

POLICY



C009 Live Streaming and Publishing Recordings of Council Meetings

1 Purpose

This Policy outlines the requirements associated with the live streaming and publishing recordings of Ordinary and Special Council Meetings via Council's website and/or social media pages. This policy will inform members of the public and Councillors on Council's processes, the potential benefits and any mitigation action to manage potential risks.

Council is committed to improving accessibility and community participation in Council meetings. It is anticipated that the live streaming of meetings and making recordings available on Council's website and/or social media pages will provide greater flexibility and convenient access for residents, as it will allow the public to watch the meeting in real time via the internet without the need to attend in person or at a time that suits them.

This gives the community greater access to Council decisions and debate, and eliminates geographic and time barriers which may prevent the public from attending meetings in person.

2 Scope

This policy will apply to all public Ordinary Meetings and Special Meetings conducted by the Hindmarsh Shire Council (Council) to be live streamed or recorded and published in accordance with this policy. The policy does not extend to any meetings closed to the public in accordance with Section 66(2) of the *Local Government Act (Vic) 2020*.

3 Definitions

Chairperson	has the same meaning as defined in the Hindmarsh Shire Council Governance Rules and Election Period Policy
Council	means Hindmarsh Shire Council
NMCC	means Nhill Memorial Community Centre
Council Meetings	means Ordinary Meetings and Special Meetings that aren't Confidential Council Meetings.
Confidential Council Meeting	means a Meeting of the Council which has been closed to members of the public under Section 66(2) of the <i>Local Government Act 2020</i>

Defamation	means words which convey a meaning (or “imputation”) about a person that lowers the person’s reputation in the eyes of reasonable members of the community, or causes the person to be ridiculed, avoided or despised by members of the general public.
Exceptional Circumstances	means circumstances where there is: <ul style="list-style-type: none">• a risk or threat to public health and safety;• a threat of violence or aggression by one or more people attending the Council Meeting against others;• unlawful conduct by an attendee of the Council Meeting;• significant disruption of the Council Meeting by the conduct of an attendee; and/or• a reputational risk to the Council.
Inappropriate Information	means information which amounts to, or could be perceived to amount to: <ul style="list-style-type: none">• Defamation;• infringement of copyright;• breach of privacy;• offensive behaviour including discrimination;• vilification or inciting hatred;• confidential or privileged; or• misleading.
Ordinary Meeting	means an Ordinary Meeting of the Council, as defined in Hindmarsh Shire Council Governance Rules
Privacy Breach	means unauthorised access to, or collection, use or disclosure of personal information in accordance with the <i>Privacy and Data Protection Act (Vic) 2014</i> .
Special Meeting	means a Special Meeting of the Council, as defined in Hindmarsh Shire Council Governance Rules.

4 Meetings to be Recorded and Streamed Live

Council Meetings may be video recorded and streamed live on Council’s website and/or social media pages.

Council commits to live streaming, recording and publishing all Council Meetings where it is practically possible to do so, including that the required equipment and internet connections are available to enable live streaming and recording and publishing.

Confidential Council meetings, or confidential sections of Council Meetings, will not be live streamed or recorded.

5 Councillors, Council officer, public responsible for their own comments

Council Meetings are an open forum of statements, questions and answers. Occasionally, comments could be made which may contain Inappropriate Information.

By live streaming and publishing recordings of Council Meetings, the potential audience is significantly increased, which also increases the likelihood and/or impact of Inappropriate Information.

Councillors, Council officers and members of the public are solely responsible for their own comments made during Council Meetings which are recorded or live streamed. The comments they make, particularly if they contain Inappropriate Information, could give rise to a cause of action by an aggrieved individual who suffers loss and damage because of those comments, and there is a risk that such cause of action could be prosecuted through a court of appropriate jurisdiction.

6 Liability of the organisation arising from publication

While Councillors, Council officers and members of the public attending a Council Meeting may be held personally liable for any loss or damage suffered by a person arising from the comments they make, the act of publishing such material on Council's Facebook Page may also cause the organisation to be liable for any loss and damage suffered by a person because of the published comments.

In recognition of the potential legal risk to Council, the Chief Executive Officer may determine in their sole discretion not to upload or publish a recording of a Council Meeting if it is reasonably believed it may contain Inappropriate Information or where Exceptional Circumstances arise. The Chief Executive Officer may also determine whether it is appropriate to publish a redacted version of the recording where Inappropriate Information is removed. In this case, the full and complete recording shall still be retained as a public record.

7 Public attending a Council Meeting may have their image recorded and/or streamed

Council will use its best endeavours to ensure images of people in the public gallery of a Council Meeting are not live streamed or recorded and published.

People in the public gallery of a Council Meeting which will be recorded and/or live streamed must be given appropriate notice of the possibility of their image being recorded and published and/or streamed.

Council expressly provides no assurances to people present in the public gallery of a Council Meeting that their image won't be recorded and published or live streamed.

8 No reliance on recording or live stream of Council Meeting

The opinions or statements made during the course of the Council 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 or published recordings 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 live streamed or published recordings of Council 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 a person might incur as a result of using or relying on information or statements provided in the live streaming or recording of Council Meetings.

9 Notice to the Public

When a Council Meeting is to be recorded and/or live streamed:

- prominent signage informing all attendees of the Council Meeting that the meeting will be recorded and streamed live in the terms set out in Appendix 1 must be provided;
- at the commencement of each Council Meeting to be recorded and/or streamed live, the Chairperson shall provide a statement to notify the attendees of the Council Meeting that the meeting will be recorded and/or streamed live in the terms set out in Appendix 2;
- notice will also be given in the Council Meeting agenda as set out in Appendix 3;
- where the recording is to be published on Council's website and/or social media pages, notice will also be given on Council's Facebook Page in the terms set out in Appendix 4; and
- a copy of this policy will be referenced in all online notices given under this clause.

The Chief Executive Officer, in their discretion, may from time to time update the terms of the notices to be given under this clause without updating this policy.

10 Technical Disclaimer

There may be situations where, due to technical difficulties, a live stream of the Council Meeting may not be available. Whilst all reasonable efforts will be made to ensure that live streaming and Council's Facebook Page are functioning, Council takes no responsibility for and cannot be held liable for, the live streaming or Council's website and/or social media pages being temporarily unavailable due to technical issues beyond Council's direct 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; and/or
- power outages.

Where live streaming is the subject of a disruption, Council will notify the public on both its social media channels and Council's website (if those channels have not been functionally compromised).

11 Termination of live streaming in Exceptional Circumstances

The Chairperson and/or the Chief Executive Officer has/have the discretion and authority at any time to direct the termination or interruption of live streaming of a Council Meeting where:

- there are Exceptional Circumstances; or
- the content of the Council Meeting is considered by the Chair to contain Inappropriate Information.

12 Access and Storage of Files

All recordings will be published to Council's website and/or social media pages within five business days of the meeting. Following a Council Meeting, members of the public will be able to access and watch the recording on Council's website and/or social media pages.

In recognition of the legal and reputational risk to Council, the Chief Executive Officer may determine in their sole discretion not to publish a recording if it is reasonably believed to contain Inappropriate Information or where Exceptional Circumstances are apparent from the recording.

All recordings of Council meetings will be maintained in accordance with Council's Records Management Policy and related procedures.

13 References

Related documents	Legislation
Councillor Code of Conduct Employee Code of Conduct Hindmarsh Shire Council Governance Rules and Election Period Policy	<i>Local Government Act (Vic) 1989</i> <i>Local Government Act (Vic) 2020</i> <i>Privacy and Data Protection Act (Vic) 2014</i> <i>Freedom of Information Act (Vic) 1983</i> <i>Copyright Act (Cth) 1968</i> <i>Defamation Act (Vic) 2005 (or its equivalent)</i>

14 Document Control

C009 Live Streaming and Publishing Recordings of Council Meetings Policy		Policy Category	Council
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Version History	Date	Version	Description
	May 2023	1.0	New Policy

Appendix 1 Public Gallery Notice

The following will be posted in a prominent location at a Council Meeting that is to be recorded or streamed live:

“This meeting is being publicly broadcast on the internet and the recording will be published on Council’s Facebook Page www.facebook.com/hindmarshshirecouncil after the meeting.

As a visitor in the public gallery, you may be filmed. By remaining in the public gallery, you consent to being filmed and for the recording of you to be made publicly available by the Council.

Details about the broadcasting and recording of Council meetings is available in the Council’s Live Streaming and Recording of Council Meetings Policy which is available in hard copy at this meeting and electronically on the Council’s website.

If you have any questions about the Council’s policy, please speak with one of Council’s staff”.

Appendix 2 Meeting Chair’s Statement

The following statement is to be read by the Chair at the commencement of each Council Meeting which is to be recorded and/or streamed live where there are members of the public in the gallery:

“This meeting is being broadcast on the internet and the recording of the meeting will be published on Council’s Facebook Page.

As a visitor in the public gallery, you may be filmed. By remaining in the public gallery, you consent to being filmed and for the recording of you to be made publicly available by the Council.

A copy of the Council’s Live Streaming and Recording of Council Meetings Policy is available at the back of this room and on the Council’s website. Please speak with one of our staff members if you have any questions.”

Appendix 3 Agenda Notice

The following statement is to be included at the start of the agenda of any Council Meeting which is to be recorded and/or streamed live:

“This meeting will be streamed live on the internet and the recording of this meeting will be published on Council’s website and/or social media pages after the meeting.

Members of the public attending this meeting may be filmed. By remaining in the public gallery once the meeting commences, members of the public give their consent to being filmed, and for the recording of them to be made publicly available and used by Council.

Information about the broadcasting and publishing recordings of Council meetings is available in the Council’s Live Streaming and Publishing Recordings of Council Meetings Policy is available on the Council’s website.”

Appendix 4 Website and/or Social Media Pages Disclaimer

The following will be published on all website and/or social media pages containing a recording of a Council Meeting:

“The opinions or statements made during the course of a Council 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 or 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 Council meetings are complete, reliable or accurate. Council does not accept any responsibility or liability for any loss, damage, cost or expense that might be incurred howsoever arising as a result of or in connection with the use or reliance on information or statements made in the live streaming or published recordings of Council meetings.

Whilst Council will use its best endeavours to ensure the live streaming and Council’s website are functioning, technical issues may arise and Council cannot guarantee that the live stream will always be available, or that recordings of Council meetings will be complete.”