

Circular Details	21-14 / 28 June 2021 / A779737
Previous Circular	<i>21-01 Transitioning back to in-person council and committee meetings and consultation on proposed changes allowing remote attendance at meetings</i>
Who should read this	Councillors / General Managers / All council staff
Contact	Council Governance / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

COVID-19 restrictions and council meetings

What's new or changing

- In response to the current Sydney COVID-19 outbreak, the Minister for Health and Medical Research, the Hon. Brad Hazzard MP has issued the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* (the Public Health Order). The Public Health Order took effect from 26 June 2021 and expires on 10 July 2021, unless extended.
- Under the Public Health Order, Greater Sydney, the Blue Mountains, Central Coast, Wollongong and Shellharbour are subject to a “stay at home” order. Other restrictions apply to other parts of NSW.
- The new restrictions will impact on councils' ability to hold council and committee meetings during the period in which the restrictions are in force. Guidance is provided below on how councils can comply with the Public Health Order when holding meetings.

What this will mean for councils in areas subject to the “stay at home” order

- All councillors and staff may attend and participate in meetings by audio-visual link.
- As advised in [Circular 21-02](#) issued on 1 April 2021, the *Local Government (General) Regulation 2005* has been amended to temporarily exempt councils from the requirement under clause 5.2 of the *Model Code of Meeting Practice for Local Councils in NSW* and the equivalent provision in each council's code of meeting practice for councillors to be personally present at a meeting in order to participate in it.
- This means that there is currently nothing to prevent any and all councillors from participating in meetings by audio-visual link. There is also nothing to prevent staff from attending meetings by audio-visual link.
- If councils have formally adopted procedures to supplement their codes of meeting practice that restrict the numbers of councillors who are permitted to attend meetings by audio visual link or that require the prior approval of the council for attendance at meetings by audio-visual link as suggested by Circular 21-02, it is open to the Mayor to use their powers under section 226 of the *Local Government Act 1993* (the Act) to suspend the procedures while the restrictions under the Public Health Order are in force to allow all councillors to participate in meetings by audio-visual link without the prior approval of the council. Section 226 confers on mayors the power to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council.
- The Regulation amendment does not apply to county councils and any county councils in areas subject to the “stay at home” order may need to consider cancelling meetings while the Public Health Order is in force.

- While councils are required under section 10 of the Act to permit members of the public to attend meetings in person, in areas subject to the “stay at home” order, members of the public are not permitted to leave their homes for the purposes of attending council and committee meetings. Councils may wish to seek their own legal advice on their obligations under section 10 of the Act in circumstances where members of the public are not permitted to attend meetings under the “stay at home” order.
- Councils in areas affected by the “stay at home” order should consider livestreaming their meetings if they do not already do so, so members of the public can observe them in real time.

What this will mean for councils in other parts of NSW

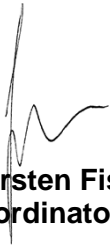
- There is currently nothing preventing councils in other parts of NSW from meeting in person. However, the restrictions under the Public Health Order will affect how meetings are conducted.
- Under the Public Health Order, people who have been in Greater Sydney or the Blue Mountains, Central Coast, Wollongong and Shellharbour local government areas on or after June 21, must follow the “stay at home” order for a period of 14 days after they left those areas. Any councillors, staff or members of the public subject to the “stay at home” order must not attend meetings in person. In the case of councillors and staff, consideration should be given to allowing them to attend meetings instead by audio-visual link.
- As noted above, councils are required under section 10 of the Act to permit members of the public to attend meetings in person, subject to the requirements of the Public Health Order and social distancing requirements. Councils can limit the number of members of the public attending meetings to comply with the Public Health Order and to ensure appropriate social distancing.
- Under the Public Health Order, up to 25 persons may attend meetings. Councils can permit more than 25 persons to attend meetings provided the size of the meeting venue is sufficient to ensure there is at least 4 square metres of space for each person at the meeting venue. Councillors and council staff are not to be counted when calculating the space available for each person at the meeting venue and the number of persons who are attending a meeting. Guidance on calculating the number of person permitted to attend meetings is available [here](#).
- The number of persons permitted to attend meeting venues under the Public Health Order is the maximum permissible. Councils should continue to ensure appropriate social distancing is practiced at meetings and should undertake their own risk assessment of meeting venues and apply whatever COVID mitigation strategies may be necessary to ensure appropriate social distancing is practiced at meetings. Guidance on practicing social distancing is available [here](#).
- Where councils are required to limit the number of members of the public attending meetings, they should consider livestreaming their meetings to ensure excluded members of the public can view them in real time.
- All persons attending meetings are required to wear face masks. It is permissible under the Public Health Order for councillors, staff and others to remove their masks for the purposes of addressing the meeting but must wear masks at all other times. Guidance on wearing face masks is available [here](#).

Key points

- Under the Public Health Order, everyone in Greater Sydney and the Blue Mountains, Central Coast, Wollongong and Shellharbour local government areas must stay at home unless it is for an essential reason.
- In other parts of NSW, key restrictions relevant to the holding of council and committee meetings include the following:
 - people who have been in Greater Sydney or the Blue Mountains, Central Coast, Wollongong or Shellharbour local government areas on or after June 21 must follow the stay-at-home orders for a period of 14 days after they left those areas,
 - face masks are compulsory in all indoor non-residential settings, and
 - the one person per four square metre rule has been re-introduced for all indoor settings.

Where to go for further information

- More information on the Public Health Order is available [here](#).
- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.



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