

Local Government Association of Tasmania

Council Meeting and COVID-19 Safety Plan Guide

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1 Introduction

1.1 Background/Context

'Our Plan to Rebuild a Stronger Tasmania'¹ was released by the Premier on the 8th of May 2020. The staged approach of lifting restrictions is guiding us back to 'normality' in a way that will continue to reduce the risk to the community of COVID-19.

As restrictions ease, many councils will be looking to return to face-to-face meetings. The preference for in-person attendance is understandable as it allows for smoother, more constructive meetings and for clear and fair management of meeting procedures. It also reduces opportunities for disruption and provides for easier public participation and transparency around the democratic decision-making process. Consideration must however be given to the advice of Public Health and WorkSafe Tasmania and to the ongoing safety of public attendees, council elected representatives, and staff.

As such, this document serves two primary purposes:

1. To express LGAT's position on council meetings, including public attendance at meetings, as the sector continues to navigate its way through the COVID-19 pandemic; and
2. To provide guidance on COVID-19 Safety Plans, including key considerations for councils wishing to return to in-person meetings (further advice, checklists and tools are available at www.coronavirus.tas.gov.au).

1.2 Policy Position

LGAT supports councils transitioning over the medium-term to in-person meetings so long as all relevant public health directions can be complied with. This transition should be supported by a review of existing practices and the implementation of a COVID-19 Safety Plan to manage any risks and protect the health of councillors, council workers and the public.

The current directions governing gathering restrictions, Management of Premise No. 5², Public Health Gathering Directions (November 2020) require premises to comply with maximum density requirements. This is currently two square meters of space per person and up to a maximum of 250 persons inside. The directions also require the owner or operators of premises to ensure, as far as practicable, physical distancing of 1.5 metres between persons

LGAT recommends that as part of a council's decision to return to face to face meetings, that the following two issues are considered:

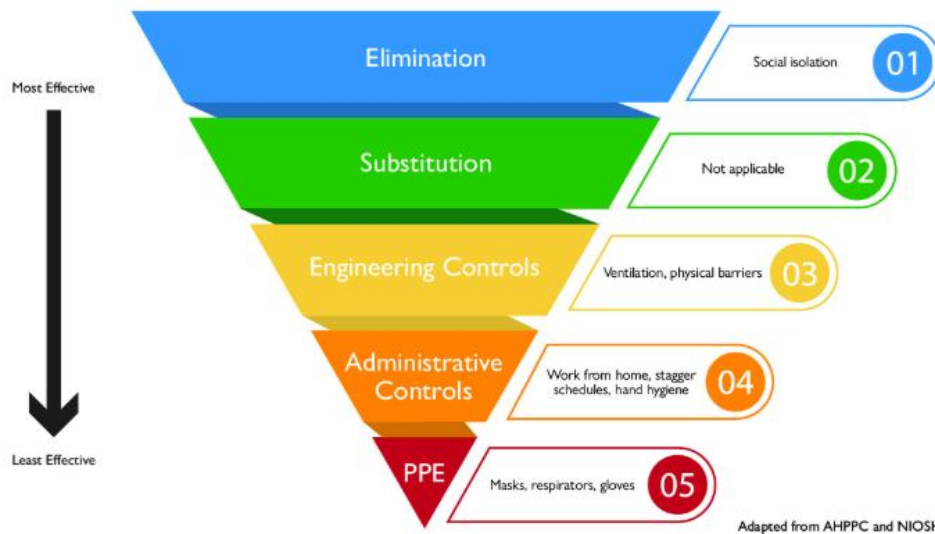
1. Councils are a PCBU (person conducting a business or undertaking). The primary duty of a PCBU under section 19 of the *Work Health and Safety Act 2012* is to ensure that the health and safety of workers and others, such as clients, visitors and customers, is to not be put at risk by the work carried out as a result of a business/undertaking (e.g. council meeting);
2. Many of the precautions outlined in councils COVID-19 Safety Plans (e.g. hygiene, routine cleaning) reduce but do not eliminate risk (see Figure 1).

¹See:

https://issuu.com/petergutweinmp/docs/our_plan_to_rebuild_a_stronger_tasmania?fbclid=IwAR1Jqd5wG9mFsUp3xUVbAMEEr1fODH4v23UohyL7aOOXAOTUoTOX2Sefhy

² https://www.coronavirus.tas.gov.au/_data/assets/pdf_file/0021/126273/Management-of-premises-No.-5-23-Oct-20.pdf

Figure 1. Applying the Hierarchy of Controls for COVID-19.



When public attendance is resumed then it is recommended that the public gallery is positioned in a separate room that is able to support safe distancing requirements. However, in order to comply with the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (COVID Act) **prior to council changing its meeting process** (i.e. moving from remote to face to face, and from without to with public galleries) **that the meeting Chair provides a notice in writing to councillors.**

Where councils can meet density and social distancing requirements in an appropriate council facility then the inclusion of the public gallery in the same room may be considered.

1.3 Related Policies and Legislation

The COVID Act and related Ministerial Direction³ allows council to conduct meetings remotely but does not preclude councils meeting face-to-face as long as public health directions are complied with. Section 18 (3) states:

(3) *the approved manner, specified in a notice, in relation to meetings means –*

(a) the conduct of such meetings –

(i) by telephone; or

(ii) by electronic communication (including but not limited to by the transmission of electronic mail); or

(iii) by another method –

as determined by a notice in writing, that is, by a means specified in one of the above paragraphs, delivered, by the person who ordinarily presides over such meetings of the body of persons, to each other member of the body of persons, unless it is not reasonably practicable to do so

In relation to the ceasing of remote meetings, Sections 8(2) and 8(3) of the COVID Act state the following:

³ See: http://www.gazette.tas.gov.au/editions/2020/april_2020/21963 - Special 3 April 2020.pdf

(2) A notice under this Act, other than a notice revoking or amending another notice under this Act, only remains in effect, unless it is sooner revoked or subsection (3) applies, for –

(a) 12 months from the day on which the notice takes effect; or

(b) if a shorter period is specified in the notice, that shorter period from the day on which the notice takes effect.

(3) A notice under this Act is taken to be revoked 60 days after the emergency cessation day.

Therefore, those who do not wish to meet face-to-face may continue to do so until 60 days after the Premier declares the emergency cessation day. Under Section 27 of the Act the Premier must declare an emergency cessation day, no later than 90 days after having received advice from the Director of Public Health that the relevant emergency circumstances no longer exist. Once the emergency cessation day is declared, there is a 60-day period after which the notices issued under the act are taken to be revoked.

In addition to the COVID Act and Ministerial Direction, this guide relates to, and intends to support compliance with, the following:

- *Local Government Act 1993:*
 - Section 18(3), council meeting procedures;
 - Section 23 (3), council committee meeting procedures;
 - Councils may need to review/update their own procedures relating to Section 24(3);
 - Section 48, declaration of pecuniary interest by councillor;
- *Local Government (Meeting Procedures) Regulations 2015:*
 - Part 2 – Meetings.

1.4 Principles

National COVID-19 Safe Work Principles were released by the Australian Government to provide employers with guidance on the measures and actions required to provide a COVID safe workplace. They operate subject to the measures agreed and implemented by governments through the National Cabinet process, and include the following:

1. All workers, regardless of their occupation or how they are engaged, have the right to a healthy and safe working environment.
2. The COVID-19 pandemic requires a uniquely focused approach to work health and safety (WHS) as it applies to businesses, workers, and others in the workplace.
3. To keep our workplaces healthy and safe, businesses must, in consultation with workers, and their representatives, assess the way they work to identify, understand, and quantify risks and to implement and review control measures to address those risks.
4. As COVID-19 restrictions are gradually relaxed, businesses, workers and other duty holders must work together to adapt and promote safe work practices, consistent with advice from health authorities, to ensure their workplaces are ready for the social distancing and exemplary hygiene measures that will be an important part of the transition.
5. Businesses and workers must actively control against the transmission of COVID-19 while at work, consistent with the latest advice from the Australian Health Protection Principal Committee, including the application of a hierarchy of appropriate controls where relevant.

6. Businesses and workers must prepare for the possibility that there will be cases of COVID-19 in the workplace and be ready to respond immediately, appropriately, effectively, efficiently, and consistent with advice from health authorities.
7. Existing state/territory jurisdiction of WHS compliance and enforcement remains critical.
8. Safe Work Australia (SWA), through its tripartite membership, will provide a central hub of WHS guidance and tools that Australian workplaces can use to successfully form the basis of their management of health and safety risks posed by COVID-19.
9. States/territories have the role of providing education, compliance, and enforcement of WHS and will leverage the SWA central hub in fulfilling their statutory functions.
10. The work of the National COVID-19 Coordination Commission will complement the work of SWA, jurisdictions and health authorities to support industries more broadly to respond to the COVID-19 pandemic appropriately, effectively, and safely.

2 COVID-19 Safety Plans

The Tasmanian Government has launched a COVID-19 Safe Workplaces Framework⁴ to support businesses and workplaces to continue to operate, or reopen, while protecting Tasmania's health and safety. Under the Framework, a set of minimum standards has been developed in consultation with WorkSafe Tasmania and Public Health Services (PHS) and will be in place for 6-months.

The minimum standards require workplaces to:

- Manage the risks of a person contracting or spreading COVID-19 in the workplace;
- Implement and maintain a cleaning schedule across the workplace;
- Have good hygiene procedures and practices (such as washing and/or sanitising of hands);
- Ensure workers who have been instructed to self-isolate don't come to the workplace;
- Make sure physical distancing requirements are met by workers, contractors and other people entering, leaving, or moving around the workplace;
- Provide information, training, and supervision on how the risks of COVID-19 are to be managed and ensure all processes and procedures are applied by workers; and
- Provide information and instruction to other people who attend the workplace about how they are to comply with processes and procedures, and make sure they apply them.

Guidelines have been developed to assist all workplaces to develop COVID-19 Safety Plans that support compliance with the minimum standards. A Guideline for Public Administration will be available on www.coronavirus.tas.gov.au once finalised (prior to 15 June 2020).

Developing a COVID-19 Safety Plan is the best way to demonstrate compliance with the minimum standards and is a requirement as workplaces reopen and return to 'business as usual'. Tools to assist with the development of COVID-19 Safety Plans are available on www.coronavirus.tas.gov.au. Safe Work Australia has also developed an online hub with information to assist councils (and others) with COVID-19 safety planning⁵.

The following sections provide guidance around the components of a COVID-19 Safety Plan for councils, including key considerations for councils wishing to return to in-person meetings.

⁴ See: <https://coronavirus.tas.gov.au/business-and-employees/covid-19-safe-workplaces-framework>

⁵ See: <https://www.safeworkaustralia.gov.au/covid-19-information-workplaces>

2.1 Cleaning and Hygiene

Cleaning

Cleaning and disinfecting are two different processes; whereas cleaning means to physically remove germs, dirt and grime from surfaces using a detergent or water solution, disinfecting means using chemicals to kill germs on surfaces. A combination of the two will be most effective in helping prevent the spread of illness at council meetings.

It is recommended that workplaces be cleaned at least daily, however more frequent cleaning may be required in some circumstances. Safe Work Australia outline the recommended minimum frequencies for routine cleaning of various items and surfaces in the workplace, as well as recommended cleaning and disinfecting following a suspected or confirmed case of COVID-19 ⁶.

Hand Hygiene

Councils must encourage their staff and the public to wash their hands often:

- After coughing, sneezing, and blowing their nose;
- Before touching their face, especially mouth, lips, nose, and eyes;
- Before eating, drinking, and preparing food/drinks;
- After caring for someone who is unwell;
- After going to the toilet; and
- After handling money.

Equally important, is an awareness of how to wash one's hands well (i.e. making sure the water and soap covers the whole hand, that hands are rubbed for 15-20 seconds, rinsed and dried).

Respiratory Hygiene

Simple respiratory etiquette measures to prevent the transmission of COVID-19 at council meetings include covering of the nose/mouth when coughing or sneezing using either your elbow, a tissue or mask.

Checklist 1: Cleaning and Hygiene

Cleaning

- Do you have a regular cleaning schedule for council meeting areas/venues?
- Do you clean frequently touched areas and surfaces regularly (e.g. furniture, keyboards)?

Hygiene

- Do you have a procedure for ensuring good hygiene practices at council meetings?
- Are you confident that council staff, elected representatives, and the public know about and are able to meet the hygiene requirements for regular handwashing / sanitising and cleaning of surfaces at council meetings? (e.g. providing facilities for frequent handwashing).

Supplies and Equipment

- Are you clear on what cleaning products or services you will need for council meetings? (e.g. disinfectant, detergent, access to wash basins).
- Have you considered making hand sanitiser available upon entry/exit of meeting rooms?

⁶ See: <https://www.safeworkaustralia.gov.au/sites/default/files/2020-05/cleaning-table-covid19-26May2020.pdf>

2.2 Restrictions on Entry to Meetings

Council must take all reasonable steps to ensure that a worker or member of the public does not enter or attend a council meeting if they are required to self-isolate or quarantine.

All reasonable steps must also be taken to ensure that attendees stay at home if unwell with respiratory symptoms (e.g. cough, shortness of breath) and/or fever. Councils, for example, may seek those attending to complete a wellness self-assessment – serving also as a record of attendance for contact tracing in the event of a confirmed case.

Those demonstrating symptoms should be encouraged by council to get tested for COVID-19.

Checklist 2: Restrictions on Entry to Meetings

- Do you have arrangements in place to ensure that no one enters a council meeting if they have been instructed to stay in isolation or quarantine?
- Have you considered ways to ensure unwell attendees (i.e. the public, council elected representatives and staff) stay at home (e.g. temperature/symptom checks)?
- Do you have a plan for managing in-person meetings if one or more elected members are required to quarantine?

2.3 Gathering Numbers and Physical Distancing

The current directions governing gathering restrictions, Management of Premise No. 5⁷, Public Health Gathering Directions (November 2020) require a premises to comply with:

- Maximum density requirements of 2 square meters of space per person up to a maximum of 250 persons inside.
- Physical distancing of 1.5 metres between persons must be applied, as far as practicable

Physical distancing continues to be the strongest safeguard to prevent the spread of COVID-19. When organising council meetings, elected representatives and staff must apply the two square meter density rule and where practicable allow physical distancing of 1.5 meters.

The capacity of meeting rooms may be limited for some councils, thereby limiting attendance. Councils may identify alternative locations allowing increased attendance at meetings. However, bigger spaces (e.g. halls) come with their own requirements (e.g. increased cleaning) and possible shortfalls (e.g. room availability, access to technology for streaming). While audio streaming may suffice, councils must consider what public perception will be if they are unable to livestream in-person meetings where the public is unable to be present.

⁷ https://www.coronavirus.tas.gov.au/_data/assets/pdf_file/0021/126273/Management-of-premises-No.-5-23-Oct-20.pdf

Checklist 3: Gathering Numbers and Physical Distancing

- Can councillors and other people attending council meetings maintain a minimum distance of 1.5 metres between each other when at, entering, and leaving the meeting (where practicable)?
- Have changes been made to meeting venues to allow compliance with physical distancing requirements (e.g. physical barriers, line marking on floors)?
- Are arrangements in place to ensure that there is at least 2square metres of space per attendee (including a member of the public, staff, or elected representatives)?
- Have other measures been put in place to reduce risk where it is not practical to achieve physical distancing requirements?

2.4 Education and Monitoring

Council must provide meeting attendees with information and instruction on the risks in relation to COVID-19 and the control measures implemented to mitigate those risks. This information should be in a format that is reasonable to the circumstances. Council must also provide adequate supervision when hosting meetings to ensure control measures are implemented.

Checklist 4: Education and Monitoring

- Do you have information displayed clearly at council meeting venues so that everyone understands their obligations to reduce the risks posed by COVID-19? Examples include:
 - Posters on how to wash hands;
 - Information on how to limit the spread of germs;
 - Signs requesting people limit touching of items/surfaces;
 - Council training and instruction on appropriate cleaning.

2.5 Managing Risks and Responding to Incidents

Council must complete a risk assessment to understand how its WHS risks have changed as a result of COVID-19. Identified risks may include, for example: Not accurately estimating the number of attendees, increased attendance as a result of controversial/high interest agenda items, risk of transmission through prolonged meetings whereby attendees become 'close contacts', and the like.

The risk assessment will help council to prepare for, manage, and reduce the risk of contracting or spreading COVID-19 at council meetings, including the process for responding to an incident of COVID-19. It is recommended that a response plan:

- Outline what needs to change to ensure council can follow guidance swiftly;
- Outline what council's first action will be if notified of a possible COVID-19 infection;
- State how council will clearly communicate with attendees and meet privacy obligations;
- Think about how council will clean meeting venues/contaminated spaces after an infection;
- Outline how council meetings will continue to operate.

Checklist 5: Managing Risks and Responding to Incidents

- Have you identified if there are other ways COVID-19 may enter, be contracted, or be spread at council meetings? What other strategies have been put in place to reduce the risk of COVID-19 entering, being contracted, or being spread at council meetings?
- Have you consulted with attendees (i.e. the public, council staff and elected representatives) about the ways in which the spread of COVID-19 can be controlled at council meetings?
- Do you have a response plan detailing how council will respond should council meeting venues become contaminated?

2.6 Review and Declaration

The COVID-19 situation can change rapidly. This means that control measures must be reviewed regularly to ensure they meet the minimum requirements and are managing risks in the best possible way. While not mandatory, any records council can practically keep on the flow of people into council meetings will assist Public Health Authorities should there be a positive case identified.

An exemption from the *Work Health and Safety Regulations 2020* will only be granted in exceptional circumstances where it is not practicable for the standards to be met and taking into consideration Public Health advice.

Checklist 6: Review and Declaration

- Does council have a process for reviewing/adjusting the controls as circumstances change?
- Have COVID-19 Safety Plans been approved, signed, and dated by the relevant person?

For further information and resources (i.e. templates, checklists, posters), see the below links:

- Australian Government: Coronavirus Website – <https://www.australia.gov.au/>
- Safe Work Australia – <https://www.safeworkaustralia.gov.au/>
- Tasmanian Government: Coronavirus Website – <https://www.safeworkaustralia.gov.au/>
- WorkSafe Tasmania – <https://www.worksafe.tas.gov.au/topics/Health-and-Safety/safety-alerts/coronavirus/covid-safe-workplaces-framework>