



## CP7 – RECORDING OF COUNCIL MEETINGS POLICY

MANAGEMENT PRACTICE: N/A

DELEGATION: N/A

### POLICY OBJECTIVE

To ensure open and transparent government, improve engagement with the community and accessibility to Council decision making, and detailing the approach to recording of in person Council Meetings.

### POLICY SCOPE

This Policy provides guidance in relation to the recording of Council Meetings, including but not limited to:

1. Ordinary Council Meetings.
2. Special Council Meetings.
3. Any other meeting as determined by Council.

The Policy does not apply to:

1. Committee Meetings, or
2. Confidential items at Council meetings.

### DEFINITIONS

**Act** means the *Local Government Act 1995*.

**Regulations** means the *Local Government (Administration) Regulations 1996*.

**Member** means an Elected Member.

**Meeting** means an Ordinary Meeting of Council, or a Special Meeting of Council.

**Behind Closed Doors** means where a meeting is closed to members of the public in accordance with Section 5.23(2) of the Act.

**Inappropriate** includes any comments considered to be liable, slanderous, defamatory, or not in keeping with accepted community standards.

**Absolute Privilege** means an absolute defence to an otherwise defamatory statement because of the venue or context in which the statement was made.

**Record** means any record of information however recorded.

**Recording** means to capture an audio recording of an event.

### POLICY STATEMENT

#### Recording

- Recordings will be made via audio from the Council Chamber smartboard using Zoom or Microsoft Teams.
- The recording will be conducted by Shire Officers.
- Members of the public will be advised that an audio recording of the meeting will be made via the notice paper for the meeting and a sign will be prominently displayed in Council Chambers.

- The Presiding Member will make an announcement at the start of every meeting drawing attention to the fact that the meeting will be audio recorded.
- In accordance with the requirements for a Band 4 local government, the recording of the meetings will be made available on the Shire's website at the time the unconfirmed minutes are published, excluding those matters considered Behind Closed Doors.
- The Shire will make every reasonable effort to ensure the recording is available. However, should any technical difficulties arise, the recording may not be available. Notification of such will be provided in accordance with the Regulations.
- The Presiding Member may decide to cease recording at any time during the meeting.
- Copying or distribution of any part of the recording is not permitted. The Shire reserves all rights in relation to its copyright. Audio contained in a recording must not be altered, reproduced or republished without the written permission of the Shire.
- No person is to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the written permission of the Council.

#### **Meeting or Items of Business Behind Closed Doors**

- Recordings of meetings closed for consideration of matters under Section 5.23 of the *Local Government Act 1995* is permitted for minute taking purposes but will not be released to the public or made available on the Shire's website.
- Confidential recordings may be released, if requested, to the Department of Local Government, Sport & Cultural Industries, the Police or the Court.

#### **Record Keeping**

- The official record of the meeting will be the written minutes kept in accordance with the *Local Government Act 1995* and any relevant Regulations.
- All recordings will be retained as part of the Shire's records for at least five (5) years, or in accordance with the *State Records Act 2000* (whichever is the longer period of time).

#### **Conduct and Responsibilities**

- Elected Members are required to act in accordance with the *Local Government Act 1995* (and Regulations), Shire of Jerramungup Code of Conduct for Council Members, Committee Members and Candidates and other relevant policies.
- Staff are required to act in accordance with the *Local Government Act 1995* (and Regulations), Shire of Jerramungup Employee Code of Conduct, and relevant policies.
- Members of the public are required to extend due courtesy and respect to the Council, Presiding Member, staff and other members of the public in attendance.

#### **Liability and Defamation**

- Under Section 9.57A of the *Local Government Act 1995*, the Shire is not liable for an action of defamation in relation to a matter published on its official website as part of a recording of Council proceedings.
- Under Section 9.56 of the *Local Government Act 1995* Elected Members and employees are not liable to defamation for any statements made in good faith.
- Further defences under the *Defamation Act 2005* may also be applicable.
- As a general principle, the Shire will not edit recordings of meetings. This is to ensure open and transparent government. The onus is on those in attendance at the meeting to ensure that their

conduct, content and language are appropriate for the audience. The Presiding Member is responsible for maintaining the orderly proceedings of the meeting.

- Following any meeting, the Chief Executive Officer in concurrence with the Presiding Member, may mute/exclude all or part of any meeting recording considered inappropriate to be published. This may include, but is not limited to, material that may:
  - Breach the privacy of an individual;
  - Disclose confidential or privileged information;
  - Concern public safety or security;
  - Be offensive, abusive or discriminatory; or
  - Constitutes hates speech.

The muting/excluding of any part of the meeting recording must be reported and confirmed to the Council at the next available Ordinary Council Meeting, whereby Council may revoke or change the decision.

## RESPONSIBILITIES

The CEO is responsible for implementing this Policy. Elected Members, and Staff are required to adhere to all aspects of this Policy.

<b>Relevant Legislation:</b>	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i> <i>Freedom of Information Act 1992</i> <i>State Records Act 2000</i> <i>Defamation Act 2005</i>
<b>Related Documents:</b>	Employee Code of Conduct Code of Conduct for Council Members, Committee Members and Candidates
<b>Related Local Law:</b>	N/A
<b>Related Policies:</b>	N/A
<b>Adopted:</b>	18 December 2024
<b>Last Reviewed:</b>	N/A
<b>Next Review Date:</b>	2026 This Policy will be reviewed every two years to align with the local government election cycle.