

ELECTED MEMBERS POLICIES

Recording of Council & Committee Meetings



Policy Number: E12
Relevant Delegation: Nil
Adoption Details: 28 November 2023
Last Review Details:

POLICY OBJECTIVE:

To ensure open and transparent government, improve engagement with the community and accessibility to Council decision making, and detailing the approach to recording of in-person Council and Committee Meetings.

POLICY SCOPE:

This policy applies to:

1. All Council and Committee Members.
2. Ordinary Council Meetings, Special Council Meetings, Agenda Briefings, Ordinary Committee Meetings and Special Committee Meetings conducted in Council Chambers.

POLICY STATEMENT:

1. Recording
 - 1.1 Recordings will be made via audio from the Council Chamber desk microphones and microphone at the public lectern, and via video using Zoom or Microsoft Teams.
 - 1.2 The recording will be conducted by Shire Officers.
 - 1.3 Members of the public will be advised that a recording of the meeting will be made via the notice paper for the meeting and a sign will be prominently displayed in Council Chambers.
 - 1.4 The Presiding Member will make an announcement at the start of every meeting drawing attention to the fact that the meeting will be recorded.
 - 1.5 In accordance with the requirements for a Class 3 local government, the recording of the meetings will be made available on the Shire's website at the time the unconfirmed minutes are published, excluding those matters considered Behind Closed Doors.
 - 1.6 The Shire will make every reasonable effort to ensure the recording is available. However, should any technical difficulties arise, the recording may not be available. Notification of such will be provided in accordance with the Regulations.
 - 1.7 The Presiding Member may decide to cease recording at any time during the meeting.
 - 1.8 Copying or distribution of any part of the recording is not permitted. The Shire reserves all rights in relation to its copyright. Video, images and audio contained in a recording must not be altered, reproduced or republished without the written permission of the Shire.
 - 1.9 In accordance with Section 6.16 of the Shire of York Local Government (Council Meetings) Local Law 2016, nobody shall use any visual or vocal recording device or

instrument to record the proceedings of Council without the written permission of the Presiding Member, which is to be received at least 24 hours prior to the meeting.

2. Meeting or Items of Business Behind Closed Doors

- 2.1 Recordings of meetings closed for consideration of matters under Section 5.23 of the *Local Government Act 1995* is permitted for minute taking purposes but will not be released to the public or made available on the Shire's website.
- 2.2 Confidential recordings may be released, if requested, to the Local Government Standards Panel, the Department of Local Government, Sport & Cultural Industries, the Police or the Court.

3. Record Keeping

- 3.1 The official record of the meeting will be the written minutes kept in accordance with the *Local Government Act 1995* and any relevant Regulations.
- 3.2 All recordings will be retained as part of the Shire's records for at least seven (7) years, or in accordance with the *State Records Act 2000* (whichever is the longer period of time).

4. Conduct and Responsibilities

- 4.1 Councillors and Committee Members are required to act in accordance with the *Local Government Act 1995* (and Regulations), Shire of York Local Government (Council Meetings) Local Law 2016, Policy E1 – Code of Conduct – Council Members, Committee Members and Candidates and other relevant policies.
- 4.2 Staff are required to act in accordance with the *Local Government Act 1995* (and Regulations), Shire of York Local Government (Council Meetings) Local Law 2016, Policy O8 – Employee Code of Conduct and other relevant policies.
- 4.3 Members of the public are required to extend due courtesy and respect to the Council, Presiding Member, staff and other members of the public in attendance.
- 4.4 Policy G7 – Disruptive Behaviour at Council Meetings applies to all members of the public gallery.

5. Liability and Defamation

- 5.1 Under Section 9.57A of the *Local Government Act 1995*, the Shire is not liable for an action of defamation in relation to a matter published on its official website as part of a recording of Council proceedings.
- 5.2 Under Section 9.56 of the *Local Government Act 1995* Councillors and employees are not liable to defamation for any statements made in good faith.
- 5.3 Further defences under the *Defamation Act 2005* may also be applicable.
- 5.4 As a general principle, the Shire will not edit recordings of meetings. This is to ensure open and transparent government. The onus is on those in attendance at the meeting to ensure that their conduct, content and language are appropriate for the audience. The Presiding Member is responsible for maintaining the orderly proceedings of the meeting.
- 5.5 Following any meeting, the Chief Executive Officer in concurrence with the Presiding Member, may mute/exclude all or part of any meeting recording considered inappropriate to be published. The muting/excluding of any part of the meeting recording must be reported and confirmed to the Council at the next available Ordinary Council Meeting, whereby Council may revoke or change the decision.

PENALTIES:

The *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* do not provide for penalties applicable to this policy.

KEY TERMS/DEFINITIONS:

Act means the *Local Government Act 1995*.

Regulations means the *Local Government (Administration) Regulations 1996*.

Member means a Councillor or a Committee Member.

Meeting means an Ordinary Meeting of Council, a Special Meeting of Council or a Meeting of a Committee of Council (including the Audit & Risk Committee).

Behind Closed Doors means where a meeting is closed to members of the public in accordance with Section 5.23(2) of the Act.

Public Gallery means any person attending a meeting who is not a Member, the CEO, or an Officer who is required to attend the meeting.

Responsible Officer:	Chief Executive Officer
Contact Officer:	Council & Executive Support Officer
Relevant Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 2021</i>

Review History:

Date Review Adopted:	Resolution Number
Adoption 28 November 2023	151123
Former Policy No:	Not Applicable