

Live Broadcasting and Recording of Council Meetings Procedure

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Owner:	Executive Manager Governance and Risk
Functional Area:	Governance and Risk
Approved by:	Controlled Document PCG
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Essentials  Read me first	1. Live broadcasting is only applicable for public Council meetings. 2. Public notice must be given where a Council meeting will be live broadcast. 3. Confidential Council meetings, or confidential sections of Council meetings will not be broadcast live or recorded. 4. In recognition of the legal and reputational risk to City of Ballarat, the Chief Executive Officer may determine at their sole discretion not to publish a recording if it is reasonably believed to contain inappropriate information or where exceptional circumstances are apparent from the recording. 5. City of Ballarat does not accept any responsibility for the comments made or information provided during Council meetings.
Context 	This procedure will apply to all Council meetings to be broadcast live or recorded and published in accordance with this procedure. The procedure does not extend to any meetings closed to the public in accordance with Section 66 (2) of the <i>Local Government Act 2020</i> (the Act).
Purpose 	This procedure outlines the requirements associated with the live broadcasting and publishing recordings of Council meetings via City of Ballarat's website. The application of this procedure will be utilised to inform members of the public and Councillors on City of Ballarat's processes to the live broadcasting of Council meetings.
Requirements 	1.1. Notification of image recorded and/or broadcast City of Ballarat will use its best endeavours to ensure images of people in the public gallery of a Council meeting are not broadcast live or recorded and published. Members of the public must be given appropriate notice of the possibility of their image being recorded and published and/or broadcast. Requirements when a Council meeting is to be recorded and/or broadcast live: • Prominent signage informing all attendees of the Council meeting that the meeting will be recorded and broadcast live in the terms set out in Attachment 1 must be provided;

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- At the commencement of each Council meeting to be recorded and/or broadcast live, the Chairperson shall provide a statement to notify the attendees of the Council meeting that the meeting will be recorded and/or broadcast live; in the terms set out in Attachment 2;
- Notice will be given in the Council meeting agenda; as set out in
- Attachment 3; and
- Where the recording is to be published on City of Ballarat’s website, notice will be given on City of Ballarat’s website. in the terms set out in Attachment 4; and
- A copy of this procedure will be referenced in all online notices given under this clause.

All members of the public are reminded that they are solely responsible for their own comments made during Council meetings and that these comments may result in an individual who suffers loss as a result of those comments, pursuing action through a court of appropriate jurisdiction.

The Chief Executive Officer, in their discretion, may from time to time update the terms of the notices to be given under this clause without updating this procedure.

1.2. Technical Disclaimer

There may be situations where, due to technical difficulties, a live broadcasting of the Council meeting may not be available. Loss of broadcasting will be managed in accordance with City of Ballarat’s Governance Rules.

Where live broadcasting is the subject of a disruption, City of Ballarat will notify the public on both its social media channels and City of Ballarat’s website (if those channels have not been functionally compromised).

1.3. Termination of Live Broadcasting in Exceptional Circumstances

Both the chairperson and the Chief Executive Officer have the discretion and authority at any time to direct the termination or interruption of live broadcasting of a Council meeting where there are exceptional circumstances, or the content of the Council meeting is considered by the chairperson or the Chief Executive Officer to contain inappropriate information.

1.4. Upload, Access and Storage of Files

The decision to upload or publish a recording of a Council meeting will be made taking into consideration the content of the material and the potential for Council to be liable for any loss suffered by a person as a result of the published comments.

	In recognition of the potential legal risk to Council, the Chief Executive Officer may determine in their sole discretion to remove offending content of a Council meeting if it is reasonably believed it may contain inappropriate information or where exceptional circumstances arise. If action has been taken to remove offending content, the Chief Executive Officer or delegate will notify all Councillors as soon as reasonably practical. Aside from the above, all recordings will be uploaded to City of Ballarat's website within five business days of the meeting. These recordings of the Council meetings will be published and available on City of Ballarat's website for a minimum period of 12 months. All recordings of Council meetings will be maintained in accordance with City of Ballarat records and document management control related policies and procedures.														
Supporting Definitions 	<table><tr><td>Chairperson</td><td>Means the Chairperson of a Council or delegated committee meeting and includes an acting, a temporary and a substitute Chairperson.</td></tr><tr><td>City of Ballarat</td><td>The body corporate constituted in accordance with the <i>Local Government Act 2020</i>.</td></tr><tr><td>Council</td><td>Consists of the Councillors who are democratically elected to represent the Ballarat municipality in accordance with the <i>Local Government Act 2020</i>.</td></tr><tr><td>Council Meetings</td><td>A meeting of the Council convened in accordance with Council's Governance Rules and includes a scheduled meeting and unscheduled meeting.</td></tr><tr><td>Delegated Committee</td><td>The same meaning as in the Act.</td></tr><tr><td>Exceptional Circumstances</td><td>Circumstances where there is: • A risk or threat to public health and safety; • A threat of violence or aggression against others by one or more people attending the Council meeting; • Unlawful conduct by an attendee of the Council meeting; • Significant disruption of the Council meeting by the conduct of an attendee; and/or • A reputational risk to Council. </td></tr><tr><td>Inappropriate Information</td><td>Information which amounts to, or could be perceived to amount to: • Defamation, being a public statement about individual/s, products, groups, or organisations which is untrue and may cause them harm; • Infringement of copyright; </td></tr></table>	Chairperson	Means the Chairperson of a Council or delegated committee meeting and includes an acting, a temporary and a substitute Chairperson.	City of Ballarat	The body corporate constituted in accordance with the <i>Local Government Act 2020</i> .	Council	Consists of the Councillors who are democratically elected to represent the Ballarat municipality in accordance with the <i>Local Government Act 2020</i> .	Council Meetings	A meeting of the Council convened in accordance with Council's Governance Rules and includes a scheduled meeting and unscheduled meeting.	Delegated Committee	The same meaning as in the Act.	Exceptional Circumstances	Circumstances where there is: • A risk or threat to public health and safety; • A threat of violence or aggression against others by one or more people attending the Council meeting; • Unlawful conduct by an attendee of the Council meeting; • Significant disruption of the Council meeting by the conduct of an attendee; and/or • A reputational risk to Council.	Inappropriate Information	Information which amounts to, or could be perceived to amount to: • Defamation, being a public statement about individual/s, products, groups, or organisations which is untrue and may cause them harm; • Infringement of copyright;
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		• A breach of privacy; • Offensive behaviour including discrimination; • Vilification or inciting hatred; • Being confidential or privileged; or • Being misleading.
Accountability 	Chairperson and Chief Executive Officer (or delegate) Direct the interruption of live broadcasting of a Council meeting where there are exceptional circumstances. Monitor content stated during the meeting isn't inappropriate. Governance and Risk Team The Governance and Risk Team are responsible for publishing the recording on City of Ballarat's website within 5 business days of a Council meeting.	
Supporting Documents and References 	Acts <i>Local Government Act 2020</i> <i>Privacy and Data Protection Act (Vic) 2014</i> <i>Copyright Act (Cth) 1968</i> <i>Defamation Act (Vic) 2005</i> <i>Gender Equality Act 2020</i> <i>Surveillance Devices Act 1999</i> Council related documents Governance Rules Councillor Code of Conduct Employee Code of Conduct Records Retention and Disposal Procedure Minister's Good Practice Guideline MGPG-3: Virtual Meetings	

APPENDIX

Attachment 1

Public Gallery Notice

The following will be posted in a prominent location at a Council meeting that is to be recorded or broadcast live:

This meeting is being publicly broadcast on the internet and the recording will be published on Council's website www.ballarat.vic.gov.au after the meeting.

As a visitor in the public gallery, you may be filmed. By remaining in the public gallery, you consent to being filmed and for the recording of you to be made publicly available by the Council.

Details about the broadcasting and recording of Council meetings is available in Council's Live Broadcasting and Recording of Council meetings Procedure which is available in hard copy at this meeting and electronically on Council's website.

If you have any questions about Council's procedure, please speak with one of the City of Ballarat staff here tonight.

Attachment 2

Meeting Chairperson's Statement

The following statement is to be read by the Chairperson at the commencement of each Council meeting which is to be recorded and/or broadcast live:

This meeting is being broadcast on the internet and the recording of the meeting will be published on Council's website.

As a visitor in the public gallery, you may be filmed. By remaining in the public gallery, you consent to being filmed and for the recording of you to be made publicly available by the Council.

A copy of Council's Live Broadcasting and Recording of Council meetings Procedure is available in hard copy at this meeting and on the Council's website. Please speak with one of our staff members if you have any questions.

Attachment 3

Agenda Notice

The following statement is to be included at the start of the agenda of any Council meeting which is to be recorded and/or broadcast live:

This meeting is being broadcast live on the internet and the recording of this meeting will be published on Council's website www.ballarat.vic.gov.au after the meeting.

Members of the public attending this meeting may be filmed. By remaining in the public gallery once the meeting commences, members of the public give their consent to being filmed, and for the recording of them to be made publicly available and used by Council.

Information about the broadcasting and publishing recordings of Council meetings is available in Council's Live Broadcasting and Publishing Recordings of Council meetings Procedure is available on the Council's website.

Attachment 4

Website Disclaimer

The opinions or statements made during the course of a Council meeting are those of the particular individuals, and not necessarily the opinions or statements of the City of Ballarat. The City of Ballarat does not necessarily endorse or support the views, opinions, standards or information contained in the live broadcasting or recording of the Council meetings.

The City of Ballarat does not accept any responsibility for the comments made or information provided during Council meetings and does not warrant nor represent that the material or statements made during Council meetings are complete, reliable or accurate. The City of Ballarat does not accept any responsibility or liability for any loss, damage, cost or expense that might be incurred howsoever arising as a result of or in connection with the use or reliance on information or statements made in the live broadcasting or published recordings of Council meetings.

Whilst Council will use its best endeavours to ensure the live broadcasting and Council's website are functioning, technical issues may arise and the City of Ballarat cannot guarantee that the live broadcast will always be available, or that recordings of Council meetings will be complete.