



# HUON VALLEY COUNCIL

## **Audio Recording of Council Meetings Policy**

### **GOV-CORP 001**

<b>Version Number</b>	<b>Approval Date</b>
<b>GOV-CORP 001-1</b>	<b>24 February 2016</b>
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<b>Authority and Other Information</b>	
<b>Date of approval</b>	<b>24 February 2016</b>
<b>Source of approval</b>	<b>Council Resolution 15.003/16* Reviewed and Revised by Council by Resolution No. 15.019/17* dated 26 April 2017 Reviewed and Revised by Council by Resolution No. 15.045/19* dated 11 December 2019</b>
<b>Date of commencement</b>	<b>24 February 2016</b>
<b>Source of authority</b>	<b>Council Resolution</b>
<b>Legislative Reference</b>	<b><i>Local Government Act 1993 and Regulation 33 of the Local Government (Meeting Procedures) Regulations 2015</i></b>
<b>Delegations</b>	<b>Nil</b>
<b>Strategic Plan Reference</b>	<b>5</b>
<b>Date of review</b>	<b>At least once every 4 years</b>
<b>Previous policies withdrawn or amended</b>	<b>Nil</b>
<b>Department responsible for implementation</b>	<b>Legal and Governance Services</b>
<b>Department responsible for policy</b>	<b>Legal and Governance Services</b>
<b>Publication of policy</b>	<b><i>A copy of the Audio Recording of Council Meetings Policy be placed on Council's website and copies be made available for inspection at and free of charge from Customer Service Centre.</i></b>
<b>Related Documents</b>	<b><i>Archives Act 1983 and associated Regulations and Guidelines as approved from time to time</i></b>

## 1. Purpose and Background:

### 1.1 Background

The Huon Valley Council is established as a body corporate under the *Local Government Act 1993* to perform a number of roles and functions as set out under legislation.

In performing its roles and functions the Council is to consult, involve and be accountable to the community.

Council makes its decisions at formal Council meetings which are held at least once every month.

Meetings are held in public except for consideration of specific matters that are discussed in Closed meeting as set out in Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

Any member of the public can attend at an open meeting. It is though recognised that not every resident is able to travel to the Council Chambers to attend at a meeting and may otherwise be interested in the affairs, business and decision making of the Council.

The Council recognises that public access to Council's decision making process is an important foundation of local Government. Audio recording of Council meetings can make these accessible to the public where they cannot otherwise attend.

### 1.2 Purpose

The purposes of this Policy are to:

- Enable greater transparency, accountability and efficiency in relation to meetings of Council.
- Facilitate community access and involvement in Council meetings and enable greater public awareness of the decision making processes of the Council.
- Assist in the preparation of complete and accurate minutes.

### 1.3 Legislative Requirements

Audio recording of Council meetings is provided for within Regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015* as follows:

- (1) *A council may determine that an audio recording is to be made of any meeting or part of a meeting.*
- (2) *If the council so determines, the audio recording of a meeting or part of a meeting that is not closed to the public is to be –*
  - (a) retained by the council for at least 6 months; and*
  - (b) made available free of charge for listening on written request by any person.*

(3) *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.*

(4) *A council may determine any other procedures relating to the audio recording of meetings it considers appropriate.*

Regulation 15 (9) provides:

*Subject to the Right to Information Act 2009, any discussions, decisions, reports or documents relating to a closed meeting are to be kept confidential unless the council or council committee after considering privacy and confidentiality issues, authorises their release to the public.*

This Policy determines other procedures relating to the audio recording of meetings.

## **2. Definitions:**

**Act** – means the *Local Government Act 1993*

**Council Meeting** – means all ordinary and special Council meetings as defined in the *Local Government (Meeting Procedures) Regulations 2015* and the Annual General Meeting defined in the Act that are held in the Huon Valley Council Chambers, 40 Main Street, Huonville.

**Inappropriate Matter** – means any matter relating to the safety of any person; and any matter where the discussion is, or potentially likely to be:

- Defamatory
- Discriminatory (including broadly vilification, inciting hatred and insulting 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.

**Meeting Procedures** – means the *Local Government (Meeting Procedures) Regulations 2015*

**Recording** - means digital audio recording.

## **3. Policy Statement:**

### 3.1 Audio Recording

All Council Meetings shall be digitally recorded as provided for in Regulation 33 of the Meeting Procedures except for the proceedings or meetings or parts of meetings closed to the public in accordance with *Regulation 15*.

### 3.2 Closed Meeting

The Chairperson is to ensure that no recording is made of the proceedings of a meeting or part of a meeting closed to the public in accordance with Regulation 15(2) of the Meeting Procedures except where the Council has specifically resolved to record the proceedings of that meeting or part thereof.

The Council may, by resolution, determine to digitally record the proceedings of a specific meeting or part thereof that is closed to the public in accordance with Regulation 15(2).

### 3.3 Inappropriate Matters

Council meetings are not subject to parliamentary privilege and therefore both Council and any individual may be liable for comments that may be regarded as offensive, derogatory, discriminatory and/or defamatory.

Further there may be the potential for disclosure of information contrary to law.

It is a principle of this Policy that an Inappropriate Matter will not be made available in a public copy of an audio recording of a Council meeting.

## **4. Application:**

This policy applies to all Council meetings. The policy does not apply to any other meetings of Council or Council workshops.

## **5. Procedures:**

### 5.1 Notice of Recording Device

A notice to inform the public that the meeting proceedings are recorded is to be printed on the agenda of all Council Meetings to inform the public that the proceedings are recorded.

A notice to inform the public that Council Meetings are recorded is to be displayed at the entrance to a room in which a meeting, the proceedings of which are to be recorded, is to be held.

At the time of declaring the meeting open, the chairperson is to inform all Councillors and any public present that the meeting is being recorded.

### 5.2 Commencement of Recording

A Council Officer will confirm to the Chairperson that the Recording has commenced prior to continuing with the Council Meeting.

### 5.3 Technical Difficulties

There may be situations where due to technical difficulties the recording may not be available at a Council Meeting. In such circumstances and where this is known during the meeting, the Chairperson will advise those present that the recording is not available and this will also be recorded in the minutes of that meeting.

### 5.4 Meeting Proceedings – Inappropriate Matter

The Chairperson is to monitor discussion and activity occurring at the Council Meeting and, in the event that an Inappropriate Matter is raised then the Chairperson may at any time of the proceedings direct the termination or suspension of the audio recording until such time as the matter has been concluded to the satisfaction of the Chairperson.

In the event that the Chairperson terminates or suspends recording the time of doing so, fact and reason for this will be recorded in the Council Minutes.

### 5.5 Recording – Inappropriate Matters

Where a recording has not been terminated or suspended under Clause 5.3 and the recording contains an Inappropriate Matter the General Manager is to remove any Inappropriate Matter from the recording prior to publication under this Policy.

Where there is an Inappropriate Matter the General Manager is to alert the Councillors of the possibility of inappropriate matter as closed Council of the meeting.

Where an inappropriate matter is removed from a recording the General Manager is to advise the Councillors and provide advice of that fact with the published recording.

### 5.6 Retention

The General Manager is to retain the digital files of meeting recordings for 12 months in accordance with Regulation 33 and to dispose of the files promptly following the expiry of that period. The General Manager is authorised, pursuant to section 64 of the *Local Government Act 1993* to delegate these functions to a Council Officer.

### 5.7 Public Access

A copy of the digital file will be made available on the Council's website for listening to by any member of the public for a minimum period of 6 months. The files will also be made available upon written request for listening to at the Council offices during the period. The Council will make this information available as a routine disclosure under the *Right to Information Act 2009*.

If the recording file becomes corrupt or unintelligible and is therefore not available to access, notification of the non-availability of the recording will be displayed on the website.

### 5.8 Closed Meeting Recording Access

Where the Council has resolved to record the part of the meeting closed to the public the digital files or meeting proceedings will only be available for listening by Councillors entitled to be present during the proceedings in question and upon written request.