12.2 REVIEW OF COUNCIL PROCEEDINGS - RECORDING AND WEB STREAMING POLICY

Attachments: **1. Council Proceedings - Recording and Web Streaming Policy**
2. Assessment of Policy

RECOMMENDATION:

That Council REPEAL the Council Proceedings – Recording and Web Streaming Policy at Attachment 1.

PURPOSE OF REPORT:

To seek Council's consent to repeal the Council Proceedings – Recording and Web Streaming Policy at **Attachment 1**.

DELEGATION:

Section 2.7 of the *Local Government Act 1995* sets out the Role of Council as being to 'determine the local government's policies'. There is no delegation to Administration to make, review or repeal policies.

BACKGROUND:

Policy No. 4.2.4 – Council Meetings – Recording and Web Streaming was first adopted by Council in July 2017.

Council at its Meeting on the 12 September 2017 (Item 11.6), approved a minor amendment to the policy to include the ability to archive the livestreams for the public to access outside of live streaming.

Council at its Meeting on 16 June 2020 (Item 12.3), repealed the Policy No. 4.2.4 – Council Meetings – Recording and Web Streaming and approved the updated Council Proceedings – Recording and Web Streaming Policy. The update enabled public question time and deputations at Council proceedings to be recorded and livestreamed on the City's website.

DETAILS:

The elements set out in clause 1.3 of the Policy Development and Review Policy have been considered as set out below.

Proposed objective of the new policy:

It is proposed that the policy be repealed and Administration prepare an internal procedure to provide guidance for recording and web streaming Council proceedings.

A review of the current policy provisions and impact of repealing has been provided in **Attachment 2**.

Requirement for a documented City position (including community need or legislative requirement):

There is no longer a requirement for a documented City position on recording and web streaming of Council Meetings.

Section 58 of the *Local Government Amendment Act 2023* (the Amendment Act) inserts a new section 5.23A into the *Local Government Act 1995* (the Act) covering electronic broadcasting (livestreaming) and video and audio recording of council meetings.

Section 5.23A(2) of the Act is a power that allows regulations to be made that may require, regulate, or otherwise make provision for any of the following matters:

- electronic broadcasting of council meetings
- making or retaining recordings of council meetings
- making recordings of council meetings publicly available
- provision, or otherwise making available, recordings of council meetings.

The requirements for livestreaming and recording of council meetings are aimed at increasing transparency and accountability in local government.

The *Local Government Regulations Amendment Regulations (No. 3)* was published on 18 October 2023.

Part 2A of the *Local Government (Administration) Regulations 1996* (the Administration Regulations), titled Electronic broadcasting and video or audio recording of council meetings, will apply to meetings of council held on or after 1 January 2025.

The Regulations prescribe the requirements for recording, streaming, publishing and storing meetings. The City is already compliant with all the requirements of the regulations and would not need to modify any of our current procedures or practices related to the recording and streaming of council meetings.

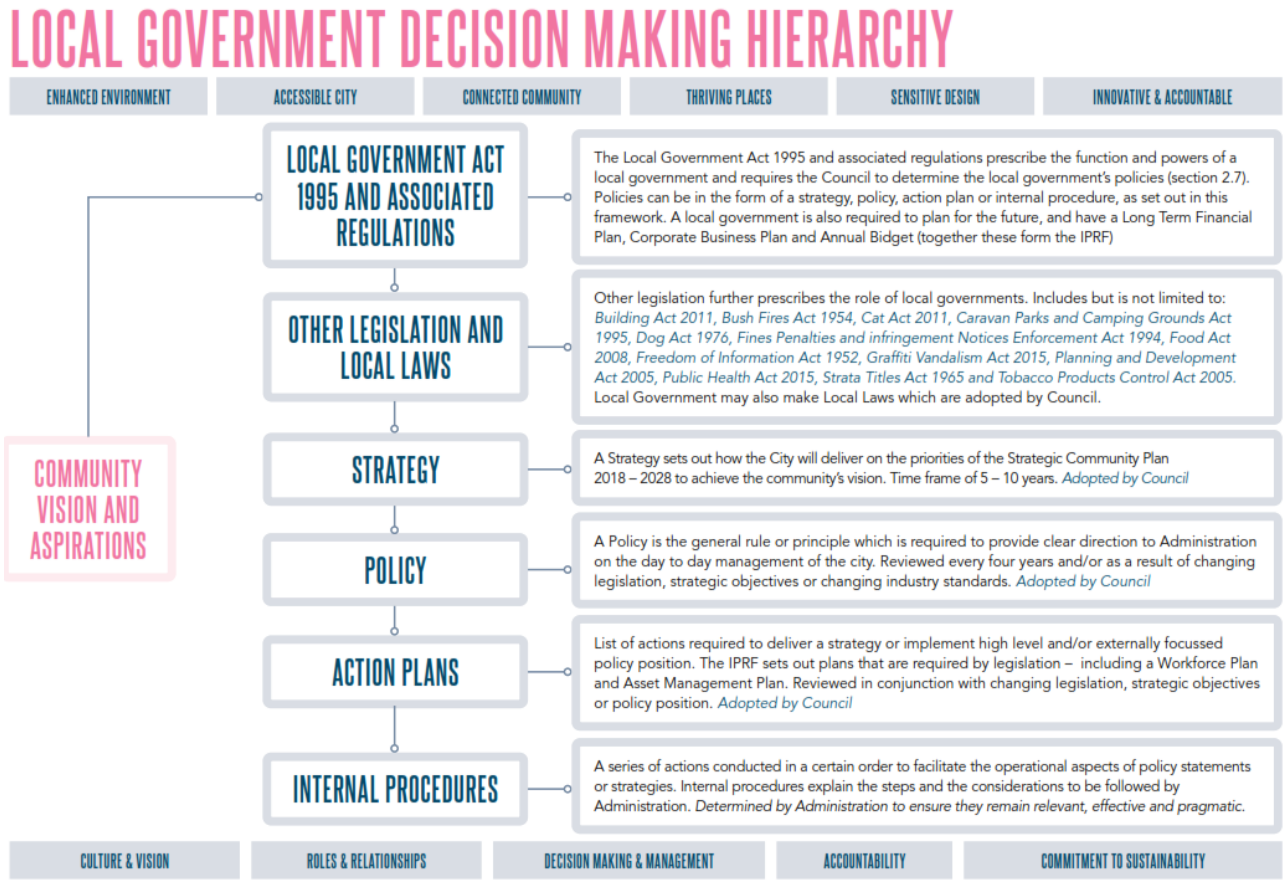
CONSULTATION/ADVERTISING:

No community consultation is required for the repeal of the policy.

LEGAL/POLICY:

There is no legislative or regulatory requirement for this policy. Section 2.7(2)(b) of the Local Government Act 1995 provides Council with the power to determine policies.

The Policy Development and Review Policy sets out the process for the development, review and repeal of the City's policy documents.



RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to repeal the policy as the policy is proposed to be replaced with internal guidance documenting the recording and web streaming process to be followed by Administration, consistent with Council's adopted Policy Development and Review framework.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2022-2032*:

Innovative and Accountable

We deliver our services, projects and programs in the most inclusive, efficient, effective and sustainable way possible

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes. This action/activity is environmentally neutral.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025.*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COUNCIL PROCEEDINGS – RECORDING AND WEB STREAMING POLICY

CITY OF VINCENT

Responsible directorate	Office of the CEO.
Responsible team	Corporate Strategy and Governance.
Responsible officer	Executive Manager Corporate Strategy and Governance.
Affected teams	Elected Members and Executive.
Legislation / local law requirements	Clause 2.16 of the City's *Meeting Procedures Local Law 2008*. *"(1) No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee, unless the person has been given prior permission by the Council.* *(2) Sub-clause (1) does not apply if the recording is taken by or at the direction of the CEO, with the permission of the Council or committee.* *(3) Wherever a meeting is open to the public, the Council may make proceedings of the Council available to members of the public via web streaming.* *(4) The presiding member or the Council by carrying a decision, without debate, may decide to stop or start the web streaming at any time during the Council meeting."* Section 9.57A of the *Local Government Act 1995* – local government protected from liability for defamation: Council proceedings on website
Relevant delegations	Nil.
Related policy procedures and documents	Nil.

PURPOSE

To allow for the recording and web streaming of Ordinary Council Meetings, Special Council Meetings, Council Briefings and the Annual General Meeting of Electors (**Council proceedings**).

POLICY

1. All Council proceedings shall be recorded including when the Council has resolved to go behind closed doors.
2. All Council proceedings will be streamed live via the City's website except when Council has resolved to go behind closed doors.
3. The Presiding Member, at their sole discretion, may decide to also stop the recording when a matter is considered behind closed doors.
4. All recordings are to be retained in accordance with the *State Records Act 2000*.

COUNCIL PROCEEDINGS – RECORDING AND WEB STREAMING POLICY

CITY OF VINCENT

5. The web stream will be archived, bookmarked to link individual agenda items, and will be available on the City's website.

6 A sign will be prominently displayed at each Council proceeding notifying attendees that the meeting will be web streamed.

7 The Presiding Member is to make an announcement at the start of every Council proceeding, drawing attention to the fact that the Council proceeding will be web streamed.

SCOPE

This Policy applies to Elected Members, City officers and members of the public attending Council proceedings.

DEFINITIONS

"Council proceedings" means Ordinary Council Meetings, Special Council Meetings, Council Briefings and the Annual General Meeting of Electors.

"Web stream" means the streaming of the Council proceedings on the City's website and includes the audio and visual recordings.

OFFICE USE ONLY	
Initial Council adoption	**DATE: 16/06/2020, REF# D20/105102**
Reviewed / Amended	**DATE:** <APPROVAL DATE>, **REF#:** <TRIM REF>
Next Review Date	**DATE: 16/06/2025,**

Assessment of Council Proceedings, Recording and Web Streaming Policy

No.	***Current Clause***	**Impact of Policy revocation**
1.	*PURPOSE* *To allow for the recording and web streaming of Ordinary Council Meetings, Special Council Meetings, Council Briefings and the Annual General Meeting of Electors (Council proceedings).*	Policy purpose is no longer required as Section 58 of the *Local Government Amendment Act 2023* (the Amendment Act) inserts a new section 5.23A into the *Local Government Act 1995* (the Act) covering electronic broadcasting (livestreaming) and video and audio recording of council meetings. Part 2A of the *Local Government (Administration) Regulations 1996* Regulation 14H which take effect 1 January 2025 require that All Class 2 local government to livestream video and audio of council meetings.
1	*Policy* *All Council proceedings shall be recorded including when the Council has resolved to go behind closed doors.*	This is covered by Regulation 14I (10) of the *Local Government (Administration) Regulations 1996:* (10) *Despite subregulation (1)(b), a local government must not make a recording publicly available to the extent that the recording is of closed proceedings of its council.* *Note for this subregulation: This subregulation does not affect a local government's duty to make a recording under subregulation (1)(a) of any closed proceedings of its council, to retain the recording under subregulation (1)(c) and to provide a copy of the recording to the Departmental CEO under subregulation (1)(d) if requested under subregulation (11)(a).*
2	*All Council proceedings will be streamed live via the City's website except when Council has resolved to go behind closed doors.*	This is covered by Regulation 14H of the *Local Government (Administration) Regulations 1996:* *(2) A local government must, in accordance with subregulation (3), publicly broadcast every meeting of its council that —* *(a) is held at the council's usual meeting place; or* *(b) is an electronic meeting.* *(3) For the purposes of subregulation (2) —*

		(a) the broadcast must be live (with only so much of a delay as is inherent in live broadcasting by means of the local government's broadcast technology); and *(b) the broadcast must be on —* *(i) the local government's official website; or* *(ii) another website a link to which is publicly provided on the local government's official website; and* *(c) the broadcast must be both visual and audio; and* *(d) the quality of the broadcast must be sufficient to allow persons effectively to watch and listen to the deliberations and communications that are part of the meeting's proceedings*
3.	*The Presiding Member, at their sole discretion, may decide to also stop the recording when a matter is considered behind closed doors.*	This is covered by Regulation 14H of the *Local Government (Administration) Regulations 1996:* *(5) Despite subregulation (2), a local government must not publicly broadcast any closed proceedings of its council.* A recoding must still be mad in accordance with regulation 14I (10).
4.	*All recordings are to be retained in accordance with the State Records Act 2000*	This is covered by Regulation 14I of the *Local Government (Administration) Regulations 1996:* *(c) retain the recording until, at least, the end of the period of 5 years after the meeting day;*
5.	*The web stream will be archived, bookmarked to link individual agenda items, and will be available on the City's website.*	This is an administrative direction and can be captured in the Council Meeting procedures guidelines. Regulation 14I of the *Local Government (Administration) Regulations 1996* requires*:* *(1) A local government must —* *(a) make a recording of every meeting of its council in accordance with subregulation (2); and* *(b) make the recording publicly available —* *(i) within 14 days after the meeting day; and*

		(ii) until, at least, the end of the period of 5 years after the meeting day
6.	*6 A sign will be prominently displayed at each Council proceeding notifying attendees that the meeting will be web streamed*	This is an administrative direction and can be captured in the Council Meeting procedures guidelines.
7.	*The Presiding Member is to make an announcement at the start of every Council proceeding, drawing attention to the fact that the Council proceeding will be web streamed.*	This is an administrative direction and can be captured in the Council Meeting procedures guidelines.
	SCOPE This Policy applies to Elected Members, City officers and members of the public attending Council proceedings.	The requirement for recording and streaming of meetings is now set out in *Local Government (Administration) Regulations 1996 – Part 2A*
	DEFINITIONS *"Council proceedings" means Ordinary Council Meetings, Special Council Meetings, Council Briefings and the Annual General Meeting of Electors.*	Council Proceedings is now defined by *Local Government (Administration) Regulations 1996 Regulation 14H (2)* *(2) A local government must, in accordance with subregulation (3), publicly broadcast every meeting of its council that —* *(a) is held at the council's usual meeting place; or* *(b) is an electronic meeting.*
	DEFINITIONS *"Web stream" means the streaming of the Council proceedings on the City's website and includes the audio and visual recordings.*	*Local Government (Administration) Regulations 1996 Regulation 14H (3) defines public broadcast:* *(3) For the purposes of subregulation (2) —* *(a) the broadcast must be live (with only so much of a delay as is inherent in live broadcasting by means of the local government's broadcast technology); and* *(b) the broadcast must be on —* *(i) the local government's official website; or* *(ii) another website a link to which is publicly provided on the local government's official website; and* *(c) the broadcast must be both visual and audio; and* *(d) the quality of the broadcast must be sufficient to allow persons effectively to watch and listen to the deliberations and communications that are part of the meeting's proceedings.*