

SCS-044 – Live Streaming Policy

TRIM Reference: D19/126685 Due for Review: 1 October 2020

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 meetings.

Policy Principles

Surf Coast Shire Council is committed to providing live streaming and recording of Council 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 Special Council meetings in open session;
- Councillors and Council employees;
- Members of the public who attend Council meetings; and
- Members of the public who access Council meetings via the Surf Coast Shire Council website or any other means provided and/or approved by Surf Coast Shire Council.

Policy

Sessions open to the public of Ordinary and Special Council 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 meeting will be posted to the Council website approximately three days after the Council meeting has occurred.

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 89 (2) of the *Local Government Act 1989* allows Council to resolve that the meeting be closed to members of the public under certain provisions. Where a resolution has been made to close a meeting to the public, the live streaming of the meeting will cease. Any recording that may have occurred during closed sessions of Council meetings will not be made available to the public.

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 Council 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 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. If a questioner does not wish for any personal details (name, address, organisation representing) read out, this must be clearly indicated when submitting their question via the prescribed methods as set out in the *Local Law No 2 of 2019 – Council Meeting Procedures & Common Seal*.

3.2. Where a questioner is electing anonymity during the course of the meeting, the questioner can request to have their proxy or the Chief Executive Officer (CEO) read out the question. In this case either the proxy or the questioner must be present in the gallery at the time the question is read out.

4. Councillors

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

5. Officers

5.1. Council officers who attend Council 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 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.

6. Access to Recordings

6.1. Council Meetings that are streamed live on the internet will be processed by Council's service provider and made available on Council's website, approximately 65-72 hours after the meeting.

6.2. Recordings of meetings will be accessible on Council's website for a period of approximately one year. Council will retain recordings of meetings and access to view may be granted where a request has been made by a member of the public.

7. Technical Disclaimer

7.1. Where technical difficulties beyond Council's control prevent or interrupt the video and audio of a Council 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 live streaming and recordings of meetings.

7.2. Technical issues may include, but are not limited to, the availability of the internet, network or device failure or malfunction, or power outages.

8. Legal Disclaimers

8.1. Privacy

- 8.1.1. 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 in the event that a person's image is webcast, by remaining in the public gallery area, it is assumed that consent has been given to the Council to broadcast the individual's image.
- 8.1.2. A privacy notice will be displayed in the public gallery area during Council meetings to notify visitors of live streaming and recording of meetings. The meeting Chair will also be provided with a script to alert members of the gallery of the live streaming and recording of the meeting at the commencement of the meeting. It is therefore the individual's responsibility to determine if they have privacy concerns and to choose to stay or leave the meeting.

8.2. Liability

- 8.2.1. Opinions, comments or statements made during Council 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 meetings.
- 8.2.2. Council does not accept any responsibility for actions and 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.
- 8.2.3. 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 and words spoken during Council 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, slanderous, or in contravention of any other current and enforceable law.
- 8.2.4. 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

- 8.2.5. 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 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 broadcast and published.
- 8.2.6. 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 live streaming/recording of Council meetings.
- 8.2.7. Council is under no obligation to provide live streaming or recordings of Council meetings, therefore, Council accepts no liability in the event that live streaming of a meeting, a recording of a meeting, or Council's website is unavailable.
- 8.2.8. 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.

Definitions

CEO - Chief Executive Officer, Surf Coast Shire Council

Chair - Person presiding over the meeting; usually the Mayor

Closed Session – A confidential section of a Council meeting that is closed to members of the public under Section 89(2) Local Government Act 1989.

Council – Surf Coast Shire Council

Defamatory - Tending to disgrace or lower public opinion of a person or to harm a person's reputation.

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

Ordinary Council Meeting - An Ordinary Meeting of the Council, as defined in Section 83(a) Local Government Act 1989.

Special Council Meeting - A Special Meeting of the Council, as defined in Section 83(b) Local Government Act 1989.

Related Procedure

Nil.

Document History

Version	Document History	Approved by – Date
1		Council Resolution – 24 Sept 2019