

CP 33 Recording of Council Meetings Policy

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 Council Meetings and meetings of Delegated Committees of the Council.

Background

The *Local Government Act 2020* requires minutes of Council and Delegated Committee Meetings to be kept. The minutes must contain accurate details of the proceedings and the resolutions.

Clause 6.4 of the *Benalla Rural City Council Governance Rules 2020* provides for the livestreaming, audio and video and recording of meetings. While there is no obligation to do so, the Chief Executive Officer has elected to audio record Council and Delegated 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.

Policy Scope

The policy applies to:

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

Procedure

Creation

In accordance with clause 6.4 of the *Benalla Rural City Council Governance Rules 2020*:

- The Chief Executive Officer may make an audio recording of proceedings of a Meeting by means of a suitable audio device.
- Audio recordings will be made in accordance with the Council's Recording of Council Meetings Policy.
- Meetings will be livestreamed via the Council's website.
- A person must not, without the prior approval of the Chief Executive Officer, operate any audio or visual recording equipment at any Council meeting.
- A request to record a meeting will not be unreasonably withheld.
- Nothing in sub-rule (1) applies to:
 - a. any member of Council staff operating any recording device for the purpose of preparing draft minutes of the Council meeting; or
 - b. any security camera installed in any place in which a Council meeting is held.
- If the chair gives approval they must as soon as practicable after opening the Council meeting, announce the giving of approval and advise those who are in attendance that their voices are likely to be recorded during the course of the Council meeting.
- The chair may at any time during the Meeting withdraw any consent that has been given.
- A person representing the media may be given written consent by the Chief Executive Officer to make audio recordings of meeting proceedings for the duration of one Council Year. The chair may withdraw the consent that has been given at any time during a Meeting.

The Chief Executive Officer will make recordings of each Council and Delegated 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 or Video 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 Delegated Committee Meeting is closed to members of the public.

Video recordings can be found on Council's [YouTube channel](#).

Notice

Notice will be provided to members of the public attending Council Meeting or Delegated Committee meetings that an audio recording is being made.

The wording will be displayed on:

- 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
- 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 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 Delegated Committee Meetings.

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).

In the interests of transparency of decision making, members of the public are provided with the opportunity, to watch the video recordings of Council and Delegated Committee meeting excluding confidential business.

Video recordings of Council and Delegated Committee meetings can be viewed by anyone via the Council's [YouTube channel](#).

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

Audio 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 Delegated Committee Meetings (or parts of them) closed to members of the public in accordance with sections 3(1) and 66(2)(a) of the *Local Government Act 2020* 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 Delegated Committee meetings.

Ownership

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

Review

This policy may be reviewed at any time by the Council to accommodate changes in legislation, regulations, policy gaps, new technology or systems, as well as remain consistent with industry best practice.

Related Policies

- *Model Councillor Code of Conduct*
- *Staff Code of Conduct*
- *Benalla Rural City Council Plan 2021-2025*
- *Benalla Rural City Council Governance Rules 2020*

Related Legislation

- *Public Records Act 1973*
- *Privacy and Data Protection Act 2014*
- *Health Records Act 2001*
- *Local Government Act 2020*
- *Victorian Charter of Human Rights and Responsibilities Act 2006*