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Central Coast Council

Digital Recording Policy

APRIL 2022

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PURPOSE

The purpose of this policy is to set clear guidelines for how recordings will be produced, and how the Council will manage the use of recordings. For the purpose of this Policy, any reference to 'digital' refers to an audio or live stream recording

SCOPE

This Policy provides the policy direction and guidelines for Councillors, Officers and the community.

This Policy applies to Ordinary Meetings of Council, Development Support Committee Meetings of Council, and Special Meetings, plus any other public forums or meetings as authorised by the General Manager.

STANDARDS (INCLUDING RELEVANT LEGISLATION)

This Policy was developed in accordance with:

RELEVANT LEGISLATION

- . *Archives Act 1983*
- . *Local Government (Meeting Procedures) Regulations 2015*
- . *Local Government Act 1993*

POLICY STATEMENT

It is important that decisions of the Council are made transparently. The publishing of audio recordings of Council Meetings on the Council's website will improve resident accessibility to information about decisions that affect them and their wider community.

In accordance with Regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015* (Meeting Regulations), all Ordinary Meetings of Council, Development Support Special Committee of Council, and Special Meetings shall be recorded. At the commencement of each meeting, the Chairperson shall notify those present (including any members of the public) that the meeting will be recorded from commencement to conclusion of the meeting, unless terminated in accordance with this policy. The Closed session of a Council meeting will be recorded separately (audio only), in accordance with Reg.33 of the Meeting Regulations

The Chairperson has the discretion and authority at any time to direct the termination of the meetings' recording. Such direction shall only be given in exceptional circumstances (e.g. if a person's safety may be placed at risk by the continuation of the digital recording).

A Council Officer will be responsible for the operation of the recording equipment including the commencement and termination of the recording in accordance with meeting procedures or as directed by the Chairperson.

Recordings of Council and DSSC meetings will be made available on the Council's website within two business days following the meeting.

GUIDELINES

At the commencement of each meeting, the Chairperson shall notify those present (including any members of the public) that the meeting will be recorded from commencement to conclusion of the meeting, unless terminated in accordance with this policy. The Closed session of a Council meeting will be recorded separately (audio only), in accordance with Reg.33 of the Meeting Regulations.

The Chairperson has the discretion and authority at any time to direct the termination of the meetings' recording. Such direction shall only be given in exceptional circumstances (e.g. if a person's safety may be placed at risk by the continuation of the digital recording).

A Council Officer will be responsible for the operation of the recording equipment including the commencement and termination of the recording in accordance with meeting procedures or as directed by the Chairperson.

OPEN SESSION RECORDINGS

All meeting attendees will be advised, via a notice at the entrance to the Council Chamber, that the meeting will be recorded and published on the Council website.

Meeting attendees who nominate to speak to Council at a meeting will be advised that their voice and comments will be recorded on the meeting audio recording which will be made available on the Council's website.

The Council is required to keep accurate minutes of meetings. Reg.33 of the Meeting Regulations provides that the minutes of a meeting, once confirmed, prevail over the recording of a meeting, unless the Council has reviewed and amends confirmed minutes, at a subsequent meeting.

The recording of a meeting may be used by Council staff in the preparation of minutes or by the Council (at the discretion of the Chairperson during the 'Confirmation of Minutes' section of a subsequent meeting to clarify a matter relating to the minutes being confirmed. The recording of the previous meeting should be accessible at the meeting where the minutes are to be confirmed.

The original recording of a meeting is to remain unmodified and archived in the Council's Records Management system as the authoritative published version. The original digital recording of meetings will be made available on Council's website within two business days following the relevant meeting.

Recordings will remain on the website, available for downloading, for a period of 12 months after the meeting date.

As the recording of a meeting does not supersede written meeting minutes, a direct transcript (text version) of any recording will not be prepared.

If a formal request is received from an appropriate authority (e.g. Ombudsman, Tasmania Police, Integrity Commission), recordings are to be made available, providing that such a request is permissible under the State laws of Tasmania.

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

CLOSED SESSION RECORDINGS

The Closed session of a Council meeting will be recorded separately (audio only) to the Open session, in accordance with Regulation 33 of the Meeting Regulations.

The audio file of the Closed session meeting of the Council will remain confidential and be archived in the Council's Records Management system as the authoritative published version. Access to these recordings is strictly limited to authorised person/s, or upon an approved request from the General Manager. In accordance with Reg.15(9) of the Meeting regulations will remain confidential and not released publicly unless the Council determines to do so.

Other than for the purpose of preparing minutes or 'Confirmation of Minutes', any request to access a recording of a Closed session meeting of the Council must be provided in writing to the General Manager detailing the basis for the request.

Access to the recording of a Closed session may be granted by the General Manager:

- 1 Where a Councillor wishes to review a recording of a Closed session of the Council for which they were absent.
- 2 Where a Councillor wishes to review a recording of a Closed session of the Council for which they were present.
- 3 Where a report author wishes to review the debate leading to a decision/s made being about that report.
- 4 When the General Manager is required to undertake the initial assessment of a Code of Conduct complaint under s.28Y of the *Local Government Act 1993*.
- 5 If a formal request is received from an appropriate authority (e.g. Ombudsman, Tasmania Police, Integrity Commission), recordings are to be made available, providing that such a request is permissible under the State laws of Tasmania.
- 6 The General Manager may access the recordings of Closed sessions of Council meetings for any other purpose deemed necessary in the performance of their duties.
- 7 Access to a Closed session recording is not permitted where:

- (a) A Councillor was absent from a meeting due to a declaration of interest at a meeting or where absence due to a declaration of interest would have occurred at a meeting, if the Councillor was not absent for other reasons.
- 8 The General Manager must maintain a register of requests for access (whether granted or not) to recordings of closed session meetings of the Council. The register must contain the following details:
- (a) Name, position and signature of the person requesting access,
 - (b) Reason for access;
 - (c) Access approval, reason why;
 - (d) If access not granted, reason why;
 - (e) Date/time of access;
 - (f) Recording/meeting or item ID accessed; and
 - (g) Name and signature of authorising officer (General Manager).
- 9 Approved access to a Closed session recording will be via appointment at the Council's Administration Centre, or by an alternative means, upon the General Managers authorisation.

DISCLAIMER:

The online content will be accompanied by the following disclaimers, which may be included as part of the recording, or separately on the webpage prior to opening the audio file of the meeting recording:

- 1 The opinions or statements made during the course of the Council meeting are those of the particular individual, and not the opinions or statements of Council
- 2 Council takes no responsibility for technical issues beyond its control which hinder or prevent the production and/or publishing of audio recordings, such as, failure of the recording device, power outages or website unavailability. In the event that a recording file becomes corrupt for any reason and therefore, not available from Council's archives, a notification will be displayed on the Council's website.

COPYRIGHT:

The recording of Ordinary and Special Council Meetings and any other public forums and meetings authorised by the General Manager remain the property of the Central Coast Council and are protected by copyright. Access to recordings is provided for personal and non-commercial use. Audio must to be altered, reproduced or republished without the permission of the General Manager. Copyright remains with the Council.

REVIEW

This Policy will be reviewed every three years by the Council, unless organisational and legislative changes require more frequent modification/s.

SANDRA AYTON
GENERAL MANAGER

Date of approval: / /
Approved by:

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