

Live Streaming and Publishing Recordings of Council Meetings Policy

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 Whitehorse 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, Special Meetings and Special Committee Meeting of Council, commencing 12 November 2018; 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, Special and Special Committee Meetings of Council, plus any other public meeting/forum as authorised by the Chief Executive Officer,
- Councillors and Officers of Whitehorse 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	Whitehorse City Council
CEO	Chief Executive Officer, Whitehorse 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) Local Government Act 1989.
Special Meeting	A Special Meeting of the Council, as defined in Section 83(b) Local Government Act 1989.
Special Committee of Council Meeting	A Special Committee of Council, as defined in Section 86(1) 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 Meetings of Council, as defined in Section 83(a) Local Government Act 1989, • Special Meetings of Council, as defined in Section 83(b) Local Government Act 1989, • Special Committee of Council Meetings, as defined in Section 86 (1) of the 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

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

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

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 the 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

Public Ordinary and Special Council Meetings and Special Committee of Council Meetings that are streamed live on the internet will later be archived on Council's website www.whitehorse.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.

Archived recordings of meetings will remain on the website for at least three years, with the option to extend to seven years. At the end of the agreed time period the archived records are destroyed.

6.3 Notice to Public Gallery

As far as practically possible, it is not intended that there be either live or recorded footage of the public, however this Policy recognises that there might be incidental capture of visitors in the public gallery. By remaining in the public gallery, it is understood your consent is given if your image is inadvertently broadcast. 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 Appendix 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 Appendix 11.2 & 11.3]

6.4 Special Committee of Council Public submitters and questions to Ordinary Council meetings.

6.4.1 Public Submissions Guidelines

Objective: To enhance the consultative process and facilitate public participation and involvement of the community in Council decision making in accordance with Council's Corporate Plan strategies – good governance.

Purpose of Guidelines: To facilitate public participation and involvement in meetings of the Special Committee. These Guidelines complement Council's Meeting Procedures and Common Seal Local Law 2013.

Provision for Public Participation: The public has two opportunities to participate in this meeting – either by a submission which may be heard at the start of the meeting, (i.e. Public Submissions, refer below) or if the item is on the agenda, immediately prior to consideration of the item, and by Public Comment later in the meeting. There is no public interjection during the meeting and speakers are heard in an orderly manner.

6.4.2 Public Submissions

A submission may be made on any matter, providing it is not in contravention of Council's Meeting Procedures and Common Seal Local Law 2013.

A maximum of 10 speakers will be permitted to make a submission and they will be determined in order of registration.

No individual submission shall exceed three minutes.

Where submissions have been made, under the provisions of any statutory process, further submissions shall not be heard, unless the matter is listed as an item of business on the Special Committee of Council agenda.

Procedures for Public Submissions: Persons wishing to make a

submission to the Special Committee on matters other than land planning matters must directly notify the Committee Clerk, Civic Services Department by 4pm on the day of the meeting and register to speak, by telephoning 9262-6337. The person who registers to speak shall be the person who will make the submission to the Special Committee.

Persons wishing to make a submission to the Special Committee on any land use planning matter must directly notify the Committee Clerk, Civic Services Department, at least five working days prior to the day of the meeting and register to speak by telephoning 9262-6337. The person who registers to speak, shall be the person who will make the submission to the Special Committee.

At the time of registering to speak, that person must indicate whether he or she will be speaking in support of or opposition to any planning permit application or Planning Scheme Amendment (or proposed planning permit application or proposed Planning Scheme Amendment). The Special Committee must not listen to or read anything said by that person unless it is satisfied that, at least four working days before the day of the Special Committee Meeting, a member of Council staff has contacted the person(s) whose interests are inimical to the person who has registered to speak (eg has contacted the planning permit applicant if the person who has registered to speak has indicated that he or she will speak in opposition to the grant of a planning permit application) and invited the first-mentioned person (or a person authorised by him or her) to also register by 4pm on the day of the meeting to attend the Special Committee Meeting and speak.

Persons wishing to table written material must provide 15 copies to the Committee Clerk prior to the commencement of the meeting to enable distribution to Councillors prior to the start of the meeting. No material will be distributed during the meeting by any person, including Council staff.

Requests to speak will be registered strictly in the order of receipt. Speakers for topics not listed on the Special Committee Agenda for the meeting will be heard first, then speakers who wish to cover more than one topic (3 minutes in total, not 3 minutes per topic).

In instances where a number of persons wish to address the Special Committee on the same matter, the Chairperson at his or her discretion may request they nominate a speaker/speakers to represent them.

In accordance with Clause 48.5 of Council's Meeting Procedures and Common Seal Local Law 2013, it is not necessary for Standing Orders to be suspended to allow a person to address the Special Committee, subject to compliance with these Guidelines.

Public Comment: After the 'Other Business' Section of the meeting has concluded, the Mayor will invite members of the gallery to indicate by show of hands if they wish to make a comment. Only matters pertaining to this evening's meeting are to be commented on, (i.e. a Council Officer report or presentation, and any 'Other Business' matters) and a 3 minute period per speaker applies. A maximum period of 15 minutes shall be provided for public comment. The Mayor will call individuals forward to be heard and they should begin by clearly stating their name. This is a period for comment, not questions or debate and there is no opportunity for any further Public Submissions.

Adoption and Amendment of These Guidelines: These guidelines were adopted by resolution of Council dated 21 August 2017 and may be further amended by resolution of Council from time to time. The Chairperson at his or her discretion may vary procedures under these Guidelines, at any meeting of the Special Committee.

6.4.3 Ordinary Council Meetings Public Question Time

At Ordinary Council Meetings members of the public can submit questions to Council as part of a public question time.

Questions submitted to the Council must be in writing, state the name and address of the person submitting the question and be in accordance with Appendix A of Council's Meeting Procedures and Common Seal Local Law 2013. An individual may submit two questions to any one meeting.

The form incorporating the question/s must be lodged in the question time box by 7pm on the night of the Ordinary Council Meeting. Individuals must be present at the meeting at the time the question/s is read out.

The Chairperson of the meeting may disallow a question if:

- It relates to matters outside the duties, functions and powers of Council;
- Is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- Deals with a subject matter already answered;
- Is aimed at embarrassing a Councillor or a member of Council staff;
- Or is confidential in nature in accordance with section 89(2) of the Local Government Act.

All questions and answers must be as brief as possible and no discussion is allowed other than for purposes of clarification.

The Chairperson may nominate a Councillor or member of Council staff to answer a question, alternatively a written answer may be provided to the question.

The question, name and address of the person asking the question, together with the name of the member of Council staff who responded to the question shall be read out in the public meeting and form part of the Minutes of the Council Meeting. If you wish only your name and not your address to be called out, please indicate this on the Question Time Form.

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

- 6.5.1 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.
- 6.5.2 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 Appendix 11.3]
- 6.5.3 By participating in a public meeting/forum, it is understood those members of the public in attendance agree to being recorded.

6.6 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, 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

6.7 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 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.

6.7.1 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;
- 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 Appendix 11.1-11.5]

6.8 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 Appendix 11.5]

7. RELATED POLICIES & STATUTORY OBLIGATIONS

Councillor Code of Conduct

Employee Code of Conduct

Meetings Procedure and Use of Common Seal Local Law 2013

8. RELATED LEGISLATION

Local Government Act 1989

Privacy and Data Protection Act 2014

9. POLICY APPROVED

This operational Policy was approved by on xx October 2018.

Internal Use Only

10. REVIEW

Responsible Manager/s: Executive Manager Governance and Customer Service

Date Adopted: Month and Year

Next Review: Month and Year

This policy has been reviewed for Human Rights Charter compliance.

11. APPENDICES

11.1 Live Streaming and Publishing Recordings of Council Meetings

Meeting Chair's Statement/Script

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

"Good evening ladies and gentlemen, I am Councillor (Name,Surname) Mayor of Whitehorse and I welcome you all to tonight's (..Ordinary Council Meeting OR Special Council Meeting OR Special Committee of Council Meeting).

I remind Councillors that Council has introduced LIVE Webcasting which will allow Streaming and Recording of Public Council Meetings, other than the confidential meeting.

The webcast will be archived and made publicly available on Council's website within 48 hours after each meeting for a period of three years.

Our purpose is to provide greater access to Council debate, decision making, and encouraging openness and transparency. However, Council accepts no liability for any individual opinions or statements.

This is in accordance with Council's Live Streaming and Recording of Meetings Policy, which can be viewed on Council's website.

All care will be 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 understood 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.

- *Councillors and Officers - please ensure your microphones are on when speaking.*
- *I now, formally open this Council meeting and ask you all to stand for the opening Prayer and Statement.*

11.2 Public Notice Poster

- **(To display at entrance and inside the Council Chamber)**

WEBCASTING MEETING IN COUNCIL CHAMBERS TAKING PLACE TONIGHT

Tonight's footage will be made LIVE and streamed on Council's website.

The recording will be archived and made available for public viewing.

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

IMAGE Mobile phone crossed out – Switch mobile to silent or turn off

IMAGE drink/burger - No food or drink

11.3 Meeting Agenda

- **(To be noted on front page)**

Please note every Ordinary Council Meeting, Special Council Meeting and Special Committee of Council Meeting (other than items deemed confidential under section 89(2) of the Local Government Act 1989) is being recorded and streamed live on Whitehorse City Council's web site in accordance with Council's Live Streaming and Recording of Meetings Policy. A copy of the policy can also be viewed on Council's website.

The recording will be archived and made publicly available on Council's website within 48 hours after the meeting on www.whitehorse.vic.gov.au for a period of three years (or as otherwise agreed to by Council).

Live streaming allows everyone 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.

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 understood your consent is given if your image is inadvertently broadcast.

Opinions expressed or statements made by individual persons during a meeting are not the opinions or statements of Whitehorse City Council. Council therefore accepts no liability for any defamatory remarks that are made during a meeting.

11.4 Governance Phone Script disclaimer

- **(When residents/speakers confirm register/attendance to speak for 3 minutes)**

Thank you for confirming your intention to speak at the Special Committee of Council meeting.

Please note that the Special Committee of Council meeting will be recorded and streamed live on Whitehorse City Council's web site in accordance with Council's Live Streaming and Recording of Meetings Policy. A copy of the policy can also be viewed on Council's website.

By attending and registering to speak at this meeting, it is understood you give your consent should your image be inadvertently broadcast. Please Note: The camera is positioned behind the submitters table, so only the back of the head is seen when you are making your submission.

The recording will also be archived and made publicly available on Council's website within 48 hours after the meeting for a period of three years or as otherwise agreed to by Council.

For further details information can be found on our website under 'Council Meetings'.

Thank you.

11.5 Website Disclaimer

- **(To be displayed on Council's website)**

All public Ordinary and Special Meetings of Council and Special Committee of Council Meetings of Whitehorse City Council are streamed live, 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.

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.

While every effort will be made to ensure the live streaming and website are available, Whitehorse 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.

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.

Opinions expressed or statements made by individual persons during a meeting are not the opinions or statements of Whitehorse City Council. Council therefore accepts no liability for any defamatory remarks that are made during a meeting.

Access to live streams and recordings of Council meetings is provided for personal and non-commercial use. Video, images and audio must not be altered, reproduced or republished without the permission of Council.