
8.3 LIVESTREAMING, RECORDING AND PUBLISHING OF COUNCIL AND COMMITTEE MEETINGS POLICY

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Attachments: 1. *Livestreaming, Recording and Publishing of Council and Committee Meetings Policy*

SUMMARY

The Livestreaming, Recording and Publishing of Council and Committee meetings Policy establishes protocols for virtual meetings, live streaming and subsequent uploading online of Council and Committee meetings. The policy outlines the process for livestreaming, recording and publishing Council and Committee meetings including signage requirements, public notice, equipment and liability.

The virtual meeting component of this policy is applicable for the period 1 May to 1 November 2020 as a result of the COVID-19 pandemic and meetings held by electronic means of communication will be held in accordance with s394 of the *Local Government Act 2020*.

RECOMMENDATION

THAT Council endorse the Livestreaming, Recording and Publishing of Council and Committee meetings Policy (Attachment 1).

BACKGROUND

As a result of the *COVID-19 Omnibus (Emergency Measures) Act 2020* which received Royal Assent on 24 April 2020, Council is required to hold virtual Committee and Council meetings for the period 1 May to 1 November 2020. In order to do this effectively, it is seen as appropriate to have a livestreaming, recording and publishing policy which outlines the process to be followed to achieve this objective.

ISSUES AND DISCUSSION

The Policy (Attachment 1) manages and sets out the requirements for council to livestream, record and publish council meetings as well as meeting requirements to hold virtual meetings during the current pandemic. Considerations include:

- Appropriate signage made visible to the public which notifies them that the meeting is being recorded and advise them on the agenda papers that an audio and digital recording of the meeting is taking place
- How and when the meetings will be livestreamed and differentiating between the open, closed and adjourned meetings
- How the information will be published on council's website and for what time it will be retained
- The requirements for virtual meetings and meeting legislative compliance

LIVESTREAMING, RECORDING AND PUBLISHING OF COUNCIL AND COMMITTEE MEETINGS POLICY (CONT.)

- Liability and copyright components, dissolving council from any opinions and comments that are made by members of the public that may be defamatory or offensive
- Dealing with technical difficulties; and
- Using the minutes of the meeting as the official record of the meeting.

CONSULTATION

Sector consultation with LGPro, MAV and VLGA has occurred with guidance material for livestreaming and virtual meeting received.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

This policy does not have any financial, resource or asset management implications. There will, however, be ongoing costs in maintaining livestreaming.

POLICY AND LEGISLATIVE IMPLICATIONS

This policy is in line with the following policies and legislation:

Council Plan 2017-2021

Councillor Code of Conduct

COVID-19 Omnibus (Emergency Measures) Act 2020 (1 May to 1 November 2020)

Information Privacy Policy

Local Government Act 2020

MAV Guidance Paper: Virtual Council Meetings

Meeting Procedure Local Law 2014 (to be superseded by Governance Rules 1 September 2020)

Minister's Good Practice Guideline MGPG-1: Virtual Meetings

Privacy and Data Protection Act 2014

RISK IMPLICATIONS

Risk Ranking is determined using [ROHS201-G1- Corporate Risk Matrix](#). Risk is identified as Low, Medium, High or Very High. The Policy itself does not pose any risk to council, however the function of livestreaming, recording and publishing Council and Committee meetings has the following risks:

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Defamation/Liability	Low	The VIMEO recording will be checked before uploaded to the website. The Policy denies liability for council should a member of the public voice an opinion that is defamatory against another person outside of the control of council.	Yes

LIVESTREAMING, RECORDING AND PUBLISHING OF COUNCIL AND COMMITTEE MEETINGS POLICY (CONT.)

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Technical difficulties	Low	The livestreaming will cease if technical difficulties occur and resume once resolved	Yes
Councillors being considered present	Low	Councillors need to be heard and seen by their colleagues to make the livestreaming compliant	Yes
Signage and notice to the public Members of the public notified of livestreaming and virtual meetings	Low	Signage will be present in the council chamber and public notice will be provided on the front cover of the agenda papers	Yes

SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)

Nil.

CHARTER OF HUMAN RIGHTS IMPLICATIONS

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered in preparing this report and it's determined that the subject matter does not raise any human rights issues.

CHILDREN AND YOUNG PEOPLE IMPLICATIONS

As with all attendees at meetings children and young people will not be recorded where practical.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

This Policy will allow for the function of livestreaming, recording and publishing of Council and Committee meetings and will be reviewed as required or within 4 years of its publication.

LIVESTREAMING, RECORDING AND PUBLISHING OF COUNCIL AND COMMITTEE MEETINGS POLICY
(CONT.)

MITCHELL SHIRE COUNCIL

Council Meeting Attachment

GOVERNANCE AND CORPORATE PERFORMANCE

18 MAY 2020

8.3

LIVESTREAMING, RECORDING AND PUBLISHING OF COUNCIL AND COMMITTEE MEETINGS POLICY

Attachment No: 1

**Livestreaming, Recording and Publishing of
Council and Committee Meetings Policy**

Livestreaming, Virtual Meetings, Recording and Publishing of Council and Committee meetings Policy

Policy Owner	Governance and Corporate Accountability Governance and Corporate Performance
Creation Date	May 2020
Revision Date	May 2024

Purpose

The purpose of this policy is to establish protocols for virtual meetings, live streaming and subsequent uploading online of Council and Committee meetings.

Scope

This policy applies to all Council and Committee meetings of the Mitchell Shire Council. It applies to all people in attendance at these meetings.

Policy

Public Council and Committee meetings will be live streamed, recorded, and subsequently available on council's website. Closed council meetings will not be live streamed or recorded. For the period 1 May 2020 to 1 November 2020 Council and Committee meetings can be held virtually in accordance with s394 of the *Local Government Act 2020*.

Signage and notice to the public

The Chief Executive Officer (CEO) will ensure appropriate signage is placed at the entrance to the meeting location notifying all attendees that the public council meeting will be live streamed, digitally recorded and published to the internet. Notice will also be given on the council's website and in the published agenda as follows:

By attending this meeting, you agree to be filmed. An audio and digital recording is made of all public Council and Committee Meetings, streamed live and published on Council's website. By participating in proceedings including during question time or in making a submission regarding an item before Council you agree to this publication. You should be aware that any private information volunteered by you during your participation in a meeting is subject to recording and publication. Meeting recordings can be located at www.mitchellshire.vic.gov.au.

Immediately prior to the commencement of each public Council and Committee meeting, the Chair, will state that the meeting will be live streamed, and digitally recorded, and that the recording of the meeting will be uploaded online. Persons in attendance at a public meeting will be advised that incidental capture of an image or sound of persons in the public gallery may occur. By remaining at the meeting those persons give their consent to being filmed and the possible use of images and sound recordings in a live streaming or published video of the meeting.

Equipment

The live streaming will be configured to provide vision of the Councillors and executive present at the meeting. There will be no panning or zooming. In so far as it is practicable images of the public gallery will be limited. However, under certain circumstances the livestreaming may capture an image or sound from a person attending the meeting in the public gallery. There will be no editing of the live streaming.

The live streaming will cease when:

- the Chairperson declares the public meeting closed;
- whenever the meeting is adjourned; and
- at any other time if the council or the Chairperson revokes the permission to live stream or video record the meeting.

Publishing

The recording will be uploaded online as soon as practical after the conclusion of the meeting and will remain on the website for the four-year term of the council, in line with the publication of council minutes. Following any public Council meeting, the CEO has the authority to direct the removal of all or part of any recording that is considered inappropriate to be published. Inappropriate material would be material that, in the opinion of the CEO, having regard to legislation is any of the following:

- defamatory in nature
- an infringement of copyright
- a breach of privacy or discloses personal information
- offensive, abusive or discriminatory in nature
- incites hatred or vilifies another person
- confidential or privileged council information.

Virtual meetings

Council and Committee meetings may for the period 1 May to 1 November 2020 be held by electronic means of communication in accordance with s394 of the *Local Government Act 2020*.

It is a requirement that a councillor be present at, or attend, Council or Committee meetings. To do so they must meet all three of the following:

- They can hear the proceedings
- They can see other members on attendance and can be seen by other members
- They can be heard (to speak)

Should a councillor only be able to join the meeting via audio link, they can listen in, but have no status to participate in the debate or otherwise take part in the council proceedings.

Should a councillor who is present at the meeting be disconnected, the meeting can wait until the councillor returns or determine that the minutes reflect that the councillor is absent from that part of the meeting.

Voting at virtual meetings is by show of hands, with the chair advising the manner on which each councillor has voted.

Should a councillor have a conflict of interest to declare in a matter they should do so at the beginning of the meeting in accordance with the requirements of the current Meeting Procedure Local Law 2014.

Members of the public will be invited to participate in the meetings virtually, including the provision for written statements to be read out at the meeting.

Governance and Corporate Accountability will invite councillors, officers and members of the public to the virtual meetings.

Liability

Opinions expressed and statements made during a public Council and Committee meeting are those of the individuals making them, and not those of the council. Unless set out in a resolution of the council, the council does not endorse or support the views, opinions, standards, or information that may be expressed by individuals at a public Council and Committee meeting. Council does not accept any responsibility for any verbal comments made during public Council and Committee meetings which may be inaccurate, incorrect or defamatory and does not warrant nor represent that the material or statements made during the 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 might be incurred as a result of the viewing, use or reliance of information or statements provided in a live streaming or video recording of a Council and Committee meeting.

Council minutes

Endorsed Council minutes provide the definitive record of the council's resolutions.

The live streaming is not an official record of the meeting. Only the official minutes may be relied upon as an official record of the meeting.

Copyright

The live streaming is protected by copyright and owned by Mitchell Shire Council. It is provided by the council for personal and non-commercial use. Digital, images and audio contained in a live streaming must not be altered, reproduced or republished without the permission of the council. Copyright remains with the council.

Technical difficulties

There may be situations where, due to technical difficulties beyond the council's control, it is not possible to live stream, record or publish the video. If this were to occur the meeting would be adjourned until those issues are resolved.

Definitions

Closed Council meeting: that part of a council meeting that is closed to members of the public in accordance with definition in the *Local Government Act 2020*.

Council and Committee meeting: same meaning as in the *Local Government Act 2020*.

Video recording: the recording of audio and images by an electronic device.

Live streaming: online streaming media simultaneously recorded and broadcast in real time to the viewer.

Responsibilities

Governance and Corporate Accountability will:

- maintain a schedule of Council and Committee meetings and advertise these on Council's website and local newspapers
- send the invitations out to required attendees to all meetings
- make the livestream available on council's website

Communications, Jobs & Investments will assist as required and provide input into the livestreaming process.

Information and Business Transformation will assist as required to ensure the right technologies are available for council to livestream its Committee and Council meetings.

Related Documents

Council Plan 2017-2021

Councillor Code of Conduct

COVID-19 Omnibus (Emergency Measures) Act 2020 (1 May to 1 November 2020)

Information Privacy Policy

Local Government Act 2020

MAV Guidance Paper: Virtual Council Meetings

Meeting Procedure Local Law 2014 (to be superseded by Governance Rules 1 September 2020)

Minister's Good Practice Guideline MGPG-1: Virtual Meetings

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Monitoring and Evaluation

Council may review this policy at any time but unless otherwise requested at least every four years from date of adoption. The virtual meeting components of this policy will cease from 2 November 2020. Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy e.g.: typographical errors, a change to the name of a related policy, or a change to the name of legislation.