



The Hon Shaun Leane MP

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Minister's Good Practice Guideline MGPG-1: Virtual Meetings

Purpose

The Victorian Government's *COVID-19 Omnibus (Emergency Measures) Act 2020* introduced mechanisms into the *Local Government Act 2020* (the Act) to allow for virtual council meetings so that councils can continue to make decisions during the coronavirus pandemic.

These measures were in force from 1 May 2020 and extended until 26 April 2021 by the *COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Act 2020*. Under the *Justice Legislation Amendment (System Enhancements and Other Matters) Act 2021* they have been further extended until 26 April 2022.

This extension will enable councils to continue to represent their communities and make critical decisions about the future.

This good practice guideline has been re-issued to support councils to continue to conduct council meetings virtually 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 26 April 2021 until 26 April 2022.

Responsibilities of councillors and council staff

Councillors and council staff must continue to comply with the Councillors Code of Conduct, 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 committees, special committees and governing bodies of regional libraries to participate in meetings remotely by electronic means of communication. The intention is to ensure the 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 provide guidance to the Chair when the three conditions cannot be met but a quorum is present.

A quorum of council members 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 must ensure members can be removed from proceedings where required.

Requirement 2: All virtual meetings of councils 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 a council experiences technical difficulties in broadcasting a meeting, the meeting must be adjourned until the issue is resolved, or must be 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, the meeting will be adjourned until resolution or postponed.

Councils are 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
Council meeting	Required for open meetings	Optional
A joint meeting of Councils	Required for open meetings	Optional
A meeting of a delegated committee or joint delegated committee	Required for open meetings if not recorded to internet	Required for open meetings if not live streamed
A meeting of a governing body of a regional library	Not applicable	Not applicable

Meeting type	Live streamed	Recording to internet
A meeting of a special committee	Required for open meetings if not recorded to internet	Required for open meetings if not live streamed

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

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

From 1 May 2020 to 26 April 2022 (the prescribed period) Councils do not need to provide access 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 confidential items are dealt with in an electronically secure environment. Councillors must be able to demonstrate to the Chair's satisfaction that the location from which they are participating is secure enough to ensure deliberations remain confidential.

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