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LOCAL GOVERNMENT (TRANSPARENCY AND PUBLIC ENGAGEMENT) BILL 2019

# LOCAL GOVERNMENT (TRANSPARENCY AND PUBLIC ENGAGEMENT) BILL 2019

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Copyright and Related Rights Acts 2000 to 2019

Local Government Act 2001 (No. 37)

Prohibition of Incitement to Hatred Act 1989 (No. 19)

**Office of  
Parliamentary  
Legal Advisers**

*Resettled 20/9/19*

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An Act to amend the Local Government Acts 1925 to 2019 by requiring each local authority to make publicly available, subject to certain exceptions and limitations, live broadcasts on its website of certain of its meetings and meetings of its municipal districts and to make such broadcasts available thereafter for a minimum period of time; by requiring the agendas for such meetings to be available by each local authority on its website; and to provide for related matters.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

**Definition**

1. In this Act “Principal Act” means the Local Government Act 2001.

**Amendment of section 2 (interpretation generally) of Principal Act**

2. Section 2 of the Principal Act is amended in subsection (1) by substituting the following for the definition of “public notice”:

“ ‘public notice’, in the context of a local authority or a municipal district, means a notice that is both placed on the website of the local authority and published in at least one newspaper circulating–

(a) in the case of a local authority, within its administrative area, or

(b) in the case of a municipal district, within such district;”.

**Live streaming of council meetings, etc.**

3. Schedule 10 to the Principal Act is amended by inserting the following after paragraph 19:

“Live streaming of council meetings, etc.

20. (1) In this paragraph—

‘council meeting’ means—

- (a) an annual meeting,
- (b) an ordinary meeting,
- (c) a budget meeting, or
- (d) a special meeting,

of either a local authority or a municipal district;

‘inappropriate’, in relation to a council meeting and without prejudice to any standing orders (including rules) duly made pursuant to section 45(5) and to paragraph 16 of this Schedule, includes any matter that may be—

- (a) defamatory,
- (b) a contravention of the Prohibition of Incitement to Hatred Act 1989,
- (c) an infringement of copyright in a manner provided for by the Copyright and Related Rights Acts 2000 to 2019,

- (d) an unauthorised disclosure of personal information of an individual, or
- (e) an unauthorised disclosure of confidential or privileged information;

“live video and audio coverage” means broadcasting in real-time and includes any intentional delay in being so broadcast that does not normally exceed 20 seconds or such other period of time as the Minister may prescribe under section 4.

(2) Subject to subparagraphs (3) and (4), a local authority shall make publicly available on its website—

- (a) live video and audio coverage of council meetings of the authority and of its municipal districts, if any, and
- (b) recordings of such coverage within 3 working days following the day the meeting concerned was adjourned,

and such recordings shall be so made available on the local authority’s website for a period of at least 12 months after being first broadcast for the purposes of clause (b) or for such longer period as the Minister may prescribe under section 4.

- (3) Subparagraph (2) does not apply to—
  - (a) so much of a meeting of a local authority in respect of which it has, by resolution under section 45, decided to meet in



committee in the absence of members of the public and representatives of the media, and

- (b) so much of a meeting of a municipal district—
  - (i) to which subsisting regulations made by the Minister under section 22 of the Local Government (Reform) Act 2014 apply section 45 of this Act to the municipal district, and
  - (ii) where the municipal district has, pursuant to those regulations, by resolution under section 45 as so applied, decided to meet in committee in the absence of members of the public and representatives of the media.

(4) (a) Nothing in subparagraph (2) shall prevent a local authority from putting in place—

- (i) rules for the purposes of section 45(5)(d), or
- (ii) standing orders under paragraph 16,

to prevent the broadcasting, continued broadcasting or rebroadcasting, as the case may be, on its website of council meetings of any matter that is inappropriate to broadcast either live or in a recording.

(b) Clause (a) applies to a municipal district to the extent that subsisting regulations made by the Minister under section 22 of the Local Government (Reform) Act 2014 apply the provisions

referred to in subclauses (i) and (ii) of that clause to the municipal district.

- (5) (a) Where a local authority makes publicly available on its website live video and audio coverage of a council meeting or recordings of such coverage then, in any proceedings taken against the local authority that that coverage broadcast included inappropriate matters, it shall be a defence for the local authority to prove that all reasonable steps were taken in the circumstances to establish if the matters concerned of were inappropriate and, where so found, that all reasonable steps to remove them from any recording intended to be broadcast.
- (b) For the purposes of clause (a), where the council meeting concerned is of a municipal district, then the defence open to the local authority under that clause in respect of its broadcasting of proceedings of the municipal district shall also be available to that municipal district.
- (c) Where relevant, this subparagraph is in addition and not in substitution for any defence of qualified privilege.
- (6) Not later than 2 years after the commencement of the *Local Government (Transparency and Public Engagement) Act 2019*, or such earlier date as the Minister may direct, every local authority and its municipal districts (if any) shall each take all such steps as may be necessary to comply with this paragraph including, where appropriate, any steps necessary to comply with requirements of or under sections 102 and 103.

- (7) Nothing in this paragraph shall be read so as to invalidate any council meeting or any decision taken at such meeting, where it or any part of it was not broadcast in real time or not subsequently available on the local authority's website in accordance with subparagraph (2).”.

**Short title, commencement, collective citation and construction**

4. (1) This Act may be cited as the Local Government (Transparency and Public Engagement) Act 2019.
- (2) This Act shall be included in the collective citation, the Local Government Acts 1925 to 2019 and shall be construed together as one.