

	<h2>Live Streaming and Publishing of Council Meetings Policy</h2>
<b>Version No.</b>	V1.0 – 11 August 2020
<b>Endorsement</b>	Executive – 20 August 2020 Policy Review Panel – 24 August 2020
<b>Authorisation</b>	Council – 14 September 2020
<b>Review date</b>	30 August 2021
<b>Responsible officer</b>	Manager Legal and Governance
<b>Policy owner</b>	Governance Coordinator

### 1. Purpose

The purpose of this Policy is to establish protocols for the live streaming, recording, and publishing of Council Meetings to the Melton City Council Website.

### 2. Scope

This Policy applies to all Council Meetings.

This Policy applies to all Councillors, employees, contractors, sub-contractors, agents, consultants and where relevant volunteers, engaged in the Council Meeting and in the updating of the Council website.

This Policy also applies to members of the public when attending meetings in person or accessing Council meetings remotely.

This Policy makes special provision for the ceasing of recording and/or redaction of any parts of Council Meeting recordings closed to the public on the grounds of confidentiality in accordance with section 66(2)(a) of the Act.

Where relevant to the maintenance of the public website by authorised personnel, this Policy is to be read in conjunction with the obligations contained within the Online Engagement Policy.

This Policy makes provision for Council meetings that are conducted in accordance with the Covid-19 temporary measures set out in Part 12 of the Act. These provisions apply during the Prescribed Period.

This Policy does not intend to form the full policy considerations in relation to ‘online meetings’.

### 3. Definitions

Word/Term	Definition
Act	means the <i>Local Government Act 2020</i> .
Authorised Personnel	Council staff member or Contractor authorised to create and manage website content on behalf of Council or a Councillor.
Chairperson	means the person presiding over the meeting; usually the Mayor.
Confidential Information	‘Confidential Information’ as defined in s3(1) of the <i>Local Government Act 2020</i> .
Confidential Meeting / Closed to the Public	The part of a meeting of the Council which has been closed to members of the public under Section 66(2)(a) of the <i>Local Government Act 2020</i> .

Council Meeting	a Council meeting that complies with section 61(1) of the <i>Local Government Act 2020</i> .
Councillor	a person who holds the office of member of Council.
Council Staff	refers to employees, contractors, sub-contractors, agents, consultants and where relevant volunteers, engaged in the Council Meeting Process.
Melton City Council and Wellbeing Plan	refers to Melton Council's currently enacted 'Melton City Council Wellbeing Plan' available on the Council Website. This document forms a guide for the strategic and planning direction for Council and the community for the relevant Council election period
Governance Rules	Governance Rules developed by a Council under Section 60 of the <i>Local Government Act 2020</i> ; in particular s.60(1)(a) relating to the conduct of meetings and s.60(1)(c) relating to the form and availability of meeting records. Please note: s.60(8) of the Act says: <i>Until a Council adopts Governance Rules under this section, the Local Law Meeting Procedures made by the Council under the Local Government Act 1989 apply as if the Local Law Meeting Procedures had been adopted as Governance Rules under this section.</i>
Live Streaming	online streaming media simultaneously recorded and broadcast in real time to the viewer.
Meeting Procedure Local Law	refers to Melton Council's enacted 'Meeting Procedure Local Law 2013' - see also Governance Rules.
Online Meetings	Council Meetings conducted through the aid of a virtual meeting room using an audio and visual link over the internet.
Prescribed Period	Means the period set out in section 393 of the Act which is commencing on 1 May 2020 and ending on 1 November 2020 or such other period as may be amended in the Act from time to time.

#### 4. Policy

The intent of this Policy is to ensure a consistent approach to the live streaming of Council Meetings that promotes transparency and accountability in Council's decision-making processes. It aims to give the community the greatest degree of access to Council decisions and debate, eliminating barriers which may prevent members of the public from otherwise attending meetings in person.

This Policy was implemented in line with the Council and Wellbeing Plan to ensure Council remains a flexible, innovative and creative organisation that can respond to rapidly changing community needs and operating environments.

These changes are also made in consideration of the legislative requirements under the:

- *Victorian Equal Opportunity Act 2010*
- *Human Rights and Equal Opportunity Commission Act 1986*
- *Disability Discrimination Act 1992.*

##### 4.1. Meetings to be Streamed Live and Recorded

Council Meetings will be open to the public and live streamed unless the following specified circumstances apply:

4.1.1 Where Council resolves to close the meeting to the public pursuant to section 66(1) of the *Local Government Act 2020*,

*Council may close the public gallery due to there being either*

*a) security reasons, or other circumstances where*

*b) it is necessary to do so to enable the meeting to proceed in an orderly manner.*

If the public gallery is closed due to either of these circumstances then Council must ensure that the meeting remains available via live stream.

4.1.2 Where Council decides to consider Confidential Information Council may resolve to close the meeting to the public, closing the public gallery and suspending the live stream and recording pursuant to section 66(1) of the Act.

The specific grounds on which the item was listed as confidential business with reference to the types of confidential information described in s3(1) of the Act will be available in the published Minutes in accordance with s.66(5) of the Act.

4.1.3 If the Council Meeting is an 'Online Meeting' during the Prescribed Period – see 4.6

## **4.2. Access to Archived Recordings**

Council Meetings that are streamed for live viewing on the internet will also be processed by Council's service provider (Interstream) and archived for viewing on Council's website to accompany the publication of the meeting's Minutes.

The link to the recording is available at: <http://webcast.melton.vic.gov.au/>

The process of uploading a recording will take at least 48 hours.

Bookmarks will be added to the archived version of the recorded meeting to provide ease of navigation for viewers.

## **4.3. Notice of Live Streaming**

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 Chairperson (usually the Mayor) 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 webpage.

## **4.4. Public Notice**

The following notice will be displayed at the entrance points to the Civic Centre and included in Meeting Agendas:

*Please note that this meeting is being recorded and streamed live on the internet in accordance with Council's 'Live Streaming and Publishing of Council Meetings' Policy.*

*Recordings will be bookmarked, archived and made available on Council's website alongside the published Minutes.*

*The Council Chambers are set up so that only Council members and relevant members of 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 inadvertently recorded.*

#### **4.5. Public Question Time**

Public Question Time will be held during designated Council meetings in accordance with Melton Council's Governance Rules and/or *Meeting Procedural Local Law 2013*.

Public Question Time Forms will include a brief notice that the meeting will be streamed live and recorded.

The Governance Rules (by implication) and the *Meeting Procedural Local Law 2013* requires that the name of the author of the question be read aloud at the meeting. If the author of the question is not present in the Chamber Council is not obliged to answer the question at the meeting but instead can reply in writing. In the interests of privacy, if a person does not wish their full name to be read aloud he/she may submit a pseudonym to be read out at the meeting (provided it is not offensive or rude) together with his/her real name and address provided on the form.

All questions answered at the meeting are also followed up with an answer in writing.

#### **4.6. Online Meetings**

Special provisions were introduced in Part 12 of the Act by the *COVID-19 Omnibus (Emergency Measures) Act 2020* that provide for altered arrangements for conducting Council Meetings for the Prescribed Period. In particular s394 of the Act provides for Councillor and member participation and formal attendance at the meeting to be through electronic means of communication, by an audio and video link. Pursuant to s395 a live stream, available, via the Council's website, will replace the requirement for a public gallery.

This then means that if the live streaming functionality is disrupted and the Council Meeting cannot be accessed by the public due to a technical fault or any other reason, Council must take a break and reconvene if possible or adjourn the meeting to the next available date.

If the meeting is of a delegated committee or special committee it may proceed without livestreaming provided a recording can still be made and published on the Council website as soon as practicable, after the meeting.

#### **4.7. Regulating Recordings of Council Meetings**

In recognition of any potential reputational, legal and financial risk to Council, the Chairperson or the Chief Executive Officer may at their discretion direct that recorded meetings be edited in post-production prior to uploading to the Melton City Council website, under exceptional circumstances, and where it is required to prevent inappropriate opinions, behaviour or statements (including discriminatory and defamatory statements) made during the course of the meeting to be published.

Such action will only be taken after legal advice is sought and received.

Archived recordings that are prepared for publishing on Melton City Council's website will only be edited to ensure that the content remains consistent with the above standard and where a temporary adjournment or short break in the Council meeting is edited out to seamlessly merge items in the agenda for ease and convenience in public viewing.

If the archived recording has been substantially edited a note should be provided next to the link to archive providing an explanation for the substantial edit.

#### **4.8. Technical Issues Disclaimer**

There may be situations where, due to technical difficulties beyond the Council's control, a live stream of the Council Meeting cannot be maintained and/ or where recordings may be temporarily unavailable to the public. Technical issues may include power outages, device failures or malfunction, website maintenance and a loss of internet connection or widespread outage.

Council takes no responsibility for and cannot be held liable for any technical issues, including those experienced by its third party live streaming and recording service provider or circumstances outside of its control.

If streaming or accessing a recording of a Council Meeting is disrupted, Council will make reasonable attempts to notify the public via its social media channels and/or website.

Where Council is conducting a meeting pursuant to the Covid-19 temporary measures contained in Part 12 of the Act, if the live streaming cannot be maintained during the meeting, the meeting will be adjourned and the business carried over to the next meeting – see 4.6.

#### **4.9. Content Warning / Disclaimer**

Council does not accept any responsibility or liability for any loss, damage, cost, or expense that might be incurred as a result of the viewing, use or mistaken reliance on information or statements provided in a live streaming or video recording of a council meeting. The live streaming of Council meetings are intended to introduce a level of transparency into the Council decision making process and does not constitute a legal and formal process of communication of a Council decision or legal advice to any person or entity.

#### **4.10. Storage of Files**

All recordings of Council meetings will be retained in accordance with Council's Information Management Policy, Electronic Recording of Meetings Policy and related procedures.

Archived recordings will remain accessible to the public alongside the recorded Minutes on the Council's Website.

#### **4.11. Privacy**

Allegations of privacy breaches resulting from unauthorised access to, or collection, use or disclosure of personal information in recorded and streamed Council Meetings will be handled in accordance with Council's Privacy Policy and the *Privacy and Data Protection Act 2014* (Vic).

#### **4.12. Copyright**

Live streams and recordings of Council Meetings, remain the property of the Melton City Council and are protected by copyright. Access to live streams and recordings of meetings is provided for personal and non-commercial use. Video, images and audio must not be altered,

reproduced or republished without the permission of the Chief Executive Officer.

#### 4.13. Public not to record without express permission

In accordance with 12.1 (e) of Melton City Council's *Meeting Procedure Local Law 2013*, this Policy and any applicable Governance Rules, no member of the public is permitted to record any part of the proceedings of a Council Meeting either from a live stream available through a link on the Melton City Council website or from an archived recording of a Council Meeting without the prior written consent of Council.

### 5. Responsibility /Accountability

<b>5.1</b>	<b>Manager Legal and Governance</b> <ul style="list-style-type: none"><li>The Manager Legal and Governance is responsible for updating and amending this policy and related procedures.</li></ul>
<b>5.2</b>	<b>Governance Officer</b> <ul style="list-style-type: none"><li>The Governance Officer is the policy owner.</li><li>The Governance Officer is responsible for providing guidance to employees regarding this policy.</li><li>The Governance Officer is responsible for liaising with other members of Council Staff to ensure the Council Website is up to date.</li></ul>
<b>5.3</b>	<b>Councillors and all Council Staff</b> <ul style="list-style-type: none"><li>Councillors and all Council Staff are responsible for operating in accordance with this policy and for providing feedback to the policy owner.</li></ul>

### 6. References and links to legislation and other documents

The Live Streaming and Publishing of Council Meetings Policy reflects the Council Wellbeing Plan which aims to put in place measures for Council to respond to rapidly changing community needs and operating environments such as the need for greater online accessibility to the Council decision making process and an attempt to accommodate the needs of all local community members.

These changes ensure Council remains a flexible, innovative and creative organisation, and can be made in accordance with the recently endorsed live streaming provisions in the Act.

The documents referred to in this policy are listed below.

<b>Name</b>	<b>Location</b>
<i>Copyright Act</i> (Cth) 1968	Available on the Federal Legislation Register via <a href="http://www.legislation.gov.au">www.legislation.gov.au</a>
Electronic Recording of Meetings Policy	Governance Site Policy and Procedures Intranet
Information Management Policy	Governance Site Policy and Procedures Intranet
<i>Local Government Act</i> 2020	Available on the Victorian Legislation/Acts Register via <a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>
<i>Meeting Procedure Local Law</i> 2013	Available on the Melton City Council Website; Policy and Procedures Intranet

Melton City Council and Wellbeing Plan	Available on the Melton City Council Website;
Online Engagement Policy	Governance Site Policy and Procedures Intranet
Privacy Policy	Available on the Melton City Council Website; Policy and Procedures Intranet
<i>Privacy and Data Protection Act 2014 (Vic)</i>	Available on the Victorian Legislation/Acts Register via <a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>