

Council Meetings Audio Recording Guidelines Policy

POLICY STATEMENT	1.1 This policy provides the Council adopted guidelines for the transparent management of the audio recording of Council meetings.
DEFINITIONS	2.1 An 'audio recording' or 'recording' for the purposes of these guidelines refers to a digital audio file. 2.2 The 'Council' means Kingborough Council. 2.3 'Author' means the author of a report to Council who is currently employed by Council. 2.4 'Endorser' means the endorser of a report to Council who is currently employed by Council.
OBJECTIVE	3.1 The objective of this policy is to enable greater transparency, accountability and efficiency in relation to meetings of Council. 3.2 Audio recording of meetings is another tool which can facilitate community access and involvement in Council meetings and enable greater public awareness of the decision making processes. 3.3 Audio recording of Council meetings can be used to assist in the preparation of complete and accurate minutes.
SCOPE	4.1 This policy applies to all formal Council meetings (including special meetings) held in the Council Chambers at 15 Channel Highway, Kingston. 4.2 This policy does not apply to any other meetings at Council.
PROCEDURE (POLICY DETAIL)	5.1 In accordance with Regulation 33 of the <i>Local Government (Meeting Procedures) Regulations 2005</i> , audio recordings will be made of all Council meeting proceedings. 5.2 To facilitate effective security and management of the audio recordings, the open and closed sessions of Council meetings will be separately recorded. 5.3 At the commencement of each open meeting of Council, the Chairperson shall notify those present, including members of the public, that an audio recording of the open session of the meeting will be made. It must be announced that the audio recording will last the length of the open meeting unless terminated in accordance with this policy. 5.4 At the commencement of each closed meeting of Council, the Chairperson shall notify those present that an audio recording of the closed meeting will be made. It must be announced that the audio recording will last the length of the closed meeting unless terminated in accordance with this policy. 5.5 A Council Officer will be responsible for the operation of the audio recording equipment including the commencement and termination of the recording in accordance with meeting procedures or as directed by the Chairperson. 5.6 The Chairperson has the discretion and authority at any time to direct the termination of the audio recording of the meeting. Such a direction however, shall only be given in exceptional circumstances (eg if a person's safety may be placed at risk by the continuation of the audio recording). 5.7 The audio file of the open session meeting of Council will be made available on Council's website within two business days following the meeting.

	<p>5.8 The audio file of the closed session meeting of Council will remain confidential and be kept in a secure location at the Civic Centre where access is strictly limited to authorised person/s on a case by case basis. (refer Guidelines in this policy)</p> <p>5.9 The original recording of an open meeting of Council is to remain unmodified and stored for a period of not less than 6 months from the date of recording. A compressed version of the original audio recording of the open session of the meeting shall be created (preserving adequate voice quality) and made accessible from Council’s web site and also archived in Council’s record keeping system as the authoritative published version.</p> <p>5.10 The audio recording of a closed session Council meeting is to be kept unmodified for a period of 12 months from the date of the recording for the purposes of preparation and confirmation of minutes, and restricted access in accordance with this policy after which the recording and any copies will be permanently destroyed.</p> <p>5.11 There may be situations where due to technical difficulties, that audio recording will not be available. If such circumstances occur the Chairperson will advise those present that audio recording is not available. In the event that an audio recording of an open meeting of Council becomes corrupt for any reason and is therefore not available in Council’s archives, this information will be displayed on the website.</p>
<p>GUIDELINES</p>	<p>6.1 The audio recording of a meeting (refer 4.1) may be used by staff in the preparation of minutes or by 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.</p> <p>6.2 In relation to item 6.1, the audio recording of the previous meeting should be accessible at the meeting where the minutes will be confirmed.</p> <p>6.3 The audio recording of a meeting does not supersede the written minutes therefore a direct transcript (text version) of the recording will not be prepared.</p> <p>6.4 Other than for the purpose of preparing minutes or confirmation of minutes, any request to access the recording of a closed session meeting of Council must be provided in writing to the General Manager detailing the basis for the request.</p> <p>6.5 Access to recordings of closed session meetings of Council requested under s6.4 may be granted by the General Manager for the following reasons:</p> <ul style="list-style-type: none"> (i) Where a Councillor wishes to review a recording of a closed meeting of Council for which they were absent. <ul style="list-style-type: none"> a. Access to a recording under Section 6.5 (i) is not permitted where the absence from the meeting was due to a declaration of interest at that meeting or where absence due to a declaration of interest would have occurred at that meeting if the Councillor was not absent for other reasons. (ii) Where a Councillor wishes to review a recording of a closed meeting of Council for which they were present. (iii) Where a report author or endorser wishes to review the debate leading to a decision/s made about that report. (iv) Where the General Manager is required to undertake the initial assessment of a Code of Conduct complaint under <i>s.28Y of the Local Government Act 1993</i>. (v) In response to a formal request from an appropriate authority (ie Ombudsman, Tasmania Police, Integrity Commission, Code of Conduct Panel) providing such requests are permissible under the laws of the State of Tasmania. <p>6.6 The General Manager may access the recordings of closed session Council meetings for any other purpose deemed necessary in the performance of their duties.</p>

	<p>(i) Access to a recording under s6.6 by the General Manager is not permitted where a recording is about a matter where the General Manager was excluded from a closed session meeting under <i>s15, 6 (b) of the Local Government (Meeting Procedures) Regulations 2015</i>, or was absent due to a declared interest.</p> <p>6.7 The General Manager must ensure that any access undertaken under s6.5 and s6.6 is recorded in the register of requests (s6.8 and 6.9 refers).</p> <p>6.8 The General Manager must maintain a register of requests for access (whether granted or not) to recordings of closed session meetings of Council.</p> <p>6.9 The register must contain the following details: Name and signature of the person requesting access, Position, Reason for access, Access approved (yes/no), Reason if no access provided, Date/time of access, the recording/meeting or item ID accessed, Name and signature of authorising officer.</p> <p>6.10 In accordance with the <i>Local Government (Meeting Procedures) Regulations 2005, s15 (9)</i>, the recordings of closed session Council meetings are to remain confidential and not be released to the public unless Council resolves to do so.</p> <p>6.11 Access to recordings of a closed session meetings of Council by authorised persons will be by appointment at the Civic Centre.</p>
COMMUNICATION	<p>7.1 The availability of audio recordings of open session Council meetings will be prominently displayed on the home page of Council's website.</p>
LEGISLATION	<p>8.1 Regulation 33 of the <i>Local Government (Meeting Procedures) Regulations 2005</i> provides as follows:</p> <p><i>33. Audio recording of meetings</i></p> <p><i>(1) A council may determine that an audio recording is to be made of any meeting or part of a meeting.</i></p> <p><i>(2) If the council so determines, the audio recording of a meeting or part of a meeting that is not closed to the public is to be –</i></p> <p><i>(a) retained by the council for at least 6 months; and</i></p> <p><i>(b) made available for listening on written request by any person.</i></p> <p><i>(3) If after the minutes of a meeting have been confirmed as a true record a discrepancy between the minutes and an audio recording of that meeting or part of that meeting is noticed, the council, at the next appropriate meeting, is to review the audio recording and either confirm that the minutes are a true record or amend the minutes to reflect the audio recording and then confirm the minutes as amended to be a true record.</i></p> <p><i>(4) A council may determine any other procedures relating to audio recording of meetings it considers appropriate.</i></p> <p>8.2 The <i>Local Government (Meeting Procedures) Regulations 2005, s15 (9)</i> provides that a council:</p> <p><i>"Subject to the Right to Information Act 2009, any discussions, decisions, reports or documents relating to a closed meeting are to be kept confidential unless the council or council committee, after considering privacy and confidentiality issues, authorises their release to the public."</i></p> <p>8.3 Unlike Parliament, Council meetings are not subject to parliamentary privilege, and both Council and the individual may be liable for comments that may be regarded as offensive, derogatory and/or defamatory.</p>
RELATED DOCUMENTS	<p>9.1 Nil.</p>
AUDIENCE	<p>10.1 Councillors, Council Staff, Public.</p>