

POLICY NO LG53
AUDIO RECORDING OF COUNCIL MEETINGS POLICY

DEPARTMENT:	Governance
RESPONSIBLE OFFICER:	General Manager
LINK TO STRATEGIC PLAN:	... be visionary and accountable leaders who advocate and represent the views of our community in a transparent way.
STATUTORY AUTHORITY:	Local Government Act 1993
OBJECTIVE:	This Policy provides a framework and direction as to the transparent management of the audio recording of Council Meetings including the creation, storage, usage and access in accordance with legislative and policy requirements.
POLICY INFORMATION:	Adopted 24 June 2019 – Minute No 06/19.16.7.155

POLICY

1. DEFINITIONS

“**Audio Recording**” means any recording made by any electronic device capable of recording sound.

“**Council Meeting**” means an ordinary, special meeting or annual general meeting of Break O’Day Council.

“**Recording**” means the recorded record/file made of a Council meeting by the use of any recorded format or device.

“**the Act**” means the *Local Government Act 1993*.

“**the Regulations**” means the *Local Government (Meeting Procedures) Regulations 2015*.

2. PURPOSE

Under the *Local Government (Meeting Procedures) Regulations 2015*, Council is required to ensure that Council meeting proceedings are documented to reflect a true and accurate record of Council meetings.

Local Government (Meeting Procedures) Regulations 2015 state as follows:

33. Audio recording of meetings

- (1) A council may determine that an audio recording is to be made of any meeting or part of a meeting.
- (2) If the council so determines, the audio recording of a meeting or part of a meeting that is not closed to the public is to be –
 - (a) retained by the council for at least 6 months; and
 - (b) made available free of charge for listening on written request by any person.

- (3) If after the minutes of a meeting have been confirmed as a true record a discrepancy between the minutes and an audio recording of that meeting or part of that meeting is noticed, the council, at the next appropriate meeting, is to review the audio recording and either confirm that the minutes are a true record or amend the minutes to reflect the audio recording and then confirm the minutes as amended to be a true record.
- (4) A council may determine any other procedures relating to the audio recording of meetings it considers appropriate.

The Council is required to keep accurate minutes of Council Meetings. The Regulations expressly provide that the minutes of a Council Meeting, once confirmed, prevail over the recording of the meeting and a transcript of the recording will not be prepared.

Unlike Parliament, Council meetings are not subject to parliamentary privilege, and both Council and the individual may be liable for comments that may be regarded as offensive, derogatory and/or defamatory.

3. SCOPE

This policy applies to all Ordinary Meetings of Council, including Special Council Meetings and Annual General Meetings of Council. It applies to Council staff, Councillors and members of the general public.

It does not apply to any other meetings of Council, eg Council Committees.

4. POLICY

4.1 Ordinary Meetings, Special Meetings and Annual General Meetings of Council

All ordinary meetings, special meetings and annual general meetings of Council shall be digitally recorded as provided for by Regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015* except for the proceedings of meetings or parts of meetings closed to the public in accordance with Regulation 15(2).

Other than an official Council recording, no video or audio recording of proceedings of Council Meetings shall be permitted without specific approval by resolution of the Meeting.

The recording does not replace the written minutes and a transcript of the recording will not be prepared.

The Chairperson has the authority at any time of the proceedings to direct the termination of the audio recording of a meeting. However, the Chairperson should only terminate the audio recording in exceptional circumstances including (but not limited to):

- It is clearly evident that the discussion is (or potentially likely to be):
 - o An infringement of copyright;
 - o A breach of privacy and/or unlawful disclosure of personal information;
 - o A release of privileged or confidential information of Council.

If in the situation of a technical difficulty that an audio recording is not possible, then the Chairperson will advise those present of the circumstances. In the event that an audio recording file becomes corrupt for any reason and therefore unavailable, this information will be provided on the Council website (or equivalent).

4.2 Closed Meetings of Council

Council may by resolution, determine to digitally record the proceedings of a meeting or part thereof that is closed to the public.

The Chairman is to ensure that no audio recording is made of the proceedings of a meeting, or part of a meeting that is closed to the public in accordance with Regulation 15(2), except where the Council has specifically resolved to digitally record the proceedings of that meeting or part thereof.

4.3 Disclosure of Audio Recording

Notification that the meeting minutes will be recorded as an audio file, is to be disclosed in the meeting agenda to inform the public that the proceedings are recorded.

A notice is to be displayed at the entrance to the room in which the meeting proceedings are to be held.

At the time of declaring the meeting open, the Chairman is to inform all Councillors, staff and any public present, that the meeting is being recorded.

4.4 Storage of Audio Recording

In accordance with Regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015* the General Manager is to retain the audio files of meeting recordings for at least six (6) months.

The original unmodified audio recording will be suitably stored in accordance with the Council's Records Management requirements. Under Regulation 33(2)(a), the General Manager will dispose of the audio recordings after six (6) months from the date of recording. The General Manager is authorised, pursuant to Section 64 of the *Local Government Act 1993*, to delegate these functions to a Council Officer.

4.5 Access to Audio Meeting Minutes

Local Government (Meeting Procedures) Regulations 2015, Section 33(2)(b) states that if a Council so determines, the audio recording of a meeting or part of a meeting that is not closed to the public is to be made available on Council's website. Such recordings will be considered by Council as routine disclosure under the *Right to Information Act 2009*. Recordings will be made available on the Council website as soon as practicable (normally within seven (7) business days) from the date of the meeting.

Where the Council has resolved to record the part of a meeting closed to the public, the audio files of meeting procedures will only be available to Councillors or Officers entitled to be present during the proceedings in question, via written request.

The audio files are not to be copied or removed from the Council Office.

5. LEGISLATION AND RELATED DOCUMENTS

In adopting this policy it is recognised that there are specific legislative requirements to be met as per the *Local Government (Meeting Procedures) Regulations 2015*, the *Local Government Act 1993* and the *Right to Information Act 2009*.

This policy is to be implemented in conjunction with relevant Council Policies and Strategies including:

- LG03 Councillors Code of Conduct Policy
- Break O'Day Council Meeting Procedures

6. MONITORING AND REVIEW

This Policy will be reviewed every four (4) years following a Council Election in line with the Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the Mayor and the General Manager.