



BRRAG

Belmont Resident and Ratepayer Action Group Inc.

“To provide an effective voice for the people of Belmont”

27 July 2019

CEO
City of Belmont
Belmont WA 6104

Dear Mr Christie

RE: Your letter dated 25 July 2019 - Recordings

It would appear that we have another instance of the City of Belmont not wanting to be transparent with its residents.

On what basis does the City says it has copyright of the material? The material contained on the recording is not the creative work of the City of Belmont, but rather the public discussion of individual people’s ideas and thoughts. The City of Belmont does not own public meeting discussion.

Your letter stated the following:

“Recordings subject to copyright Any recording of Meeting proceedings is subject to copyright of the City of Belmont and is not be copied or shared with third parties without permission of the City first being obtained.” It is actually BexB45 which was omitted.

The recordings to which you refer are obtained under Freedom of Information.

I refer you to the Freedom of Information Act 1992

Section 3 (1) The objects of this Act are to—

- (a) enable the public to participate more effectively in governing the State; and
- (b) make the persons and bodies that are responsible for State and local government more accountable to the public.

The advice of the Freedom of Information office is that we are allowed to put this document on our website. Once it is purchased it becomes a public document. The City of Belmont is not allowed to make policies that contravene other legislation which appears to be the case in this instance.

I also reference the Copyright Act 1968 Section 103B (1)(a)

Fair dealing for purpose of reporting news

(1) A fair dealing with an audio-visual item does not constitute an infringement of the copyright in the item or in any work or other audio-visual item included in the item if:

- (a) it is for the purpose of, or is associated with, the reporting of news in a newspaper, magazine or similar periodical and a sufficient acknowledgement of the first-mentioned audio-visual item is

made;

The recorded meetings that have been attained by members of our committee. They have been reimbursed by our organisation. As they have been purchased by BRRAG for our members, they have a right to access them.

On this basis unless you can provide information that supports your claim of copyright of a public meeting, we will at the very least be supplying these to our membership whilst we look over and seek advice on any other relevant and supporting information to your claim of ownership.

I will also be drawing to the attention of the councillors another clause in this section of the policy they may not either understand or be aware of. I was absolutely stunned that you and your staff expect councillors who are the ones who actually employ you, to be supervised when applying to access these recordings. Outrageous at its finest. They are there to represent the people and they are asked to be supervised???? Wonder how this all floated through in the first place. I have seen enough of the packages provided to councillors to have some idea on this.

Please be advised this letter and any response will be made available to the Residents of Belmont on the BRRAG website, in the interests of transparency. Any response will also be made available.

Kindest regards

Lisa Hollands
Chairperson BRRAG