

<b>Responsible Directorate</b>	Corporate Services
<b>Responsible Business Unit/s</b>	Corporate Performance
<b>Responsible Officer</b>	Manager Corporate Performance
<b>Affected Business Units</b>	All

### Objective

The objective of this Policy is to provide guidance in relation to the live streaming and recording of Shire Council and Committee meetings. Live streaming and recording of meetings will provide the public with an opportunity to view Council meetings, ensuring open and transparent government and improving accessibility to Council decision making.

### Scope

This Policy applies to Council and Committee meetings (Council Meetings), and any other meetings as determined by Council, that are held in Council Chambers. It does not apply to Policy Concept Forums, Q&A briefings, or Elected Member workshops.

### Policy

#### General

The visual and audio of all Council Meetings will be publicly broadcasted live (i.e., live streamed) and recorded in accordance with the *Local Government Act 1995* (the Act) and the *Local Government (Administration) Regulations 1996* (the Regulations).

The live stream will be publicly accessible via the Shire's website and appropriate social media platform and recordings will be available for viewing on the Shire's website and appropriate social media platform approximately two business days after the meeting.

Members of the public, or someone acting on their behalf, who wish to address a Council Meeting (e.g., to ask questions, make a statement and/or a deputation) are required to attend in person. There shall be no public participation via the live stream for in person Council Meetings.

The Shire will make every reasonable effort to ensure that a live stream and recording is available, however should technical difficulties arise in relation to live streaming or access to the Shire's website or appropriate social media platform, live streaming may be stopped and the availability of recordings may be delayed.

The Shire will provide and maintain audio visual equipment installed in the Council Chamber for the purpose of facilitating live streaming and recordings. This audio-visual equipment is not for the purpose of security monitoring and will be switched off unless there is a meeting imminent or in progress.

No protection against any award of damages or costs, can be given to Elected Members, employees, or members of the public for any statements made, by any of those persons, during the course of a meeting, when the statement is subsequently held by a court to be defamatory.

Other than in accordance with this Policy, or Council Policy 3.3.7 - Electronic Meetings, a person must not use any electronic, visual or audio recording device, or instrument to record the proceedings of a Council Meetings.



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In accordance with the Regulations, any Council Meeting not held in Council Chambers will be audio recorded, with recordings available on the Shire's website approximately five business days after the meeting.

## **Visual and Audio Capture**

### Elected Members and Shire Officers

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

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

### Public

It is intended that standard camera positions will provide live and recorded vision of all members of the public, and live and recorded audio when they speak into the gallery microphone. By attending a public Council Meeting, those members of the public in attendance agree to being recorded.

Signage immediately outside the Council Chamber, a statement on the Public Question Time submission form, and a statement made by the Presiding Member at the commencement of each Council 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 and appropriate social media platform. Due to this recording, a member of the public will only be required to provide their name and suburb, not their full address, when addressing the meeting, but will still be required to provide contact details (such as a postal or email address) on the Public Question Time submission form to ensure that responses can be provided to them for any questions taken on notice.

## **Meeting or Items of Business Closed to Public**

In accordance with the Regulations, meetings, or part of meetings, closed pursuant to section 5.23 of the Act for consideration of confidential matters, are not permitted to be live streamed. In this circumstance, live streaming will be suspended at the time the Council resolve the meeting is to be closed to the public and will recommence when the Council resolve to reopen the meeting to the public.

Audio only recording of confidential items will be undertaken, maintained and kept confidential in accordance with and to the extent required by the Regulations and any other law.

## **Record Keeping**

The official record of the meeting is the written minutes kept in accordance with the Act and Regulations. All recordings will be retained as part of the Shire's records in accordance with the requirements of the *State Records Act 2000*.

The recording of meetings does not alter the form or method of the recording of minutes or the contents of minutes in accordance with the provisions of the *Local Government Act 1995* and the Department's guidance material on the matter.

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

Access to live streams and recordings of Council Meetings is provided on the Shire's website, or appropriate social media platform, 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 the Shire. Copyright remains with the Shire. The sharing of a hyperlink will not be a breach of this section.



## Liability and Defamation

Persons attending to participate in or observe a Council Meeting acknowledge that they will be video and audio recorded in the Council chamber, which in turn will be live streamed in accordance with the Act. Where a person attending objects to being video or audio recorded during a Council Meeting, the Shire will not suspend or discontinue recording or broadcasting of the recording in response to those objections.

Under section 9.57A of the Act, the Shire is not liable for an action of defamation in relation to a matter published on its official website as part of a broadcast, audio recording, or video recording, of Council Meetings. Under section 9.56 of the Act, Elected Members and employees are provided with a qualified form of immunity from liability for wrongdoing in the performance of their functions. This however relates to the person's performance of a function under the Act or a function of their office. This does not extend to defamation proceedings. Whilst defences under the *Defamation Act 2005* may also be applicable, this is a matter that can only be determined by the Court. The onus is on those in attendance at the meeting to ensure that their conduct, content and language are appropriate for the audience. The Presiding Member is responsible for maintaining the orderly proceedings of the meeting.

## Definitions

**Council Meeting means** a meeting of a council or committee

## Relevant Policies/Council Documents

- Council Policy 3.3.7 - Electronic Meetings
- Council Policy 1.1.3 – Public Question and Public Statement Time

## Legislation/Local Law Requirements

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*

<b>Office Use Only</b>				
<b>Relevant Delegations</b>				
<b>Council Adoption</b>	<b>Date</b>	20 June 2022	<b>Resolution #</b>	OCM121/06/22
<b>Reviewed/Modified</b>	<b>Date</b>	21 October 2024	<b>Resolution #</b>	OCM293/10/24
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