



Digital Recording & Streaming Policy

(Policy Number – KL-GOVPOL004)
(Policy Type – Council)

1 Aim

This policy provides both Latrobe & Kentish Councils with guidelines for the transparent management of the digital recording and/or streaming of formal Council meetings.

In this Policy 'digital' refers to audio or visual recording interchangeably unless stated otherwise. Live streaming is the transmission of video and audio over the internet in real time.

2 Policy Statement

In accordance with Regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015*, Council has determined that all formal meetings will be digitally recorded.

3 Policy Detail

Purpose	Description
Recording of Open Council Meetings (Ordinary, Annual & Special Ordinary)	<p>The Open Session of all Council meetings (including Special Meetings and the Annual General Meeting) shall be recorded in accordance with regulation 33 of the <i>Local Government (Meeting Procedures) Regulations 2015</i>.</p> <p>For Latrobe and Kentish Council, public Council meetings are live streamed and digitally recorded.</p> <p>These recordings are undertaken in accordance with our policy. The Mayor has the discretion to direct either the termination or suspension of the digital recording at any time. Such direction however shall only be given in exceptional circumstances, along with a brief verbal statement of reasons for the decision.</p> <p>A Council Officer will be responsible for the operation of the recording equipment including the commencement and termination of the digital recording in accordance with meeting procedures or as directed by the Mayor.</p>
Recording of Closed Council Meetings	<p>The Closed Session of Council Meetings will be digitally recorded separately in accordance with regulation 33 of the <i>Local Government (Meeting Procedures) Regulations 2015</i>. Recordings of a Closed Meeting will ordinarily not be publicly available. However, subject to the relevant provisions of the <i>Regulations</i>, Council has a discretion to release part, or all, of a recording to the public in addition to the associated minutes.</p>
Access to Digital Recording of Open Council Meetings	<p>Council is required to keep accurate minutes of Meetings. The <i>Regulations</i> expressly provides that minutes of a meeting, once confirmed, prevail over the recording of the meeting, unless the Council</p>



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	<p>has reviewed and amended its confirmed minutes at a subsequent meeting.</p> <p>Digital recordings of Council meetings are considered temporary records under the <i>Archives Act 1983</i>, however, Council will retain all recordings on a permanent basis within its Records system.</p> <p>The recorded live streaming of Latrobe and Kentish Council Open meetings will be made available to the public after the meeting on Council's website.</p> <p>A compressed audio version of the digital recording of Council's Open Meetings will be uploaded to the respective Council website within 2 days of a Meeting and will remain available on the website for a minimum period of six months. After this time, requests to access recordings may be made in writing to the General Manager, detailing the reason for the request.</p> <p>Recordings of previous Open Meetings can be viewed via Council's website.</p> <p>There may be situations where, due to technical difficulties, a live stream or digital recording may not be available. While every effort will be made to ensure the live streaming and website are 'up and running smoothly', Council takes no responsibility for, and cannot be held liable if the live streaming or digital recording is temporarily unavailable due to technical issues beyond its control. Technical issues may include, but are not limited to the availability of the internet connection, device failure or malfunction, unavailability of social media platforms or power outages.</p> <p>The recording of a meeting may be used by staff in the preparation of minutes or by Council (at the discretion of the Mayor) during the 'Confirmation of Minutes' section of a subsequent meeting to clarify a matter relating to the minutes being confirmed.</p> <p>The recording of a meeting does not supersede the written minutes, therefore a direct transcript (text version) of the recording will not be prepared.</p> <p>In response to a formal request from an appropriate authority (i.e., Ombudsman, Tasmania Police, Integrity Commission), recordings are to be made available, providing such requests are permissible under the laws of the State of Tasmania.</p> <p>Live streams and recordings of Council meetings, and any other public forums and meetings shall be authorised by the General Manager and remain the property of Council.</p>
Access to Digital Recordings of Closed Meetings	<p>In accordance with the <i>Local Government (Meeting Procedures) Regulations 2015</i>, s15 (9), the recordings of Closed Meetings are to remain confidential and will not be released to the public unless Council resolves by absolute majority to do so.</p> <p>The Closed Meeting recordings will be stored within Councils' electronic file management system in a secure location with access strictly limited to the General Manager or their delegate.</p>

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	<p>Other than for the purpose of preparing minutes or confirmation of minutes, any request to access the recording of a Closed Meeting must be made in writing to the General Manager detailing the basis for the request.</p> <p>Access may be granted by the General Manager:</p> <ul style="list-style-type: none"> (i) If a Councillor wishes to review a recording of a Closed Meeting where they were absent. Access to a recording is not permitted where the absence from the meeting was due to a declaration of interest at that meeting or where absence due to a declaration of interest would have occurred at that meeting if the Councillor was not absent for other reasons. (ii) Where a Councillor wishes to review a recording of a Closed Meeting where they were present. (iii) Where a report author wishes to review the debate leading to a decision/s made about the report. (iv) Where the General Manager is required to undertake the initial assessment of a Code of Conduct complaint under s.28Y of the <i>Local Government Act 1993</i>. (v) In response to a formal request from an appropriate authority (i.e. Ombudsman, Tasmania Police, Integrity Commission, Director of Local Government or a Model Code of Conduct Panel, providing such requests are permissible under the relevant laws, or a court order. The General Manager may access the recordings of Closed Meetings for any other purpose deemed necessary in the performance of their duties. Access to a recording by the General Manager is not permitted where a recording is about a matter where the General Manager was excluded from the Meeting under s15(6)(b) of the <i>Local Government (Meeting Procedures) Regulations 2015</i> or was absent due to a declared interest. <p>A register of requests is to be kept for access (whether granted or not) to recordings of Closed Sessions. The register is to contain the following details:</p> <ul style="list-style-type: none"> • name and position of the person requesting access, • reason for access, • whether access is approved, • if not approved, reason why, • date/time of access, and • the recording/meeting or item accessed.
No Privilege	<p>Local government, unlike state and federal government, does not afford Councillors the benefit of parliamentary privilege. It should be noted that no protection is afforded to Councillors or Council employees for comments made during meetings. In exceptional circumstances Council may be required to turn over copies of any recordings of Closed</p>



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	Meetings in the context of Model Code of Conduct complaint, or legal proceedings.
Councillor Attendance at Meetings	<p>Regulation 38 (2) of <i>the Local Government (Meeting Procedures) Regulations 2015</i> provides ‘<i>the Council may not determine that a councillor may attend a meeting in any manner that does not consist of the person attending the meeting in person</i>’.</p> <p>There is presently no option available for Council to authorise remote attendance at either an Ordinary, Closed, Annual or Extraordinary meetings.</p>

APPROVED BY LATROBE COUNCIL: 14 August 2023 Minute: 13.1

APPROVED BY KENTISH COUNCIL: 19 September 2023 Minute: 13.1

EFFECTIVE DATE: LATROBE COUNCIL 14 August 2023

EFFECTIVE DATE: KENTISH COUNCIL 19 September 2023

ADMINISTERED BY: General Manager

This policy will be reviewed periodically to ensure its relevance in terms of community needs and expectations and Council goals, targets, budget and statutory requirements.