

Council Policy

1.16 Web Streaming & Recording of Council Proceedings

Introduction

The Shire of Capel (the Shire) is committed to engaging with the community by enhancing accessibility to Council decision making consistent with the objectives of the Local Government Act 1995.

Providing access to audio visual streaming and recording of the discussion and debate involved with decision making process of Council meetings, aligns with the Shire's strategic plan and principle of open, transparent government.

Purpose

This policy provides guidelines for:

- The live internet streaming of the Shires' Ordinary and Special Meetings of Council (Council proceedings) that are held in Council Chambers and open to the public;
- Accessing recorded streams of a Council meetings and proceeding; and
- Retention and disposal of the stream recording pursuant to the State Records Act 2000.

Policy Statement

Clear and prominent signage is to be placed at the entrance(s) to the Council proceedings, notifying attendees that the meeting will be live streamed.

1. Live Streaming and Recording

Council proceedings will be live streamed online via the Shire website and a stream recording made available as soon as practicable following.

The Shire will not stream or record confidential items in accordance with section 5.23 of the *Local Government Act 1995*, or where the meeting is adjourned by the Presiding Member under the Standing Orders Local Law 2016.

Meetings of Committees that are not open to the public will not be live streamed nor recorded.

At the commencement of each Council meeting that is to be live streamed, the published Agenda or the Presiding Member shall advise:

- That the meeting is being live streamed.

- No person present at the meeting is to use any electronic, visual, or audio recording device or instrument to record the proceedings of a meeting without the written permission of the Presiding Member pursuant to the Shire Standing Orders Local Law 2016 clause 5.16;
- The live stream is not and shall not be taken to be a confirmed record of Council, or any meeting or discussion to which it relates or may appear to relate. The official record of the meeting is the minutes, which require confirmation by Council resolution and must be signed by the person presiding at the meeting that they are confirmed.

The Chief Executive Officer (CEO) reserves the right to withhold publication of all or part of the live stream recording and will advise the Presiding Member of the reasons for this action. The Presiding Member will advise the Council if such action is decided and the reasons for this action.

2. Record keeping

The official record of the meeting will be the written minutes kept in accordance with the *Local Government Act 1995* and any relevant regulations.

- Live stream recordings will be retained in accordance with the *State Records Act 2000*.

3. Other matters

By participating in open Council proceedings, individuals consent to the use and disclosure of the information that they are present including any information provided. Individuals also consent to the disclosure of that information to any persons who access the live stream recording of Council proceedings.

Attendance at Council Meetings does not provide any Councillors, staff, or member of the public with absolute privilege. It does not protect individuals from legal defamation in relation to behaviour or statements made.

The Shire is protected from liability for defamation for Council proceedings on the official Shire website under section 9.57A *Local Government Act 1995*.

The Shire reserves all its' rights under the *Copyright Act 1968* and prohibits any reproduction, distribution, republication and/or retransmission of the Council proceeding stream without the prior written consent of the Shire.

Application

This policy applies to all Council meetings and proceedings held in Council Chambers, or any other venue where the place of the meeting is published in the notice of meeting that has commensurate live stream infrastructure.

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