

Title of Policy	SMRC 404 - Webcasting of Council Meetings Policy		
Responsible Department	Governance	Document Register ID	250.2017.404.1
Policy Owner	ICT Manager	Review Date	15 August 2019
Date of Council Meeting	Date Approved	Resolution Number	Number
Legislation, Australian Standards, Code of Practice	Government Information (Public Access) Act (2009) Privacy and Personal Information Protection Act (1998) State Records Act (1998) Local Government Act (1993) Copyright Act (1968) (Cth) Racial Discrimination Act 1975 (Cth)		
Aim	The purpose of this Policy is to set out the parameters under which the operation of Council Meeting webcasting will be conducted.		

1 POLICY SUMMARY

Snowy Monaro Regional Council (Council) resolved at its Council meeting June 2017 to implement webcasting of Council Meetings. This service is to commence from 30 August 2017 with the live streaming of the Council Meeting held in the chambers of the Cooma Head Office.

2 POLICY BACKGROUND

Council is committed to open, transparent and accountable decision making and providing access to Council Meetings.

Everyone is entitled to attend a public meeting of the Council, however in some instances the timing and location of the meeting makes this difficult. Webcasting enables the community and other interested parties to attend the Council Meeting without regard for location.

Council recognises the changing needs and expectations of our community and will seek to facilitate access to Council Meetings for all community members. While Council currently provides information on Council Meetings through a range of channels, including notices, agenda, minutes and reports on the internet, webcasting makes use of the relevant technology to provide access to view Council Meetings at locations other than the Council chambers.

Council will balance its commitment to open, transparent and accountable decision making with the need to manage any risks associated with the webcasting of Council Meetings, to meet the requirements of relevant legislation (such as the Government Information (Public Access) Act (2009), the Privacy and Personal Information Protection Act (1998), the State Records Act (1998), Local Government Act (1993) and the Copyright Act (1968) (Cth)) and to also provide value for money.

This Policy does not extend to Closed Sessions of Council Meetings which are closed to the public in accordance with section 10A of the Local Government Act (1993).

3 DEFINITIONS

Council means Snowy Monaro Regional Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council Policy and Strategies.

A defamatory statement or inappropriate comment is one which tends to injure another's reputation or which brings the other 'into hatred, contempt or ridicule.'¹ A statement will also be defamatory if it induces people to shun or avoid a person for the reasons of pity or misfortune. A statement can be made by spoken words, signs or gestures, writing or images in person or by broadcast.

The Racial Discrimination Act 1975 (Cth) makes it unlawful to treat others unfairly because of their race, colour, descent, national or ethnic origin or immigrant status. It is unlawful to do something in public based on the race, colour, national or ethnic origin of a person or group of people which is likely to offend, insult, humiliate or intimidate.

In this Policy the phrase "potentially defamatory or inappropriate comment" is used, as it may not be possible to determine whether a comment is defamatory or one of racial discrimination.

Council Meeting is a meeting of Council or a Committee of Council that is conducted in accordance with Council's adopted Code of Meeting Practice.

Closed Session is a meeting of Council or a Committee from which the media and the public have been excluded by a resolution carried in accordance with section 10A of the Local Government Act 1993.

Minutes are required to be taken, to be accurate and to be signed in accordance with section 375 of the Local Government Act 1993. The minutes are the official record of the Council Meeting and are a true and accurate reflection of the meeting once adopted at a subsequent meeting.

4 POLICY STATEMENTS

This Policy covers all elected/appointed members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of the Council.

This Policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.

This Policy applies to all those persons attending the Council Meeting including Councillors, Staff, Invited Speakers, observers and members of the public, both as visitors in the public gallery and as contributors to the public meeting.

All those persons attending the Council Meeting are required to act in a professional and ethical manner in accordance with Council's Code of Conduct, other related Policies and any relevant Office of Local Government (NSW) and IPC guidelines.

¹ *Parmiter v Coupland (1840) 6 M & W 105: 151ER 340*

5 General

Meetings of Council which are held in the Council Chambers of the Cooma Head Office and will be broadcast and recorded in a format that allows both live streaming as well as subsequent viewing for a suitable period of time, as determined by Council.

The platform for this live streaming and subsequent viewing will be determined based on consideration of risks associated with various services, balanced with the ability to easily reach a wide viewership.

Council will seek to use a platform and process that increases ease of access for viewers. However, it is acknowledged that the quality of the live stream and recording will depend on the individual user settings, PC memory capacity and internet connection bandwidth.

To ensure those present at the meeting are aware that the meeting will be live streamed and recorded, an announcement will be made prior to each meeting setting this out and signage will be placed in the Chambers. The announcement and signage will remind people of the recording and the expectation that they will refrain from potentially defamatory or inappropriate comments.

To manage the risk associated with the possible broadcast of potentially defamatory or inappropriate comments, the live stream will operate on a slight delay setting. Staff responsible for the management of the live stream at the meeting will be empowered to determine if it is necessary to halt the live stream.

Staff responsible for the management of the live stream may also be directed to halt the stream by the Mayor, General Manager or any member of the Executive Team present at the meeting.

To resume a halted live stream, a direction by the Mayor, General Manager or any member of the Executive Team present at the meeting is required to staff responsible for the management of the live stream to resume live streaming.

Council meetings like any public forum are a platform for open questioning and an open expression of views. Whilst the Council has a Code of Meeting Practice and a Code of Conduct Policy that strongly opposes bullying, harassment, abuse, discrimination, vilification and defamatory comments of any kind, some topics may occasionally invoke strong emotions and comments. A consequence of having a broader audience in attendance made possible through the live streaming inevitably increases the likelihood and/or the severity of comments being regarded as contravening these ethics and standards.

Individuals are liable for contravening any of these ethics and Councils Code of Meeting Practice or any Law such as Privacy. No protection will be afforded to staff, Councillors or the public where comments made during a meeting are subsequently challenged in a court of law and determined to be slanderous, defamatory or inappropriate in nature.

The Closed Session of the Council Meetings will not be recorded and to manage the risk of potentially live streaming a closed part of the Council Meeting, the Council Meeting will pause prior to commencing discussion of any confidential matter for the Mayor to confirm with staff responsible for the management of the live stream that the live streaming has been halted.

Following the meeting, the recording will remain accessible through Council's website and/or the agreed platform. It will remain accessible until the minutes of the meeting have been adopted at a subsequent Council Meeting as the minutes are the official record of the meeting.

Following the Council Meeting, it may be determined to edit or remove the recording where there is concern that defamatory or inappropriate comments had been made. Editing or removal of the recording (or part of the recording) would be at the direction of the General Manager.

The recording will be retained as required by the State Records Authority NSW (under GA39 General Retention and Disposal Authority: Local Government Records, reference number 13.6.2), until the minutes of the Council Meeting have been confirmed at a subsequent Council Meeting. At the conclusion of this period the recording may be destroyed. During the retention period the

recording is classified as open access information as defined under the Government Information (Public Access) Act and will be accessible through Council's Website.

Webcasts of Council Meetings cannot be reused or reproduced without approval from Council and are subject to copyright under the Copyright Act 1968 (Cth).

6 POLICY IMPLEMENTATION

This Policy should be read in conjunction with Council's Code of Conduct and Council's Code of Meeting Practice.

It is the personal responsibility of all Council Officials and agents thereof to have knowledge of, and to ensure compliance with this Policy.

This Policy is supported by Procedures and instructions specific to the operation of Webcasting.

Documentation

250.2016.1.1 – SMRC 1 – Code of Conduct

250.2016.72.1 – SMRC 72 – Code of Meeting Practice

250.2017.#.1 – SMRC # – Webcasting of Council Meeting Procedures

Variation

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.