

1. PURPOSE

This Policy outlines Council's guidelines for the audio recording and subsequent uploading online of council meetings.

2. INTRODUCTION

This Policy aims to improve accessibility and community participation in relation to decision making processes. It is envisaged that audio recording and publishing Council Meetings on Council's website will provide more flexible and convenient access of Council debate and decisions to a wider audience.

Audio recording Council Meetings also eliminates geographic and time barriers which may prevent the public from attending meetings in person; thereby resulting in greater community confidence in the integrity and accountability of the decision making process.

3. 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 Horsham Rural City Council
- Members of the public, both as visitors in the public gallery and as contributors to any public meeting held in the Council Chamber.

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

4. PRINCIPLES

4.1 Meeting to be Audio Recorded

Ordinary and Special Council Meetings held in the Council Chamber will be audio recorded, and subsequently available on, or via, Council's website at www.hrcc.vic.gov.au.

Other Public Meetings / Forums as authorised by the Chief Executive Officer (CEO) may also be audio recorded.

Confidential Council Meetings will not be recorded.

There may be situations where, due to technical difficulties a recording may not be available. Whilst every effort will be made to ensure the recording and website are available and running smoothly, Council takes no responsibility for and cannot be held liable for, the audio recording 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.

4.2 Production

The audio recording will cease when:

- The Chairperson declares the public meeting closed
- Whenever the meeting is adjourned as allowed under the Local Law.

4.3 Access to Archived Recordings

Ordinary and Special Council Meetings that are audio recorded will later be available on, or via, Council's website www.hrcc.vic.gov.au with public access available free of charge for a period of twelve months. Copies of the recording are available on request in a digital format for \$25:00 per meeting.

4.4 Notice to Public Gallery

At the commencement of each meeting, the Chair shall read a statement notifying those present that the meeting will be audio recorded and available via Council's website.

Appropriate signage shall also be visibly displayed in the foyer of the Council Chamber, on Council's website and printed in the meeting agenda.

4.5 Reliance on the Audio Recording of Council Meetings

The formal written minutes are the only true and accurate record of the Council Meetings. The audio recording is not an official record of the meeting.

Council does not assume any responsibility for actions undertaken by parties in response to decisions made and communicated via the audio recording of a Council Meeting. The audio recording of Council meetings does not constitute a legal and formal process of communication of a Council decision to a person directly affected by that decision. Council does not accept any responsibility or liability for any loss, damage, cost, or expense you might incur as a result of the use or reliance of information or statements provided in the recording of Council meetings.

4.6 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, or contrary to law.

Local Government Council decision making, unlike State and Federal Government, does not afford Councillors the benefit of parliamentary privilege and hence, all associated laws apply. Councillors and Officers Liability Insurance will be maintained by Council to provide protection for Councillors and Officers against litigation arising from unintentional defamation, libel and slander.

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

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

Accordingly, following any public council meeting the CEO has discretion to direct the removal of all or part of any recording which is considered inappropriate to be published. Material considered as inappropriate may include, but is not limited to:

- Defamation
- Infringement of Copyright
- Breach of Privacy / Disclosure of Personal Information
- Offensive Behaviour including Discrimination
- Vilification or Inciting Hatred
- Confidential or Privileged Council Information

In making this determination the CEO may seek independent legal advice.

4.7 Privacy and Defamation

The opinions or statements made during the course of the meeting are those of the particular 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 audio recording of the Council meetings.

Council does not accept any responsibility for the comments made or information provided during Council meetings and does not warrant nor represent that the material or statements made during the recorded meetings are complete, reliable, accurate or free from error.

4.8 Copyright

The audio recording of Ordinary and Special Council Meetings and any other public forums and meetings authorised by the CEO remain the property of Horsham Rural City Council and are protected by copyright. Access to audio recordings of meetings is provided for personal and non-commercial use. Audio must not be altered, reproduced or republished without the permission of the CEO. Copyright remains with Council. All commercial or media enquiries are to be directed through Council's Media and Communications Unit.

5. COMMUNICATION

This policy will be made available on Council's website and intranet. Councillors and Staff will be made aware of this policy via Council briefings, staff meetings, staff newsletter and the intranet.

6. RESPONSIBILITY

Policy Owner: Manager Governance & Information

7. DEFINITIONS

Definition	Meaning
Audio Recording	The audio recording of a meeting by an electronic device
CEO	Chief Executive Officer, Horsham Rural City Council
Chair	Person presiding over the meeting; usually the Mayor
Confidential Meeting	A Meeting of the Council which has been closed to members of the public under Section 89(2) <i>Local Government Act 1989</i>
Council	Horsham Rural City Council
Defamation	Intentional false communication which damages the reputation of another individual
Ordinary Meeting	An Ordinary Meeting of the Council, as defined in Section 83(a) <i>Local Government Act 1989</i>
Privacy Breach	Unauthorised access to, or collection, use or disclosure of personal information in accordance with the <i>Privacy & Data Protection Act (VIC) 2014</i>
Slander	Oral defamation, in which someone tells one or more persons and untruth about another which untruth will harm the reputation of the person defamed
Special Meeting	A Special Meeting of the Council, as defined in Section 83(b) <i>Local Government Act 1989</i>

8. SUPPORTING DOCUMENTS

Document	Location
MAV insurance – Recording and Publishing Council Meetings	Internet
Acknowledge reference to City of Wodonga Live Streaming, Recording and Publishing of Council Meetings Policy	Wodonga.vic.gov.au
Acknowledge reference to South Gippsland Live Streaming of Council Meetings Policy	Southgippsland.vic.gov.au

9. DOCUMENT CONTROL

Version Number	Approval Date	Approval By	Amendment	Review Date
01	27 May 2019	Council	New policy	27 May 2022