

# Council Meetings – Live Streaming, Recording and Electronic Attendance

## POL-GVN 11



## 1. Policy Objective

The Council Meetings - Live streaming, Recording and Electronic Attendance Policy (Policy) outlines the City of Mandurah's (the City) position with respect to 1) the live streaming and recording of Council Meetings and access to the recorded proceedings and 2) the facilitation of electronic attendance of Council and Committee meetings in accordance with the *Local Government Act 1995* (the Act) and the *Local Government (Administration) Regulations 1996* (the Regulations).

### 1.1 Live Streaming and Recording

The objective of this Policy in relation to live streaming and recording of Council Meetings is to:

- ensure open and transparent government, and improve engagement with the community and accessibility to Council decision-making through the livestreaming and recording of Council Meetings; and
- enhance Council's commitment to the transparency and accountability and efficiency in its decision-making processes and recording of Council Meetings.

### 1.2 Electronic Attendance

The objective of this Policy in relation to electronic attendance of Council and Committee meetings is to:

- ensure a consistent and transparent approach to the request and approval of individual Elected Members and Committee Members attending meetings electronically;
- establish the decision-making framework to support effective electronic participation at in-person meetings; and
- establish the parameters for requests for electronic attendance at meetings and the expectations of Council and Committee members attending meetings electronically in relation to equipment and location.

## 2. Applicability

### 2.1 Live Streaming and Recording

This Policy applies to the live streaming and recording of all Ordinary and Special Meetings of Council.

### 2.2 Electronic Attendance

This Policy provides guidance, in accordance with section 14C of the Regulations in relation to the attendance by Council and Committee Members by electronic means at:

- an ordinary meeting of the council;
- a special meeting of the council;
- a meeting of a committee of the council; or
- a meeting of an audit committee of a local government.

This Policy provides guidance, in accordance with regulation 14D of the Regulations, in relation to meetings being held by electronic means.

# Council Meetings – Live Streaming, Recording and Electronic Attendance

## POL-GVN 11



### 3. Policy Statement

This Policy provides guidance around the management of the live streaming process and recordings of Ordinary Council and Special Council meetings held in the Council Chamber. This Policy as it relates to live streaming and recording will be applied to every Ordinary Council and Special Council meeting, unless held outside the Council Chamber.

All Council and Committee members ('Members') recognise the importance of decision-making in their role to represent the Community, and attendance at meetings is a necessary and valued part of this process. To provide flexibility for Members in meeting their obligations to attend meetings, consideration will be given to a Member in attending via electronic means with approval being considered in accordance with legislation and this Policy.

### 4. Live Streaming and Recording of Council Meetings

#### 4.1 Usual meeting place

For the purposes of the Regulations, the Council Chamber is the Council's usual meeting place. Live streaming and the associated recording will be applied to every Ordinary Council and Special Council meeting.

The City will provide and maintain audio-visual equipment installed in the Council Chamber for the purpose of facilitating live streaming and compliance with the City's statutory obligations in this respect.

#### 4.2 Live Streaming and Recording Availability to the Public

The live streaming of Council meetings will be accessible on the City's website upon commencement of the meeting.

Live streaming will cease when:

- the Presiding Member declares the meeting closed; or
- the meeting is closed to the public in accordance with the Act; or
- the meeting is adjourned.

The recording of live streamed Council meetings will be made available on the City's website within 14 days of the date of the meeting in accordance with the Regulations.

#### 4.3 Meeting or Items of Business Closed to the Public

Council meetings, or part of meetings, closed pursuant to section 5.23 of the Act for consideration of confidential matters are not permitted to be live streamed. In this circumstance, live streaming will be suspended at the time the Presiding Member announces the meeting is to be closed to the public.

In instances where the Council meeting is closed (or part of the meeting) for consideration of confidential matters, a notice will be displayed on the live stream advising the viewer the meeting has gone behind closed doors.

An audio recording of confidential items is required under the Regulations and permitted for minute taking by the Minute Officer, but will not be released to the public, or made available on the City's website.

# Council Meetings – Live Streaming, Recording and Electronic Attendance

## POL-GVN 11



Confidential recordings will be released, if requested, to the Department of Local Government, Sport and Cultural Industries, the Police, the Court, or a State Government oversight agency.

### 4.4 Improvised Recordings

In the event of a failure of the City's audio-visual recording equipment or other technological failure outside of the City's control, the City is not required to continue to live stream the particular meeting and will ensure there is a suitable recording device available at the particular meeting to allow the proceedings to be audio recorded in accordance with the Regulations.

### 4.5 Meeting Not Held in Usual Meeting Place

If a Council meeting is held outside of the Council's usual meeting place, the meeting will be audio recorded as the minimum as required under the Regulations.

### 4.6 Recordkeeping

The official record of the Council meeting will be the adopted minutes of the meeting kept in accordance with the Act and the Regulations.

The recording (audio and video) must be made available on the City of Mandurah website or appropriate social media channel for 5 years and the recording must be retained for 5 years in accordance with regulation 14I of the Regulations.

All recordings will be retained in accordance with the *State Records Act 2000* and the City of Mandurah Recordkeeping Plan.

### 4.7 Privacy and Notice to the Public

The following notices will be given to ensure that attendees to the meeting including the public, special guests, Elected Members and City officers are aware when a Council meeting is being recorded and live streamed:

- Prominent signage must be displayed in the Council Chambers informing all attendees that the meeting will be recorded and live streamed;
- At the commencement of each Council meeting, the Presiding Member shall provide a statement to notify the attendees of the Council meeting that the meeting is being live streamed and recorded;
- The City of Mandurah website and public participation forms will include a statement advising that Council meetings will be live streamed and recorded; and
- Notice that a Council meeting will be live streamed and recorded will be given in the Council meeting agenda.

### 4.8 Camera Positioning and Broadcasting and Recording

The cameras will be positioned to record the visual and audio for Elected Members and relevant City officers. The camera will be positioned in a way to avoid members of the public gallery.

While the image of members of the public who attend the meeting will not appear in either the live stream or video recording, the audio broadcasting and recording of comments made by the public will be captured.

# Council Meetings – Live Streaming, Recording and Electronic Attendance

## POL-GVN 11



### 4.9 Technical Issues Impacting Live Streaming

The City will make every reasonable effort to ensure that the live stream is operational and that the recording of the live stream is made available on the City's website at the same time as the minutes. Should any technical difficulties arise however, the live stream and/or recording may not be available or may be delayed.

Where the City experiences technical difficulties, the Presiding Member, may in accordance with the *City of Mandurah Standing Orders Local Law 2016* adjourn the meeting for a period not exceeding 15 minutes, to enable the technical issue to be rectified.

If technology failure prevents a Council meeting (or part of a meeting) from being livestreamed the meeting may proceed. In the event of the technical failure of livestreaming of a Council meeting (or part of the meeting), the City must publish a notice on the City of Mandurah website within 14 days stating the reason for the failure.

### 4.10 Technical issues impacting on recording

If technology failure prevents a Council meeting (or part of a meeting) from being recorded, the meeting may still proceed if the City does everything reasonably practicable to make an improvised recording of the meeting.

If a Council meeting is recorded by improvised recording, the City must publish a notice on the City's website stating the following:

- An explanation as to why it was not possible for a recording of the meeting or part of the meeting to be made by means of the City's recording technology;
- the means by which the improvised recording was made, providing the technology used for the recording; and
- any deficiencies in the improvised recording and any explanation.

If the City is unable to make an improvised recording, the City must publish a notice on the City's website stating the following:

- An explanation as to why it was not possible for a recording of the Council meeting or part of the meeting to be made by means of the City's recording technology;
- that no improvised recording was made; and
- that it was not reasonably practicable for the City to make any improvised recording, providing an explanation of why that was the case.

### 4.11 Suspension of Live Stream and Recording

If a Council meeting is adjourned in accordance with the *City of Mandurah Standing Orders Local Law 2016* the live stream and recording will be suspended, until such time the meeting is reconvened, at which time the live stream and recording will be recommenced.

### 4.12 Copyright

Access to the live stream and recordings of Council meetings is provided on the City's website for personal and non-commercial use only, unless otherwise approved by the City. Copying or distribution of any part of the live stream or recording is not permitted without prior approval of the City. The City reserves all rights in relation to its copyright.

# Council Meetings – Live Streaming, Recording and Electronic Attendance



## POL-GVN 11

### 4.13 Defamation

In accordance with section 9.57A of the Act the City is not liable for an action for defamation in relation to matter published on its official website as part of a live stream, audio or video recording of Council proceedings.

Opinions expressed or statements made by persons during the course of a meeting and contained within a live stream, video and/or audio recording, are the opinions or statements of those individual persons and not necessarily the opinions or statements of the City or endorsed by the City.

City officers and Elected Members are not liable in defamation for any statements made in good faith in the performance of their statutory functions. Whilst defences under the *Defamation Act 2005* may also be applicable, this is a matter that can only be determined by the Court.

### 4.14 Public Participation

In accordance with regulation 7(3) of the *Local Government (Administration) Regulations 1996* (Administration Regulation), Council strives to provide the public with equal and fair opportunity for the public to ask questions at the meeting and receive a response, however public question time should not result in unreasonable delay to the meeting progressing, to undertake the business of the meeting.

In accordance with regulation 6 of the Administration Regulations, the minimum time allotted for public question time is 15 minutes. Council will allocate 15 minutes for public question time and the Presiding Member may call a motion to extend public question time at the end of the expired 15 minutes.

Each member of the public who wishes to ask a question is allotted to ask up to three (3) questions. Sub-parts of questions are counted as a question (ie. question 1 parts (a), (b) and (c) will be counted as three questions). At the discretion of the Presiding Member additional questions may be permitted.

All questions must relate to the ordinary business of the City, the function of Council or the purpose of the Special Council or Committee Meeting as appropriate.

If after having allowed each person (3) questions there is time remaining, the Presiding Member in accordance with the *City of Mandurah Standing Orders Local Law 2016* will allow further questions, again in limits of three per person.

A question may be taken on notice by the Council or Committee for a later response. In order to enable City officers to prepare a response, it is preferred that the questions are received in advance of the Council meeting.

In accordance with regulation 7(4) of the Administration Regulations, the Council or Committee is not required to:

- (a) answer a question that does not relate to a matter affecting the local government; or
- (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
- (c) answer a question that does not relate to a function of the committee.

All members of the public asking questions of Council or a Committee are required to comply with section 3.3 of the *City of Mandurah Standing Orders Local Law 2016*.

# Council Meetings – Live Streaming, Recording and Electronic Attendance

## POL-GVN 11



## 5. Electronic Attendance

### 5.1 Applicability and Electronic Means

For the purposes of this section of the Policy 'Meeting' means:

- an ordinary meeting of council; or
- a special meeting of council; or
- a meeting of a committee of council; or
- a meeting of an audit committee of the local government.

The electronic means by which a Member may attend a meeting includes telephone, video conference or other means of instantaneous communication, as determined by the Mayor or Council in consultation with the Chief Executive Officer ('CEO'). The preferred method of electronic attendance is via Microsoft Teams.

### 5.2 Council and Committee Member Attendance by Electronic Means

Members may attend an in-person meeting by electronic means if authorised by the Mayor, or in the case of the Mayor attending by electronic means, by Council unless the attendance at the proposed meeting would result in the Member attending by electronic means more than half of the Meetings (including the proposed Meeting) within the 12-month period ending on the day on which the proposed Meeting is to be held.

This does not apply to a Member who is a person with a disability as defined in the *Disability Services Act 1993*.

### 5.3 Requests for Attendance by Electronic Means

Members are to submit requests for electronic attendance at the earliest opportunity, but in any case, requests must be received so that there is sufficient time for the request to be considered and the necessary technology and meeting protocols to be implemented.

All requests to attend a Meeting electronically must be submitted in writing using the required form to the Mayor, or where it is the Mayor requesting to attend electronically, submitted to Council for consideration.

By making a request for electronic attendance Members must declare that confidentiality is possible, and that confidentiality will be maintained throughout the course of the meeting.

Members must also outline the following:

- location from which they intend to attend the Meeting;
- equipment that they intend to use;
- how suitable these are to effectively engage in deliberations and communications during the meeting, including closed proceedings; and
- confirm that the location from which they attend is safe, quiet, private, devoid of distractions, and where a meeting is closed to the public, a place where confidentiality can be maintained.

# Council Meetings – Live Streaming, Recording and Electronic Attendance

## POL-GVN 11



If a request to attend a Meeting is submitted by the Mayor or the Chairperson of a Committee, then the Mayor or Chairperson (as the case may be) may choose to defer the presiding of that Meeting to the Deputy Mayor or Deputy Chairperson.

### **5.4 Suitable Location**

In assessing an application to attend via electronic means, consideration must be given by the Mayor or Council to the location from which the Member intends to attend the Meeting and the equipment they intend to use to attend the Meeting are suitable for the Member to be able to effectively engage in deliberations and communications during the Meeting.

Members must confirm in writing that the location from which they attend is safe, quiet, private, devoid of distractions, and where a meeting is closed to the public, a place where confidentiality can be maintained.

Location requirements must be satisfied before authorisation is given to a Member to attend any Meeting by electronic means.

### **5.5 Confidentiality**

A Member must not attend a Meeting or the closed part of a Meeting unless, before the Meeting, or the part of the Meeting, is closed, the Member declares that the Member can maintain confidentiality during the Meeting or the closed part of the Meeting (as the case requires).

If the Member makes the declaration and subsequently cannot maintain confidentiality, the Member must leave the Meeting or the closed part of the Meeting.

A Member's declaration under this section must be recorded in the minutes of the Meeting.

### **5.6 Declarations of Interest**

Where a Member attending via electronic means has declared an interest, prior to discussion of the Item the Presiding Member will request the Minute Officer to electronically disable the Member by moving the Member to the electronic "waiting room". Where attending by telephone or mobile phone the Member will be requested to end the phone connection.

Once the item discussion is complete the Presiding Member will invite the Member to re-join the Meeting via the Minute Officer and both the Presiding Member and the Member will verbally acknowledge the Member's return.

### **5.7 Method of Determining Voting when Attending Electronically**

The Presiding Member will decide the method to be used to determine a Member's vote at a Meeting.

### **5.8 Meetings Held by Electronic Means**

A Meeting may be held by electronic means subject to legislative requirements.

In accordance with r14D of the Regulations, the Mayor or Council may determine whether a Meeting is to be held by electronic means outside of a public health emergency or a state of emergency. In authorising a Meeting to be held by electronic means the Mayor or Council must have regard to the number of previous Meetings held by electronic means and give consideration to the location and equipment available to each Member to attend electronically.

# Council Meetings – Live Streaming, Recording and Electronic Attendance

## POL-GVN 11



If a decision is made to hold a Meeting by electronic means, so far as is practicable the provisions of under this section will apply to the electronic meeting.

A change from an in-person meeting to an electronic meeting will require adequate public notice in accordance with r12 of the Regulations.

## 6. Legislative Context

*Local Government Act (WA) 1995*  
*Local Government (Administration) Regulations (WA) 1996*  
*State Records Act 2000*  
*Defamation Act 2005*  
*Copyright Act 1968*

## 7. Review

At a minimum this Council Policy will be reviewed every two years.

## 8. Related Documents

These documents are mandatory and required to give effect to this policy:

*City of Mandurah Standing Orders Local Law 2016*  
City of Mandurah Code of Conduct for Employees  
City of Mandurah Code of Conduct for Elected Members, Committee Members and Candidates

## 9. Supporting Documents

The following documents inform this Policy (i.e. documents that are not mandatory to the implementation of this policy but may support the implementation of the Policy):

Department of Local Government Sport and Cultural Industries Livestreaming and Recording of Council Meetings Guide: Explanatory paper.  
Department of Local Government Sport and Cultural Industries Guidelines for Developing Policies on Electronic Attendance and Meetings.

---

|                                     |                               |
|-------------------------------------|-------------------------------|
| <b>Responsible Directorate:</b>     | Business Services             |
| <b>Responsible Department:</b>      | Governance and Legal Services |
| <b>Reviewer:</b>                    | Governance and Legal Services |
| <b>Creation date and reference:</b> | 17/12/2024, G.12/12/24        |
| <b>Last Review:</b>                 | New Policy                    |



# Council Meetings – Live Streaming, Recording and Electronic Attendance

## POL-GVN 11



| Amendments |   |                        |                      |
|------------|---|------------------------|----------------------|
| Version #  | Council Approval Date, Reference        | Date Document In force | Date Document Ceased |
| 1          | Council Approval 17/12/2024. G.12/12/24 | 18/12/2024             |                      |