

POLICY NAME: Climate Change Policy (Draft)
POLICY REF:
MEETING ADOPTED: Resolution No.
POLICY HISTORY:



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1 OBJECTIVES

The objectives of this policy are to:

- Identify Council's approach to measurable and achievable organisational greenhouse gas emissions reduction and renewable electricity targets.
- Identify Council's approach to risk assessment and adaptation planning to identify and manage the organisation's risks from climate change, and to support adaptation and resilience strategies for the community.
- Identify Council's approach to working collaboratively with community, agencies, industry, businesses, and all levels of government to seek and advocate for local, regional, state, and national climate change mitigation and adaptation solutions that are informed by the current knowledge and best available science.
- Provide a framework to guide the preparation and implementation of plans to achieve the targets set out in this policy.

2 POLICY

2.1 Council's Role in Climate Change Action

Climate change is a global challenge that requires collaborative action and shared responsibility. All governments, industry, business, communities, and individuals have a role in responding to climate change.

As a key asset owner, service provider, and decision maker, Council has an important role to continually improve its understanding of the risks and impacts from climate change in our region.

Council is one of the largest organisations in the Ballina Shire and operation of Council assets and provision of services generates a significant amount of greenhouse gas emissions per annum. Council has the ability to directly influence and reduce its contribution to climate change with a decisive and well planned focus on operational emissions reduction.

Council also has an important role in protecting and enhancing our natural and community owned assets, and in supporting shire wide climate change strategies. Many of Council's activities assist the community to manage and adapt to climate change. Areas where Council has important climate change influence include:

- Council's organisational greenhouse gas emissions, risks, and adaption strategies.
- Developing and implementing land use planning policy frameworks and controls for climate mitigation, adaptation, and resilience.
- Providing infrastructure and services that facilitate community climate mitigation, adaptation, and resilience.
- Improving access to climate change research and information for decision making.
- Strengthening local and regional partnerships to take collaborative action on climate change.
- Encouraging community ownership of and participation in climate change action.
- Providing leadership on climate change action.

Australia has committed to climate change action by its pledge to the Paris Agreement and adopted the United Nations Sustainable Development Goals (SDG's). These commitments impart a responsibility on all levels of government to take action on climate change. The NSW Government responded to these commitments with a net zero emissions target that aligns with the international Paris Agreement.

2.2 Guiding Principles

- a) Council declares we are in a state of climate emergency that requires urgent action by all levels of government.
- b) Ballina Shire is likely to be affected by predicted climate impacts, particularly those relating to sea level rise, bushfires, drought and floods.
- c) It is part of Council's role to reduce its organisational contributions to climate change, to identify and manage the impacts and risks to its operations, to facilitate the advancement of community climate change mitigation, adaptation, and resilience, and to support the State and Federal government's climate change commitments.
- d) Council recognises that it alone does not have the resources, influence, or control to address the predicted climate change impacts as they relate to Ballina Shire and that collaboration with all levels of government, industry, and the community is required to deliver long term effective action.
- e) Integration of policy and existing and new climate change related activities into the Integrated Planning and Reporting (IP&R) framework is fundamental to ensure climate change considerations are incorporated into all Council's processes and decision making.

2.3 Policy Statements

Council will aim to achieve the objectives of this policy through the following:

- a) Council will reduce its organisational greenhouse gas emissions to net-zero emissions by 2030.
- b) Council will utilise 100% renewable electricity for its operations by 2030.
- c) Council will meet its targets by developing and implementing detailed emissions action plans and strategies that set out the short, medium, and long term pathway to reach the targets.
- d) Council will undertake a Corporate Climate Change Risk Assessment process to identify, assess, and prioritise climate change risks, and the organisation's ability to manage, mitigate, and adapt to climate change risks.
- e) Climate change related targets and plans will be integrated into the IP&R framework.
- f) Council will progressively develop and implement internal strategies to ensure that the Climate Change Policy and associated plans are required to be considered in corporate processes across various levels of decision making.
- g) Council will base its decision making regarding climate change responses on internationally recognised scientific data and continually review its understanding of the risks and impacts of climate change to Council operations and the community.

- h) Council will be guided by the Sustainable Development Goals (SDGs) to help improve and facilitate climate change mitigation, adaptation, and preparedness across the community through best practice sustainable development principles.
- i) Council will apply resources to implement the Policy and preparation of associated plans will be progressed through the Delivery Program and Operational Plan processes.
- j) Council will track, monitor, and report on the progress towards the organisational targets and make accessible Council's emissions profiles and progress reports.
- k) Council will collaborate with community, industry, agencies, and all levels of government, to build knowledge, develop partnerships, and advocate to find approaches to a changing climate that are informed by the current knowledge and best available science.

3 BACKGROUND

3.1 History

Council has a long history of taking action on climate change. In 2004 Council joined the Cities for Climate Protection program and commenced its journey in implementing emissions reduction and energy efficiency strategies and programs.

In 2010 Council engaged with the community to develop the 2012-2020 Climate Action Strategy (CAS) and Environmental Action Plan (EAP). The CAS and EAP provided direction for Council to integrate identified organisational and community climate change activities into the Community Strategic Plan.

Activities include floodplain management, coastal zone management, infrastructure management, water cycle management, emergency risk management, biodiversity and environmental management.

A number of successful emissions reduction initiatives were implemented including the organic waste collection service, energy efficient lighting projects, recycled water program, and solar PV installations.

Council resolved at the 23 May 2019 Ordinary meeting to review the 2012-20 Climate Action Strategy. Through this process it was identified that Council's ongoing response to Climate Change should:

- Provide strong action on climate change.
- Be a mix of mitigation and adaptation activities
- Be responsive to changes regarding climate science and government policy.
- Be subject to ongoing and timely review.
- Align with and inform other Council plans and documents.

Council resolved at the 28 November 2019 Ordinary meeting to declare a state of climate emergency, which requires taking urgent climate change action.

This policy responds to Council's climate change resolutions and provides a structured approach of climate change action through setting of measurable targets and policy to develop comprehensive plans with routine monitoring and reporting. This will support Council's ability to achieve practical results in climate change action, and enable review and communication of progress.

3.2 Strategic Alignment

Council's activities and operations are guided and directed by State and Federal Government policy. The Integrated Planning and Reporting (IP&R) framework provides the broader strategic direction for Council to develop the Community Strategic Plan (CSP) and Local Strategic Planning Statement (LSPS).

These Plans translate the community's future goals, aspirations, and strategic land use planning priorities into the key outcomes that the Council, other agencies, and the community will be working to achieve.

Through the Integrated Planning and Reporting (IP&R) framework Council works with the community to understand what they value, and to prioritise the issues and actions relevant to them. A strong recurring theme from Council's community engagement is the health and preservation of our natural environment.

The CSP and LSPS and associated strategies are Council's commitment to working in partnership with our residents, community groups and Governments to realise our vision: "The Ballina Shire is safe, with a connected community, a healthy environment and a thriving economy".

The policy has been prepared in line with the Delivery Program and Operational Plan 2020 - 2024 strategies, specifically the following:

Direction three: healthy environment

CSP OUTCOME HE1.1 WE UNDERSTAND THE ENVIRONMENT
<i>HE1.1 Our planning considers past and predicted changes to the environment</i>
<i>HE2.2 Use our scarce resources wisely</i>
<i>HE2.3 Reduce resource use through innovation</i>

The Climate Change policy also relates to implementation of the following Delivery Program and Operational Plan strategies:

Direction one: connected community

CC1. WE FEEL SAFE
<i>CC1.3 Ensure adequate plans are in place for natural disasters and environmental changes</i>

Direction four: engaged leadership

HE1.1 OUR COUNCIL WORKS WITH THE COMMUNITY
<i>EL1.3 Actively advocate community issues to other levels of government.</i>
<i>EL2.1 Proactively pursue revenue opportunities, costs savings and/or efficiencies.</i>

Direction three: healthy environment

HE1.1 WE UNDERSTAND THE ENVIRONMENT
<i>HE3.1 Implement plans that balance the built environment with the natural environment.</i>
<i>HE3.2 Minimise negative impacts on the natural environment.</i>
<i>HE3.3 Match infrastructure with development to mitigate any impacts on the environment.</i>

3.3 International and National Context

The Paris Agreement, the Intergovernmental Panel on Climate Change, and the United Nations Sustainable Development Goals have been established to urge collaborative global action on climate change.

3.3.1 The Paris Agreement

The Paris Agreement is a global response to climate change with almost 200 government signatories worldwide.

The Agreement aims keep a global temperature rise well below 2 degrees higher than pre-industrial levels, and to pursue limiting this increase even further to only 1.5 degrees.

To achieve this, global carbon emissions should be Net Zero by 2050

3.3.2 The Intergovernmental Panel on Climate Change

The Intergovernmental Panel on Climate Change (IPCC) is the leading world body for assessing the science related to climate change, its impacts and potential future risks, and possible response options.

As part of the decision to adopt the Paris Agreement the IPCC produced a Special Report in 2018 on global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways.

The IPCC reported that the current global commitments may not be enough to reach the 1.5°C goal.

The report indicates that prospects of succeeding will require emissions to reduce rapidly in the short term, and adaptation measures at all levels including resilience through technology, as well as changing behaviour and policy.

3.3.3 The United Nations Sustainable Development Goals

In 2015 all United Nations (UN) Member States including Australia adopted The 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDG's).

The SDG's are an urgent call for action for peace and prosperity for people and the planet, now and into the future.

The SDG's are a globally accepted framework for sustainable development that recognise the co-dependence of society, the economy and the environment.

The goals include strategies that improve health and education, reduce inequality, promote economic growth while developing ways to manage climate change.

The link between sustainable development and limiting global warming to the 1.5°C goal by 2050 is recognised by the goal 13 for climate action (SDG 13).

3.3.4 Australian and State Government Commitments

In 2015 Australia pledged to the Paris Agreement and adopted the UN Sustainable Development Goals.

The Australian government has committed to a staged emissions reduction approach with a target of 26–28% reduction of emissions below 2005 levels by 2030. This target will be reviewed within the first period of the policy. Australia has yet to set a 2050 target.

All of Australian States and territories have now emissions reduction targets. Most remain aspirational and are in line with the Paris Agreement, but some are even more ambitious in line with the IPCC recommendation of rapidly reducing emissions to aim to reduce warming to only 1.5°C.

The NSW Government Climate Change Policy Framework commits the State to the objective of achieving net zero emissions by 2050 which is more ambitious than the Federal Government's target.

The NSW Stage 1 Plan sets out a staged approach of a 35% reduction in emissions compared to 2005 levels by 2030. The Stage 1 Plan supports a fast-track of action and seeks to establish NSW as a renewable energy superpower. This will strengthen investment certainty in renewable technologies and give confidence to organisations and communities to commit to renewable energy goals.

NSW Governments Sustainability Advantage program drives the support for NSW organisations to integrate the SDG's into corporate strategies.

A growing number of councils across Australia are incorporating the SDG's into their strategies and plans as a common language and guide to sustainable development practices.

3.3.5 Local Government Commitments

Local Governments across Australia are leading the way in acting on climate change. There are a wide range of commitments from targets that align State and Territory Government commitments, to more ambitious targets which align with the lower Paris Agreement aim of limiting warming to only 1.5°C.

3.4 Climate Emergency Declaration

Council has declared that we are in a state of climate emergency and that urgent action is required by all levels of government.

Council has acknowledged that Ballina Shire is likely to be substantially affected by climate impacts, particularly those relating to sea level rise, bushfires, drought and floods. A changing climate will have impacts on Council's delivery of services and management of natural and built assets.

In the declaration Council called upon the State and Federal Governments to drive emergency action to meet the lower of the Paris Agreement aims, of maximum 1.5 degree warming.

The Intergovernmental Panel on Climate Change (IPCC) reports that achieving this target is unlikely without a rapid reduction in emissions in the short term.

The targets set within the policy align with Council's climate change declaration.

3.5 Climate Change Predictions for the North Coast

The NSW Government's Integrated Regional Vulnerability Assessment: North Coast of New South Wales reports that the North Coast region is projected to continue to warm compared to recent years (1990–2009).

Maximum temperatures are projected to increase in the near future (2020–39) by 0.4-1.0°C, and up to 2.4°C in the far future (2060–79).

This will increase the number of hot days and decrease the cold nights. Rainfall patterns will change with less rain in winter and more rain in autumn and spring.

Average and severe fire weather is projected to increase in summer and spring.

The changes in climate will pose risks and vulnerabilities to all local systems (social, natural, and economic).

Sea level rise is expected to have impacts on estuarine and foreshore ecosystems, and will pose an increased risk of flooding and inundation of coastal plains threatening property and infrastructure. Increased chances of fire, heavy rainfall, and drought will impact land and freshwater ecosystems.

The projected warming trend in the North Coast is of a similar scale to the rate of warming projected for other regions of NSW, although it is considered large compared to the natural variability in temperature in the region.

3.6 Ballina Shire Council Climate Change Framework

The policy framework enables Council to fulfil its role in responding to climate change through targets that will reduce Council's operational contributions to climate change, and strategies to ensure that climate change considerations are part of all Council's activities and decision making.

The framework enables planning for adaptation and resilience of Council's assets and service delivery, and improving the community's preparedness for a changing climate.

The targets are considered reasonable and achievable, relative to available resources, and are in line with many other local government climate change commitments.

3.6.1 Mitigation - Organisational Emissions Reduction Targets

To align with Council's climate emergency declaration, and to support the NSW Government targets, it is considered reasonable that Council's targets are in support of the lower of the Paris Agreements aims of limiting warming to only 1.5°C, and the IPCC's recommendation to achieve this with rapid short-term emissions reduction as well as a range of adaptation strategies.

The targets will be achieved through developing and implementing a comprehensive plan which sets out the detailed short, medium, and long term pathway to reach the targets.

The focus will be on energy efficiencies to reduce electricity and fuel consumption, generation of renewable energy on council sites, low emission fleet options, sourcing of renewable energy from mid-scale plants, Power Purchase Agreements (PPA), sustainable procurement, and accredited carbon offsetting for remaining emissions.

3.6.2 Climate Change Risk Assessment, Adaptation, and Resilience

Climate change adaptation and resilience is fundamental to managing the impacts of climate change. It can help to identify and manage risks, adjust economic activity, and reduce vulnerability, and can also improve long term business certainty.

Council completed a Climate Change Risk Assessment in 2009. The key risks identified were extreme heat, drought and water scarcity, sea level rise, and extreme storm and flash flood. Climate change projections show that the occurrence of these events will increase, as well as the intensity.

A changing climate has the potential to increase Council's maintenance costs for infrastructure, cause inundation of Council-owned assets due to sea level rise, lead to more frequent disruption of transport and communication services due to more frequent extreme storm events, and increase risk of coastal erosion.

Council's existing strategic plans list a range of strategies relevant to climate change risks and adaptation. For example, ensuring plans are in place for natural disasters and environmental changes, increasing resilience of our economy, ensuring planning considers changes to the environment, wise use of resources, and risk management.

This policy provides the framework for Council to review its climate change risks and integrate risk assessment, adaptation, and resilience planning into all Council's strategic plans.

4 DEFINITIONS

Adaptation: The process of adjustments and actions in ecological, social, or economic systems to actual or expected climate and its effects.

Carbon offsetting: An activity or process which reduces carbon from the atmosphere, typically by putting funds towards organisations that support emissions reduction projects such as renewable energy and forestry projects.

Greenhouse gas emissions: a gas that contributes to the greenhouse effect by trapping heat in the atmosphere. The four main gases are Carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), fluorinated gases. Typically reported as equivalent CO₂ emissions (CO₂e).

Net zero emissions: Achieving a balance between emissions produced, and emissions taken out of the atmosphere ie by sequestration (tree planting).

Mitigation: Actions to reduce greenhouse gas emissions and limit global warming and related effects.

Power Purchase Agreement: An agreement to purchase electricity from a renewable energy project at a fixed price and term.

Resilience: The capacity for a socio-ecological system to recover and maintain function.

Sequestration: A process of capturing and storing atmospheric carbon dioxide directly or indirectly with the goal of reducing global climate change.

5 SCOPE OF POLICY

This policy applies to all sections of Council.

6 RELATED DOCUMENTATION

Legislation, policy, and plans that relate to Council's climate change responses include:

International

The Paris Agreement
United Nations Sustainable Development Goals

Federal Government

Australia's Renewable Energy Target (RET) Policy
Australia's Technology Investment Roadmap
Australia's National Hydrogen Strategy

NSW State Government

Adapt NSW North Coast Enabling Regional Adaptation North Coast region report
Biodiversity Conservation Act 2016
Coastal Management Act 2016
Energy and Utilities Administration Act 1987
Environmental Planning and Assessment Regulation 2000
Climate Change Policy Framework
State Government Net Zero Plan Stage 1:2020-2030 and associated frameworks
Integrated Planning and Reporting Framework
Integrated Regional Vulnerability Assessments: North Coast of New South Wales
Local Government Act 1993
Water Management Act 2000

Regional

North Coast Regional Plan 2036
Northern Rivers Joint Organisation of Councils – Regional Priorities 2020- 2022

Council

Community Strategic Plan 2017 – 2027 Our Community Our Future
Ballina Local Strategic Planning Statement 2020
Ballina Shire Council Development Control Plan
Ballina Local Environmental Plan 2012
Ballina Shire Local Emergency Management Plan – 2019
Ballina Shire Council Delivery Program (4 year) and Operational Plan (1 Year)
Coastal Zone Management Plans and Related Documents
Delivery Program an Operational Plan (4 year)
Economic Development Plan
Environmental Strategies
Land Use Controls
Place-Based Strategic Plans
Plans of Management and Master Plans
Structure and Master Plans
Tourism and other Strategies

7 REVIEW

The Climate Change Policy is to be reviewed every four years.



Circular Details	21-01 / 9 March 2021 / A754070
Previous Circular	20-37 <i>Status of special COVID-19 measures</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 / Response to OLG

Transitioning back to in-person council and committee meetings and consultation on proposed changes allowing remote attendance at meetings

What's new or changing

- The "prescribed period" for the purposes of section 747A of the *Local Government Act 1993* (the Act) during which the requirement for councillors and members of the public to attend meetings is satisfied if the meeting is held in whole or in part remotely using audio visual links, expires on **25 March 2021**.
- The Government recognises that most councils have successfully implemented remote attendance by councillors at meetings by audio-visual link during the COVID-19 pandemic and that some councils have called for the option of remote attendance to be made available to them on an ongoing basis to encourage greater diversity of representation.
- The Office of Local Government (OLG) has issued a consultation paper, *Remote Attendance by Councillors at Council Meetings*, to seek the views of councils and others on proposed amendments to the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) to allow councils to permit **individual** councillors to attend meetings remotely by audio-visual link in certain circumstances. The proposed new provisions will not be mandatory, and councils will be able to choose whether to include them in their adopted codes of meeting practice.
- The consultation paper is available on OLG's website at www.olg.nsw.gov.au. Submissions are due by COB **3 May 2021**.
- While OLG is consulting on the proposed amendments to the Model Meeting Code, amendments will be made to the *Local Government (General) Regulation 2005* (the Regulation) to allow councils to permit individual (but not all) councillors to attend meetings by audio-visual link. The amendments will be temporary and will expire on **31 December 2021**. Further guidance will be provided on the interim arrangements when the Regulation amendment is made.

What this will mean for your council

- The Regulation will be amended while OLG consults on the proposed amendments to the Model Meeting Code to allow councils to give approval for individual (but not all) councillors to attend meetings remotely. The amendments will be temporary and will expire on **31 December 2021**. The Regulation amendments will not allow whole councils to meet remotely by audio-visual link.
- Under the Regulation amendments, the decision to permit councillors to attend and participate in meetings remotely by audio-visual link will be one that is at

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each council's discretion. Councils should only give approval for councillors to attend meetings by audio-visual link in exceptional circumstances, for example, because the councillor is prevented from attending the meeting due to illness, disability, carer responsibilities, a natural disaster or because the councillor is away from the local area on council related business.

- From **26 March 2021**, councils will once again be required under section 10 of the Act to permit members of the public to attend meetings in person, subject to the requirements of any Public Health Order in force at the time 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.
- As of **12 February 2021**, the number of persons permitted to attend council and committee meetings in addition to councillors and staff under the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2021* (the Public Health Order) has been increased. 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 2 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.
- 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.
- 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.

Key points

- OLG is seeking the views of councils and others on the proposed amendments to the Model Meeting Code.
- If adopted by councils, under the proposed new provisions, councils will be able to give approval for individual councillors to attend a meeting remotely by audio-visual link where the councillor is prevented from attending the meeting because of ill health, disability, carer responsibilities, natural disaster or, on a limited number of occasions in each year, because they are absent from the local area due to a prior work commitment.
- The proposed new provisions will not be mandatory, and councils can choose whether to include them in their adopted codes of meeting practice.
- Submissions may be made to olg@olg.nsw.gov.au, labelled 'Remote attendance at council and committee meetings' and marked to the attention of OLG's Council Governance Team.
- Submissions should be made before **COB 3 May 2021**.

Where to go for further information

- More information on the current Public Health Order is available [here](#).
- The *Remote Attendance by Councillors at Council Meetings* consultation paper is available on OLG's website at www.olg.nsw.gov.au.

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9.4 Council Meetings - Transitioning Back to In-Person

- Further guidance will be provided on the interim Regulations allowing councillors to attend meetings remotely once they are made.
- 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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Remote Attendance by Councillors at Council Meetings

Consultation Paper

March
2021



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Overview

Temporary amendments were made to the *Local Government Act 1993* (the Act) in March 2020 in response to the COVID-19 pandemic allowing councillors to participate in meetings remotely by audio-visual link. The amendments allowing remote attendance are time limited and will automatically expire on 25 March 2021.

Most councils have successfully implemented remote attendance by councillors at meetings by audio-visual link during the pandemic. Some councils have called for the option of remote attendance to be made available to them on an ongoing basis to encourage greater diversity of representation.

The Government agrees that allowing remote attendance by councillors at meetings may serve to remove some of the impediments that currently prevent underrepresented groups from serving on their local councils.

The Government is therefore proposing to amend the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) to include non-mandatory provisions that allow councils to permit councillors to attend council and committee meetings remotely by audio-visual link in certain circumstances.

While councils will be required to resume meeting in person from 26 March 2021, as an interim measure, the *Local Government (General) Regulation 2005* will be amended to allow councils to permit individual (but not all) councillors to attend meetings remotely until 31 December 2021 pending the changes to the Model Meeting Code.

While the Government strongly supports the objective of encouraging greater diversity of representation on councils, this should be counterbalanced by the need to ensure communities are effectively represented by

their elected councillors. The Government believes that to be effective local elected representatives, councillors need to live or work in the area and should exercise their duties diligently. Councillors should not, for example, be permitted to move interstate or overseas and attend every third meeting remotely to collect their fees. Councillors should also not be permitted to attend meetings while at work where their attention may be focussed on matters other than council business.

To ensure this does not occur, the grounds on which councillors will be permitted to attend meetings by audio-visual link will be limited. Under the proposed new provisions, councils will only be able to give approval for individual councillors to attend a meeting remotely by audio-visual link where the councillor is prevented from attending the meeting because of ill health, disability, carer responsibilities, natural disaster or, on a limited number of occasions in each year, because they are absent from the local area due to a prior work commitment.

The Government recognises that remote attendance by councillors at meetings by audio-visual link may not be supported by all councils or may pose insurmountable logistical and technological challenges for some councils. For this reason, the proposed new provisions will not be mandatory, and councils can choose whether to include them in their adopted codes of meeting practice.

What is being proposed?

✔ **The proposed amendments will allow councillors to attend meetings by audio-visual link with the approval of the council in certain circumstances.**

"Audio-visual" link will be defined as "a facility that enables audio and visual communication between persons at different places".

Under the proposed amendments, a councillor will be permitted to attend a meeting of the council or a committee of the council by audio-visual link with the prior approval of the council or the committee, or approval granted by the council or committee at the meeting concerned, where they are prevented from attending the meeting in person because of ill health, disability, carer responsibilities or natural disaster.

A councillor will also be permitted to attend a meeting of the council or a committee of the council by audio-visual link with the prior approval of the council or committee, or approval granted by the council or committee at the meeting concerned, where they are prevented from attending the meeting because they are absent from the local area due to a prior work commitment. However, a councillor will not be permitted to attend an ordinary or extraordinary meeting of the council or a meeting of a committee of the council by audio-visual link on these grounds on any more than three occasions in each year (inclusive of all ordinary, extraordinary and committee meetings attended by the councillor by these means).

Where a councillor is proposing to seek the council's or a committee's approval to attend a meeting by audio-visual link at the meeting concerned, they must first give the general manager at least 5 working days' notice that they will be seeking the council's or committee's approval, to allow sufficient time for the necessary arrangements to be made for them to attend the meeting remotely, should the council or committee give its approval.

Where attending a meeting by audio-visual link, councillors will be required to do so from a location within NSW or within 100km of the NSW border.

✔ **As with decisions to grant a leave of absence under the existing provisions of the Model Meeting Code, the decision to permit a councillor to attend a meeting by audio-visual link is one that will be at the council's or committee's discretion.**

The council or committee will be required to act reasonably when considering whether to grant a councillor's request to attend a meeting by audio-visual link.

However, the council or committee will be permitted to refuse a councillor's request to attend a meeting by audio-visual link, where the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or comply with the council's code of meeting practice on one or more previous occasions when they have attended a meeting by audio-visual link.

✔ **When attending meetings by audio-visual link, meeting rules and standards will apply to councillors in the same way they would if the councillor was attending the meeting in person.**

The council's adopted code of meeting practice will apply to a councillor attending a meeting of the council or a committee of the council by audio-visual link in the same way it would if they attended the meeting in person.

Councillors will be required to give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link.

Councillors will also be required to be appropriately dressed when attending meetings by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Where a councillor has attended a meeting by audio-visual link, the minutes of the meeting must record the fact that the councillor attended the meeting by audio-visual link.

✔ **Councillors attending meetings by audio-visual link will be required to disclose and appropriately manage conflicts of interest.**

Councillors attending a meeting by audio-visual link will be required to declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct.

Where the councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the

councillor's audio-visual link to the meeting must be terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

✔ **Councillors attending meetings by audio-visual link will be required to protect the confidentiality of information considered while the meeting is closed to members of the public.**

Councillors attending a meeting by audio-visual link will be required to ensure that no other person is within sight or hearing of the meeting at any time that the meeting has been closed to the public under section 10A of the Act.

✔ **The proposed amendments will contain provisions that allow the chair to enforce compliance with meeting rules by councillors attending meetings by audio-visual link.**

Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson will be permitted to mute the councillor's audio link to the meeting for the purposes of enforcing compliance with the council's code of meeting practice.

If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson will be permitted terminate the councillor's audio-visual link to the meeting.

Have your say

We now want to hear from you.



Key questions to consider

✔ Do you support the proposed changes to the Model Meeting Code to allow councillors to attend meetings remotely by audio-visual link?

✔ Do you have any concerns about the proposed changes? What are your concerns?

✔ Do you have any suggestions for how the proposed new provisions could be improved?

Submissions may be made in writing by **COB 3 May 2021** to the following addresses.

Further information

For more information, please contact Office of Local Government's Council Governance Team on **(02) 4428 4100** or via email at olg@olg.nsw.gov.au.

POST:

Locked Bag 3015
NOWRA NSW 2541



EMAIL:

olg@olg.nsw.gov.au

Submissions should be labelled 'Remote attendance at council and committee meetings' and marked to the attention of Office of Local Government's Council Governance Team.