

Shire of Mundaring

POLICY

AUDIO RECORDING OF COUNCIL MEETINGS

Policy Ref:	OR-08		
Committee Rec:	N/A	Date:	N/A
Adopted:	C9.04.09	Date:	April 2009
Amended:	04.03.12	Date:	March 2012
Reviewed:	C17.02.13	Date:	February 2013
Reviewed:	C5.03.18	Date:	March 2018
Procedure Ref:	Admin-12	Delegation Ref:	N/A
Statute Ref:	<i>Local Government Act 1995 s. 5.22</i> <i>Local Government (Administration) Regulations 1996 r. 11</i> <i>State Records Act 2000</i>		
Local Law Ref:	Meeting Procedures Local Law 2015		

PURPOSE

The purpose of audio recording is to ensure that a true and accurate account of the debate and discussions at meetings is available and to assist in the preparation of the minutes of Council meetings.

POLICY

1. Definitions

Absolute Privilege	An absolute defense to an otherwise defamatory statement because of the venue or context in which the statement was made
Act	<i>Local Government Act 1995</i>
Regulations	<i>Local Government (Administration) Regulations 1996</i>
CEO	Chief Executive Officer of Shire of Mundaring

2. Policy

2.1 All Ordinary and Special Meetings of Council shall be audio recorded in their entirety consistent with the objectives of the Act in section 1.3(2)(c) which promotes greater accountability of local governments to their communities.

2.2 Access to audio recordings:

2.2.1 The audio recording – excluding those parts of the meeting that were closed to the public by resolution of Council - shall be made available on the Shire website within five working days following the Council meeting.

2.2.2 The Chief Executive Officer has the responsibility to determine to release or withhold all or part of the audio recordings of any Council meeting, including deputations, if they contain inappropriate or inaccurate comments. The Chief Executive Officer will advise the Presiding Member

of the Council meeting if the action of withholding all or part of the audio recording will be exercised and the reasons for this action. The Presiding Member of the Council meeting will advise Council if such action is decided (or will be taken) and the reasons for this action.

- 2.2.3 Audio recordings of Public Question Time and parts of a meeting that was declared confidential and closed to the public will not be released for public access.
- 2.2.4 Audio recordings of the Deputations segment may be edited.
- 2.3 The official record of the meeting is not the audio recording, but the meeting minutes, which require confirmation by Council resolution and must be signed by the person presiding at the meeting.
- 2.4 Opinions expressed or statements made by persons during the course of Council Meetings, and contained within the audio recording, are the opinions or statements of those individual persons, and are not opinions or statements of the Shire. The recording is not, and shall not be taken to be, a confirmed official record of Council, or of any meeting or discussion to which it relates, or may appear to relate.
- 2.5 Attendance at Council meetings does not provide any Elected Member, staff or member of the public with Absolute Privilege. It does not protect individuals from defamation in relation to behaviour or statements made.
- 2.6 Shire of Mundaring prohibits any reproduction, distribution, republication and/or retransmission of Council meeting audio recordings without the prior written consent of the Shire.
- 2.7 Retention and disposal:

Audio recordings will be retained in accordance with the *State Records Act 2000*. Disposal will be in accordance with the *General Disposal Authority for Local Government Records*, which states in ref. 25.1.3 that audio recordings of Council meetings can be destroyed one year after confirmation of the minutes.

- 2.8 Advice to members of the public:

Clear signage is to be placed on the entrances to the Council Chamber advising members of the public:

- 2.8.1 that the meeting is being recorded; and
- 2.8.2 that by participating in open Council meetings, individuals consent to the use and disclosure of the information that they share at the meeting (including any personal or sensitive information given), for the purposes of the Council carrying out its functions. Individuals also consent to the disclosure of that information to any persons who access audio of Shire of Mundaring Council Meetings.

At the commencement of each Council meeting the presiding person will publicly announce that the meeting will be audio recorded.