6.02.2A Code of Meeting Practice – pandemic amendments

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1. Introduction

This Addendum to Procedure 6.02.2 Code of Meeting Practice, outlines special amendments to the Local Government Act, introduced for the process of holding of formal Council meetings to ensure Council meets Public Health Order requirements in light of the COVID-19 Virus in line with the following principles:

2. Meeting Principles

2.1 Council and Committee meetings should be

- Transparent: Decisions are made in a way that is open and accountable.
- Informed: Decisions are made based on relevant, quality information.
- Inclusive: Decisions respect the diverse needs and interests of the local community.
- Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted: The community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful: Councillors, staff and meeting attendees treat each other with respect.
- Effective: Meetings are well organised, effectively run and skilfully chaired.
- Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

The clauses subject to amendment are detailed below. All other aspects of Bega Valley Shire Council’s Procedure 6.02.2 Code of Meeting Practice remain in place:

3.2 Availability of the agenda and business papers to the public

3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and committees of Council, are to be published on the Council's website. Hard copies will not be available for public inspection or for taking away during the social isolation requirements imposed by the NSW Government in response to the pandemic crisis.

*Note: Clause 3.23 reflects section 9(2) and (4) of the Act.*

3.24 Clause 3.23 does not apply to the business papers for items of business that the General Manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

*Note: Clause 3.24 reflects section 9(2A) (b) of the Act.*

3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors, at least three (3) working days prior to meetings.

*Note: Clause 3.25 reflects section 9(3) of the Act.*

3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form, at least three (3) working days prior to meetings.

*Note: Clause 3.26 reflects section 9(5) of the Act.*

4. Public Forums
4.1 The Council may hold a public forum prior to each ordinary meeting of the Council for the purpose of hearing oral submission from members of the public on items of business to be considered at the meeting.

4.2 These public forums will be held at 12.00 noon (midday) on the meeting date and will be live streamed.

4.3 Due to the social distancing requirements, the Public Forum will be held remotely via an online meeting.

4.4 To speak at a Public Forum, a person must first make an application to the Council in the approved form, which is available on Council’s website https://www.begavalley.nsw.gov.au/cp_themes/default/page.asp?p=DOC-QLS-34-18-80 which must be received by 4.00pm on the day prior to the Council meeting date.

4.5 Submissions must be received by 4.00pm on the day prior to the Council meeting date.

4.6 All other requirements as per Clause 4 of Council’s Code of Meeting Practice in relation to Public Forums apply.

4.4 In the event of technical difficulties preventing live streaming or submissions via an online meeting, the following will apply:
   - There will still be the opportunity to provide a public forum submission, which will be circulated to Councillors prior to the meeting.
   - Submissions can be written or video file, and must accompany the online form https://www.begavalley.nsw.gov.au/cp_themes/default/page.asp?p=DOC-QLS-34-18-80 which must be received by 4.00pm on the day prior to the Council meeting date.
   - Questions from Councillors will be facilitated by Executive Officers to submitters by 5pm the day prior to the Council Meeting.
   - Responses are encouraged by 11am the following day.
   - Submissions will be made publicly available on Council’s website by 5:00pm on the Friday following the Council Meeting day at http://begavalley.infocouncil.biz/

Presentations to Councillors

4.23 Community organisations, clubs and groups and/or individuals may apply to present to Councillors on their activities or items of community interest.

Presentations to Councillors during the social isolation requirements imposed by the NSW Government in response to the pandemic crisis will be via email, in writing or in the form of a video of a size that can be distributed via email. Any public presentation material will be published to Council’s website.

5. Coming together

Attendance by Councillors at meetings

5.1 All Councillors must make reasonable efforts to attend meetings of the Council and of committees of the Council of which they are members.

Note: A Councillor may not attend a meeting as a Councillor (other than the first meeting of the Council after the Councillor is elected or a meeting at which the Councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.
5.2 During the social isolation requirements imposed by the NSW Government in response to the pandemic crisis a Councillor can participate in a meeting of the Council or of a committee of the Council by way of attendance at an electronic meeting organised by Council for that purpose.

5.3 This clause relates to Joint Organisations only and has been deleted.

5.4 Where councillors participate in meetings remotely by an audio-visual link, they continue to be obliged to protect any confidential information considered at the meeting. Where meetings are closed to the public under section 10A of the Act, councillors should ensure that they participate in the meeting in a location where it cannot be seen or heard by anyone else.

Entitlement of the public to attend Council meetings

Due the social isolation requirements of the NSW Government in response to the pandemic crisis, the following applies to public attendance at Council Meetings until the restrictions are lifted:

5.16 Everyone is entitled to attend a meeting of the Council and committees of the Council by way of access to a webcast of the meeting. The Council must ensure that all meetings of the Council and committees of the Council are open to the public.

Note: Clause 5.16 reflects section 10(1) of the Act.

5.17 Clause 5.16 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

Webcasting of meetings

5.19 All meetings of the Council and committees of the Council are to be webcast on the Council's website. Council meetings will be conducted by audio-visual link means which will be recorded and published to the Council’s website by 5.00pm on the Friday following the Council meeting.

5.20 Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.

5.21 At the start of each meeting the Chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making defamatory statements.

5.22 A recording of each meeting of the Council and committee of the Council is to be retained on the Council's website for a minimum of four (4) years. Recordings of meetings may be disposed of in accordance with the State Records Act 1998.