

# AUDIO RECORDING OF COUNCIL MEETINGS POLICY

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<b>Policy Reference No.</b>	POL/223
<b>File No.</b>	
<b>Strategic Objective</b>	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs
<b>Adopted by Council</b>	24 July 2017
<b>Date of Adoption</b>	
<b>Date for Review</b>	August 2022
<b>Responsible Officer</b>	Manager Governance
<b>Department</b>	Governance

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## 1 POLICY STATEMENT

- 1.1 It is important that decisions of Council are made transparently. The publishing of audio recordings of Council Meetings on Council's website will improve resident accessibility to information about decisions that affect them and their wider community.

## 2 PURPOSE

- 2.1 The purpose of this policy is to set clear directions for how recordings will be produced, and how Council will manage the use of audio recordings.

## 3 SCOPE

- 3.1 This policy provides the policy direction and guidelines for Councillors, Officers and the community.
- 3.2 This policy applies to Ordinary Meetings of Council, Ordinary Town Planning Meetings of Council, Special Meetings of Council and Committees of Council Meetings (for example, a meeting of the Committee of the Whole Council).
- 3.3 The policy does not apply to meetings of special committees of Council established under section 86 of the *Local Government Act 1989*.

## 4 OBJECTIVE

- 4.1 That Council's decisions are communicated to a wider audience, and accessibility and community participation in relation to Council decision making processes is improved.
- 4.2 Community confidence in the integrity and accountability of Council's decision making process is improved by greater accessibility to the conducting of Council business.
- 4.3 That the entire audio recording of a Council meeting is made available on Council's website following the meeting, with recordings only being edited in a limited number of circumstances as defined in this policy.

## 5 POLICY IMPLEMENTATION

- 5.1 Council officers will make a recording of Council Meetings and upload to the council website, where the audio file is accessed by the public via an embedded MP3 player.
- 5.2 Council Meeting Recordings will be accessed on demand - meaning content can be downloaded and/or streamed from the internet after the meeting has concluded. Recordings will be made available online within 48 hours (2 working days) of the Council Meeting.
- 5.3 A copy of the recording will also be placed in Council's Record Management System to retain a more detailed historical record of meetings.
- 5.4 Recordings will remain on the website, available for downloading, for a period of 12 months after the meeting date.

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### Parts of a Meeting Not Recorded

- 5.5 Any parts of Council's Meetings that are closed to members of the public under s.89(2) of the *Local Government Act 1989* are regarded as confidential. To ensure that this confidential and/or privileged material is not disclosed, those confidential parts of meetings which are not held in public will not be recorded.

### Editing of Meeting Recordings

- 5.6 Audio recordings of Council meetings will only be edited before being made available on Council's website in the following circumstances:
- when a member of the public who is addressing Council on a recommendation contained in a report, or at a submissions hearing, has advised that they do not wish for their comments to be included in the audio recording;
  - to prevent the publishing of material that is offensive, defamatory, breaches copyright or breaches an individual's privacy.
- 5.7 Audio recordings of Council meetings will not be edited:
- because a speaker that has been recorded, being either a Councillor, a member of Council staff or a member of the public, regrets their remarks;
  - to save embarrassment in regards to comments made and recorded;
  - to edit out meeting procedural errors.
- 5.8 The Manager Governance will approve the final version of the meeting audio recording that will be made available on Council's website.

### Risks and Liabilities

- 5.9 Council may be liable for defamatory statements made by Councillors during a Council meeting. Council's liability risk is increased if the meeting is recorded and published online or made available to the public. In that case it may be liable for defamatory statements made by Councillors or members of the public, as it has published those comments.
- 5.10 It is an offence to use the Internet intentionally to disseminate material that results in a person being menaced or harassed. Federal criminal law, therefore, is available to address racial vilification where the element of threat or harassment is also present, although it does not apply to material that merely causes offence. It is a Federal offence to deliberately publish material that:
- Vilifies groups on religious or racial grounds
  - Results in a people being menaced or harassed, or
  - Incites hatred
- 5.11 Infringement of copyright occurs when a person uses copyright material without the consent of the owner and the use contravenes the 'exclusive rights' of the owner. If someone at a Council meeting reads material subject to copyright, without the consent of the copyright owner, the person may have violated the copyright owner's exclusive right to reproduce the material. Council may breach the person's exclusive right to the material if the material is published as an audio recording.
- 5.12 Recordings of Council meetings can be used in proceedings against Council or its Councillors. It should be noted that no protection is afforded to Councillors,

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Council employees or the public for comments made during Meetings which are subsequently challenged in a court of law and/or determined to be defamatory.

### Risk Controls

- 5.13 Council control over data content becomes limited once the data exists in a public domain. A downloadable file can be accessed multiple times. Editing the content of recordings, in the circumstances defined in this policy, can reduce or even eliminate risks associated with publishing audio recordings.
- 5.14 The 'Public Comment to Officer's Recommendation' form, completed by meeting attendees wishing to address Council, includes a declaration that speakers will not read material subject to copyright, without the consent of the copyright owner.

### Meeting Attendees

- 5.15 All meeting attendees will be advised, via a notice at the entrance to the Chamber, that the meeting will be recorded and published on the Council website.
- 5.16 Meeting attendees who nominate to speak to Council at a meeting will be advised when completing the 'Public Comment to Officer's Recommendation' form that their voice and comments will be recorded and included on the meeting audio recording which will be made available on Council's website. Those attendees who do not wish to be included on the audio recording can advise Council staff of their wishes and their comments will be edited out of the audio recording.

### Disclaimers

- 5.17 The online content will be accompanied by the following disclaimers, which may be included as part of the recording, or separately on the webpage prior to opening the audio file of the meeting recording:
- The opinions or statements made during the course of the Council meeting are those of the particular individual, and not the opinions or statements of council.
  - Council takes no responsibility for technical issues beyond its control which hinder or prevent the production and/or publishing of audio recordings, such as, failure of the recording device, power outages, or website unavailability.

## 6 DEFINITIONS AND ABBREVIATIONS

- 6.1 Public Comment to Officer's Recommendation' Form
- 6.2 Hume City Council Code of Conduct for Councillors 2016

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