



# NORTHERN MIDLANDS COUNCIL

## POLICY MANUAL

### LIVE STREAMING OF COUNCIL MEETINGS

**Originated Date:** Adopted 21 August 2023, Min. ref. 23/0281

**Amended Date/s:**

**Applicable Legislation:** *Local Government Act 1993*  
*Local Government (Meeting Procedures) Regulations 2015*

**Objective** The objective of this policy is to:

1. provide information and procedures for the audio/visual live streaming and recording of open ordinary Council meetings for the public to access; and
2. promote transparency, accessibility and greater community awareness and confidence in the integrity and accountability of Council meeting practices, and the conduct of their elected representatives.

**Administration:** Governance

**Review Cycle/Date:** Within 12 months of commencement.

## 1 INTRODUCTION

The *Local Government Act 1993* and the *Local Government (Meeting Procedures) Regulations 2015* make provision for the operation and conduct of Council meetings. Whilst the legislation identifies how these processes can occur, there are some lower level procedures required to be set out by Council. This policy stipulates those guidelines.

The *Local Government (Meeting Procedures) Regulations 2015* do not preclude live streaming of Council meetings or making recordings of meetings available on-demand.

This policy is to be read in conjunction with Councils Meeting Procedures Policy.

## 2 POLICY STATEMENT

This policy outlines Council's commitment to transparent and accessible decision making processes with the introduction of audio/visual live streaming and recording of ordinary open council meetings.

## 3 SCOPE

This policy applies to formal Council meetings (ordinary meetings, special meetings and Annual General meetings). This policy does not apply to closed sessions of Council or Committee meetings of Council.

Live streaming of Council meetings does not authorise any Councillor to attend meetings remotely and it is noted regulation 38(2) of the *Local Government (Meeting Procedures) Regulations 2015* requires Councillors to attend a meeting in person and Council may not determine that a councillor may attend a meeting in any manner that does not consist of in person attendance.

## 4 PROCEDURES

### 4.1 MEETINGS TO BE LIVE STREAMED AND RECORDED

Ordinary and Special Council Meetings held in Council's Chambers at 13 Smith Street, Longford will be audio and visually live streamed and recorded and made on the internet via Council's website [www.nmc.tas.gov.au](http://www.nmc.tas.gov.au).

The recording will be uploaded to Council's website as soon as possible and no later than four business days after the Council meeting (not including the day of the meeting). A link to the streaming service and recording of meetings will be made available on Council's website for ease of access.

Closed Council Meetings will not be live streamed or recorded.



# NORTHERN MIDLANDS COUNCIL

## POLICY MANUAL

The Chairperson and/or General Manager have the discretion and authority to direct the live streaming and recording be interrupted or terminated at any time if they believe it is advisable to do so, for example where the content of the debate is misleading, defamatory, a breach of privacy, unlawful or potentially inappropriate to be published.

There may be situations where live streaming and/or recordings of Council meetings is not available due to technical issues. Council takes no responsibility for and cannot be held liable for the live streaming, or access to it, on Council's website being unavailable due to technical issues beyond its control. Technical issues may include the availability of the internet connection, device failure or malfunction, unavailability of social media platforms or power outages.

Council will take every effort to ensure the smooth operation of live streaming and recording of Council meetings.

The recordings will not replace written minutes of Council meetings. The recordings may be used by Council Officers when preparing minutes.

### 4.2 DISCLAIMER

4.2.1 Meeting Agendas are to include at the start a notice that Council meetings are being live streamed using audio/visual technology and that audio/visual recordings will be made available to the public to view online after the meeting.

4.2.2 Public Notices will be placed in prominent positions outside and within the Council Chambers to inform the meeting is being audio/visually live streamed and recorded, a persons image and/or voice may be broadcast and by remaining in the public gallery during the meeting or participating during the meeting, their consent to being live streamed and recorded is assumed.

4.2.3 The Chairperson will make a statement at the opening of Council meetings advising as follows:

*"Ladies and Gentleman,*

*Please note this meeting is being audio/visually live streamed and recorded on the Council's website in accordance with Council's Live Streaming of Open Council Meetings policy.*

*The recording will be archived and made available on Council's website after the meeting.*

*While care is taken to maintain your privacy while in attendance at the Council meeting, please note that your presence in the Council Chambers and/or voice may be live streamed and recorded, including any statement made during public question time or consideration of planning matters.*

*All speakers ought to refrain from making any defamatory comments or releasing personal information of another individual without their prior consent.*

*Council accepts no liability for any damage that may result from defamatory comments and all liability will rest with the individual making those comments.*

*By remaining in the public gallery, you are deemed to consent to being live streamed and recorded. If any person attending the meeting does not agree to being live streamed or recorded, you may choose to leave the meeting.*

*Thank you"*

4.2.4 A disclaimer will be included on Council's website from which the live streaming and recordings will be accessed.

### 4.3 ARCHIVING OF RECORDINGS

Prior to publishing the audio/visual recordings on Council's website, the recordings must be reviewed and authorised for broadcast by the General Manager.

The audio/visual recordings of Council meetings will be retained and archived by Council for a minimum period of six (6) months. The recordings will be made available on Council's website [www.nmc.tas.gov.au](http://www.nmc.tas.gov.au) for public viewing free of charge.

### 4.4 COPYRIGHT

Unless expressly stated otherwise, Northern Midlands Council claims copyright ownership of the content of recordings of Council meetings ("the Recordings").



# NORTHERN MIDLANDS COUNCIL

## POLICY MANUAL

The Recordings may not be uploaded, displayed, transcribed and/or reproduced without the written permission of the General Manager for the express purpose proposed.

The Northern Midlands Council reserves the right to revoke such permission at any time. Apart from uses permitted under the *Copyright Act 1968*, all other rights are reserved.

Requests for authorisations, including authorisations for the use of recordings, should be directed to the General Manager, 13 Smith Street, Longford TAS 7301.

### 4.5 ADVERTISEMENT

To promote this policy and live streaming and recording of Council meetings, Council will place advertisements on the Council's website, Facebook page and the Northern Midlands Courier to inform the community that live streaming and recordings of Council meetings is available.

Ongoing advertisement and public promotion of live streaming and recording of council meetings will be reviewed periodically by the General Manager.

## **5. RISK MANAGEMENT**

Public Council meetings are an open forum of statements, questions, and answers. Occasionally, comments could be made which may be regarded as offensive, defamatory, inaccurate, or unlawful.

It is acknowledged that live streaming and recording of Council meetings does not increase these risks, however it could increase the impact due to the larger audience as a result of the broadcast. This could increase the likelihood and/or severity of potential liability.

Accordingly, the Chairperson and/or General Manager have the authority and discretion to interrupt or terminate the live streaming and recording of Council meetings if they believe it is advisable to do so. This discretion is to be exercised in exceptional circumstances only and where the Chairperson and/or General Manager are of the view that the debate is misleading, inaccurate, unlawful, defamatory, or inappropriate to be published.

Following the meeting, the General Manager has the discretion to direct the exclusion of all or part of the recording of any meeting prior to the recording being published on the Council's website. The circumstances in which the General Manager may exercise this discretion is limited to where the material is inappropriate, including but not limited to inaccuracies or misinformation, defamatory statements, infringement of copyright, breach of privacy or disclosure of personal information, offensive and inappropriate behaviour and confidential information.

Parliamentary privilege does not apply to local Council meetings. It should be noted that no protection is afforded to Councillors or Council employees for comments made during meetings.

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

Council does not accept any responsibility or liability for verbal comments made during meetings which are inaccurate, incorrect or defamatory. The Council does not accept any liability for any loss, damage, cost or expense that may be incurred as a result of viewing, use of or reliance on the information or statements provided in the live streaming or recordings.

## **6 REVIEW**

The policy will initially be reviewed within 12 months of commencing operation.<sup>3</sup>

---

<sup>3</sup> At the 21 August 2023 Council Meeting, only the audio live streaming of meetings was endorsed pending, further consideration will be given to the visual live streaming of Council Meetings following receipt of legal advice.