

# Provisions to be included in City of Unley Informal Gatherings Policy

This document will form an Addendum to the City of Unley Informal Gatherings Policy to facilitate the requirements of *Electronic Participation in Council Meetings Notice (No 1) 2020* and should be read in conjunction with both documents. Where relevant, provisions in this Addendum will replace provisions in the Informal Gatherings Policy

***To be inserted as a new section before “Preamble”***

## **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 Informal Gatherings Policy is altered as set out below and those alterations have effect notwithstanding any other provision in this Informal Gatherings Policy to the contrary.

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

“**electronic means**” includes a telephone, computer or other electronic device used for communication.

### ***To be included in Section 5.2 – Timing of, and access to, informal gatherings or discussions***

- 5.2.2a Members of the Council may participate in an informal gathering of the Council by electronic means.
- 5.2.2b A member of the Council participating in an informal gathering by electronic means is taken to be present at the informal gathering provided that the member:
  - i. can hear all other members present at the informal gathering; and
  - ii. can be heard by all other members present at the informal gathering.
- 5.2.6 During the period within which Notice No. 1 applies, public access to designated informal gatherings may be provided in accordance with Sections 90(1a) and 90(1b) of the *Local Government Act 1999* however minutes will not be recorded.

***To be included as a new Section 5.2A – Form of Participation by Electronic Means***

Where

- (a) a Council member is to participate in a Council informal gathering by electronic means; and
- (b) the electronic means has the functionality to allow the Council member to participate in the informal gathering by being heard but not seen or by being both seen and heard; and
- (c) the electronic means of the Council has the functionality to allow the council member to be heard but not seen or to be both seen and heard,

the member must participate by being both seen and heard.