



South Gippsland Shire Council

SOUND RECORDING OF COUNCIL MEETING POLICY

Policy Number	C48	Directorate	Corporate and Community Services Directorate
Council Meeting Agenda Item No.	E.5	Department	Council Business
Council Meeting Adoption Date	25 November 2015	Primary Author	Governance Coordinator
Revision Date	November 2019	Secondary Author	Corporate and Council Business Officer

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POLICY OBJECTIVE

To provide guidance for the practice of audio recordings of Council Meetings as a contribution to good governance and accuracy of Council Minutes.

LEGISLATIVE PROVISIONS

- Local Government Act 1989 Division 2 – Procedure and Proceedings
- Information Privacy Act 2000
- Freedom of Information Act 1982
- Public Records Act 1973
- Local Law No.3 2010 – Processes of Municipal Government (Meeting Procedures and Common Seal)

DEFINITIONS

Sound recording means any recording made by any electronic device of recorded sound. This includes but is not limited to recordings made and stored on video camera, digital audio tape recorder, iphone (android), ipad (tablet) and stored on compact disc (CD) or in any other format. It does not include photographic recording by any form of visual recording device.

Council Ordinary and Special Meetings are types of meetings set out in Section 83 of the Local Government Act 1989.

Assemblies of Councillors are a type of meeting of Council set out in Section 3(1) of the Local Government Act 1989.

POLICY STATEMENT

Policy Classification: Municipality Specific

Purpose

Council will specify arrangements for creating, storing, using, disclosing and disposing of sound recordings of Council Meetings.



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Local Law No. 3 2010 - Processes of Municipal Government (Meeting Procedures and Common Seal)

This policy should be read in conjunction with Local Law No. 3 2010 Processes of Municipal Government, in particular clause 100 – Engagement of Public, which states that ‘Council may adopt policies, guidelines and procedures relating to public participation to ensure the smooth and efficient conduct of Council meetings’.

Application

This policy applies to staff involved in creating, storing, providing access to, managing and disposing of sound recordings. Councillors and members of the community making and requesting access to records of sound recordings of Council Meetings, and staff involved in creating, storing, providing access to, managing and disposing of sound recordings of Council Meetings.

Intent

Council will make sound recordings of Council Ordinary and Special Meetings to enable verification of the accuracy of the Council Minutes of the meetings should the need arise. Council will not make recordings of Assemblies of Councillors including Public Presentations or parts of Council Ordinary or Special Meetings closed to the public for confidential items, where resolved upon by the Council.

Sound recordings will not be used or relied upon as a substitute for the original signed hard copy or an electronic copy of Council minutes.

The Council recordings will not be used for replaying Council Meetings in a public capacity without the prior permission of the Chief Executive Officer.

In certain circumstances the Chief Executive Officer may authorise in writing the recording of an Assembly of Council to enable verification of the accuracy of the minute should the need arise. In this instance the nominated Assembly of Council is to comply with all aspects of this policy.

Notification

A sign will be posted in the Council Chambers to provide members of the community notice that a sound recording of the Council Meeting will be made. The wording of the notice will be:

“An audio recording of this meeting is being made for the purpose of verifying the accuracy of minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, and subpoena or by any other law such as the Freedom of Information Act 1982.

It should be noted that other people present at the Meeting may be recording the Meeting and Council has limited power to regulate this.”

The notice will be provided in the following manner:

- On the agenda for the relevant meeting of Council.
- On notices at the entry doors and within the Council Meeting room.

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- On a notice located at the lectern where people address Council Meetings.
- On a projected screen at the commencement of a Council Meeting where appropriate technology is available.

Halting of Recording

The Mayor or Chief Executive Officer may halt recording if he or she believes that the words of Councillors, Council officers and members of the public gallery may constitute defamation and therefore should not be recorded or published. Halting may be precautionary and to minimise risk of an actual offence occurring.

The Mayor or Chief Executive Officer can request other persons to halt their recording to preserve order and to continue the business of the Meeting.

Any member of the community who seeks to ask a question or make a submission or presentation in accordance with the Council Meeting Agenda procedures may request to have the recording system turned off during the time they are speaking. If this request is agreed to by the Chair the name of the community member and the nature of the issue they are speaking on will still be recorded in the minutes of the Meeting.

Storage and Destruction

Council's recordings will be given to and securely stored by the Records Coordinator as soon as is practicable after each Council Meeting.

Sound recordings are considered as an input into the development of Council minutes and will be destroyed when administrative use concludes in line with the requirements of the Public Records Act 1973. These recordings are inputs into development of a master set of minutes and agenda and have temporary status. Sound recordings of Council Meetings are a public record for Freedom of Information purposes. Before a sound recording is destroyed the Records Coordinator will ensure that there are no Freedom of Information requests or other matters under legislation relating to the sound recording.

If there are requests or hearings relating to the recording, the recording will not be destroyed until after the matter has been dealt with.

Access

Council will provide access to its recordings for the administrative purposes of preparing and verifying the accuracy of minutes of meetings or as required by Law.

Sound recordings will be accessed by the Chief Executive Officer, Directors and Council Business staff involved in the development and clarification of the Council Minutes with the Chief Executive Officers' approval for the purposes outlined in this policy. Access may be approved up until the time that the recordings are destroyed.

Sound recordings of meetings will not be made available to the public or disclosed to a third party, except as provided for by legislation. As sound recordings of Council Meetings are a public record for Freedom of Information purposes, access to sound



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recordings by the public will be provided .under usual Freedom of Information access provisions.

RISK ASSESSMENT

The policy provides a degree of assurance that minutes contain details of proceedings and resolutions made, that are clearly expressed and self-explanatory and that the transaction of Council business is open and transparent.

IMPLEMENTATION STATEMENT

- This Policy will be distributed to all Councillors via InfoSum, staff via all staff email and press via email.
- Statements of policy existence to be included in Council Agendas and Minutes as per the 'Notification' notice in this policy.
- This Policy is to be published on Council website and Intranet.
- This Policy is to be adopted by Council and will be reviewed every four years to assess its effectiveness against its stated purpose. An earlier review would only be warranted if legislative changes invalidate parts of this policy.