

Draft Live Streaming of Council Meetings Policy 2021

1. Purpose

Brimbank City Council (**Council**) is committed to improving community engagement and transparency in Council decision making processes in accordance with the public transparency principles set out in the *Local Government Act 2020 (the Act)* and Council's Public Transparency Policy.

It is anticipated that the live streaming of Council Meetings will provide greater flexibility and convenient access for the community to Council's decision making process. This will be further enhanced by the subsequent publishing of the recordings of meetings on Council's website.

In addition, Council will comply with the requirements set out in sections 394 and 395 of *the Act* which provides greater flexibility for Councillors to attend Council Meetings by electronic means and to close the Chamber and live stream a meeting when attendance is impacted by directions or restrictions put in place to manage the COVID-19 Pandemic.

2. Scope

This Policy applies to all Council Meetings as defined by section 61(1) of *the Act*.

3. Council's Commitment to Live Stream

Council will live stream Council Meetings, and publish the recording of the meetings on Council's YouTube Channel after the meetings, subject to the technical disclaimer in section 7(3) of this Policy.

4. Live Streaming of a Council Meeting from Chamber

- 4.1 Notice of the meeting will be given on Council's website and/or Council's social media channels (**Appendix 1**) and printed in the agenda of a Council Meeting (**Appendix 2**). Council's website will also display a Privacy Collection Statement with regards to Council Meetings (**Appendix 3**).
- 4.2 Where a meeting is live streamed and/or recorded, appropriate signage will be placed at the entrance of the meeting location, notifying all attendees that the meeting will be live streamed and/or recorded. Council does not record members of the public during a Council Meeting. Cameras will be positioned so that the public gallery is not visible.
- 4.3 Although all care will be taken to maintain the privacy of members of the public, there is a possibility of incidental capture of members of the public during the meeting and Council provides no assurance to people present in the public gallery that their image or voice will not be incidentally live streamed or recorded.
- 4.4 Standard camera positioning will provide visual and audio recording of all Councillors present at a meeting in Chamber. The Camera will focus on Councillors who are speaking where practicable.
- 4.5 At the commencement of a meeting, the Chair will read a statement (**Appendix 4**) informing all attendees that the Chair has granted permission for the meeting to be live streamed and/or recorded (which may include on Council's YouTube Channel).
- 4.6 Unless given permission by the Chair, no other person may operate any audio or visual recording equipment at any Council Meeting.
- 4.7 Where Council has designated an item confidential in accordance with section 3(1) of *the Act*, Council deliberations in regards to that item will be closed to the public and will not be live streamed. If the Chamber is open, the public will be asked to leave the Chamber while the item is considered by Council and be advised that live streaming of the meeting will be on hold while the item is considered. Once the matter is finalised, the meeting will be reopened to the public and the live stream will continue.

5. Live Streaming of a Council Meeting that is open to the public via electronic means only

- 5.1 The State Government has amended *the Act* to allow councils more flexibility to continue with the business of council during the COVID-19 Pandemic.

Council will at all times comply with the requirements set out in sections 394 and 395 of *the Act* which provide for:

- Councillors to attend Council Meetings by electronic means and;
- Council meetings to be considered open to the public via a live stream of the meeting being made available to the public on Council's website.

- 5.2 The Chief Executive Officer will determine whether the Council Chamber will be closed to the public in accordance with *the Act* and any public health directions or restrictions in place at that time.
- 5.3 Where the Chief Executive Officer has determined that the Council Chamber will be closed to the public for any Council Meeting, they will provide notice on Council's website and Council's social media channels (Appendix 1) and printed in the agenda of a Council Meeting (Appendix 2).
- 5.4 Where Council has designated an item confidential in accordance with section 3(1) of *the Act*, Council deliberations in regard to that item will be closed to the public and will not be live streamed. Members of the public will be advised that the live stream of the meeting will be on hold while the item is considered. Once the matter is finalised, the live stream will continue.

6. Responsibilities of Councillors and Staff

- 6.1 When attending a Council Meeting (including a meeting considered open to the public by virtue of being live streamed on Council's website), Councillors will act in accordance with the Councillor Code of Conduct Major Policy and Brimbank Governance Rules, and make every effort to avoid statements or actions that may put themselves or Council at legal, financial or reputational risk. Councillors are solely responsible for their own comments made during a Council Meeting.
- 6.2 When attending a Council Meeting (including a meeting considered open to the public by virtue of being live streamed on Council's website), Council staff will act in accordance with the Staff Code of Conduct and Brimbank Governance Rules, and make every effort to avoid statements or actions that may put themselves or Council at legal, financial or reputational risk.

7. Use of technology for Live Streaming of Meetings

- 7.1 The Chief Executive Officer will determine what technology will be used to ensure Council complies with this Policy.
- 7.2 Council will exert all reasonable efforts to ensure meetings are live streamed and recordings are published after the meetings in accordance with this Policy.
- 7.3 Council acknowledges that due to potential technical issues, streaming and/or publishing recordings of meetings may not be available, or disrupted or delayed. Council cannot be held responsible or liable for the live stream or a published recording of a meeting being temporarily unavailable, disrupted or delayed due to technical issues beyond Council's control.
- 7.4 If streaming or accessing a recording of a meeting is unavailable, disrupted or delayed, Council will notify the public on its social media channels and/or website, attempt to rectify the issue as soon as possible and inform the public when the issue has been rectified.
- 7.5 All reasonable efforts will be made to ensure that a recording of the live stream will be published on Council's website within five business days of the meeting.
- 7.6 All recordings of Council Meetings will be maintained in accordance with Council's Records Management Policy and related procedures.

8. No Reliance on the Live Streaming or Recording of Council Meetings

- 8.1 The opinions or statements made during the course of a Council Meeting are those of the particular individuals, and not necessarily the opinions and statements of Council. Council does not necessarily endorse or support the views, opinions, standards or information contained in the live streaming or recording of the meeting.
- 8.2 Council does not warrant or represent that the material or statements made during a Council Meeting are complete, reliable, accurate or free from error. Council does not accept any responsibility or liability for any loss, damage, cost or expense that a person might incur as a result of the viewing, using or relying on information or statements provided in the live streaming or recording of a Council Meeting.

9. Transcribing and Translation of the Recordings of Council Meetings

- 9.1 Members of the public can request the transcribing and translation of the recordings of a Council Meeting to a community language.
- 9.2 Council will arrange the transcription and/or translation of the recordings of a Council Meeting upon request in accordance Council's Public Transparency Policy.

10. Privacy Breach

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

11. Community Consultation

Council will ensure that the community are consulted in the formation and the review of this policy in accordance with the Community Engagement Principles in section 55 of *the Act* and Council's Community Engagement Policy.

12. Review

A review of this Policy will be completed on no less than an annual basis. More frequent reviews may occur due to changes in the legislative and regulatory framework or on request by Council.

History of amendment

Rev	Review date	Reason for amendment	Next review date
-	16/10/2018	New Policy	16/03/2021
	18/02/2020	Review after Pilot	19/02/2022
	[Insert Date]	Review	[Insert Date]
Date approved by Council: [Insert Date]			

Appendix 1 – Notice of Council’s Website and/or Council’s Social Media Channels

The following is an example of a notice on Council’s website and/or Council’s social media channels with regards to Council Meetings:

This public meeting will be live streamed and made available on the internet via Brimbank City Council’s YouTube Channel after the meeting. What you say at this meeting may be streamed, recorded and published.

All care will be taken to maintain the privacy of members of the public gallery. As a member of public gallery, however, your presence and what you say may be recorded. By remaining in the public gallery it is implied that you give consent to your image and what you say being broadcast and recorded.

Everyone at this meeting is personally responsible for what they say. You may be personally liable at law for what you say, including any action brought by another person for a breach of any relevant law including defamation, discrimination and privacy.

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

For further information, please view the Live Streaming of Council Meetings Policy on Council’s website.

Appendix 2 - Agenda Notice

The following is an example of the statement to be included in the agenda of a Council Meeting:

This public meeting will be live streamed and made available on the internet via Brimbank City Council's YouTube Channel after the meeting. What you say at this meeting may be live streamed, recorded and published.

All care will be taken to maintain the privacy of members of the public gallery. As a member of public gallery, however, your presence and what you say may be live streamed and recorded. By remaining in the public gallery, it is implied that you give consent to your image and what you say being live streamed and recorded.

Everyone at this meeting is personally responsible for what they say here and do here. You may be personally liable at law for what you do and say, including any action brought by another person for a breach of any relevant law including defamation, discrimination and privacy.

A copy of the Live Streaming of Council Meetings Policy is available on Council's website.

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Appendix 3 – Council Website’s Privacy Collection Statement

The following is an example of the Privacy Collection Statement to be included on Council’s website with regards to Council Meetings:

Privacy Collection Statement – Live Streaming and Recording of Council Meetings

Brimbank City Council’s Council Meetings are live streamed and made available on the internet via Council’s YouTube Channel after the meeting for the public’s future reference.

The meeting recordings will be retained on Council’s website for X years.

Live streaming allows you to watch and listen to the meeting from any media device with an internet connection in real time, giving you greater access to Council decision-making and debate. Overall, the live streaming of Council Meetings is intended to provide greater flexibility for the community to access Council Meetings.

Every care is taken to maintain privacy and the cameras filming the meeting are focussed on the Mayor and Councillors. Any person who walks behind or in front of a Councillor’s seat may be filmed and recorded in the footage. Comments made by members of the public from the gallery may also be live streamed and recorded.

A copy of the Live Streaming of Council Meetings Policy is available on Council’s website.

Appendix 4 – Chair’s Statement at Meeting

The following is an example of the statement to be read by the Chair at the commencement of a Council Meeting:

This public meeting will be live streamed and made available on the internet via Brimbank City Council's YouTube Channel after the meeting. What you say at this meeting may be live streamed, recorded and published.

All care will be taken to maintain the privacy of members of the public gallery. As a member of public gallery, however, your presence and what you say may be live streamed and recorded. By remaining in the public gallery, it is implied that you give consent to your image and what you say being live streamed and recorded.

Everyone at this meeting is personally responsible for what they say here and do here. You may be personally liable at law for what you do and say, including any action brought by another person for a breach of any relevant law including defamation, discrimination and privacy.

A copy of the Live Streaming of Council Meetings Policy is available on Council's website.

Local Government Act 2020 Compliance Statement

Section 9(1) of the *Local Government Act 2020 (the Act)* requires Council to give effect to the overarching governance principles, in the performance of its role. Section 9(2) of *the Act* specifies the governance principles as follows:

- a) Council decisions are to be made and actions taken in accordance with the relevant law (**Compliance with the law**);
- b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations (**Achieve best outcomes for the community**);
- c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted (**Promote the sustainability of the municipality**);
- d) The municipal community is to be engaged in strategic planning and strategic decision making (**Engage the community in strategic planning and decision making**);
- e) Innovation and continuous improvement is to be pursued (**Strive for innovation and continuous improvement**);
- f) Collaboration with other Councils and Governments and statutory bodies is to be sought (**Collaborate with all other levels of government and government agencies**);
- g) The ongoing financial viability of the Council is to be ensured (**Secure the ongoing financial viability of Council**);
- h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making (**Strategic planning and decision making must take into account plans and policies in operation at all levels**);
- i) The transparency of Council decisions, actions and information is to be ensured (**Council decisions, actions and information must be transparent**).

In developing the Live Streaming of Council Meetings Policy, Council has considered and given effect to the overarching governance principles, as summarised below:

	Governance Principle	Considerations
(a)	Compliance with the law	All relevant legal requirements have been considered in developing the Policy. In particular, and without limitation, the Policy complies with the requirements in Division 2 of Part 3 and Part 6 of <i>the Act</i> .
(b)	Achieve best outcomes for the community	Refer to the comments under (i) below
(c)	Promote the sustainability of the municipality	Not applicable for the Policy.
(d)	Engage the community in strategic planning and decision making	In developing the Policy, Council undertook a community consultation process, in accordance with Council's Community Engagement Policy. Council will ensure that the community are consulted in the review of the Policy in accordance with the Community Engagement Principles in section 55 of <i>the Act</i> and Council's Community Engagement Policy.
(e)	Strive for innovation and continuous improvement	The Policy sets out requirements and processes for live streaming and publishing recordings of Council Meetings which utilised the modern multimedia technology in providing new access to the community to Council decision making processes. Council will review the Policy on a no less than annual basis, and pursue innovation and continuous improvement during every review.

(f)	Collaborate with all other levels of government and government agencies	Not applicable for the Policy.
(g)	Secure the ongoing financial viability of Council	Not applicable for the Policy.
(h)	Strategic planning and decision making must take into account plans and policies in operation at all levels	Not applicable for the Policy.
(i)	Council decisions, actions and information must be transparent	<p>The Policy sets out requirements and processes for live streaming and publishing recordings of Council Meetings which will provide greater flexibility and convenient access for the community to Council decision making processes without requiring physical attendance.</p> <p>The live streaming of the meetings is particularly essential to the transparency in Council decision making processes where physical attendance at those meetings is restricted due to COVID-19 pandemic in accordance with the public health directions.</p>