

# Provisions to be included in City of Unley Code of Practice – Access to Meetings and Documents

This document will form an Addendum to the City of Unley Code of Practice – Access to Meetings and Documents to facilitate the requirements of *Electronic Participation in Council Meetings Notice (No 1) 2020* and should be read in conjunction with that document. Where relevant, provisions in this Addendum will replace provisions in the Code of Practice – Access to Meetings and Documents.

***To be inserted as a new section before “Policy Statement”***

## **PUBLIC HEALTH EMERGENCY: ELECTRONIC PARTICIPATION IN COUNCIL MEETINGS**

On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the *South Australian Public Health Act 2011*, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.

On 22 March 2020, the State Co-ordinator for the State of South Australia declared, pursuant to section 23 of the *Emergency Management Act 2004*, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.

On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the *Local Government Act 1999* (Notice No 1) varying or suspending the operation of the specified provisions of the *Local Government Act 1999* as set out in Schedule 1 to Notice No 1. Notice No 1 commenced operation on 31 March 2020.

For the period Notice No 1 has effect (as provided for in Notice No 1), this Code of Practice is altered as set out below and those alterations have effect notwithstanding any other provision in this Code of Practice to the contrary.

For the avoidance of doubt, save for the alterations to the Code of Practice as set out below, this Code of Practice otherwise applies to all meetings of the Council.

***To be included in Section 5 - Definitions***

“**connect**” means able to hear and/or see the meeting, including via a live stream or recording of the meeting;

“**disconnect**” means remove the connection so as to be unable to hear and see the meeting;

“**live stream**” means the transmission of audio and/or video from a meeting at the time that the meeting is occurring;

***To be included as a new Section 6A – Code of Practice***

- (a) The Council is not required to adopt any provision in a code of practice that would prevent or inhibit members from participating in Council meetings or Council committee meetings by electronic means.
- (b) Council members may meet by electronic means to alter the code of practice of the Council, or substitute a new code of practice of the Council, even if the existing

code of practice prevents or inhibits the Council members from meeting by electronic means.

- (c) The requirement in section 92(5) that before a Council adopts, alters or substitutes a code of practice it make copies of the proposed code, alterations or substitute code (as the case may be) available for inspection and purchase at the principal office of the Council and on a website determined by the Council and that the Council follow the steps set out in its public consultation policy is suspended while these provisions are in effect.

### ***To be included as a new Section 6B – Suspension of Other Inconsistent Provisions***

- (a) To the extent that any other provision of this Code of Practice could be read as being inconsistent or incompatible with the ability of the Council to hold electronic meetings, the provision is suspended while these provisions are in effect.

### ***To be inserted in Section 7.1 – Public Access to Agendas***

#### ***Delete existing Clause (b)***

Insert the following clauses:

- (d.1) A person is entitled, on payment of a fee fixed by the Council, to obtain a copy of a notice and agenda published on a website determined by the Chief Executive Officer and the notice and agenda will continue to be published on the website until the completion of the relevant meeting.
- (d.2) Copies of any document or report supplied to members of the Council for consideration at a meeting of the Council are not required to be made available for inspection by members of the public at the principal office of the Council or at the meeting.
- (d.3) The chief executive officer (or a person nominated in writing by the chief executive officer) will ensure that any document or report supplied to members of the Council for consideration at a meeting of the Council is available for inspection by members of the public:
- i. in the case of a document or report supplied to members of the Council before the meeting - on a website determined by the chief executive officer as soon as practicable after the time when the document or report is supplied to members of the Council; or
  - ii. in the case of a document or report supplied to members of the Council at the meeting - on a website determined by the chief executive officer as soon as practicable after the time when the document or report is supplied to members of the Council.

### ***To be included in Section 7.2 – Public Access to Meetings***

Insert the following clauses:

- (a.1) A Council meeting will be taken to be conducted in a place open to the public even if 1 or more Council members participate in the meeting by electronic means provided that:
- (i) the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a live stream of the meeting on a website determined by the chief executive officer and ensures that members of the public can hear the discussion between all council members present at the meeting via the live stream; or

- (ii) if the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps to make available a live stream of the meeting but is unable to make available a live stream of the meeting, the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a recording of the meeting as soon as practicable after the meeting on a website determined by the chief executive officer and ensures that members of the public can hear the discussion between all Council members present at the meeting via the recording.
- (a.2) If the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps but is unable to make available a live stream of the meeting, or make available a recording of the meeting as soon as practicable after the meeting (on a website determined by the chief executive officer), the chief executive officer (or a person nominated in writing by the chief executive officer) must publish on a website determined by the chief executive officer the steps taken to comply and the requirement regarding live streaming and recoding is suspended.

### ***To be included in Section 7.3 – Use of the Confidentiality Provisions***

Insert the following clauses:

- (c.1) The council or council committee must disconnect any live stream or recording of a meeting for the period that the meeting is closed to the public pursuant to an order made under section 90(2) of the Act.
- (c.2) It is an offence for person who, knowing that an order is in force under section 90(2), to connect to a meeting of the Council or Council committee by electronic means, or fail to disconnect from a meeting of the Council or Council committee.

### ***To be included in Section 7.4 – Public Access to Documents***

- (aa) A copy of the minutes of a meeting of the council must be placed on public display on a website determined by the chief executive officer within five days after the meeting and kept on display for a period of one month.