



KEMPSEY
Shire Council

DIRECTOR CORPORATE SERVICES REPORT

14th March 2006

DCS9 REQUEST TO VIDEO COUNCIL MEETINGS
FILE: 367 PJH {Folio No. * }

SUMMARY:

Reporting on a request received to video record the Council meetings.



DESCRIPTION:

Council has received a written request from an individual wanting to record the Council meetings on video.

Council's Code of Meeting Practice, clause 9.6 – Tape recording of meeting of Council, is reproduced as follows for the information of Council:-

9.6 Tape recording of meeting of council or committee prohibited without permission

1. *A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee.*
2. *A person may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of a council or a committee of a council for using or having used a tape recorder in contravention of this clause.*
3. *If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council, committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.*
4. *In this clause, tape recorder includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.*

Tape recording not recommended

Council itself has considered tape recording its meetings but has not due to potential issues relating to privacy of individuals and associated difficulty complying with Privacy legislation. Privacy NSW has recommended that if a Council did tape record the meetings it be only for verifying the accuracy of minutes.

Council, if it was to give an individual approval to tape the meetings, would be exposing itself to potential claims for breach of the Privacy legislation and while the individual concerned may have a genuine interest in the workings of local government approval cannot be recommended.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

- ***Economic (Financial)***

Council can be forced to pay up to \$40,000 compensation to an affected person if it breaches the Privacy legislation.

- ***Policy or Statutory***

Council's Code of Meeting practice clause on this matter is taken direct from the Local Government (General) Regulation and states that only the Council can give authority for the tape recording of its Council meeting.

- ***Director's Review***

As per report.

RECOMMENDATION:

That the video recording of the Council meetings by individuals not be approved.

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G B Snape
DIRECTOR CORPORATE SERVICES