council officers unless the officer chooses to do so; however this Policy recognises that there might be incidental capture, for example in the background behind a Councillor.

Unless an officer has agreed to be identified by name, wherever possible officers will be referred to in the meeting by their position title, rather than their name.

## **5.4 Public**

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

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It is not intended that public speakers or members of the public in the gallery will be visible in a live stream or recording of a meeting. Cameras are to be positioned so that these members of the public are not visible.

As far as practically possible, it is not intended that there be either live or recorded footage of the public, however this Policy recognises that there might be incidental capture, for example in the background behind a Councillor.

Signage immediately outside the Council Chamber, and a statement made by the Chair (usually the Mayor) at the commencement of each meeting will inform the public that audio and video of the meeting will be streamed live on the internet, and that the recording will be made publicly available on Council's website.

## **5.5 Public Question Time**

Council's Meeting Procedure Local Law provides an opportunity at an Ordinary Meeting of Council for a member of the public to address a question to the meeting.

A person proposing a question is asked to identify themselves and their question on a "request to speak form" before the meeting commences. At the appropriate point in the meeting the Chair will call on the person to ask their question, and they will be directed to a specific location within the Council Chamber. Members of the public who address a meeting will be heard on the live audio stream, and audio of them speaking will be recorded.

A person proposing a question who has identified themselves and their question on a "request to speak form" before the meeting commences may request that their question be read to the meeting by a Council officer. At the appropriate point in the meeting the Chair will ask whether the questioner is in attendance, and ask that their question be read to the meeting by a Council officer.

## **5.6 Meetings (or items of business) Closed to the Public**

If Council resolve to close a meeting to the public in accordance with Section 89 (2) of the Local Government Act 1989 (Vic) or an equivalent provision, for the whole of the meeting or any item of business, live streaming and recording will cease (unless provided otherwise in Council's Meeting Procedure Local Law).

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## 5.7 Access to Recordings of Meetings

Council Meetings that are streamed live on the internet will be processed by Council's service provider and made available for viewing on Council's website, approximately 48 hours after the meeting. Recordings of confidential Council Meetings and confidential items of business in a Council meeting will not be made available.

Bookmarks will be added to meeting recordings to assist in identifying and navigating the agenda items considered during the meeting.

Recordings of meetings will be accessible on Council's website for a period of at least two (2) years. Council will retain recordings of meetings for a total period of at least seven (7) years.

## 5.8 Technical Disclaimer

There may be situations where, due to technical difficulties beyond Council's control a live stream or recording may not be available. Every reasonable effort will be made to ensure the availability of live streaming and recordings of meetings, and of Council's website.

However Council takes no responsibility for and accepts no liability in the event that live streaming of a meeting, a recording of a meeting, or Council's website is unavailable.

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

## 5.9 Risk

Council Meetings are a public forum of statements, questions and answers.

It is possible that statements could be made which may be regarded as offensive, defamatory, or contrary to law. Statements such as these made in a Council meeting by Councillors, Council officers or members of the public are not protected and may be the subject of legal proceedings and potential liability.

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As live streaming of meetings and publishing of recordings of meetings increases the potential audience, potential risks of publication may also increase.

Council does not accept liability for any inaccurate or defamatory statements or comments made at a meeting, and will take appropriate steps to ensure that it does not publish that material by live streaming or publishing recordings of meetings.

Accordingly, at any time during a meeting the Chair (and the Chief Executive Officer) have the discretion and authority to direct the termination or interruption of live streaming if they believe it is advisable to do so. Such direction will only be given in exceptional circumstances, where statements are or are likely to be made that are considered inappropriate to be published (by streaming or recording).

Following any meeting, the Chair (and the Chief Executive Officer) have the discretion and authority to direct the exclusion of all or part of any meeting recording that are considered inappropriate to be published .

Material considered to be inappropriate may include, but is not limited to material that may:

- be defamatory
- infringe copyright
- breach the privacy of an individual or unauthorised disclosure of the personal information of an individual
- be offensive
- constitute discrimination
- constitute racial hatred or vilification, if based on the race, colour, national or ethnic origin of a person or group of people, and is likely to offend, insult, humiliate or intimidate
- disclose confidential or privileged information.

## 5.10 Disclaimer

Opinions expressed and statements made during a Council meeting are those of the individuals making them, and not those of Council. Unless set out in a resolution of Council, Council does not endorse or support the views, opinions, standards, or information that may be expressed by individuals at a Council meeting and which may be contained in a live stream or recording of a Council meeting.



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Council does not accept any responsibility for any verbal comments made during Council meetings which may be inaccurate, incorrect or defamatory and does not warrant nor represent that the material or statements made during the streamed meetings are complete, reliable, accurate or free from error.

Council does not accept any responsibility or liability for any loss, damage, cost, or expense that might be incurred as a result of the viewing, use or reliance of information or statements provided in a live stream or recording of a Council meeting. Endorsed Council minutes provide the definitive record of Council's resolutions.

## 5.11 Website - Privacy Collection Statement

A Privacy Collection Statement will be included on Council's website and accessible where live streams and recorded meetings are made available.

At the time of preparing this Policy, the Collection Statement reads as follows:

### Collection Statement - Live Streaming and Recording of Council Meetings

*All City of Port Phillip Ordinary and Special Council Meetings are recorded and live streamed on the internet via: <http://webcast.portphillip.vic.gov.au/>*

*Archives of meetings are also published on Council's website up to 2 business days after the meeting date for the public's future reference. The meeting recordings will be retained on Council's website for 2 years.*

*Live Streaming allows you to watch and listen to the meeting in real time, giving you greater access to Council decision making and debate and improving openness and transparency.*

*Every care is taken to maintain privacy and the cameras filming and recording the meeting are focussed on the Mayor and Councillors. Any person who walks behind or in front of a Councillor's seat may be filmed and recorded in the footage. Comments made by members of the public from the gallery may also be live streamed and recorded and publicly available on the retained meeting footage.*

*If you do not wish to be filmed or recorded you will need to contact the Governance Unit on telephone (03) 9209 6777 or via email [governance@portphillip.vic.gov.au](mailto:governance@portphillip.vic.gov.au) to discuss alternative options prior to the meeting.*

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## 5.12 Licence and Use of Live streams and Recordings

Access to live streams and recordings of Council meetings is provided on Council's website for personal and non-commercial use.

Video, images and audio contained in a live stream or recording must not be altered, reproduced or republished without the permission of Council. Copyright remains with Council.

For any commercial or media queries or use, please contact Council's Media Unit.

### RELEVANT COUNCIL POLICIES

- Meeting Procedure Local Law 2/2009
- Councillor Code of Conduct
- Employee Code of Conduct
- Information Privacy Policy 2013

### RELEVANT LEGISLATION

- Local Government Act 1989
- Privacy and Data Protection Act 2014
- Freedom of Information Act 1982

### RELATED DOCUMENTS

- Risk Assessment May 2017
- Communication Plan
- Governance Procedure - Live Streaming and Recording of Council Meetings