

AUDIO, VIDEO RECORDING AND PHOTOGRAPHY OF COUNCIL AND COMMITTEE MEETINGS POLICY



Responsible Department: General Manager's
Responsible Section: General Manager's
Responsible Officer: General Manager

Objective

The objective of this policy is to set out procedures for audio recording of Council meetings in regard to appropriate creation, storage, usage, access and disposal in accordance with legislative and policy requirements.

Policy

The policy applies to all open meetings of Council and Committees of Narrabri Shire Council and applies to Council staff and Councillors and the public

- **Committee Meeting** means meeting where all members are Councillors.
- **Audio Recording** means any recording made by any electronic or battery operated device capable of recording sound, video or still photography. This includes but is not limited to recordings made by video camera, cassette recorder, or DAT recorder, and stored on compact disc (CD), Digital Audio Tape (DAT), or in any other format (such as WAV, MP3, USB, cameras etc.).

In accordance with s.375(1) of the Local Government Act and associated Regulations, Councils are required to keep accurate minutes of meetings which record attendance, details of each motion and any amendments, names of movers and seconders of motion or amendment, whether motion is passed or not, and decisions (resolutions) of the meeting. While not a requirement of the Local Government Act and Regulation, audio recording of Council and Committee meetings is a common practice in NSW Councils. The main purpose of audio recording is to assist in preparation of meeting minutes.

Audio tapes are considered 'temporary' records of Council as their main purpose is to assist in preparation of minutes. Once the minutes are confirmed, the audio tapes are no longer needed. The official record of the meeting is not the audio recording but the meeting minutes, which require confirmation by Council resolution and

Purpose of Audio Recordings of Meetings

Audio recordings will be made of open Council and Committees meetings excluding confidential matters as provided by Section 10A of the Local Government Act 1993 for the purpose of:

- assisting in the preparation of minutes.
- ensuring decisions are accurately recorded.
- verifying the accuracy of minutes prior to their confirmation.

Public Notification of Recording of Meetings

In order to comply with the Surveillance Devices Act 2007 and the Privacy and Personal Information Protection Act 1998 advice will be provided to the members of the public attending meetings that an audio recording of the meeting will be made. The wording of the advice will be as follows:

'This meeting is being recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993.'

The advice will be displayed in the following manner:

- On the notice of agenda for meetings of Council and Committees.
- On notices at the entry to the Council Chambers or place where meetings are held.
- Verbally by the Chairperson at the commencement of the meeting or Open Forum during ordinary meetings of Council.

Storage of Recordings

Audio recordings will be stored securely by Director Corporate Services so that only persons authorised to do so by the General Manager can access them. Audio recordings will be stored until the minutes from the meeting to which they relate are confirmed by Council (refer to General Retention and disposal authority; Local Government Records (GA-39), except where retention for a longer period is otherwise required or recommended under *State Records Act 1998*.

GDA 10 specifies a retention period of three (3) months for records of preparation of meetings and production of minutes including draft minutes, transcripts and audio recordings.

If audio recordings are made available to members of the public in accordance with Section 2.5.3, a copy of the request and relevant audio recording will be maintained in Council's records.

Access to Recordings

Requests to access tapes will be considered in accordance with section 8 (informal release of government information provisions) of the Government Information (Public Access) Act 2009. Council may provide access by means of listening to audio recordings in the presence of a Council employee, approved by the General Manager, during business hours of the Council.

Copies of audio recordings will not be provided.

A formal access application may be made under the Government Information (Public Access) Act 2009 to part or all of the audio recording. Applications will involve payment of a fee. Council will consider the application in accordance with the Act.

Recording of Meetings by Members of the Public

Clause 273 of the Local Government (General) Regulation 2005 provides that a person may use a tape recorder to record the proceedings of a meeting of a Council or a Committee of Council only with the authority of the council or committee. In order to prevent breaches of the *Privacy and Personal Information Protection Act 1998* Council will not permit such recordings to be made (refer to Clause 76 and 77 of Council's Code of Meeting Practice) and asserts copyright in support of meeting that privacy control. Council asserts copy right on all recordings.

References

- *Local Government Act (NSW) 1993 and Local Government (General) Regulation 2005.*
- *Government Information (Public Access) Act 2009.*
- *Privacy & Personal Information Act (NSW) 1998.*
- *State Records Act (NSW) 1998.*
- *Surveillance Devices Act (NSW) 2007.*
- *Copyright Act 1968.*

History

MINUTE NUMBER	MEETING DATE	DESCRIPTION OF CHANGE
811/2011	20 December 2011	Adopted
58/2013	5 February, 2013	Reviewed
164/2017	15 August 2017	Reviewed