

## 1. PURPOSE

This Policy outlines Council's guidelines for the live streaming, video 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 live streaming, 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.

Live streaming 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. Also by providing flexibility in how people participate in Council Meetings creates a genuine opportunity and access for all.

## 3. SCOPE

This Policy applies to:

- Scheduled and Additional 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 66 of the *Local Government Act 2020*.

## 4. PRINCIPLES

### 4.1 Meeting to be Streamed Live and Video Recorded

Scheduled and Additional Council Meetings held in the Council Chamber will be streamed live, video recorded, and subsequently available on, or via, Council's website at [www.hrcc.vic.gov.au](http://www.hrcc.vic.gov.au)

Other Public Meetings / Forums held in the Council Chamber as authorised by the Chief Executive Officer (CEO) may also be live streamed and video recorded.

Confidential Council Meetings will not be live streamed or video recorded.

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.

### 4.2 Production

The live streaming and video recording will be from a single fixed camera. There will be no panning or zooming. There will be no editing of the live stream.

The live streaming and video 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 streamed live will later be available on, or via, Council's website [www.hrcc.vic.gov.au](http://www.hrcc.vic.gov.au) with public access available free of charge for at least a period of twelve months.

### **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 streamed live via Council's website and that the video recording will be made publicly available on 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 and Visual Recording of Council Meetings**

The formal written minutes are the only true and accurate record of the Council Meetings. The live streaming and video 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 live streaming of a Council Meeting. The live streaming 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 viewing, use or reliance of information or statements provided in the live streaming and videorecording 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 video 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 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 by remaining in the public gallery area, it is assumed that consent has been given to the Council to broadcast images and audio recordings.

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 live streaming and videorecording 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 streamed meetings are complete, reliable, accurate or free from error.

**4.8 Copyright**

The live streaming and video 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 live streams and recordings of meetings is provided for personal and non-commercial use. Video, images and 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. Staff will be made aware of this policy via staff meetings, staff newsletter and the intranet.

**6. RESPONSIBILITY**

**Policy Owner:** Manager Governance & Information

**7. DEFINITIONS**

Definition	Meaning
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
Live Streaming	Online streaming media simultaneously recorded and broadcast in real time to the viewer

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 &amp; 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 66 <i>Local Government Act 2020</i>
Video Recording	The recording of audio and images by an electronic device

**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	13 December 2021	Council	New policy	12 December 2024