**Sent:** Wednesday, 18 March 2020 1:27 PM
**Subject:** BULLETIN 9/2020: COUNCIL MEETINGS - UPDATED

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**CoUNCIL MEETINGS**

A number of councils have been enquiring about contingencies they are considering relating to council meetings, in response to the challenges raised by COVID-19.

The following information is provided to assist councils to determine the most appropriate response for their circumstances.

**Meetings open to the public**

The Local Government Act 1989 (section 89(1)) requires all council and special committee meetings to be open to the public, unless the reason for closure meets one of the listed criteria in section 89(2) of the Act.  The Act does not provide an opportunity to exempt this requirement.

Those councils that currently stream council meetings are encouraged to promote the availability of this medium as an alternative to attendance in person whilst social distancing is being encouraged.

Clause 66(1) of the Local Government Bill 2019 continues the requirement for council meetings to be open to the public, unless a circumstance in clause 66(2) applies. Clause 66(2) states those circumstances are:

a.           The meeting is to consider confidential information; or

b.           Security reasons; or

c.           It is necessary to close the meeting to enable the meeting to proceed in an orderly manner.

A council may close a meeting under b) or c) above, provided it enables the meeting to be viewed by the public e.g. streamed on the internet. The term "security" is not defined in the Bill, but would be broad enough to apply in the current circumstances relating to COVID-19. This clause is expected to be proclaimed on 1 May.

**Councillor attendance at meetings**

Both the Local Government Act 1989 and the Local Government Bill 2019 provide that voting at council meetings is undertaken by councillors present at the meeting. ‘Present’ means physically present in the room where the decision making is taking place. There is no provision that allows a council to be exempted from this requirement, e.g. allowing presence by electronic means.

It is recommended that attendance at meetings have regard to the Commonwealth government’s guidance on social distancing and hygiene.

**Cancelling or postponing meetings**

If a council wishes to cancel or postpone a council or special committee meeting – for example because a quorum cannot be formed due to the absence of councillors - it should give as much public notice as is practicable.  Again, there is no capacity to exempt or vary quorum requirements under the Act.

**Delegation**

To enable continued council operations, councils may wish to consider the need to increase the exercise of delegated decisions to the council’s chief executive officer and staff. Section 98 of the Act sets out the requirements for delegating council powers, duties and functions. Councils are encouraged to review their delegations to maximise the opportunity for business continuity.

The management of the COVID-19 pandemic is evolving and dynamic. Local government Victoria understands the important role councils are playing and is committed to keeping you informed and supported.

Regards

**Graeme Emonson
Executive Director
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