



## NOTICE OF SPECIAL COUNCIL MEETING

To: Mayor Jan-Claire Wisdom

Councillor Ian Bailey
Councillor Kirrilee Boyd
Councillor Nathan Daniell
Councillor Pauline Gill
Councillor Chris Grant
Councillor Linda Green
Councillor Malcolm Herrmann
Councillor John Kemp
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Andrew Stratford

Notice is hereby given pursuant to the provisions under Section 82 of the *Local Government Act 1999* that a Special meeting of the Council will be held on:

**Tuesday 15 September 2020**  
**6.30pm**  
**63 Mt Barker Road Stirling**

Business of the meeting:

1. Broadcasting Council meetings and Workshops

A copy of the Agenda for this meeting is supplied under Section 83 of the Act.

Meetings of the Council are open to the public and members of the community are welcome to attend. Public notice of the Agenda for this meeting is supplied under Section 84 of the Act.

**Andrew Aitken**  
**Chief Executive Officer**



## **AGENDA FOR SPECIAL COUNCIL MEETING**

**Tuesday 15 September 2020  
6.30pm  
63 Mt Barker Road Stirling**

### **ORDER OF BUSINESS**

**1. COMMENCEMENT**

**2. OPENING STATEMENT**

“Council acknowledges that we meet on the traditional lands of the Peramangk and Kaurna people and we recognise their connection with the land.

We understand that we do not inherit the land from our ancestors but borrow it from our children and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children’s ability to live on this land.”

**3. APOLOGIES/LEAVE OF ABSENCE**

3.1. Apology

3.2. Leave of Absence

Mayor Jan-Claire Wisdom (24 August to 25 September 2020) approved 25 August 2020

**4. DECLARATION OF INTEREST BY MEMBERS OF COUNCIL**

**5. PRESIDING MEMBER’S OPENING REMARKS**



**6. BUSINESS OF THE MEETING**

6.1. Broadcasting Council meetings and Workshops

1. *That the report be received and noted.*
2. *To commence broadcasting the proceedings of Council Meetings and Workshops.*
3. *To authorise the Chief Executive Officer:*
  - a. *To determine the social media channel(s) to facilitate broadcasting; and*
  - b. *To make the required changes to the following Council documents to provide procedural guidance to the broadcasting resolution:*
    - i. *Code of Procedure for Council Meeting Procedures*
    - ii. *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents*
    - iii. *Informal Council and Council Committee Gatherings and Discussions Policy (the Policy)*

**7. CONFIDENTIAL ITEM**

Nil

**8. CLOSE SPECIAL COUNCIL MEETING**

**ADELAIDE HILLS COUNCIL  
SPECIAL COUNCIL MEETING  
Tuesday 15 September 2020  
AGENDA BUSINESS ITEM**

**Item:** 6.1

**Responsible Officer:** Lachlan Miller  
Executive Manager Governance & Performance  
Office of the Chief Executive

**Subject:** Broadcasting Council Meetings and Workshops

**For:** Decision

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**SUMMARY**

When Council Meetings were being conducted by electronic means members of the public were able to access the livestreaming of these meetings to keep informed with the business of Council.

With the return (for the time being) to physical (i.e. face-to-face) meetings and workshops and the requirement to restrict the number of people in the Council Chamber to comply with the applicable social distancing regulations, the number of people who can attend the gallery is very limited.

The purpose of this report is to seek Council approval to broadcast the physical meetings and workshops to allow members of the public to access a livestream of the proceedings. It is envisaged that this arrangement will continue until Council implements its Broadcasting Council Meetings Project later in the calendar year.

**RECOMMENDATION**

**Council resolves:**

- 1. That the report be received and noted.**
- 2. To commence broadcasting the proceedings of Council Meetings and Workshops.**
- 3. To authorise the Chief Executive Officer:**
  - a. To determine the social media channel(s) to facilitate broadcasting; and**
  - b. To make the required changes to the following Council documents to provide procedural guidance to the broadcasting resolution:**
    - i. *Code of Procedure for Council Meeting Procedures***
    - ii. *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents***
    - iii. *Informal Council and Council Committee Gatherings and Discussions Policy (the Policy)***

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

*Strategic Plan 2020-24 – A brighter future*

Goal 5                      A Progressive Organisation

Objective O4              We actively represent our community

Priority O4.1              Optimise opportunities for the community to access and provide input into the decision-making processes

Objective O5              We are accountable, informed, and make decisions in the best interests of the whole community

Priority O5.1              Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

The governance arrangements regarding the conduct of Council Meetings and Workshops are contained in the following Council documentation:

- *Code of Procedure for Council Meeting Procedures*
- *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents*
- *Informal Council and Council Committee Gatherings and Discussions Policy* (the Policy)

### ➤ Legal Implications

Chapter 6, Parts 1-4 of the *Local Government Act 1999* (the Act) sets out the provisions relating to Council and Council Committee meetings (e.g. calling meetings, giving notice, quorum, procedures, informal gatherings, minutes and codes of practice).

In relation to Council Meetings, the Minister for Local Government issued *Electronic Participation in Council Meetings Notice (No 1) 2020* (Notice No 1) due to the inability for councils to meet physically (face-to-face) during the height of the COVID-19 social distancing provisions. Notice No 1 allows Council meetings to be conducted via electronic participation in virtual meeting rooms with Council Members joining via electronic means (Zoom, MS Teams, Skype, etc.).

The bulk of Notice No 1 amends the above Chapter 6 provisions to the extent required to enable electronic participation.

One of the provisions of Notice No 1 provided for an addition to s81 in the form of subsection 3a, which provides:

*If a place has been appointed for the holding of an ordinary meeting but the council is unable to meet at the designated place as a result of the public health emergency, the chief executive officer may appoint a different place at which the ordinary meeting is to be held.*

A further relevant provision of Notice No 1 provides for additional clauses in s90 regarding meetings being open to the public. In summary s90(1a) states that a meeting will be taken to be open to the public even if Members are participating via electronic means as long as the CEO: (a) makes available a live stream of the meeting; or (b) if unable to make a live stream available, makes a recording of the meeting available on the council's website.

The State's Roadmap to Easing COVID-19 Restrictions is gradually (in step form) reducing the social distancing restrictions thereby enabling the potential for physical meetings depending on the meeting space used, the number of people attending and a range of hygiene and safety requirements being met.

To this end, Council Meetings and Workshops have, for the time being (see Background section for further information), resumed in the Stirling Council Chambers, subject to complying the applicable social distancing requirements.

➤ **Risk Management Implications**

Ensuring the safe and practical meeting arrangements will assist in mitigating the risk of:

*Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.*

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (3E)	Low (3E)

Note that there are many other controls that assist in mitigating this risk.

At its 23 June 2020 meeting, Council received a report titled *Publishing Council Meeting Recordings*. The Analysis section of that report contained a section assessing the risks associated with the publishing meeting recordings. With the exception of additional resource requirements which were rated as a Medium risk, all other identified risks have a Low rating.

➤ **Financial and Resource Implications**

The broadcasting of the proceedings of Council Meetings and Workshops does entail the allocation of additional resources from the Governance & Performance Department. That said, these additional resources have needed to be applied already in initially giving effect to the electronic participation arrangements (which entail very similar activities to those required for broadcasting meetings) and, more recently, to manage the social distancing elements associated with the return to face-to-face meetings

➤ **Customer Service and Community/Cultural Implications**

Council Meetings that are open to the public are a foundation of the democratic system of local government in South Australia notwithstanding that only a small proportion of the community avail themselves of the opportunity to attend. Live streaming the meetings under the Notice 1 provisions has resulted in a small number (6-10) of members of the public logging in to view portions of the Council Meetings.

Under the proposal to broadcast face-to-face meetings, whether future meetings are in physical form or need to be by electronic means, the community will continue to be provided with an opportunity to observe meeting proceedings.

Similarly access to Workshops and Professional Development Informal Gatherings is an important element of public accountability. Other than when these gatherings are closed under the provisions of the Policy, under this proposal, they will be available via physical attendance or livestreaming for the public.

➤ **Sustainability Implications**

Not applicable

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* There have been brief discussions at recent Council workshops regarding the desirability of providing greater access for interested community members to observe council and workshop proceedings notwithstanding the social distancing restrictions surrounding physical meetings.

*Advisory Groups:* Not Applicable

*Administration:* Executive Leadership Team  
Governance & Risk Coordinator  
Executive Assistant - Mayor & CEO

*External Agencies:* Advice on the resumption of physical meetings and the management of social distancing requirements has been received from Norman Waterhouse Lawyers and Kelledy Jones Lawyers.

*Community:* Not Applicable

## 2. **BACKGROUND**

### **Meetings by electronic means**

At its 21 April 2020 Special meeting, Council received a report on the legislative changes associated with the conduct of Council Meetings by electronic means under Notice No 1. This report proposed changes to meeting-related documentation and the adoption of a number of resolutions to facilitate participation by electronic means. In consideration of the report Council resolved:

**6.1 Electronic participation in Council Meetings (Notice 1/2020) – proposed compliance arrangements**

Moved Cr Mark Osterstock  
S/- Cr John Kemp

63/20

Council resolves:

1. That the report be received and noted
2. In accordance with the Minister for Transport, Infrastructure and Local Government's *Electronic Participation in Council Meetings Notice (No 1) 2020* (Notice No 1), pursuant to Section 302B of the *Local Government Act 1999*, Council amends the following documentation to facilitate participation by Council Members via electronic means:
  - a. Effective immediately to suspend the 28 January 2020 *Code of Procedure for Council Meeting Procedures* and to adopt the revised April 2020 *Code of Procedure for Council Meeting Procedures*, as contained in Appendix 3.
  - b. Effective immediately to suspend the 23 April 2019 *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents* and to adopt the revised April 2020 *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents*, as contained in Appendix 4.
  - c. Effective immediately to suspend the 22 November 2016 *Informal Council and Council Committee Gatherings and Discussions* and to adopt the revised April 2020 *Informal Council and Council Committee Gatherings and Discussions*, as contained in Appendix 5.
3. That, upon the expiry of the provisions of Notice No 1, the revised documents in 2. above cease and the suspended documents in 2. above be reinstated.
4. That, as from 21 April 2020 and until the expiry of the provisions of Notice No 1, meetings of the Council will take place by electronic means using the audio and visual functionality of the Zoom virtual meeting room as the electronic location.

Carried Unanimously
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As a result of the above resolution, the April, May and June 2020 Ordinary meetings were all held by electronic means utilising the Zoom meeting platform. In addition, any workshops or professional development sessions in that period were also undertaken by electronic means.

**Resumption of physical meetings**

From 1 June 2020, the Step 2 arrangements for the State's *Roadmap to Easing COVID-19 Restrictions* commenced. As part of the revised arrangements, Council Meetings in physical locations became possible (in the AHC context), with restrictions for members of the public observing such meetings.

At its 23 June 2020 meeting, in consideration of these easing restrictions, Council considered a report to provide for the meeting venue (and therefore the determination as to whether a meeting was physical or by electronic means and resolved:



**12.6 Resumption of Physical Council Meetings, Workshops & Community Forums**

Moved Cr Kirrilee Boyd  
S/- Cr Nathan Daniell

108/20

Council resolves:

1. That the report be received and noted
2. That in relation to Ordinary Council Meetings:
  - a. To revoke Part 4 of Resolution 63/20 from its 21 April 2020 Council Meeting being “That, as from 21 April 2020 and until the expiry of the provisions of Notice No 1, meetings of the Council will take place by electronic means using the audio and visual functionality of the Zoom virtual meeting room as the electronic location”; and
  - b. To note that the Chief Executive Officer will determine the ‘place’ of Council Meetings in accordance with the provisions of Section 81(3a) of the *Local Government Act 1999*.
3. That in relation to Council Workshops and Professional Development Informal Gatherings to note that the Chief Executive Officer, via resolution 245/19, maintains the authorisation to make changes to the informal gathering schedule, timings and locations.
4. That in relation to Community Forums:
  - a. To note that the Chief Executive Officer, via resolution 245/19, maintains the authorisation to make changes to the Community Forum schedule to accommodate venue availability or other matters arising to necessitate change.
  - b. To resolve that the order of venues for upcoming Community Forums will be:
    - i. Mylor
    - ii. Basket Range
    - iii. Birdwood

Carried Unanimously
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In the planning for the 25 August 2020 Council meeting, the CEO exercised his powers under Section 81(3a) of the Act to determine the ‘place’ of the Council meeting to be the Stirling Council Chamber. Since that meeting, the 8 September 2020 Special Council Meeting and workshop have also been conducted in the Chamber.

**Broadcasting Council Meetings Project**

The *Annual Business Plan 2020-21* (ABP) contains a capital project regarding the purchase of equipment to enable the audio/visual broadcasting (live-streaming) of Council meetings (and workshops). This project has commenced with the procurement requirements currently being scoped.

It is anticipated that a report will be brought to Council in late 2020 to determine key elements of functionality and usage arrangements.

### **3. ANALYSIS**

#### **Social distancing restrictions on the public gallery**

The resumption of physical meetings has many benefits in terms of meeting conduct however there is a pertinent dis-benefit in that, under the current social distancing requirements, the number of members of the public who can attend the meetings and sit in the gallery is quite limited.

The implementation of the applicable social distancing requirements for the Stirling Council Chamber only allows sufficient space for approximately six (6) members of the community. While this may be sufficient for some Council meetings and workshops, there are likely to be occasions in which a topic of significant community interest is scheduled to be workshopped/debated and the potential attendees exceeds the available space.

Under the meeting by electronic means scenario, all interested members of the public could join the Zoom meeting and observe the proceedings however under the physical meeting scenario, some aspiring gallery attendees will not be able to access either the Chamber or the adjacent foyer areas and will therefore not be able to listen/observe the proceedings.

#### **Interim broadcasting arrangements**

As part of the specification development for the Broadcasting Council Meetings Project, the Administration has been trialling conference camera equipment to capture Chamber audio/visual. The quality of the audio/visual output is not up to the anticipated standard that the final Broadcasting Council Meetings Project equipment will produce. However given the desirability on having an interim solution until the Project is completed, it is proposed to use this equipment in the short-term.

To enable the use of the equipment and the broadcasting of the live feed, a Council resolution is required to approve the broadcasting itself and further to provide the authority to the CEO to determine the appropriate social media channel(s) and amendments to the Council's meeting-associated documentation.

The use of the confidentiality provisions of s90 of the Act as they relate to Council Meetings and Workshops will dictate what meeting proceedings will be broadcast.

### **4. OPTIONS**

Council has the following options:

- I. To approve the broadcasting of Council meetings and Workshops and the associated arrangements (Recommended)
- II. To determine not to provide for the interim broadcasting arrangements until the Broadcasting Council Meetings Project is completed (Not Recommended)

### **5. APPENDIX**

Nil