





Live Broadcasting and Recording of Council Meetings Procedure

OFFICIAL

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<p>Essentials</p>  <p>Read me first</p>	<ol style="list-style-type: none">1. Live broadcasting is only applicable for public Council meetings conducted by Ballarat City Council.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 Council, 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. Council does not accept any responsibility for the comments made or information provided during Council meetings.
<p>Context</p> 	<p>This procedure will apply to all Council meetings conducted by Ballarat City Council (Council) 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 Local Government Act 2020.</p>
<p>Purpose</p> 	<p>This procedure outlines the requirements associated with the live broadcasting and publishing recordings of Council meetings via Council's website.</p> <p>The application of this procedure will be utilised to inform members of the public and Councillors on Council's processes to the live broadcasting of Council meetings.</p>
<p>Requirements</p> 	<p>1.1. Notification of image recorded and/or broadcast</p> <p>Council 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.</p> <p>Requirements when a Council meeting is to be recorded and/or broadcast live:</p> <ul style="list-style-type: none">• 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;

- 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 also be given in the Council meeting agenda as set out in **Attachment 3**; and
- Where the recording is to be published on Council's website, notice will also be given on Council'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.


Technical issues may include, but are not limited to:



- The availability of the internet connection;
- Device failure or malfunction;
- Unavailability of social media platforms; and/or
- Power outages.

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

1.3. Termination of Live Broadcasting in Exceptional Circumstances

The Chairperson and/or the Chief Executive Officer has/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 and/or the Chief Executive Officer to contain inappropriate information.

	<p>1.4. Upload, Access and Storage of Files</p> <p>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.</p> <p>In recognition of the potential legal risk to Council, the Chief Executive Officer may determine in their sole discretion not to upload or publish a recording of a Council meeting if it is reasonably believed it may contain inappropriate information or where exceptional circumstances arise.</p> <p>Aside from the above, all recordings will be uploaded to Council’s website within five business days of the meeting whereby members of the public will be given access to watch the recording.</p> <p>These recordings of the Council meetings will be published and available on Council’s website for a minimum period of 12 months.</p> <p>All recordings of Council meetings will be maintained in accordance with Council’s Records and Document Management Control related policies and procedures.</p>
<p>Supporting Definitions</p> 	<p>Chairperson means the Chairperson of a Council meeting and includes an acting, a temporary and a substitute Chairperson.</p> <p>Council means the ‘Ballarat City Council’ and ‘City of Ballarat’.</p> <p>Council meetings means a meeting of the Council convened in accordance with Council’s Governance Rules and includes a scheduled meeting and unscheduled meeting.</p> <p>Confidential Council meeting means a meeting of the Council which has been closed to members of the public under Section 66 (2) of the <i>Local Government Act 2020</i>.</p> <p>Defamation means a public statement about individuals, products, groups, or organisations which is untrue and may cause them harm.</p> <p>Exceptional Circumstances means circumstances where there is:</p> <ul style="list-style-type: none"> • 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.

	<p>Inappropriate Information means information which amounts to, or could be perceived to amount to:</p> <ul style="list-style-type: none"> • Defamation; • Infringement of copyright; • A breach of privacy; • Offensive behaviour including discrimination; • Vilification or inciting hatred; • Being confidential or privileged; or • Being misleading. <p>Privacy Breach means unauthorised access to, or collection, use or disclosure of personal information in contravention of the <u>Privacy and Data Protection Act (Vic) 2014</u>.</p>
<p>Accountability</p> 	<p>Council is updated bi-annually with information about the numbers of people accessing the live broadcast or published recordings of Council meetings.</p>
<p>Supporting Documents and References</p> 	<p>Acts</p> <p><u>Local Government Act 2020</u> <u>Privacy and Data Protection Act (Vic) 2014</u> <u>Freedom of Information Act (Vic) 1983</u> <u>Copyright Act (Cth) 1968</u> <u>Defamation Act (Vic) 2005 (or its equivalent)</u> <u>Gender Equality Act 2020</u> <u>Surveillance Devices Act 1999</u></p> <p>Policies and Procedures Nil</p> <p>Council related Document Governance Rules Councillor Code of Conduct Staff Code of Conduct</p>

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.