

Live Streaming of Public Meetings

Policy Number:	2019/10	Directorate:	Corporate Services
Approval by:	Council	Responsible Officer:	Manager Governance
Approval Date:	Meeting Date	Version Number:	1
Review Date:	3 Years from Meeting Date		

1. Purpose

The purpose of this policy is to:

- affirm Council’s commitment to transparent and accessible decision making; and
- set out the requirements for the recording, live streaming and archiving of Ordinary and Special Council meetings and Special Committee meetings.

2. Context

Council and Special Committee meetings are a forum for decision making and, while written minutes capture the decisions and other outputs of these meetings, they do not generally reflect the deliberations or debate.

The recording and live streaming of public meetings will ensure that the robust decision making in the Council Chamber is accessible to all interested members of the public, rather than just those who attend meetings.

Increased community awareness of Council’s decision making process can promote confidence in the integrity and accountability of the decision makers and the Council.

The Meeting Procedure and Use of Common Seal Local Law 2018 (Local Law) provides the procedures governing the conduct of Council and Special Committee meetings. Section 65 of the Local Law prohibits a person from recording or broadcasting a meeting without the consent of the Mayor or Chairperson or a resolution of the meeting. A resolution enabling the recording and broadcasting of meetings, effective from the first quarter of 2020, was passed at the Ordinary Council meeting on 23 September 2019.

3. Scope

This policy applies to:

- Councillors, officers and members of the public who attend Ordinary and Special Council meetings and Special Committee meetings.
- Live streams and recordings made of Ordinary and Special Council meetings and Special Committee meetings at the Civic Centre.

4. References

- 4.1 Community & Council Plan 2017-2021
- Goal 8 – We have confidence in decision making
- 4.2 Relevant Legislation
- Local Government Act 1989
 - Privacy and Data Protection Act 2014
 - Freedom of Information Act 1982
- 4.3 Charter of Human Rights
- This policy has been assessed against and is consistent with the charter of Human Rights.
- 4.4 Related Council Policies
- Meeting Procedure and Use of Common Seal Local Law 2018
 - Councillor Code of Conduct
 - Staff Code of Conduct
- 4.5 Related Council Procedures
- Nil

5. Definitions

Chairperson	means the Chairperson of the Meeting and includes an acting, temporary or substitute Chairperson.
Civic Offices	Council’s offices at 511 Burwood Hwy Wantirna South
Confidential meeting	means a meeting which has been closed to members of the public under section 89(2) of the Local Government Act 1989.
Council	means Knox City Council, whether constituted before or after the commencement of this Policy.
Event	means an activity, presentation, forum or celebration organised and hosted by Knox City Council
Inappropriate Material	means material considered to be: <ul style="list-style-type: none"> • defamatory; • an infringement of copyright; • a breach of privacy; • offensive; • vilification or inciting hatred; • discriminatory; and/or • confidential or privileged.
Live Stream	means the transmission of live audio visual coverage of a event over the Internet.
Public Meeting	means an Ordinary Meeting or a Special Meeting of Council or a Special Committee meeting that is open to the public.

Officer	means a person employed by Knox City Council, including the Chief Executive Officer, Directors, Managers and any person engaged as a short term employee or a contractor undertaking duties on behalf of Council.
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Recording	means the saving of the live stream.
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6. Council Policy

All public meetings will be live streamed live and recorded for viewing at a later date via Council’s website.

The Chief Executive Officer may authorise the live streaming of events held in the Council Chamber or applicable function rooms outside the operation of this policy.

7. Confidential Public Meetings

If a Council or Special Committee has resolved that a public meeting be closed to members of the public in accordance with section 89(2) of the Act, live streaming of that meeting will cease.

Council officers may continue to operate a recording device for the purpose of production of the minutes of the meeting. Subject to any relevant laws, a recording of a confidential meeting must not be published by Council or its service provider, or otherwise released to the public, and should be destroyed once the confidential minutes have been produced.

8. Privacy and Notice of Live Streaming

Where a public meeting is to be live streamed and recorded, reasonable notice must be given, including where practicable, on the agenda for the meeting, and on any invitations and/or promotional material for the meeting including on Council’s relevant website/social media channels.

Signs notifying the public must also be placed at various highly visible locations within the Civic Centre.

As soon as practicable during a public meeting, the Chairperson will advise those in attendance that the meeting is being live streamed and that a video and audio recording will be published on Council’s website.

The standard positioning of the cameras are intended to only capture the Councillors, Council’s Executive Management Team and Governance staff seated at the Council table. While Council has endeavoured not to capture visual images of members of the gallery or other staff present at a public meeting it is possible that members of the public gallery and Council officers may be incidentally captured on the live stream and recording.

Members of the public who address a public meeting during public question time will be heard and may be seen on the live stream and any audio and video captured will be in the recording. Additional notice regarding live streaming will therefore be included on all public question time forms.

By attending a Council meeting, attendees will be taken as having consented to their image, speech or statements being live streamed and published on Council’s website.

If a member of the public does not wish to be filmed or recorded they may contact a Council officer to discuss alternative options prior to the public meeting or event.

If a member of staff does not wish to be filmed or recorded they should discuss their concerns with their respective Manager, Executive Manager or Director, or the Chief Executive Officer.

9. Access to Recordings of Meetings

Recordings of all public meetings will be processed by Council's service provider and, in ordinary circumstances, made available for viewing within two (2) working days of the meeting.

Recordings of public meetings will generally be available through Council's website and for a minimum of two (2) years.

Viewing live or recorded audio and video over the internet consumes data. Public meetings are often hours long, consequently viewing the live stream or recordings over the internet can consume large amounts of data. The user is responsible for any charges that a service provider may impose for data usage, particularly over a mobile internet connection.

Council will make reasonable effort to ensure the availability of a live stream and recording of a public meeting. However, there may be instances where they are not available, due to technical difficulties. Technical issues may include, but are not limited to, the availability of the internet, network or device failure or malfunction, unavailability of the website or power outages. There may also be other, non-technical circumstances that prevent the live streaming or recording of meetings.

Council takes no responsibility for and accepts no liability in the event that live streaming of a meeting, a recording of a meeting, or Council's website is unavailable.

10. Licence and Use of Recordings

Access to live streams and recordings of public meetings is provided on Council's website for personal and non-commercial use. Video, images and audio contained in a live stream or recording of a Council meeting or event must not be altered, reproduced or republished without the permission of Council.

Copyright of all recordings remains with Council.

11. Inappropriate Material

Public meetings are a forum of statements, debate, questions and answers and there is a risk that contributions made by Councillors, officers or the public may include inappropriate material. Such contributions are not protected or privileged, and Councillors, employees and members of the public may therefore be the subject of legal proceedings in relation to statements they make.

The live streaming of public meetings and the publishing of any recordings made increases the potential audience, and the potential risks associated with publishing inappropriate material.

Councillors, Council officers and members of the public are solely responsible for their own comments which are live streamed and/or recorded and therefore may be liable for any loss or damage they cause.

Opinions expressed and statements made during a Council meeting are those of the individuals making them, and not those of Council. Unless set out in a resolution of Council, Council does not endorse or support the views, opinions, standards, or information that may be expressed by individuals at a public meeting and which may be contained in a live stream or recording of a public meeting.

The Chief Executive Officer may determine to either not publish the recording of a meeting or publish an edited version, where they believe that recording contains inappropriate material. Notice of such a decision will be published on Council's website.

12. Termination of Live Streaming

Council is responsible for the act of publishing the material on Council's website and therefore may be liable for any loss and damage caused to a person due to the publishing of the inappropriate material.

Consequently, the Chairperson and/or Chief Executive Officer have the discretion and the authority at any time, to direct the termination or interruption of the live streaming of a public meeting if they consider the content or conduct of the meeting has, or is likely to, cause the live streaming of inappropriate information.

In addition, the Chairperson and/or Chief Executive Officer have the discretion and the authority at any time, to direct the termination or interruption of the live streaming of a public meeting if they consider there has been, is, or is likely to be:

- a risk or threat to public health and safety or the health and safety of an individual;
- a threat of violence or aggression by one or more people attending the meeting against others;
- unlawful conduct by an attendee of the meeting;
- significant disruption of the meeting by the conduct of an attendee; and/or
- a reputational risk to the Council.

13. Standing of Live Streams/Recordings

Endorsed Council minutes provide the definitive record of Council's resolutions at Ordinary or Special Council meetings, and Special Committee meetings.

Viewers should exercise caution before using or relying upon information or statements provided in a live stream or recording of a Council meeting.

14. Administrative Updates

From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.