

MINISTERIAL NOTICES - FACT SHEET

The attached Ministerial Notices are issued pursuant to sections 17, 18 and 19 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (the Act). The State Controller has approved the issuing of the two Notices (one Notice under section 17 and the other Notice under sections 18 and 19) as required under section 6 of the Act.

Reasons for the Notices

The Tasmanian Government has been working closely with the local government sector, through the Local Government Association of Tasmania (LGAT), to identify priority business continuity and regulatory compliance challenges for Tasmanian councils associated with the COVID-19 pandemic emergency, particularly in relation to the current restrictions on the movement of council elected members and staff, and the potential reduction in staff available to carry out particular functions and duties.

Key areas for concern for the sector include compliance with meeting procedures, and requirements for the public availability of documents at council offices.

The Government considers that the issuing of the attached Notices is necessary to effectively manage immediate business continuity and statutory compliance risks for the local government sector.

Consultation with the local government sector regarding business and service continuity during the pandemic emergency is ongoing. It is likely that further notices will need to be issued in relation to other statutory obligations on local councils.

Effect of the Notices

The Ministerial Notices provide for the following:

- 1. Matters that would ordinarily require a physical action to either support the conduct of a council meeting or in relation to an approval, may be done electronically (section 17)** Significant aspects of councils' statutory functions require physical signatures of authorised individuals. With a move to working from home or across separate offices achieving this is operationally inefficient, if not impossible.
- 2. Councils may meet in the 'approved manner' as provided for under section 18 of the Act. This will allow for councils to meet and transact business by means of video or teleconference, or by another agreed method (section 18)** Councils cannot hold meetings in accordance with their legislative and regulatory requirements (which mandates physical attendance) without breaching orders issued by the Director of Public Health in relation to social distancing. As a condition of this Notice, councils will need, to ensure that persons are able to view an electronic recording of meetings.

3. **Documents that are required to be available for inspection at council premises under the *Local Government Act 1993* or the *Local Government (Meeting Procedures) Regulations 2015* can instead be done in the 'approved manner', which includes that these documents are made accessible on council websites (section 19).** Where council offices are closed to the public, compliance with these legislative requirements to make available various documents for viewing at the council office is impossible.