

1. COUNCIL POLICY
1.1 COUNCIL CHAMBER AND MEETINGS
1.1.8 Livestreaming and Recording of Council Meetings

Background and Issues

Section 58 of the *Local Government Amendment Act 2023* (the Amendment Act) inserts a new section 5.23A into the *Local Government Act 1995* which addresses electronic broadcasting (livestreaming) and video and audio recording of council meetings.

The primary purpose of livestreaming and recording Council Meetings is to increase transparency and accountability in local government. The secondary purpose is to reduce any geographic and/or personal barriers that prevent members of the public physically attending a Council Meeting.

Objectives

The purpose of this Policy is to outline the Shire of Manjimup's position in relation to livestreaming and recording of Council Meetings.

Area of Application

This Policy applies to Elected Members, Shire Officer's, and members of the public attending Council Meetings.

Policy Measures

Livestreaming and Recording

1. Ordinary and Special Meetings of Council (herein "Council Meetings") and Annual Meetings of Electors shall be recorded, including when the Council has resolved to close the meeting to members of the public in accordance with the *Local Government Act 1995*.
2. All Council Meetings and Annual Meetings of Electors held at the Manjimup Council Chambers (usual meeting place) will be livestreamed (audio and video) via the Shire's website, except when Council has resolved to close the meeting to members of the public in accordance with the *Local Government Act 1995*.
3. For Council Meetings not held at the Manjimup Council Chambers, or in the circumstances of a technological failure, an audio recording will be made of the Council Meeting and published on the Shire website. If a technological failure occurs, the Shire must provide public notice (e.g. on social media platforms) of why the livestream failed, within 14 days of the meeting taking place.
4. Committee Meetings (Committees of Council) will be audio recorded, but not published.
5. For clarity of Policy interpretation, informal meetings of Elected Members and Shire Officers (e.g. workshops, information sessions, training, and development sessions) will not be recorded or broadcast.
6. All recordings are to be archived and retained in accordance with the *State Records Act 2000*.

7. The recording of Council Meetings will be published on the Shire's website within 14 days of the meeting taking place. Copies will not be reproduced or distributed in any other means.

Public

8. A sign will be prominently displayed at each Council Meeting notifying attendees that the meeting will be live streamed and recorded.
9. The Presiding Member is to make an announcement at the start of every Council Meeting, drawing attention to the fact that the meeting will be live streamed and recorded.
10. It is intended that standard camera positions will provide live and recorded vision of all members of the public who address a Council Meeting, and live and recorded audio when they speak. By participating in a public Council Meeting, those members of the public in attendance 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 video and/or audio capture.
11. A person proposing a question is asked to identify themselves and their question on a 'public question time submission form' before the meeting commences. A member of the public may identify their address by stating the relevant suburb. At the appropriate point in the meeting the Presiding Member will call on the person to ask their question, and they will be directed to a specific location within the Council Chamber. Live and recorded vision and audio of all members of the public who address a Council Meeting will be captured.
12. A person proposing a question who has identified themselves and their question on a 'public question time submission form' before the meeting commences may request that their question be read to the meeting by the Presiding Member.
13. The Shire retains copyright over its recordings of its Council Meetings. Video images and audio contained in a live stream of recording must not be altered, reproduced, or republished without permission of the Shire.

Risk

14. Under section 9.57A of the *Local Government Act 1995*, the Shire is not liable for an action for defamation in relation to matter published on its official website as part of a broadcast, audio recording, or video recording, of Council proceedings. Council officers and Elected Members are not liable in defamation for any statements made in good faith. Council officers, Elected Members and members of public are not liable in defamation for any statements to which a defence is available under the *Defamation Act 2005*.
15. The Presiding Member, at their sole discretion, may decide to also stop the recording when a matter is closed to members of the public in accordance with the *Local Government Act 1995*.

16. 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:
- a. be defamatory;
 - b. infringe copyright;
 - c. breach the privacy of an individual, or provide unauthorised disclosure of the personal information of an individual;
 - d. be offensive, abusive or discriminatory;
 - e. constitute hatred or vilification of another person;
 - f. disclose confidential or privileged information.

Disclaimer

17. Endorsed Council Minutes provide the definitive record of Council's resolutions. Opinions and statements made during a Council Meeting should not be relied upon.

REVIEWED AND ADOPTED 11 APRIL 2024

NEXT DUE FOR REVIEW APRIL 2028

The Administration of this Policy is by the Office of the CEO.