In relation to the COVID-19 pandemic, on 25 March 2020 amendments were made with immediate effect to the Local Government Act 1993 (the Act) to allow councils to meet remotely, to assist them to manage the risk of transmission of the COVID-19 virus at their meetings and to ensure compliance with Public Health Orders.

Councils are required to take all necessary steps to enact the changes in accordance with the advice of the Office of Local Government (OLG) 20-09 Compliance with social distancing requirements to limit the spread of the COVID-19 virus at council and committee meetings.

This Practice Note provides for the practical delivery of Meetings remotely, and provides clarity in relation to consequential temporary amendments to the CN Code of Meeting Practice (COMP) to enable Council to meet its legislative requirements.

The CN Code of Meeting Practice (COMP) must be read in conjunction with this Practice Note to ensure compliance with the legislation as amended.

This Practice Note will operate for a period of six months but may be extended to 12 months by regulation if required.

1. AMENDMENT OF MEETING SCHEDULE

At its meeting on 24 March 2020, Council resolved on the basis of current public health advice, to immediately vary its adopted Meeting Schedule by:

(a) Cancelling or postponing all non-essential in-person Advisory Committee meetings until public health orders are lifted;

(b) Cancelling in-person Public Voice meetings, and consider alternative electronic means of facilitating Public Voice until public health orders are lifted;

(c) To reduce unnecessary meetings, scheduling Development Application Committee (DAC) meetings to be held on the same night as scheduled Ordinary Council Meetings; and

(d) Proceeds with scheduled Ordinary Council Meetings in April and May 2020, with agendas limited as far as practicable to urgent matters requiring the elected council’s approval.

Refer COMP: section 5: Scheduling of Meetings, section 11: Order of business, section 17: Public Voice and Public Briefings
2. MEETINGS TO BE CONDUCTED REMOTELY

All references to ‘Meeting’ or ‘Meeting room’ or ‘Council Chamber’ within the COMP should be interpreted as operating within the platform identified to support meeting remotely using audio-visual link.

The amendment to the Act provides that any requirement that Councillors attend a Meeting is satisfied if the Meeting is held remotely using audio-visual links. This means that Councillors are now able to participate in meetings by an audio-visual link instead of attending person.

CN will continue to livestream Council and Committee of Council Meetings (excluding when parts of the Meeting are Closed).

Refer COMP: section 8: Councillor Participation; section 43 Webcasting

3. PUBLIC ATTENDANCE AND AVAILABILITY OF AGENDA AND BUSINESS PAPERS

CN satisfies the requirements under section 10 of the Act that members of the public be permitted to attend Meetings, by holding Meetings remotely using audio-visual links and livestreaming Meetings using an audio-visual link.

Following the temporary closure of CN’s Customer Contact Centre to in-person visits, Agenda and Business Papers are available on CN’s website only. No paper copy Agenda or Business Papers will be made available to the public while Meetings are held remotely.

Refer COMP: section 21 Availability of Agenda and Business Papers to the public, section 29 Public; section 43 Webcasting

4. CONDUCT OF COUNCILLORS DURING REMOTE MEETINGS

While Meetings are held remotely, Councillors will not be required to stand.

Councillors continue to be obliged to disclose and appropriately manage conflicts of interest they may have in matters being considered at meetings. Councillors continue to be obliged to remove themselves from the consideration of matters in which they have a pecuniary or significant non-pecuniary conflict of interest.

Refer COMP: section 8 Councillor participation, section 15: Mode of address; section 74 Conflicts of interest - Councillors

5. VOTING

Voting will continue to be conducted by voice, show of hand or by division as required using appropriate processes that support open and transparent decision-making.

Refer COMP: section 27 Election of Chairperson; section 68 Voting entitlements; section 70 Counting of votes; section 71 Voting by division
6. CONFIDENTIALITY AND CLOSING MEETINGS

Councils continue to be able to close Meetings to the public under section 10A of the Act. Where Councillors participate in Meetings held remotely by audio-visual links, they continue to be obliged to protect any confidential information considered at the Meeting. Where Meetings are closed to the public Councillors must ensure that they participate in the Meeting in such a way that the Meeting content cannot be seen or heard by anyone else.

Confidential Business Papers will only be provided to Councillors in electronic form at the time of discussion and will be unavailable after the closed session has concluded, accessed through the password protected Councillor portal.

Refer COMP: section 20 Agenda and Business Papers; section 32 Bases for closing Meetings

7. PETITIONS

Petitions will only be received in electronic format while this Practice Note is in operation.

Refer COMP: section 24 Petitions

8. SIGNING THE MINUTES

CN recognises that current Public Health Orders may present some restrictions and in order to prioritise the health and safety of our employees and Councillors, the provisions of section 40 will be adhered to as closely as possible but will not invalidate a decision of Council.

Refer CSOMP: section 40 Signature

9. PHOTOGRAPHY

Where Meetings are held remotely using audio-visual links, photography or the extraction of still images from any Meeting held remotely is not permitted except with the prior approval of the Lord Mayor/Chairperson.

Refer COMP: section 44 Photography