


<b>Policy Title:</b>	<b>Live Streaming and Publishing Recordings of Meetings</b>
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<b>CEO Signature:</b>	 <b>Date:</b> 13/12/19
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<b>Last Review Date:</b>	December 2019
<b>Next Review Date:</b>	October 2021
<b>Purpose / Objective:</b>	To provide information and guidance in relation to the recording and live streaming of public meetings/forums convened by Macedon Ranges Shire Council and held in the Gisborne Administration Centre's Council Chamber.
<b>Background / Reasons for Policy:</b>	Live Streaming Council meetings improves the accessibility of Council meetings for a wider audience and promotes transparency and accountability in Council's decision-making processes.
<b>Definitions:</b>	Included within the policy (Section 5)
<b>Related Policies:</b>	Councillor Code of Conduct Staff Code of Conduct Photo Recording Use and Consent Policy Privacy Policy
<b>Related Legislation:</b>	<i>Local Government Act 1989</i> <i>Privacy and Data Protection Act 2014</i> <i>Freedom of Information Act 1982</i> Macedon Ranges Shire Council Meeting Procedure Local Law No. 11

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## 1. Purpose

This policy provides information and procedures in relation to the recording and live streaming of those public meetings/forums convened by Macedon Ranges Shire Council and held in the Gisborne Administration Centre's Council Chamber.

## 2. Policy Statement

The policy reflects Council's commitment to transparent and accessible decision making processes, via the [live streaming and archiving of Ordinary and Special Meetings of Council] whilst noting that Confidential Meetings that are closed to the public, in accordance with section 89(2) of the *Local Government Act 1989*, will not be streamed or recorded.

## 3. Objective

To improve accessibility and community participation in relation to decision making processes. The live streaming and publishing of the recordings of meetings on Council's website will provide more flexible and convenient access to a wider audience, by allowing the public to watch meetings '*in real time*' via the internet without the need to attend in person.

This provides the community greater access to Council decisions and debate, eliminates geographic and time barriers which may prevent the public from attending meetings in person; thereby resulting in greater community confidence in the integrity and accountability of decision making processes

## 4. Scope

This policy applies to:

- Ordinary and Special Meetings of Council and Submitters Committee Meeting, plus any other public forums or meetings as authorised by the Chief Executive Officer;
- Councillors and Officers of Macedon Ranges Shire Council; and
- members of the public, both as visitors in the public gallery and as contributors to any public meeting held in the Council Chamber.

The policy does not extend to any confidential meetings closed to the public in accordance with Section 89(2) of the *Local Government Act 1989*.

## 5. Definitions

Chairperson	Person presiding over the meeting; usually the Mayor
Council	Macedon Ranges Shire Council
CEO	Chief Executive Officer, Macedon Ranges Shire Council
Executive	Executive Management Team, Macedon Ranges Shire Council
Ordinary Meeting	An Ordinary Meeting of the Council, as defined in Section 83(a) Local Government Act 1989.

Special Meeting	A Special Meeting of the Council, as defined in Section 83(b) Local Government Act 1989.
Submitters Committee Meeting	A committee established to hear from: <ul style="list-style-type: none"> <li>• persons who have made a submission to Council in accordance with Section 223 of the Local Government Act 1989;</li> <li>• persons who have made an objection or submission to a planning application; and</li> <li>• Permit Applicants/land owners of a planning application (or their nominated representative).</li> </ul>
Confidential Meeting	A Meeting of the Council which has been closed to members of the public under Section 89(2) Local Government Act 1989.
Public Meeting / Forum	Includes: <ul style="list-style-type: none"> <li>• Ordinary Meeting of Council, as defined in Section 83(a) Local Government Act 1989;</li> <li>• Special Meeting of Council, as defined in Section 83(b) Local Government Act 1989; and</li> <li>• any other Public Meeting or Forum held in the Council Chamber as authorised by the Chief Executive Officer</li> </ul>
Privacy Breach	Unauthorised access to, or collection, use or disclosure of personal information.
Defamation	Intentional false communication which damages the reputation of another individual.
Slander	Oral defamation, in which someone tells one or more persons, an untruth about another which untruth will harm the reputation of the person defamed.

## 6. Procedures

### 6.1 Meetings to be Streamed Live and Recorded

Ordinary and Special Council Meetings and Submitter Committee Meetings held in the Council Chamber at the Gisborne Administration Centre will be streamed live on the internet via Council's website [mrsc.vic.gov.au](http://mrsc.vic.gov.au).

It is aimed to have the recording will then be uploaded to Council's website within 48 hours.

Confidential Council Meetings will not be recorded.

Other Public Meetings/Forums held in the Council Chamber as authorised by the Chief Executive Officer, may also be streamed live

The Chairperson and/or Chief Executive Officer have 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. Such direction will only be given in exceptional circumstances, where the content of debate is considered misleading defamatory or potentially inappropriate to be published.

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, 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.

## **6.2 Access to Archived Recordings**

Ordinary and Special Council Meetings and Submitter Committee Meetings that are streamed live on the internet will later be archived on Council's website [mrsc.vic.gov.au](http://mrsc.vic.gov.au), with public access available free of charge.

Bookmarks advising of the agenda items considered during the meeting will be added to the archived version of the recorded meeting to provide ease of navigation for viewers.

It is aimed to provide access to the archived bookmarked version within 48 hours from the conclusion of the meeting.

Confidential Meetings closed to the public are not recorded and will therefore not be accessible.

Archived recordings of meetings will remain on the website for a period of at least 12 months

## **6.3 Recording Area and Persons to be recorded**

The Council Chamber shall be configured to ensure that all Councillors shall be continuously recorded whilst seated at a meeting. The Chief Executive Officer and the Coordinator Governance as officers seated immediately next to the Mayor / Chairperson will be the only officers continuously recorded during a meeting. All other Council officers will not be visible.

Officers will present to Council and respond to questions from an alternative position which facilitates only the audio (voice) recording of the officer and not a direct full frontal image.

## **6.4 Notice to Public Gallery**

It is not intended that visitors in the public gallery be visually recorded and the default position of cameras will ensure that only Councillors present and the Chief Executive Officer and Coordinator Governance (as outlined above) would be immediately visible.

At the commencement of each meeting, the Chairperson shall read a statement notifying those present that the meeting will be streamed live on the internet and that the recording will be made publicly available on Council's website. The statement will include advice to those present that as a visitor in the public gallery, the presence of individuals may be recorded and that by remaining in the public gallery it is assumed their consent is given if their image is inadvertently broadcast. [refer Section 7.1]

Signage to this effect shall also be visibly displayed in the foyer of the Council Chamber, on Council's website and printed in the meeting agenda.  
[refer Section 7.2]

## **6.5 Deputations / Presentation at Council Meetings**

- 6.5.1** Where Council determines to receive a deputation at an Ordinary Meeting of Council or a Submitters Committee Meeting these presentations will be made from a table (with audio and microphone) placed in front of the Councillors.

In such circumstances, correspondence to the presenter shall include notification that the meeting will be streamed live on the internet and that the recording will be made publicly available on Council's website.  
[refer Section 7.3]

- 6.5.2** By participating in a public Council meeting, those members of the public concerned agree to being recorded.

## **6.6 Public Question Time**

- 6.6.1** Council's current Local Law provides an opportunity at an Ordinary Meeting of Council for the public to submit a question (on a prescribed form) and for that question to be read out (identifying the questioner) and a response being provided.

- 6.6.2** If a questioner does not wish for their personal details (name or other details) to be read out, this must be clearly indicated in the appropriate section of the question form.

## **6.7 Reliance on the Audio and Visual Recording of Council Meetings**

The fundamental purpose of Council Meetings is to make decisions by way of formal resolutions of those Councillors present.

The implementation of those resolutions is the responsibility of the Chief Executive Officer and the official recording of those decisions is in the minutes of the meeting.

Council does not assume any responsibility for actions undertaken by parties in response to decisions made and communicated via the live streaming of a Council Meeting. Most Council decisions are made on matters that involve detailed reports and recommendations. The live streaming of Council meetings does not constitute a legal and formal processes of communication of a Council decision to a person directly affected by that decision.

Persons affected by Council decisions are strongly advised to inform themselves of the detail of any Council decision through the minutes of the meeting prior to acting in any way that may vest enforceable rights on themselves, Council or any other person.

## **6.8 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 meetings, the potential audience is significantly increased, which also increases the likelihood and/or severity of potential liability.

Local Government Council decision-making, unlike State and Federal Government, does not afford Councillors the benefit of parliamentary privilege and hence, all associated laws apply. Councillors and Officers Liability Insurance will be maintained by Council to provide protection for Councillors and officers against litigation arising from unintentional defamation, liable and slander.

It should be noted in the agenda and stated at the beginning of the meeting that no protection is afforded to the public for comments made during meetings which are subsequently challenged in a court of law and determined to be defamatory or slanderous.

Whilst Council may not be liable for any defamatory comments made by an individual at a meeting, it may, however, be liable if it publishes that material; albeit inadvertently.

Accordingly:

- The Chairperson and/or Chief Executive Officer have the discretion and authority at any time during a meeting 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 the content of debate is considered misleading defamatory or potentially inappropriate to be published.
- Following any meeting, the Chief Executive Officer has discretion to direct the exclusion of all or part of any meeting recording which they deem to be inappropriate.

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.

## **6.9 Privacy and Defamation**

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. However, Council expressly provides no assurances to this effect and in the event an image of a member of the public is webcast, by remaining in the public gallery area, it is assumed that consent has been given to the Council to broadcast the image.

The opinions or statements made during the course of the meeting are those of the particular 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/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 individuals might incur as a result of the viewing, use or reliance of information or statements provided in the live streaming/recording of Council meetings.

#### **6.9.1 Privacy and Defamation Disclaimer**

A privacy and defamation disclaimer has been prepared to ensure that:

- Visitors in the public gallery are aware of possible privacy concerns regarding the live streaming of meetings, and that
- Councillors, officers, and visitors in the public gallery are fully aware of the possible legal consequences arising from making defamatory statements and/or comments.

Signage to this effect be visibly displayed in the foyer of the Council Chamber, on Council's website and printed in the meeting agenda

[refer Section 7.2]

#### **6.10 Copyright**

Live streams and recordings of Ordinary and Special Council Meetings , Submitters Committee Meetings and any other public forums and meetings authorised by the Chief Executive Officer remain the property of the Macedon Ranges Shire Council and are protected by copyright.

Access to live streams and recordings of meetings is provided for personal and non-commercial use. Video, images and audio must not be altered, reproduced or republished without the permission of the Chief Executive Officer. For any commercial or media enquiries, please contact Council's Communications Unit.

Consistent with the Macedon Ranges Shire Council Meeting Procedure Local Law No.11 it is an offence, without the authority of Council or Special Committee (as the case may be) to:

- a) make or distribute a recording of any Council or Special Council Meeting; or
- b) to broadcast any Council or Special Council Meeting.

#### **6.11 Website Disclaimer**

A disclaimer has been prepared for inclusion on Council's webpage from which the live streaming and archived recordings are accessed by the public.

[refer Section 7.4]

### **7. Attachments**

#### **7.1 Meeting Chairperson's Statement**

At the commencement of the meeting, the Chairperson will read the following statement:



*Ladies and Gentlemen*

*Please note that this meeting is being recorded and streamed live on the internet in accordance with Council's 'Live Streaming and Publishing Recording of Meetings' Policy, which can be viewed on Council's website.*

*It is aimed that recordings will be bookmarked, archived and made available on Council's website within 48 hours after the meeting.*

*All care is taken to maintain your privacy; 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 if your image is inadvertently broadcast.*

*I also remind all present that Local Government decision making, unlike State and Federal Government, does not afford the benefit of parliamentary privilege and hence no protection is afforded to Councillors, Council officers and the public for comments made during meetings which are subsequently challenged in a court of law and determined to be slanderous.*

*Thank you*

## **7.2 Public Notice**

The following notice will be displayed at the entrance to Council Chamber and included in Meeting Agendas:

*Please note that this meeting is being recorded and streamed live on the internet in accordance with Council's 'Live Streaming and Publishing Recording of Meetings' Policy #.*

*It is aimed that recordings will be bookmarked, archived and made available on Council's website within 48 hours after the meeting. [mrsc.vic.gov.au](http://mrsc.vic.gov.au).*

*All care is taken to maintain your privacy; 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 if your image is inadvertently broadcast.*

*# A copy of the policy can be viewed on Council's website.*

## **7.3 Public Notice – Deputations / Presentations**

The following statement will be included in correspondence sent to individuals attending a meeting for the purpose of a deputation or presentation to Council:

*Please note that this meeting will be recorded and streamed live on the internet in accordance with Council's 'Live Streaming and Publishing Recording of Meetings' Policy #.*

*It is aimed that recordings will be bookmarked, archived and made available on Council's website within 48 hours after the meeting [mrsc.vic.gov.au](http://mrsc.vic.gov.au).*

*All care is taken to maintain your privacy; however, in view of the circumstances of your attendance at this meeting as a visitor, your presence will be recorded.*

*By accepting Council's invitation to attend the meeting, it is assumed your consent is given to your image being broadcast.*

# A copy of the policy can be viewed on Council's website.

#### **7.4 Website Disclaimer**

The following disclaimer will be displayed on Council's website:

*All public Ordinary and Special Meetings and Submitter Committee Meetings of Macedon Ranges Shire Council are streamed live and recorded and made available to the public after the meeting on Council's website. These recordings are undertaken in accordance with Council's 'Live Streaming and Publishing Recording of Meetings' Policy #.*

*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 encouraging openness and transparency.*

*Every care is taken to maintain privacy and attendees are advised they may be recorded.*

*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', Macedon Ranges Shire Council takes no responsibility for, and cannot be held liable for the live streaming, if Council's website is 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.*

*Local Government Council decision making, unlike state and federal government, does not afford Councillors the benefit of parliamentary privilege and hence, all associated laws apply.*

*Therefore, it should be noted that no protection is afforded to Councillors or Council employees for comments made during meetings which are subsequently challenged in a court of law and determined to be deliberately slanderous, or for any comments made by members of the public.*

*Live streams and recordings of Ordinary and Special Council Meetings, Submitter Committee Meetings and any other public forums and meetings authorised by the Chief Executive remain the property of the Macedon Ranges Shire Council and are protected by copyright. Access to live streams and recordings of meetings is provided for personal and non-commercial use. Video, images and audio must not be altered, reproduced or republished without the permission of the Chief Executive Officer. For any commercial or media enquiries, please contact Council's Communications Unit.*

# A copy of the policy can be viewed on Council's website.