

Title	Audio Recording of Council Meetings
Council Resolution	28 October 2019 (Item 14)
Responsible Directorate	Corporate Services
Due for Review	Four (4) years from Council Resolution Date
Strategic Plan Reference	<u>Leading Our Community</u> Objective 4.1 Govern in the best interests of our community Strategy 4.1.1 Manage Council for maximum efficiency, accountability and transparency Strategy 4.1.3 Maximise regulatory compliance in Council and the community through our systems and processes
ECM	Council Policy

PURPOSE

This policy provides direction as to the management of the audio recording of meetings of Glenorchy City Council.

SCOPE

This policy applies to all formal Council meetings (including special meetings).

It does not apply to any other meetings at Council including meetings of the Audit Panel, Council committees or special committees, or Council workshops.

STATUTORY REQUIREMENTS

Under Regulations 33(1) and (4) (Audio recording of Meetings) of the *Local Government (Meeting Procedures) Regulations 2015* (Regulations), Council ‘may determine that an audio recording is to be made of any meeting or part of a meeting’ and ‘may determine any other procedures relating to audio recording of meetings it considers appropriate’, respectively.

Under Regulation 33(2)(a) and (b), having made that determination that an audio recording is to be made of any meeting or part of a meeting, that audio recording of the meeting that is not closed to the public must:

- be retained by the Council for at least six months, and
- made available for listening on written request by any person.

If after the minutes of a meeting have been confirmed as a true record a discrepancy between the minutes and an audio recording of that meeting or part of that meeting is noticed, the Council, at the next appropriate meeting, is to review the audio recording and either confirm that the minutes are a true record or amend the minutes to reflect the audio recording and then confirm the minutes as amended to be a true record: Regulation 33(3).

Acts	<i>Local Government Act 1993</i> <i>Right to Information Act 2009</i>
Regulations	<i>Local Government (Meeting Procedures) Regulations 2015</i>
Australian/International Standards	n/a

POLICY STATEMENT

Subject to any limitations in this policy, Council will make audio recordings of all ordinary and special meetings of Council, including both the open and closed parts of Council meetings.

If recorded, only the audio recording of proceedings made of meetings or parts of meetings open to the public will be made available to the public. Under no circumstances will audio recordings of closed meetings of Council be made available to the public. Any audio recordings of closed meetings of Council will be destroyed after the confirmation of the minutes by Council.

Where technical constraints or difficulties mean that making that an audio recording of a meeting is not possible, the Chairperson will advise those present that the meeting is not being recorded. If an audio recording is not made, or if an audio file becomes corrupt or unreadable for any reason, this information will be noted on Council's website.

At the commencement meetings being audio recorded, the Chairperson will announce to all present that:

- an audio recording of the meeting will be made and will last the length of the open to the public part of that meeting, unless otherwise terminated by the Chairperson.
- members of the public are not permitted to make audio recordings of Council meetings.

The Chairperson may use any form of words to convey the above messages that they consider appropriate.

The Chairperson has the authority at any time of the proceedings to direct the termination of the audio recording of a meeting. However, the Chairperson should only terminate the audio recording in exceptional circumstances including (but not limited to):

- if a person's safety may be placed at risk by the continuation of the audio recording
- it is clearly evident that the discussion is, or is potentially likely to be:
 - defamatory
 - discriminatory (including vilification, inciting hatred and/or offensive behaviour)
 - an infringement of copyright
 - a breach of privacy and/or unlawful disclosure of personal information
 - a release of privileged or confidential information of Council.

Council will ordinarily make any audio recordings of open Council meetings available on Council's website (but may, at its discretion, decide not to). Any recordings made available on Council's website will be considered by Council as a routine disclosure under the *Right to Information Act 2009*.

The original unmodified audio recording will be retained in accordance with Council's information management requirements.

BACKGROUND

Under regulation 33(1) (Audio Recording of Meetings) of the Regulations, Council ‘may determine that an audio recording is to be made of any meeting or part of a meeting’.

A consideration in implementing audio recording is the increased exposure to litigation resulting from public discourse at meetings. Unlike Parliament, meetings of Council are not subject to parliamentary privilege, and both Council and the individual may be liable for things that are said that may be regarded as offensive, derogatory and/or defamatory.

It is therefore essential that Council is vigilant when audio recording its meetings to minimise any risks of litigation.

DOCUMENT CONTROL

Version:	2.0	Commencement Date:	28 October 2019
Minutes Reference	Council meeting, 28 October 2019 (Item 14)		
Previous Versions:	Version 1.0: Audio Recordings of Meetings of Council Adopted 26 October 2015 (item 17)		
Responsible Directorate	Corporate Services	Controller:	Executive Officer