

SCS-044 – Live Streaming Policy

TRIM Reference: D19/126685 Due for Review: 1 October 2023

Responsible Officer: Manager Governance and Risk

Purpose

This policy outlines Surf Coast Shire Council's (Council) provisions for live streaming, and recording and publishing video and audio of its Council and Committee meetings that are open to the public.

Policy Principles

Surf Coast Shire Council is committed to providing live streaming and recording of Council and delegated committee meetings in order to:

- Provide a fuller public view of Council meeting proceedings;
- Present greater openness and transparency of Council's decision making processes; and
- Provide community access in a flexible and convenient way that is not impacted by geographic location.

Scope

This policy applies to:

- Council meetings and delegated committee meetings when open to the public in accordance with section 66(1) of the Local Government Act 2020;
- Councillors and Council employees;
- Members of the public who attend and participate in Council or delegated committee meetings; and
- Members of the public who access Council and delegated committee meetings via the Council website or any other means provided and/or approved by Council.

Policy

Sessions open to the public of Council meetings and delegated committee meetings held in the Council Chamber, at 1 Merrijig Drive, Torquay, where practicable and possible, will be live streamed on the internet via Council's website at the time of the meeting. A recorded version of the Council or Committee meeting will be posted to the Council website approximately three days after the meeting has occurred where appropriate and possible.

Signage will be displayed in and near the Council Chamber immediately prior to and during Council meetings to alert people entering the gallery to the fact that the meeting is being video and audio streamed and recorded.

1. Meetings Closed to Public

- 1.1. Section 66 of the *Local Government Act 2020* allows Council to resolve that the meeting be closed to members of the public under certain provisions.
- 1.2. Where a resolution has been made to close a meeting to the public for confidential reasons, the live streaming of the meeting will cease.

- 1.3. Where the meeting has been closed in accordance with section 66 for security reasons or to enable the meeting to proceed in an orderly manner, livestreaming and recording will continue.

2. Public

- 2.1. All efforts will be made by Council to avoid streaming or recording video and audio of the public gallery.
- 2.2. Persons invited to speak during a meeting will be directed to a location in the Council Chamber which is not within the designated video capture area; however, a microphone will capture audio which will be live streamed and recorded.
- 2.3. Where the meeting is conducted by virtual means, the speaker's audio and video may be live streamed and recorded.
- 2.4. Where a member of the public participates in the meeting in any form, those members of the public are, in doing so, agreeing to be recorded.

3. Public Question Time

- 3.1. When a member of the public asks a question during public question time, their name and suburb will be read out by the Chair or other designated individual prior to the question being asked. If the person wishes to have their name only, and not their suburb, read out, this must be clearly indicated when submitting their question via the prescribed methods as set out in Council's Governance Rules.

4. Councillors

- 4.1. It is intended that the standard camera positions will provide live and recorded vision of all Councillors and delegated committee members who are present at a Council or delegated committee meeting, and live and recorded audio when they speak.

5. Officers

- 5.1. Council officers who attend Council or delegated committee meetings and sit in the gallery are subject to section 2 of this policy.
- 5.2. General Managers, the CEO, and staff member/s recording the minutes of the Council meeting or providing other technical assistance may be seen in camera view through the live streaming and recording of the Council meeting.
- 5.3. The CEO and General Managers will be provided with microphones to capture and record audio where they may be required to respond to a question or communicate information to Council or the gallery during the course of the meeting.

Access to Recordings

- 5.4. Council and delegated committee meetings that are streamed live on the internet will be processed by Council's service provider and recordings will be made available on Council's website, approximately 72 hours after the meeting.
- 5.5. Recordings of meetings will be accessible on Council's website for a period of approximately one year. Subject to this Policy, Council will retain recordings of meetings and access to view will be granted where a request has been made by a member of the public.

6. Technical Disclaimer

- 6.1. Where technical difficulties beyond Council's control prevent or interrupt the video and audio of a Council or Committee meeting, live stream and/or the recording may not be available. Every reasonable effort will be made to make available on Council's website the livestreaming and recordings of meetings.
- 6.2. Technical issues may include, but are not limited to, the availability of the internet, network or device failure or malfunction, or power outages.
- 6.3. If technical issues cause the livestreaming to be interrupted during a virtual meeting, or during a meeting closed to the public in accordance with section 66 of the Act for security reasons or to enable the meeting to proceed in an orderly manner, the meeting will be adjourned until the technical issues are resolved and the live streaming can continue. This adjournment should occur in accordance with Council's Governance Rules.

7. Legal Disclaimers

7.1. Privacy

- 7.1.1. The camera equipment will be configured in a way which aims to avoid coverage of the public gallery area. Council will endeavour to ensure images in this area are not streamed and/or recorded. However, Council expressly provides no assurances to this effect, and attendees in the public gallery risk being video and/or audio recorded.
- 7.1.2. Appropriate signage will be placed at the entrance to the meeting location notifying all attendees that the meeting will be streamed live and recorded. Notice will also be given on Council's website and printed in the Council Meeting Agenda and on Public Question Time forms. At the commencement of each meeting, the Chair will state that the meeting will be livestreamed and that a video and audio recording of the meeting will be made publicly available for viewing on Council's website.
- 7.1.3. The following notice will be displayed at the entrance points to the Council Chamber and included in meeting agendas:

"Please note that this meeting is being recorded and streamed live on the internet in accordance with Council's policy. Recordings will be published on Council's website. The Council Chamber is set up so that only Councillors and staff are in frame of the recording. All care is taken to maintain your privacy however, as a visitor in the public gallery or member of the public submitting a question, your presence may be recorded."
- 7.1.4. Members of the public who participate in meetings conducted by virtual means in doing so are consenting to the broadcasting and recording of their image and/or

voice. Individuals will be informed by the Chair at the commencement of any virtual meeting that they may turn off their video and use audio only if they do not wish to be video recorded.

7.2. Liability

- 7.2.1. Opinions, comments or statements made during Council or Committee meetings are those of the individual, and not the opinions or statements of Council. Council does not, unless otherwise stated, endorse or support the views, opinions, or information captured and contained in the live streaming/recording of the Council and Committee meetings.
- 7.2.2. Council does not accept any responsibility for actions and comments made during Council and Committee 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.
- 7.2.3. Local Government does not afford Councillors with parliamentary privilege during the course of Council meetings, or any other Council related activity. Therefore, all associated laws apply to actions made and words spoken during meeting proceedings. 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; defamatory, inaccurate, or in contravention of any other current and enforceable law.
- 7.2.4. Whilst Council is not liable for any inaccurate or defamatory comments made by an individual at a meeting, it may, however, be liable if it publishes that material. Therefore, the CEO has discretion to direct the exclusion of all or part of any meeting recording which they deem 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
- 7.2.5. The Chair and/or CEO have the discretion and authority at any time during a meeting to direct the termination or interruption of live streaming if they believe it is appropriate 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 broadcast and published.
- 7.2.6. Council does not accept responsibility or liability for any loss, damage, cost, or expense incurred by any individual or entity as a result of the viewing, use or reliance on information or statements provided in the livestreaming/recording of Council meetings.
- 7.2.7. Council is under no obligation to provide live streaming or recordings of its Council or Committee meetings with the exception of virtual meetings held under Part 12 of the Local Government Act 2020; therefore, Council accepts no liability in the event that live streaming of a meeting, a recording of a meeting, or Council's website are unavailable.

7.2.8. Viewing live or recorded video over the internet can consume larger than usual amounts of data. Council is not responsible or liable for any costs incurred by the viewer.

9. Licence and Use of Live Streams and Recordings

9.1. Surf Coast Shire Council live streamed and recorded video, images and audio must not be altered, reproduced or republished without the permission of Council. Copyright of this material belongs to Council. For any commercial or media queries or use, please contact Council's Media Unit.

Local Government Act 2020 Principles

Principles	Applicable to this policy	If yes, provide details
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes	Applicable to section 9(2)(i) of the Local Government Act (LGA) 2020. <i>'the transparency of Council decisions, actions and information is to be ensured'</i>
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No	
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes	Livestreaming and recording of meetings ensures accessibility of information which is in the public interest to members of the municipal community.
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No	
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No	
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No	

Definitions

CEO - Chief Executive Officer, Surf Coast Shire Council

Chair - Person presiding over the meeting; usually the Mayor

Committee –As defined under sections 63 and 64 of the Local Government Act 2020.

Closed Session – A confidential section of a Council meeting that is closed to members of the public under Section 66 Local Government Act 2020.

Council – Surf Coast Shire Council

Council Meeting – a formal meeting of the Surf Coast Shire Council held in accordance with section 61 and section 62 of the Local Government Act 2020

Defamatory – Material communicated to a third party which contravenes the relevant defamation legislation as in force at the time.

Live Streaming – To stream and broadcast a live event over the internet, with minimal delay to live coverage.

Related Procedure

Nil.

Document History

Version	Document History	Approved by – Date
1		<i>Council Resolution – 24 Sept 2019</i>
2	LGA 2020 Update	Council Resolution – 26 May 2020
3	Scheduled Review	Council Resolution – 28 Sept 2021