

Advice Note

Responsible Officer:	<u>Executive Manager Governance and Legal Services</u>
Date of Meeting:	<u>15 September 2020</u>
Meeting of the:	<u>Ordinary Meeting of Council</u>
Item:	<u>Motion with Notice – Amendment to Council Policy – CP-088 Creation, Access and Retention of Audio Recordings of Public Meetings of the Council</u>

DETAIL

It should be noted that the amendments to the *Local Government (Administration) Regulations 1996* earlier this year allowed local governments to hold electronic meetings during a state of emergency, the legislation is otherwise silent on the subject of recordings. Each local government decides whether it shall record meetings, in what format and whether it is to be made available to elected members and / or the public.

Council Policy CP-088 Creation, Access and Retention of Audio Recordings of Public Meeting of the Council was amended at the 19 March 2019 Ordinary Meeting of Council to introduce the publishing of audio recordings of public meetings of the Council on the City's website, as directed by resolution of the Council, rather than the previous practice which required a Freedom of Information application.

The revised Policy:

- Outlined the City's commitment to engaging with its community on the publishing of audio recordings from public meetings, that will provide opportunity for the community to hear how the Council makes decisions.
- Provides for the audio recording of Agenda Briefing Forums, Ordinary and Special Meetings of Council and General and Special Meetings of Electors.
- Provides guidance on the publishing of audio recordings on the City's website.
- Provides guidance on the access to audio recordings.
- Provides that the recording may cease, by resolution of Council, when a meeting is closed to the public.
- Provides guidance on the storage and retention of audio records.

The Department of Local Government, Sport and Cultural Industries and the Western Australian Local Government Association were consulted, in the revision of the policy at that time.

The publishing of audio recordings of Council meetings on the website came into effect in May 2019 and since then audio recordings are generally being published on the Friday following the meeting in conjunction with the minutes of the meeting.

Given the recent implication of the COVID-19 pandemic and the amendment to legislation to provide the ability for local government to hold meetings electronically, and to electronically broadcast these to the community, and that this practice will continue for the foreseeable future, it is timely to review this policy to include guidance on this practice.

This motion recommends the deletion of sections of the Policy, but does not address how these matters should be addressed, for example, in relation to point 2, the CEO currently has the ability to withhold sections of the audio recording and this has been applied, in consultation with the Mayor, when confidential or sensitive information has inadvertently been discussed at a meeting. The deletion of this clause provides no guidance on how these matters should be dealt with going forward.

Point 1 is the subject of an Advice Note relating to another Motion with Notice to the Creation of a new Council policy: *Elected Member Access to Information*, that will be considered at this meeting.

Point 3 relates to the statement that “*The proceedings of a Meeting that is closed to the public may be recorded but the recording will not be made publically available, other than to Elected Members who were present at the meeting and for the item, and Administrative staff, while the information or report remains confidential as per the Local Government Act 1995 Section 5.23 (2).*” Should an Elected Member or officer declare an interest in a matter and leave the meeting, the discussion of that part of the meeting should not be available to that/those Elected Members or Officers.

The current Policy provides that access can be obtained to this recording, after consideration and by resolution of the Council (Point 4). Should application still be required to access a recording or part of a recording then removing the wording in Point 5, should not be removed.

To ensure the validity in the practical application of this policy in the current local government environment, Officers recommend that this policy be reviewed:

- to consider the amendments recommended by Cr Kepert’s Motion with Notice;
- to include the context of electronic meeting, include live broadcast; and
- in conjunction with the outcome of access to information as outline in Cr Kepert’s Motion with Notice to be considered at this meeting to develop a new Policy to formalise Elected Member access to information.