



## The Hon Shaun Leane MP

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# Ministerial Good Practice Guideline MGPG-1: Virtual Meetings

## Purpose

The Victorian Government's *COVID-19 Omnibus (Emergency Measures) Act 2020* introduced into the *Local Government Act 2020* (the Act) mechanisms that allows for virtual council meetings – to ensure local government decision-making can continue during the coronavirus pandemic. These measures were in force from 1 May 2020 until 1 November 2020 and as a consequence of the recent passage under *COVID-19 Omnibus (Emergency Measures) And Other Acts Amendment Act 2020* the arrangements for virtual meetings have been extended until 26 April 2021.

This change enables councils to continue to represent their communities and make critical decisions about the future.

This good practice guideline has been re-issued to assist councils to continue to conduct council meetings under Part 12 of the Act. Compliance by a council with a relevant good practice guideline can be used as evidence that the council has complied with the corresponding requirement under the Act.

This re-issued guideline takes effect from 2 November 2020 and is effective until 26 April 2021.

## Responsibilities of councillors and council staff

Councillors and council staff are required to continue to act in accordance with the Councillors Code of Conduct and the Local Government Acts 1989 and 2020, local laws and other Acts and policies as prescribed.

## Requirements for conducting virtual council meetings

### *Requirement 1: Ordinary business of council can continue by electronic means of communication*

Section 394 of the Act allows councillors and members of delegated committee, special committees, and governing bodies of regional libraries, to participate in meetings remotely by electronic means of communication. The intention is to ensure the normal ordinary business of council can continue through the use of electronic communication.

A member's attendance can only be recorded as present where the member can confirm that they meet all three of the following:

- They can hear proceedings;
- They can see other members in attendance and can be seen by other members;
- They can be heard (to speak).

Councils are encouraged to consider and adopt specific rules that provides guidance to the Chair when the three conditions cannot be met but a quorum is present.

A quorum of members of council is breached where a member forming a quorum cannot meet the above requirements.

Disclosure of conflicts of interest and rules relating to conflicts of interest remain. Councils need to ensure members can be removed from proceedings where required.

*Requirement 2: All virtual meetings of council where public access is required under the Act must be made publicly available*

Where councils take up the option to conduct virtual meetings, all council meetings and joint meetings of councils must be streamed live through the council’s website.

Delegated committees and special committees can elect to either stream their virtual meetings live or make a recording available on the council’s website following the meeting.

Confidential council meetings or confidential/closed sections of council meetings are not required to be streamed live and will not need to be electronically recorded.

Where the council experiences technical difficulties in being able to broadcast a meeting to the public the meeting must be adjourned until the issue is resolved or postponed to another time and date in accordance with council’s meeting procedures, local laws or governance rules.

It may be prudent for the Chair to indicate at the commencement of a meeting that if technical problems are encountered by the council then the meeting will be adjourned until resolution or postponed.

The council is not responsible for any data usage charges or technical difficulties a member of the public may experience in accessing the livestream or recordings of meetings.

Meeting type	Live streamed	Recording to internet
<b>Council meeting</b>	Required for open meetings	Optional
<b>A joint meeting of Councils</b>	Required for open meetings	Optional
<b>A meeting of a delegated committee or joint delegated committee</b>	Required for open meetings if not recorded to internet	Required for open meetings if not live streamed
<b>A meeting of a governing body of a regional library</b>	Not applicable	Not applicable
<b>A meeting of a special committee</b>	Required for open meetings if not recorded to internet	Required for open meetings if not live streamed

*This is a guideline updated by the Minister for Local Government pursuant to section 87 of the Local Government Act 2020.*

*Requirement 3: Representation at council meetings by members of the public*

Councils are encouraged to make arrangements to allow members of the public who wish to appear before council to do so through virtual means or other alternatives, including the provision for written statements to be read out at the virtual council meeting or posted prior to the meeting.

From 2 November 2020 to 26 April 2021 (the prescribed period) Councils do not need to provide for members of the public to physically attend meetings. Providing public access to livestreamed events satisfies the public attendance test during the prescribed period.

*Requirement 4: Confidentiality*

Councils must ensure that where necessary confidential items are dealt with in an electronically secure environment. Councillors must be able to demonstrate to the satisfaction of the Chair that the location that they are participating from is secure to ensure the deliberations are confidential.

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*I have issued this guideline pursuant to section 87 of the Local Government Act 2020 (Vic).*  
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**Minister for Local Government**

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Issued on 20 October 2020