



NARACOORTE LUCINDALE COUNCIL

Live Streaming and Recording of Public Meetings Policy

Policy No: L 2
Reviewed: January 2024
Next Review: January 2028
Version No: 1.1

Responsible Officers/s: *Chief Executive Officer*
Relevant Delegations: *Manager Engagement & Community*
Legislation and References: *Local Government Act 1999*
State Records Act 1997 (SA)

1. Purpose

This Policy outlines the requirements associated with the live streaming and publishing of Council Meeting recordings via Council's chosen social media platform and the Council website.

This policy informs members of the public and Elected Members on the processes, the potential benefits and any mitigation action to manage the potential risks of live streaming.

2. Objective

Council is committed to improving accessibility and community participation in Council Meetings. Live streaming of meetings and making recordings available on Council's website will provide greater flexibility and convenient access for the community.

This gives the community greater access to Council decisions and debate, and eliminates geographic and time barriers which may prevent the public from attending meetings in person; thereby resulting in greater community awareness and confidence in the integrity and accountability of the decision making processes.

3. Scope

This policy applies to:

- Elected Members, council employees and members of the public who attend Ordinary and Special Council meetings.
- Live streams and recordings made of Ordinary and Special Council meetings held at Council's Principal Office Council Chamber, DeGaris Place, Naracoorte.

There may be times when the public and media are lawfully excluded from a Council Meeting under Section 90 of the Local Government Act 1999. In the case that this occurs, the stream (and recording) will cease until the meeting is open to the public.

4. Definitions

Presiding Member	Presiding Member of a Council meeting.
Council	Refers to the 'Naracoorte Lucindale Council'.
Live Stream	The transmission of live audio and visual coverage of an event over the Internet.
Recording	The saving of the live stream.
Ordinary Meeting	An Ordinary Meeting of Council, as defined under Section 81 of the Local Government Act 1999.
Special Council Meeting	A Special Meeting of Council, as defined under Section 82 of the Local Government Act 1999.

5. Policy

5.1 Live Streaming, Recording and Publishing

Ordinary and Special Meetings, and Council Committee Meetings held at Council's Principal Office Council Chamber, DeGaris Place, Naracoorte, will be live streamed via council's Facebook Page, and recorded and published on Council's website at <https://www.naracoortelucindale.sa.gov.au/> in accordance with this policy.

Any parts of these meetings that are closed to the media and members of the public under Section 90 of the Local Government Act 1999 are regarded as confidential and will not be live streamed and/or recorded.

5.2 Access to Recordings of Meetings

In most cases, once a Council meeting has concluded, the video recording will be available to watch online via Council's website within three business days. These links will remain on the website for a minimum of 12 months in accordance with Council's Records Management Policy.

Council reserves the right not to upload or publish a recording if it is believed it may contain information that could be considered misleading, offensive and/or defamatory. Council may, from time to time, also direct staff to remove recordings or portions of recordings from the website where it considers it appropriate or advisable to do so.

5.3 Public Notification of Live Streaming and Recording

Council will advise the public that the meeting is being live streamed and recorded in the following ways:

- On notices at the entry to the Council Chambers (*see attachment 1*)
- Verbally by the Presiding Member at each meeting (*see attachment 2*)
- On the Notice of the Meeting (agenda) (*see attachment 3*)

It is not the intention of the live streaming or recording to capture those attending the meeting in the gallery. However, this may occur due to camera angles and seating arrangements. Members of the public who address the Council (for example through questions from the gallery or a deputation) are consenting to their image, voice and comments being recorded.

5.4 Licence and Use of Live Stream and Recordings

Access to live streams and recordings of public meetings is provided on Council's website for personal and non-commercial use. Video, images and audio contained in a live stream or recording of a Council Meeting or event must not be altered, reproduced or republished without the permission of Council. Copyright of all recordings remains with Council.

6. Identified Risks and Mitigating Actions

Council Meetings are a formal forum, open to the public, of statements, questions and answers, and debate. Occasionally, comments could be made which may be regarded as offensive, defamatory or contrary to law.

By live streaming and publishing recordings of Council Meetings, the potential audience is significantly increased, which also increases the likelihood and/or severity of potential liability.

No protection will be afforded to Councillors, council employees or the public for comments made during meetings which are subsequently challenged in a court of law and determined to be slanderous.

While Council may not be liable for any inaccurate or defamatory comments made by an individual at a meeting, Council will endeavour to ensure that the broadcast of these comments is terminated or excluded from the live stream and/or recording where deemed appropriate.

To avoid any such occurrences:

- the Presiding Member (in consultation with the CEO) may at any time during a meeting request that a live stream and/or recording be terminated or interruption of live streaming if they believe the content poses a legal risk to the Council;
- the CEO and Presiding Member, by mutual decision, may choose to exclude part or all of any meeting recording which they deem to be inappropriate for publishing on Council's website. Material considered as inappropriate may include, but is not limited to:
 - 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. Disclaimers

7.1 Standing of Live Streams / Recordings

Endorsed Council minutes provide the definitive record of Council's resolutions at Ordinary or Special Council meetings, and Committee meetings.

Viewers should exercise caution before using or relying upon information or statements provided in a live stream or recording of a Council Meeting.

7.2 Privacy Disclaimer

A privacy and defamation disclaimer has been developed to ensure that gallery attendees are aware of possible privacy concerns regarding the live streaming of meetings. Privacy disclaimer signage will be posted at the entrance of the meeting location to advise attendees (*See attachment 1*).

The visual recording equipment will be configured in a way which avoids coverage of the public gallery area and Council will endeavour to ensure images in this area are not streamed and recorded. However, Council expressly provides no assurances to this effect and in the event a person's image is live streamed, by remaining in the public gallery area it is implied that consent has been given to the Council to broadcast a person's image.

Any members of the public who address Council will be heard on the live stream, and the audio of them speaking will be recorded. Any members of the public who submit a question for a Council Meeting should be aware that their name and question will be read out during the live streaming.

7.3 Defamation Disclaimer

The opinions or statements made during the course of the Council Meeting are those of the particular individuals, and are not necessarily the opinions or statements of Council. Council does not necessarily endorse or support the views, opinions, standards or information contained in the live streaming/recording of the Council Meetings.

Council does not accept any responsibility for the comments made or information provided during Council Meetings and does not warrant nor represent that the material or statements made during the streamed meetings are complete, reliable, accurate or free from error. The Council does not accept any responsibility or liability for any loss, damage, cost or expense a person might incur as a result of the viewing, use or reliance of information or statements provided in the live streaming/recording of Council Meetings.

7.4 Technical Disclaimer

There may be situations where, due to technical difficulties a live stream or recording may not be available. Council takes no responsibility for and cannot be held liable for, the live streaming or the recording on Council's website being temporarily unavailable due to technical issues beyond its control.

Technical issues may include, but are not limited to, the availability of the internet connection, device failure or malfunction, unavailability of social media platforms, power outages.

Every effort will be made to notify the community if live streaming is subject to any disruptions via social media and the Council website.

8. Review

This policy will be reviewed every four (4) years.

9. Related Documents

- Code of Practice for Council and Committee Meeting Procedures
- Code of Practice for Access to Council and Committee Meetings and Associated Documents
- External Communications Policy
- Records Management Policy
- Risk Management Policy

10. Availability of Policy

The public may inspect a copy of this policy, without charge, at the Council's Naracoorte and Lucindale offices during office hours.

The Policy is also available on Council's website www.naracoortelucindale.sa.gov.au

11. Adoption History

Date:	Authorised by:	Minute Reference:
23 January 2024	Council	Resolution 160/24
07 June 2023	Council	Adopted - Resolution 275/23

12. Document History

Version No:	Issue Date:	Description of Change:
1.1	23 January 2024	Removal of "review within six months of adoption, in relation to Section 41 Committee meetings" post review
1.0	07 June 2023	New Document

13. Attachments

Attachment 1

PUBLIC GALLERY NOTICE

The following will be posted in a prominent location at a Council Meeting that is to be live streamed and/or recorded:

This meeting is being streamed live on the internet and the recording will be available after the meeting on Council's website.

All care is taken to maintain your privacy. It is not intended that members of the public will be visible in a live stream of a meeting, however as a visitor in the public gallery, your presence may be recorded. By remaining in the public gallery it is assumed your consent is given in the event your image is broadcast.

Any members of the public who address Council will be heard on the live stream, and the audio of them speaking will be recorded.

If you have any questions about the Council's policy, please speak with one of the Council's staff here tonight.

Attachment 2

PRESIDING MEMBER'S STATEMENT

One of the following statements is to be read by the Presiding Member at the commencement of each Council Meeting which is to be live streamed and/or recorded:

Option 1 (Simplified)

Please note that this meeting is being livestreamed, recorded and published, in accordance with Council's 'Live Streaming and Recording of Public Meetings Policy'.

Option 2 (Expanded)

Please note that this meeting is being livestreamed, recorded and published, in accordance with Council's 'Live Streaming and Recording of Public Meetings Policy'.

To those present in the gallery today, by attending a public meeting of the Council you are consenting to your image, voice and comments being recorded and published.

Anyone who is invited to speak will be recorded and their voice, image and comments will form part of the live stream and recording.

Attachment 3

Agenda Disclaimer

The following statement is to be included at the start of the agenda of any Council Meeting which is to be live streamed and/or recorded;

Notice is hereby given that this Council meeting will be lived streamed, recorded and published in accordance with Council's 'Live Streaming and Recording of Public Meetings Policy'.

Members of the public attending this meeting may be filmed. By remaining in the public gallery once the meeting commences, members of the public give their consent to being filmed, and for the recording of them to be made publicly available and used by Council.

The 'Live Streaming and Recording of Public Meetings Policy' may be inspected, without charge, at the Council's Naracoorte and Lucindale offices during office hours, or via Council's website www.naracoortelucindale.sa.gov.au