

CP 33 Recording of Council Meeting

Responsible Officer:	General Manager Corporate
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Policy Objective

To specify the arrangements in regard to appropriate creation, storage, usage, access and disposal in accordance with legislative requirements for audio recordings of Ordinary and Special Council Meetings and meetings of Special Committees of the Council.

Background

The *Local Government Act 1989* requires minutes of Council and Special Committee Meetings to be kept. The minutes must contain accurate details of the proceedings and the resolutions.

Clause 4.18.3 of the *Governance Local Law 2016* (Local Law) provides that the Council may adopt policies for the purpose of exercising any discretions conferred by the Local Law. Clause 4.6.4 of the Local Law provides for the audio recording of meetings. While there is no obligation to do so, the Chief Executive Officer has elected to audio record Council and Special Committee Meetings to assist in preparing and verifying the minutes.

The policy has been developed in keeping with the Information Privacy Principles which are contained in Schedule 1 of the Privacy and Data Protection Act 2014, particularly:

IPP 1 – Collection

An organisation can only collect personal information if it is necessary to fulfil one or more of its functions. It must collect information only by lawful and fair means, and not in an unreasonably intrusive way. It must provide notice of the collection, outlining matters such as the purpose of collection and how individuals can access the information.

IPP 2 – Use and Disclosure

Personal information can only be used and disclosed for the primary purpose for which it was collected, or for a secondary purpose that would be reasonably expected. It can also be used and disclosed in other limited circumstances, such as with the individual's consent, for a law enforcement purpose, or to protect the safety of an individual or the public.

IPP 6 – Access and Correction

Individuals have the right to seek access to their own personal information and to make corrections to it if necessary. An organisation may only refuse in limited circumstances that are detailed in the PDP Act, for example where disclosure might threaten the safety of an individual.

Application

The policy applies to:

- Councillors, the media and members of the public requesting to record, or requesting access to audio recordings of, Council and Special Committee Meetings.
- Council Officers responsible for the creation, retention and disposal of audio recordings of Council and Special Committee Meetings.

Procedure

Creation

In accordance with clause 4.6.4 of the Local Law:

- the Chief Executive Officer will make audio recordings of all Council and Special Committee Meeting
- individuals may make audio recordings with the prior written consent (which may specify conditions) of the Chief Executive Officer
- a person representing the media may be given written consent by the Chief Executive Officer to make audio recordings of Council and Special Committee Meetings, with the exception of any part of those meetings that is closed to members of the public, for up to one Council Year, being one year from the date, and anniversary of, the last general election.

The Chief Executive Officer will make recordings of each Council and Special Committee Meeting commencing from the opening of the meeting and continuing to the closure of the meeting including while standing orders are suspended and that part of the meeting closed to members of the public.

Due to the nature of technical equipment the Council does not guarantee that audio recordings will be continuous or fault-free.

Recordings that are available to the public will be edited to remove any business transacted while a Council or Special Committee Meeting is closed to members of the public.

Notice

Notice will be provided to members of the public attending Council and Special Committee Meetings that an audio recording is being made. The wording of the notice will be as follows:

Council meetings are audio-recorded

In accordance with *Governance Local Law 2016 clause 4.6.4* and *Council Policy AP 54 Recording of Public Meetings*, all Council and Special Committee meetings will be audio recorded and made available for public access, with the exception of matters identified as confidential items in the agenda. This includes the public participation sections of the meetings.

Recordings facilitate the:

- preparation and accuracy of the minutes of open Council and Special Committee meetings
- broader access to open Council and Special Committee meetings; and
- accuracy of submitter details (where relevant)

By participating in open Council and Special Committee meetings, you:

- consent to the use and disclosure of the information you share at the meeting (including any personal/sensitive information) for the purposes of the Council carrying out its functions.
- consent to the disclosure of that information to any person(s) who access those recordings

You may request, prior to presenting to the Council, that you be identified only by your first name. Any statements made or questions asked will still be captured on the recording.

For questions or concerns, please contact the Council on 03 5760 2600 or email council@benalla.vic.gov.au

Dom Testoni
Chief Executive Officer

The notice will be displayed in the following manner:

- on the agenda for the relevant meeting
- on Request to be Heard and Public Question Time forms
- on the website where Request to be Heard forms are located
- on notices at entry doors and within the room in which the Council or Special Committee Meeting is taking place
- on a notice located at the table from which people address the relevant Council or Special Committee Meeting, and
- read out by the Chair at the commencement of each session of a Council or Special Committee Meeting.

Storage

Audio recordings will be stored securely so that only those Council Officers authorised to do so by the General Manager Corporate and Community can access them.

Usage

Audio recordings will be used as a reference to ensure the minutes are a complete and accurate record of proceedings of the relevant Council or Special Committee Meeting.

The Chief Executive Officer will make recordings for the purpose of:

- assisting in preparing and verifying the minutes
- confirming comments made by submitters or Councillors
- confirming actions requested or agreed to be undertaken by management
- clarifying resolutions made, and
- the accuracy of submitter details (where relevant).

Councillors will be provided with the opportunity, on request, to listen to the audio recording in relation to any specified item.

In the interests of transparency of decision making, members of the public will be provided with the opportunity, on request, to listen to the audio recording in relation to any specified item.

Recordings may not be removed from the Customer Service Centre and copies will not be made for members of the public, unless required by law (eg by the *Freedom of Information Act 1982*).

Any recording made by representatives of the media must be used strictly in accordance with this policy to confirm resolutions and comments made by submitters, Councillors or Council Officers and otherwise in accordance with any conditions attached to the consent.

Recordings of Council and Special Committee Meetings (or parts of them) closed to members of the public in accordance with section 89(2) of the *Local Government Act 1989* are exempt from public access and will only be made available to Councillors and the Council's Leadership Team.

Disposal

In accordance with the Public Record Office Victoria Retention and Disposal Authority for Records of Local Government Functions PROS 09/05 Clause 8.4.2 audio recordings of meetings are temporary records and can be destroyed after their administrative use has concluded. Notwithstanding, the Council will maintain an archive of previously recorded Council and Special Committee meetings.

Ownership

Benalla Rural City retains ownership of the content of all audio recordings regardless of who created the recording.

Related Legislation

Public Records Act 1973

Privacy and Data Protection Act 2014

Health Records Act 2001

Freedom of Information Act 1982

Further information

For further information on this policy, contact the Council on 5760 2600.