

Circular Details	20-14 / 27 April 2020 / A700129
Previous Circular	<i>20-09 Compliance with social distancing requirements to limit the spread of the COVID-19 virus at council and committee meetings</i>
Who should read this	Councillors / General Managers / Council governance staff
Contact	Council Governance Team/ 02 4428 4100/ olg@olg.nsw.gov.au
Action required	Council to Implement

Updated guidance on attendance by councillors and others at council and committee meetings during the COVID-19 pandemic

What's new or changing?

- Since [Circular 20-09](#), (*Compliance with social distancing requirements to limit the spread of the COVID-19 virus at council and committee meetings*), was issued on 25 March 2020, the Minister for Health and Medical Research, the Hon. Brad Hazzard MP (the Minister), issued a further Public Health Order on 30 March 2020.
- The *Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020* (the Public Health Order) contains a “stay at home” direction.
- The “stay at home” direction operates to limit the ability of councillors and others to leave their homes for the purpose of physically attending council and committee meetings where the council has or can make alternative arrangements for remote attendance by an audio-visual link.

What this will mean for your council

- Minister Hazzard has directed under clause 5 of the Public Health Order that a person must not, without reasonable excuse, leave the person's place of residence.
- A reasonable excuse includes doing an activity specified by Schedule 1 of the Order. Clause 2 of Schedule 1 refers to “*travelling for the purposes of work if the person cannot work from the person's place of residence*” as a “reasonable excuse”.
- This means that where a council has or can make arrangements for councillors to attend meetings remotely by an audio-visual link, councillors who leave their homes to physically attend meetings may potentially be in breach of the Minister for Health’s direction under clause 5 of the Public Health Order.
- Where any or all councillors and any other persons (ie key staff whose attendance is required at the meeting) are not able to attend meetings remotely by an audio-visual link, (eg because they do not have access to the necessary technology or internet coverage to allow them to do so), they could continue to be permitted to physically attend meetings subject to compliance with the social distancing requirements described in circular 20-09.
- Mayors may also be permitted to physically attend the council chamber or another venue for the purposes of chairing a meeting where they cannot reasonably or effectively do so via an audio-visual link.

- It is unlikely that members of the public will be permitted to leave their homes under clause 5 of the Public Health Order for the purposes of attending council or committee meetings.
- Councils should make alternative arrangements for members of the public to make submissions to councillors at public forums or in relation to the proposed closure of meetings to the public. For example, submissions could be made to councillors via an audio-visual link or in writing instead of in person.

Key points

- A failure to comply with a direction in a Public Health Order is an offence under Section 10 of the *Public Health Act 2010* that carries a maximum penalty of imprisonment for 6 months or a fine of up to \$ 11,000 (or both) plus a further \$5,500 fine each day the offence continues.

Where to go for further information

- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.
- The Public Health Order is available [here](#).
- More information on the “stay at home” direction is available [here](#).
- For more specific guidance on compliance with the Public Health Order, contact the NSW Police Force.



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