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<p>Essentials</p>  <p>Read me first</p>	<ol style="list-style-type: none"> 1. Live broadcasting is only applicable for public Ordinary meetings and Special meetings conducted by Ballarat City Council. 2. Public notice must be given where a Council meeting will be live broadcast. 3. Confidential Council meetings, or confidential sections of Council Meetings will not be live broadcast or recorded. 4. In recognition of the legal and reputational risk to Council, the Chief Executive Officer may determine in their sole discretion not to publish a recording if it is reasonably believed to contain inappropriate information or where exceptional circumstances are apparent from the recording. 5. Council does not accept any responsibility for the comments made or information provided during Council Meetings
<p>Context</p> 	<p>This procedure will apply to all public Ordinary Meetings and Special Meetings conducted by Ballarat City Council (Council) to be live broadcast or recorded and published in accordance with this procedure. The procedure does not extend to any meetings closed to the public in accordance with Section 89(2) of the Local Government Act 1989.</p>
<p>Purpose</p> 	<p>This procedure outlines the requirements associated with the live broadcasting and publishing recordings of Ordinary and Special Council Meetings via Council’s website.</p> <p>The application of this procedure will be utilised to inform members of the public and Councillors on Council’s processes to live broadcast Council meetings.</p>
<p>Requirements</p> 	<p>Notification of image recorded and/or broadcast</p> <p>Council will use its best endeavours to ensure images of people in the public gallery of a Council Meeting are not live broadcast or recorded and published. Members of the public must be given appropriate notice of the possibility of their image being recorded and published and/or broadcast.</p> <p>When a Council Meeting is to be recorded and/or live broadcast:</p> <ul style="list-style-type: none"> • prominent signage informing all attendees of the Council Meeting that the meeting will be recorded and broadcast live in the terms set out in Attachment 1 must be provided; • at the commencement of each Council Meeting to be recorded and/or broadcast live, the Chairperson shall provide a statement to notify the attendees of the Council Meeting that the meeting will be recorded and/or broadcast live in the terms set out in Attachment 2; • notice will also be given in the Council Meeting agenda as set out in Attachment 3; and

- where the recording is to be published on Council's website, notice will also be given on Council's website in the terms set out in **Attachment 4**;
- a copy of this procedure will be referenced in all online notices given under this clause.

All members of the public are reminded that they are solely responsible for their own comments made during Council Meetings and that these comments made, may result in an individual who suffers loss and damage as a result of those comments, pursuing action through a court of appropriate jurisdiction.

The Chief Executive Officer, in their discretion, may from time to time update the terms of the notices to be given under this clause without updating this procedure.

Technical Disclaimer

There may be situations where, due to technical difficulties a live broadcast of the Council Meeting may not be available.

Technical issues may include, but are not limited to:

- the availability of the internet connection;
- device failure or malfunction;
- unavailability of social media platforms; and/or
- power outages.

Where live broadcasting is the subject of a disruption, Council will notify the public on both its social media channels and Council's website (if those channels have not been functionally compromised).

Termination of live broadcasting in Exceptional Circumstances

The Chairperson and/or the Chief Executive Officer has/have the discretion and authority at any time to direct the termination or interruption of live broadcasting of a Council Meeting where there are exceptional circumstances; or the content of the Council Meeting is considered by the Chairperson and/or the Chief Executive Officer to contain inappropriate information.

Upload, access and Storage of Files



The decision to upload or publish a recording of a Council meeting will be made taking into consideration the content of the material and the potential for Council to be liable for any loss and damage suffered by a person as a result of the published comments.


In recognition of the potential legal risk to Council, the Chief Executive Officer may determine in their sole discretion not to upload or publish a recording of a Council Meeting if it is reasonably believed it may contain inappropriate information or where exceptional circumstances arise.

Aside from the above, all recordings will be uploaded to Council's website within five business days of the meeting whereby members of the public will be given access to watch the recording.

These recordings of the Council Meetings will be published and available on Council's website for a period of up to 12 months.

All recordings of Council meetings will be maintained in accordance with Council's Records and Document Management control related policies and procedures.

<p>Supporting Definitions</p> 	<p>Chairperson has the same meaning as defined in Council’s Meeting Procedure Local Law 2018.</p> <p>Council means the ‘Ballarat City Council’ and ‘City of Ballarat’.</p> <p>Council Meetings means Ordinary Meetings and Special Meetings that aren’t Confidential Council Meetings.</p> <p>Confidential Council Meeting means a Meeting of the Council which has been closed to members of the public under Section 89(2) of the Local Government Act 1989.</p> <p>Defamation means words which convey a meaning (or “imputation”) about a person that lowers the person’s reputation in the eyes of reasonable members of the community, or causes the person to be ridiculed, avoided or despised by members of the general public.</p> <p>Exceptional Circumstances means circumstances where there is:</p> <ul style="list-style-type: none"> • a risk or threat to public health and safety; • a threat of violence or aggression by one or more people attending the Council Meeting against others; • unlawful conduct by an attendee of the Council Meeting; • significant disruption of the Council Meeting by the conduct of an attendee; and/or • a reputational risk to the Council. <p>Inappropriate Information means information which amounts to, or could be perceived to amount to:</p> <ul style="list-style-type: none"> • Defamation; • infringement of copyright; • breach of privacy; • offensive behaviour including discrimination; • vilification or inciting hatred; • confidential or privileged; or • misleading. <p>Ordinary Meeting means an Ordinary Meeting of the Council, as defined in Section 83(a) of the Local Government Act 1989, held at Town Hall.</p> <p>Privacy Breach means unauthorised access to, or collection, use or disclosure of personal information in accordance with the Privacy and Data Protection Act (Vic) 2014.</p> <p>Special Meeting means a Special Meeting of the Council, as defined in Section 83(b) of the Local Government Act 1989, held at Town Hall.</p> <p>Town Hall means the Council Conference and Reception Centre, Sturt Street, Ballarat.</p>
<p>Accountability</p> 	<p>Council is updated bi-annually with information about the numbers of people accessing the live broadcast or published recordings of Council Meetings.</p>

<p>Supporting Documents and References</p> 	<p>Acts</p> <p><u>Local Government Act (Vic) 1989</u> <u>Privacy and Data Protection Act (Vic) 2014</u> <u>Freedom of Information Act (Vic) 1983</u> <u>Copyright Act (Cth) 1968</u> <u>Defamation Act (Vic) 2005 (or its equivalent)</u></p> <p>Policies and Procedures</p> <p>Nil</p> <p>Council related Document</p> <p><i>Meeting Procedure Local Law 2018</i> Councillor Code of Conduct Staff Code of Conduct</p>
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APPENDIX

Attachment 1

Public Gallery Notice

The following will be posted in a prominent location at a Council Meeting that is to be recorded or broadcast live:

This meeting is being publicly broadcast on the internet and the recording will be published on Council's website www.ballarat.vic.gov.au after the meeting.

As a visitor in the public gallery, you may be filmed. By remaining in the public gallery, you consent to being filmed and for the recording of you to be made publicly available by the Council.

Details about the broadcasting and recording of Council meetings is available in Council's Broadcasting and Recording of Council Meetings Procedure which is available in hard copy at this meeting and electronically on the Council's website.

If you have any questions about the Council's procedure, please speak with one of the City of Ballarat staff here tonight.

Attachment 2

Meeting Chairperson's Statement

The following statement is to be read by the Chairperson at the commencement of each Council Meeting which is to be recorded and/or broadcast live:

This meeting is being broadcast on the internet and the recording of the meeting will be published on Council's website.

As a visitor in the public gallery, you may be filmed. By remaining in the public gallery, you consent to being filmed and for the recording of you to be made publicly available by the Council.

A copy of Council's Broadcasting and Recording of Council Meetings Procedure is available in hard copy at this meeting and on the Council's website. Please speak with one of our staff members if you have any questions.

Attachment 3

Agenda Notice

The following statement is to be included at the start of the agenda of any Council Meeting which is to be recorded and/or broadcast live:

This meeting is being broadcast live on the internet and the recording of this meeting will be published on Council's website www.ballarat.vic.gov.au after the meeting.

Members of the public attending this meeting may be filmed. By remaining in the public gallery once the meeting commences, members of the public give their consent to being filmed, and for the recording of them to be made publicly available and used by Council.

Information about the broadcasting and publishing recordings of Council meetings is available in Council's Broadcasting and Publishing Recordings of Council Meetings Procedure is available on the Council's website.

Attachment 4

Website Disclaimer

The opinions or statements made during the course of a Council meeting are those of the particular individuals, and not necessarily the opinions or statements of City of Ballarat. The City of Ballarat does not necessarily endorse or support the views, opinions, standards or information contained in the live broadcasting or recording of the Council meetings.

The City of Ballarat does not accept any responsibility for the comments made or information provided during Council Meetings and does not warrant nor represent that the material or statements made during Council meetings are complete, reliable or accurate. The City of Ballarat does not accept any responsibility or liability for any loss, damage, cost or expense that might be incurred howsoever arising as a result of or in connection with the use or reliance on information or statements made in the live broadcasting or published recordings of Council meetings.

Whilst Council will use its best endeavours to ensure the live broadcasting and Council's website are functioning, technical issues may arise and the City of Ballarat cannot guarantee that the live broadcast will always be available, or that recordings of Council meetings will be complete.