



Policy

Live Streaming and Publishing Recordings of Meetings

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Responsible Officers:	Director Corporate Services Manager Finance & Governance Team Leader Governance

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1. PURPOSE

The 'Live Streaming and Publishing Recordings of Meetings Policy' (the Policy) provides information and procedures in relation to the recording and live streaming of those public meetings/forums convened by Maroondah City Council and held in the Council Chamber.

2. POLICY STATEMENT

This operational policy reflects Council's commitment to transparent and accessible decision making processes, with the introduction of live streaming and archiving of Ordinary and Special Meetings of Council, commencing 20 February 2017; whilst noting that Confidential Meetings that are closed to the public, in accordance with section 89(2) of the Local Government Act 1989, will not be recorded.

3. OBJECTIVE

To improve accessibility and community participation in relation to decision making processes. It is envisaged that live streaming and publishing the video recordings of meetings on Council's website will provide more flexible and convenient access to a wider audience, by allowing the public to watch meetings 'in real time' via the internet without the need to attend in person.

This provides the community greater access to viewing Council debate and decisions, eliminates geographic and time barriers which may prevent the public from attending meetings in person; thereby resulting in greater community awareness and confidence in the integrity and accountability of decision making processes.

4. SCOPE

This Policy applies to:

- Ordinary and Special Meetings of Council, plus any other public forums or meetings as authorised by the Chief Executive Officer,
- Councillors and Officers of Maroondah City Council, and
- members of the public, both as visitors in the public gallery and as contributors to any public meeting held in the Council Chamber.

The policy does not extend to any confidential meetings closed to the public in accordance with Section 89(2) of the Local Government Act 1989.

5. DEFINITIONS

Chair	Person presiding over the meeting; usually the Mayor
Council	Maroondah City Council
CEO	Chief Executive Officer, Maroondah City Council
CMT	Corporate Management Team, Maroondah City Council, comprising the CEO and Directors
Defamation	Intentional false communication which damages the reputation of another individual.
Deputation	Person/s appointed to represent others

Ordinary Meeting	An Ordinary Meeting of the Council, as defined in Section 83(a) Local Government Act 1989.
Special Meeting	A Special Meeting of the Council, as defined in Section 83(b) Local Government Act 1989.
Confidential Meeting	A Meeting of the Council which has been closed to members of the public under Section 89(2) Local Government Act 1989.
Public Meeting/Forum	Includes: <ul style="list-style-type: none"> • Ordinary Meeting of Council, as defined in Section 83(a) Local Government Act 1989, • Special Meeting of Council, as defined in Section 83(b) Local Government Act 1989, • any other Public Meeting or Forum held in the Council Chamber as authorised by the CEO
Privacy Breach	Unauthorised access to, or collection, use or disclosure of personal information.
Slander	Verbal defamation, in which someone tells one or more persons an untruth about another which untruth will harm the reputation of the person spoken about or referred to.

6. PROCEDURES

6.1 Meetings to be Streamed Live and Recorded

Ordinary and Special Council Meetings held in the Council Chamber will be streamed live on the internet via Council's website www.maroondah.vic.gov.au.

The recording will then be uploaded to Council's website within 48hours.

Confidential Council Meetings will not be recorded.

Other Public Meetings/Forums held in the Council Chamber as authorised by the CEO, may also be streamed live.

The Chair and/or CEO have the discretion and authority at any time to direct the termination or interruption of live streaming if they believe it is advisable to do so. Such direction will only be given in exceptional circumstances, where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

There may be situations where, due to technical difficulties a live stream may not be available. Whilst every effort will be made to ensure the live streaming and website are up and running smoothly, Council takes no responsibility for and cannot be held liable for, the live streaming or Council website being temporarily unavailable due to technical issues beyond its 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 or power outages.

6.2 Access to Archived Recordings

Ordinary and Special Council Meetings that are streamed live on the internet will later be archived on Council's website www.maroondah.vic.gov.au, and available to be viewed by the public free of charge.

Bookmarks advising of the agenda items considered during the meeting will be added to the archived version of the recorded meeting to provide ease of navigation for viewers.

Confidential Meetings closed to the public are not recorded.

Archived recordings of meetings will remain on the website for a period of 12 months.

6.3 Notice to Public Gallery

It is not intended that visitors in the public gallery be recorded and that the default position of cameras will ensure that only Councillors present and CMT will be visible.

At the commencement of each meeting, the Chair (or Council Officer nominated by the Chair) shall read a statement notifying those present that the meeting will be streamed live on the internet and that the recording will be made publicly available on Council's website.

[refer Attachment 11.1]

Signage to this effect shall also be visibly displayed in the foyer of the Council Chamber, on Council's website and printed in the meeting agenda.

[refer Attachment 11.2]

6.4 Deputations/Presentation of Awards/Letters Under Seal

- 6.4.1 Where Council determines to receive a Deputation at an Ordinary Meeting of Council pursuant to Local Law No. 12 (Meetings Procedure and Use of Common Seal), members of the public in attendance as part of the Deputation will be recorded.

In such circumstances, correspondence to the coordinator of the Deputation shall include notification that the meeting will be streamed live on the internet and that the recording will be made publicly available on Council's website. [refer Attachment 11.3]

- 6.4.2 Where Council determines to present an Award or Letter Under Seal at an Ordinary Meeting of Council, recipient/s concerned will be recorded.

In such circumstances, correspondence to recipient/s shall include notification that the meeting will be streamed live on the internet and that the recording will be made publicly available on Council's website. [refer Attachment 11.3]

- 6.4.3 By participating in a public Council meeting, those members of the public in attendance agree to being recorded.

6.5 Public Question Time

- 6.5.1 Council's Local Law No. 12 (Meetings Procedure and Use of Common Seal) provides an opportunity at an Ordinary Meeting of Council for the public to submit a question (on a prescribed form) prior to the meeting. The questioner, who must be present in the public gallery, has the option of reading their question to the meeting or having it read out by the CEO.
- 6.5.2 If a Questioner does not wish for any personal details (name, address, organization represented) to be read out, this must be clearly indicated in the appropriate section of the Public Question Form
- 6.5.3 Questioners opting to read out their question/s will be invited to a designated location within the Council Chamber, from where they will be recorded.
- 6.5.4 By participating in a public Council meeting, those Questioners opting to read out their question/s agree to being recorded

6.6 Other Public Meetings / Forums held in the Council Chamber as authorised by the CEO and Streamed Live.

- 6.6.1 Person/s invited to speak at any Public Meeting / Forum will be invited to a designated location within the Council Chamber, from where they will be recorded
- 6.6.2 In such circumstances, correspondence to recipient/s shall include notification that the meeting will be streamed live on the internet and that the recording will be made publicly available on Council's website. [refer Attachment 11.3]
- 6.6.3 By participating in a public meeting / forum, those members of the public in attendance agree to being recorded.

6.7 Identified Risks and Mitigation Action

Public Council meetings are an open forum of statements, questions and answers. Occasionally, comments could be made which may be regarded as offensive, defamatory, inaccurate or contrary to law.

By live streaming and publishing recordings of meetings, the potential audience is significantly increased, which also increases the likelihood and/or severity of potential liability.

Local Government decision making, unlike State and Federal Government, does not afford Councillors the benefit of parliamentary privilege and hence, all associated laws apply. Therefore, it should be noted that no protection is afforded to Councillors, employees or the public for comments made during meetings which are subsequently challenged in a court of law and determined to be inaccurate or slanderous.

Whilst Council may not be liable for any inaccurate or defamatory comments made by an individual at a meeting, it may, however, be liable if it publishes that material; albeit inadvertently.

Accordingly:

- The Chair and/or CEO have the discretion and authority at any time during a meeting to correct inaccuracies and/or direct the termination or interruption of live streaming if they believe it is advisable to do so. Such direction will only be given in exceptional circumstances, where the content of debate is considered misleading, defamatory, or potentially inappropriate to be published.
- Following any meeting, the CEO has discretion to direct the exclusion of all or part of any meeting recording which he/she deems to be inappropriate. Material considered as inappropriate may include, but is not limited to:
 - Inaccuracies
 - Misinformation
 - Defamation
 - Infringement of Copyright
 - Breach of Privacy / Disclosure of Personal Information
 - Offensive Behaviour including Discrimination
 - Vilification or Inciting Hatred
 - Confidential or Privileged Council Information

6.8 Privacy and Defamation

The audio-visual recording equipment will be configured in a way which avoids coverage of the public gallery area and Council will endeavour to ensure images in this area are not streamed. However, Council expressly provides no assurances to this effect and in the event that your image is webcast, by remaining in the public gallery area, it is assumed that consent has been given to the Council to broadcast your image.

The opinions or statements made during the meeting are those of the 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/recording of the Council meetings.

Council does not accept any responsibility for the verbal comments made during Council meetings which are inaccurate, incorrect or defamatory and does not warrant nor represent that the material or statements made during the streamed meetings are complete, reliable, accurate or free from error. The Council does not accept any responsibility or liability for any loss, damage, cost, or expense you might incur as a result of the viewing, use or reliance of information or statements provided in the live streaming/recording of Council meetings.

6.8.1 Privacy and Defamation Disclaimer

A privacy and defamation disclaimer has been prepared to ensure that:

- Visitors in the public gallery are aware of possible privacy concerns regarding the live streaming of meetings, and that
- Councillors, Council employees and visitors in the public gallery are fully aware of the possible legal consequences arising from making defamatory gestures, statements and/or comments.

Signage to this effect be visibly displayed in the foyer of the Council Chamber, on Council's website and printed in the meeting agenda.

[refer Attachment 11.2]

6.9 Website Disclaimer

A disclaimer has been prepared to for inclusion on Council's webpage from which the live streaming and archived recordings are accessed by the public.

[refer Attachment 11.4]

7. RELATED POLICIES & STATUTORY OBLIGATIONS

Councillor Code of Conduct

Employee Code of Conduct

Local Law No. 12 (Meetings Procedure and Use of Common Seal)

8. RELATED LEGISLATION

Local Government Act 1989

Privacy and Data Protection Act 2014

9. POLICY APPROVED

This operational Policy was approved by CMT on 31 January 2017.

10. POLICY REVIEW

This operational Policy will be reviewed annually or as and when deemed necessary by CMT.

11. ATTACHMENTS

11.1 Meeting Chair's Statement

- (to be read at the commencement of each Council Meeting)

Ladies & Gentlemen

Please note that this meeting is being recorded and streamed live on the Council's web site in accordance with Council's Live Streaming and Recording of Meetings Policy, which can be viewed on Council's website.

The recording will also be archived and made available on Council's website after the meeting.

All care is taken to maintain your privacy; however, as a visitor in the public gallery, your presence may be recorded.

By remaining in the public gallery, it is assumed your consent is given if your image is inadvertently broadcast.

I also remind all present that Local Government decision making, unlike State and Federal Government, does not afford the benefit of parliamentary privilege and hence no protection is afforded to Councillors, Council Officers and the public for comments made during meetings that are subsequently challenged in a court of law and determined to be slanderous.

Thank you

11.2 Public Notice

- (to display at entrance to Council Chamber and include in Meeting Agendas)

Please note that this meeting is being recorded and streamed live on Council's web site in accordance with Council's Live Streaming and Recording of Meetings Policy#.

The recording will be archived and made available on Council's website after the meeting on www.maroondah.vic.gov.au for a period of 12 months.

All care is taken to maintain your privacy; however, as a visitor in the public gallery, your presence may be recorded.

By remaining in the public gallery, it is assumed your consent is given if your image is inadvertently broadcast.

A copy of the policy can be viewed on Council's website.

11.3 Public Notice – Deputations / Presentation of Awards/Letters Under Seal

- (statement for inclusion in correspondence inviting attendees)

Please note that this meeting will be recorded and streamed live on Council's web site in accordance with Council's Live Streaming and Recording of Meetings Policy#.

The recording will be archived and made available on Council's website after the meeting www.maroondah.vic.gov.au for a period of 12 months.

All care is taken to maintain your privacy; however, in view of the circumstances of your attendance at this meeting as a visitor, your presence will be recorded.

By accepting Council's invitation to attend the meeting, it is assumed your consent is given to your image being broadcast.

A copy of the policy can be viewed on Council's website.

11.4 Website Disclaimer

- (to be displayed on Council's web site)

All public Ordinary and Special Meetings of Maroondah City Council are streamed live and recorded and made available to the public after the meeting on Council's website.

Live streaming allows you to watch and listen to the meeting in real time, giving you greater access to Council debate and decision making and encouraging openness and transparency.

Every care is taken to maintain privacy and attendees are advised they may be recorded.

There may be situations where, due to technical difficulties, a live stream may not be available.

While every effort will be made to ensure the live streaming and website are available, Maroondah City Council takes no responsibility for, and cannot be held liable for the live streaming, if Council's website is temporarily unavailable due to technical issues beyond its 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 or power outages.

Local Government decision making, unlike State and Federal Government, does not afford Councillors the benefit of parliamentary privilege and hence, all associated laws apply.

It should therefore be noted that no protection is afforded to Councillors, Council employees or the public for comments made during meetings which are subsequently challenged in a court of law and determined to be slanderous.