

## CP.23 Live Streaming and Recording of Council Meetings

<i>Responsible Department</i>	Chief Executive Officer Office
<i>Resolution Number</i>	C.4993
<i>Resolution Date</i>	April 2024
<i>Next Scheduled Review</i>	April 2026
<i>Related Shire Documents</i>	Shire of Northam <i>Standing Orders Amendment Local Law 2018</i> Code of Conducts
<i>Related Legislation</i>	<i>Local Government Act 1995</i> <i>Local Government (Admin) Regulations 1996</i> <i>State Records Act 2000</i> <i>Freedom of Information Act 1992</i> <i>Defamation Act 2005</i>

### OBJECTIVE

This Policy provides guidance in relation to the recording and live streaming of Council meetings of the Shire of Northam. This Policy is to ensure open and transparent governance and improve engagement with the community and accessibility to Council decision-making through the live streaming and recording of Council Meetings.

### SCOPE

This Policy outlines guidelines for the live audio and video streaming of:

- Ordinary Council Meetings.
- Council Forum Meetings.
- Special Council Meetings.
- Any other Council or Committee Meeting as determined by Council.

This Policy extends to:

- Council Members.
- Council Officers; and
- Members of the public in attendance of Council meetings.

## POLICY

### 1.1 Livestreaming & Recording Process

All meetings required or nominated by Council will be live streamed and be publicly available via the Shire's website, or appropriate social media platform. The live streaming will commence at the times that the meetings are due to commence and finish when the Presiding Member closes or adjourns the meeting for any reason.

Meetings shall be live streamed in accordance with this Policy unless a motion to the contrary is passed by simple majority at the beginning or at any other time during the meeting.

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

Video recordings of a meeting will be available for viewing on the Shire's website or appropriate social media platform approximately two business days after the meeting.

The Shire will make every reasonable effort to ensure that a live stream and video recording is available, however, should any technical difficulties arise, the live stream and/or recording may be delayed, or not be available.

### 1.2 Council Members

It is intended that the standard camera positions will provide live and recorded vision and audio of the Chambers and when Council Members speak, for the duration of the meeting (other than for confidential items or meetings).

Council Members are required to act in accordance with the *Local Government Act 1995* (and relevant Regulations), Shire of Northam *Standing Orders Amendment Local Law 2018* and Code of Conduct for Councillors, Committee Members and Candidates.

### 1.3 Officers

It is intended that the standard camera positions will provide live and recorded vision of the Chambers, and live and recorded audio when Shire officers speak, for the duration of the meeting (other than for confidential items or meetings).

Due to the temporary nature of the current recording equipment used to record meetings, sometimes officers will not be captured on the live video recording, however, the live and recorded audio of Shire officers speaking will be available in both live streaming and recordings of the meetings.

This Policy recognises that there will be incidental capture of other Shire officers, due to the seating arrangements in the Council Chambers and their role in participating in or attending meetings.

Officers are required to act in accordance with the *Local Government Act 1995* (and relevant Regulations), Shire of Northam *Standing Orders Amendment Local Law 2018* and Code of Conduct Employees, Volunteers, Contractors and Agency Staff.

#### **1.4 Public**

It is intended that standard camera positions will provide live and recorded vision of all members of the public who address a Council meeting. Due to the temporary nature of the current recording equipment available, sometimes members of the public addressing Council will not be captured on the live video recording, however the live and recorded audio when a member of the public speaks will be available in both live streaming and recordings of the meetings.

The Shire of Northam *Standing Orders Amendment Local Law 2018* provides an opportunity at an Ordinary or Special Council Meeting for a member of the public to ask up to two questions.

Those members of the public in attendance that wish to participate in public question time or make a deputation to Council agree to being recorded. As far as practically possible, it is not intended that there be either live or recorded video footage or audio of those members of the public who do not address the meeting, however this Policy recognises that there might be incidental capture.

A statement on the Public Question Time submission form and a statement made by the Presiding Member 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 video recording will be made publicly available on the Shire's website or appropriate social media platform (other than for confidential items or meetings).

#### **1.5 Meetings or Items of Business Closed to the Public**

If Council resolves to close a meeting to the public in accordance with Section 5.23 of the *Local Government Act 1995*, live streaming and recording will cease.

Recording of confidential items is permitted for minute taking purposes but will not be released to the public or made available on the Shire's website.

Confidential recordings may be released, if requested, to the Local Government Standards Panel, the Department of Local Government, Sports and Cultural Industries, the Police or the Court.

## 1.6 Access and Record Keeping

Council meetings that are live streamed on the internet will be made available for viewing on the Shire's website or appropriate social media platform, approximately two business days after the meeting. Officers have up to 14 days to post the recordings in the event there are technical difficulties that delay the ability to upload the recordings.

In accordance with the *Local Government (Administration) Regulations 1996*, meeting recordings will be accessible on the Shire's website, or appropriate social media platform for a period of 5 years. Recordings of meetings will be disposed of in accordance with the *State Records Act 2000*.

The official record of the meeting will be the written minutes kept in accordance with the *State Records Act 2000* and the *Local Government Act 1995*.

## 1.7 Risk

Under section 9.57A of the *Local Government Act 1995* the Shire is not liable for an action for defamation in relation to matters published on its official website as part of a broadcast, audio recording, or video recording, of Council proceedings:

- Council Members and Shire officers are not liable for any defamation statements made in good faith.
- Council Members, Shire officers and members of public are not liable in defamation for any statements to which a defence is available under the *Defamation Act 2005*.

The Presiding Member may rule at any time prior to or during a meeting that the live streaming and recording be stopped. The live streaming and recording will be stopped following such a ruling unless Council resolves to disagree with the ruling of the Presiding Member.

The Presiding Member may rule to recommence the live streaming and recording. The live streaming and recording will be recommenced following such a ruling unless Council resolves to disagree with the ruling of the Presiding Member.

Following any meeting, the Presiding Member or the Chief Executive Officer may exclude all or part of any meeting recording 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 provide unauthorised disclosure of the personal information of an individual.
- Be offensive, abusive, or discriminatory.

- Constitute hatred or vilification of another person; and
- Disclose confidential or privileged information.

## **1.8 Disclaimers**

The opinions or statements made during a recording of a Council meeting are those of the individuals, and 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 and recording of meetings.

Shire of Northam does not accept any responsibility or liability for any loss, damage, cost or expense incurred as a result of the viewing, use or reliance on information or statements provided in the live streaming of meetings. Confirmed Council minutes provide the only definitive record of Council's decisions.

## **1.9 Licence and Use of Live Streams and Recordings**

Access to live streams and recordings of Council meetings are provided on the Shire's website, or appropriate social media platform, and are for personal and non-commercial use.

Copying or distribution of any part of the live stream or recording is not permitted. The Shire reserves all rights in relation to its copyright. Video, images and audio contained in a live stream or recording must not be altered, reproduced or republished without the permission of the Shire.