

SCS-044 – Live Streaming Policy

TRIM Reference: D19/126685 Due for Review: March 2030
Responsible Officer: Manager Integrity and Governance

Purpose

The purpose of this policy is to outline Surf Coast Shire Council's (Council) commitment to accessibility and transparency through the live streaming and recording of Council and Delegated Committee meetings that are open to the public. The policy also describes Council's commitment to ensuring that all reasonable measures are taken to ensure that personal information is not published without informed consent from affected parties.

Policy Principles

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

- Provide greater public access to Council and delegated committee meeting proceedings;
- Present greater openness and transparency of Council's decision making processes;
- Provide community access in a flexible and convenient way that is not impacted by geographic location; and
- Achieve compliance with the *Local Government Act 2020* (the Act).

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*;
- Council meetings and delegated committee meetings when closed to the public in accordance with section 66(2)(b) or (c) of the Act.
- Councillors and Council staff;
- Delegated committee members;
- 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

Council is committed to ensuring that Council meetings and delegated committee meetings are accessible and open to the public, except in circumstances where the meeting has been closed to the public in accordance with section 66 of the Act. Where reasonably possible, all public meetings will be live streamed on the internet via Council's website at the time of the meeting, and a recorded copy of the meeting livestream will be made available following the meeting.

Live streaming of Council and delegated committee meetings, and the publication of meeting recordings, is recognised by Council as an essential element in maximising transparency and accountability of Council decision-making.

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 must continue. If this is not possible, the meeting will be adjourned in accordance with Council's Governance Rules.

2. Public

- 2.1. All reasonable 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, audio will be captured 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. They will be advised of this by the Chair at the commencement of the meeting.

3. Public Question Time

- 3.1. When a member of the public asks a question during public question time, their first 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 first 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 other staff formally attending or facilitating 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, General Managers, and supporting officers (where appropriate) 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 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.
- 6.2. Recordings of meetings will be accessible on Council's website for a minimum period of 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 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.
- 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.
- 7.3. 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.
- 7.4. Where technical difficulties prevent the live stream of a meeting, all reasonable efforts will be made to communicate this to the public, such as through posts on Council's social media platforms.

8. Legal Disclaimers

8.1. Privacy

- 8.1.1. Information that is published through live streaming and recording of Council meetings must be in accordance with the *Privacy and Data Protection Act 2014*.
- 8.1.2. 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.
- 8.1.3. 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.

- 8.1.4. A collection notice must be displayed at appropriate locations at the meeting venue if the meeting will be live streamed.
- 8.1.5. 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.

8.2. Liability

- 8.2.1. 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.
- 8.2.2. 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.
- 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 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.
- 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 appropriate to do so. Such direction will only be given in exceptional circumstances, where the content of debate is considered to pose an unreasonable risk to Council.
- 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 livestreaming/recording of Council meetings.

8.2.7. 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.

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.

8. Licence and Use of Live Streams and Recordings

8.1. 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 Communications Team.

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	<i>Council Resolution – 26 May 2020</i>
3	Scheduled Review	<i>Council Resolution – (Date TBC)</i>