

NOTICE OF COUNCIL MEETING

Pursuant to the provisions of section 83(2) of the
Local Government Act 1999

The Special Meeting of the

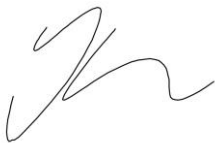


will be held by

by electronic means

on

Wednesday 21 July 2021 at 6.00pm

A handwritten signature in black ink, appearing to be "James Miller", written in a cursive style.

James Miller

CHIEF EXECUTIVE OFFICER

INDEX

1 ATTENDANCE RECORD

2 ADJOURNED BUSINESS


Nil

3 DECLARATION OF MEMBERS' INTEREST

4 ITEM FOR DECISION

- 4.1 Council Meetings, Committee Meetings and Informal Gatherings to Take Place by Electronic Means – Level 5 Restrictions and Stay at Home Requirement

5 CLOSURE

	4.1	Council Meetings, Committee Meetings and Informal Gatherings to Take Place by Electronic Means – Level 5 Restrictions and Stay at Home Requirement
	Department: Report Author:	Governance and Executive Office Acting General Manager – Governance and Executive Office
Date: 21 July 2021	Document Ref:	D21/32319

OVERVIEW

Purpose

The purpose of this report is for Council to consider the Chief Executive Officer's recommendation, made pursuant to Regulation 21 of the *Local Government (Procedures at Meetings) Regulations 2013* (the Procedure at Meetings Regulations), that Council and Council Committee meetings be held by electronic means while the direction issued under the *Emergency Management Act 2004 (SA)* (the Emergency Management Act) imposes Level 5 restrictions, being a stay at home requirement.

Background

Since 6 April 2020, Management has provided various updates and detailed advice to Members in relation to the COVID-19 public health emergency and, in particular, the holding of, and participation in, Council meetings.

Under section 81(1) of the *Local Government Act 1999* (the Local Government Act), ordinary meetings of a council will be held at times and places appointed by a resolution of the council.

Therefore, each year, Council Members considers a proposed Ordinary Meeting Schedule for the upcoming year and appoints the dates, times and places of its Ordinary Meetings by resolution.

Relevantly, on 14 December 2020, Council determined its Ordinary Council Meeting Schedule for 2021 and, in relation to the place of meetings, resolved as follows:

14.2 Moved Councillor Parker Seconded Councillor Keen 2020/439

“that Council having considered Item 14.2 – Ordinary Council Meeting Schedule 2021, dated 14 December 2020, resolves that Ordinary Council Meetings for the 2021 calendar year will be held via electronic means until such time that the relevant declarations (under the South Australian Public Health Act 2011 and the Emergency Management Act 2004) have been revoked.”

CARRIED

Council meetings and Council Committee meetings were therefore held via electronic means in January, February and March 2021.

Council, at its Ordinary Meeting on 22 March 2021, considered a Motion on Notice and resolved as follows:

18.1 Moved Mayor Wasley Seconded Councillor Boon 2021/129

“that Council resolves that resolution 2020/439 in relation to the Ordinary Council Meeting Schedule 2021 be amended in order for Ordinary Council Meetings to take place in the Mallala Chamber from Tuesday 27 April 2021.”

CARRIED

Council meetings and Council Committee meetings been held in the Mallala Chamber thereafter.

Discussion

At 6pm on Tuesday 20 July 2021, South Australia entered Level 5 ‘lockdown’ restrictions. The intention of the Level 5 restrictions has been made abundantly clear by State Government officials – to significantly reduce movement across the State.

Schedule 3 of the *Emergency Management (Activities – General No 2) (COVID-19) Direction 2021* (the Current Direction), current at the time of preparing this report, sets out the ‘Reasons to leave home when stay at home restrictions in force’. Relevantly, Clause 4 to Schedule 3 provides:

a person may leave home for the purpose of undertaking duties as an authorised worker.

Note: A person who can undertake their duties as an authorised worker by working from home is not permitted to leave home under this clause.

Clause 1 to Schedule 3 provides that authorised workers include:

(ze) activities of members or office bearers of a council, council committee, or subsidiary of a council (all within the meaning of the Local Government Act 1999), and other persons working or otherwise engaged in official duties, at an ordinary or special meeting of the council, council committee or subsidiary;

Therefore, under the Current Direction, a council meeting or council committee meeting can take place in person however it is also clear that if these duties can be undertaken by working from home, they should.

With an Ordinary Council Meeting scheduled for 6pm on Monday 26 July 2021, and APC Elected Members and relevant staff well equipped to participate in same by electronic means, the Chief Executive Officer therefore recommends, pursuant to Regulation 21 of the Procedure at Meetings Regulations, that while Level 5 restrictions remain in place, Council meetings, Council Committee meetings and Informal Gatherings be held by electronic means.

Importantly, Council's *Code of Practice – Meeting Procedures*, *Code of Practice – Access to Council Meetings and Documents* and *Informal Gatherings Policy* all contain the necessary alterations for Council (and Committee) meetings to be held by electronic means.

Conclusion

Under the Current Direction, a person may leave their home for the purpose of undertaking duties of an authorised worker if those duties cannot be performed by working from home. An authorised worker includes members of a council or council committee and other persons working or otherwise engaged in official duties at an ordinary or special meeting of the council or council committee.

Council successfully carried out its business by electronic means, while maintaining public access to meetings, from April 2020 until March 2021. There was no interruption to decision making. In light of the current Direction and the clear intention to stop movement within the State, the Chief Executive Officer recommends, pursuant to Regulation 21 of the Procedure at Meetings Regulations, that while Level 5 restrictions remain in place, Council meetings be held by electronic means. The recommendation below has been prepared in accordance with up-to-date legal advice and will operate for the duration of the current Level 5 restrictions and for any future State Government Level 5 restrictions/Stay at Home directions.

RECOMMENDATION

“that Council, having considered 4.1 – Council Meetings, Committee Meetings and Informal Gatherings to Take Place by Electronic Means – Level 5 Restrictions and Stay at Home Requirement, dated 21 July 2021, receives and notes the report and in doing so resolves that when the direction issued under the Emergency Management Act 2004 (SA) imposes Level 5 restrictions or a ‘Stay at Home’ requirement, Council meetings, Committee meetings and informal gatherings will take place via electronic means, being a virtual meeting room.”

References

Legislation

Emergency Management Act 2004

Emergency Management (Activities – General No 2) (COVID-19) Direction 2021

Emergency Management (Activities—Associated Direction No 2) (COVID-19) Direction 2021

Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2013

Public Access and Public Consultation Notice (No 2) 2020

Council Policies/Plans

Code of Practice – Access to Council Meetings and Documents

Code of Practice – Meeting Procedures

Strategic Plan

4.5 Accountable & Sustainable Governance