



## Council Policy 3.3.7 - Electronic Meetings

<b>Responsible Directorate</b>	Corporate Services
<b>Responsible Business Unit/s</b>	Governance
<b>Responsible Officer</b>	Manager Governance and Strategy
<b>Affected Business Unit/s</b>	All

### Objective

The objective of this Policy is to provide guidance on the conduct of electronic meetings.

### Scope

This Policy applies to:

- *meetings with attendees participating via electronic means under Regulation 14C of the Local Government (Administration) Regulations 1996 (r14C); or*
- *meetings held by electronic means under Regulation 14D of the Local Government (Administration) Regulations 1996 (r14D).*

### Meetings with attendees participating via electronic means under Regulation 14C of the *Local Government (Administration) Regulations 1996 (r14C).*

#### Electronic attendance at physical meetings (r14C)

Under r14C, a member of a Council or Committee may attend a meeting under electronic means if

- *a public health emergency or state of emergency exists or a natural disaster has occurred ; and*
- *because of the public health emergency, state of emergency or natural disaster, the member is unable, or considers it inappropriate, to be present in person at the meeting; and*
- *the member is authorised to attend the meeting by electronic means by the President or Council*

or

if the member is otherwise authorised to attend the meeting by electronic means by the President or Council.

The President or Council cannot authorise a member to attend the proposed meeting under subregulation (2)(b) if the member's attendance at the proposed meeting under that authorisation would result in the member attending more than half of the meetings (including the proposed meeting) of the council or committee, in the relevant period, under an authorisation under subregulation (2)(b). This does not apply to a member or person with a disability as defined in section 3 of the *Disability Services Act 1993*.

In deciding whether to authorise a member to attend by electronic means, the President or Council must have regard for:

1. *suitable location*



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### 2. suitable equipment for the purposes of the remote location.

An application to participate electronically under r14C should be made to the Chief Executive Officer at least 72 hours prior to the meeting.

The person applying for electronic participation should provide in their application sufficient information to enable the decision-maker to determine suitability according to the considerations of r14C(2) to (5)

The Chief Executive Officer will present the application in the first instance to the President for consideration.

As required, the application can be presented to Council for consideration as part of the attendances portion of the meeting. Council may authorise participation via a simple majority decision. The minutes of the meeting shall record whether electronic participation was granted or refused by the President or Council.

### Method of conducting meetings (r14CA)

Electronic attendance at physical meetings held under r14C is to occur via telephone, video conference or other means of instantaneous communication, as determined by the President or the Council. To ensure interoperability with the Shire's systems and enable recording of the meeting telephone or video conferencing via Microsoft Teams will be the method of conducting the meeting.

Subregulations 5 to 7 apply if —

- (a) a member has been authorised to attend a meeting by electronic means under regulation 14C(2); and
- (b) the meeting, or part of the meeting, is to be closed to members of the public under section 5.23(2).

Subregulations 5 to 7 state that the member must declare that they can maintain confidentiality during the meeting or closed part of the meeting and if this declaration cannot be made then the member must leave the meeting or closed part of the meeting. The declaration, if made, must be recorded in the minutes.

### Suspension of Standing Orders Local Law 2002

At the commencement of an r14C meeting, Council, under clause 18.1 of the Standing Orders should resolve to suspend, for the duration of the meeting, *Clause 8.2 – Members to Occupy Own Seats*.

### Procedure for speaking (r14C and r14D meetings)

Clause 9.1 of the *Standing Orders Local Law 2002* provides that every member of the Council or a committee wishing to speak, shall indicate by show of hand or other method agreed upon by the Council. To facilitate electronic meetings and electronic participation at physical meetings, each member present shall exhibit due courtesy when wishing to speak, to enable the effective and orderly conduct of the meeting.

### Procedure for voting (r14C)

Under Clause 13.2 of the *Standing Orders Local Law 2002*, the voting is to be conducted by a show of hands or other methods agreed upon, so that no voter's vote is secret, before declaring the decision.

For r14C meetings, the voting method shall be by each member participating electronically being called by the Presiding Member in alphabetical order by surname, who is in sequence to state whether they are 'for' or 'against' the motion being put forward and then each participant in the physical location by show of hands.



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### Procedure for dealing with Conflicts of Interest (r14C and r14D meetings)

In the case of a 14C meeting, any members that are participating in the physical meeting space must ensure that they leave the meeting in accordance with legislation.

### Record of attendance and leaving and re-entering the meeting (r14C meeting)

In the case of an r14C meeting, the Presiding Member will regularly check the attendance of any persons participating electronically.

### Procedure for matters behind closed doors (r14C meeting)

When a meeting is closed to the public under 5.23 of the *Local Government Act 1995*, each person permitted in attendance must ensure that the deliberations of Council cannot be observed by any other person and in accordance with Clause 4.2 of the *Standing Orders Local Law 2002*, a member of the Council or a committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a member of the Council or the committee or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

### Recording of participation in the minutes (r14C meeting)

To ensure compliance with Regulation 14C(3) which limits the number of meetings that a member is allowed to attend electronically in the previous 12 months, the minutes shall record instances where a member participated electronically under Regulation 14C.

## Meetings held by electronic means under Regulation 14D of the *Local Government (Administration) Regulations 1996* (r14D)

### Determining electronic meetings (r14D)

Under r14D, a meeting may be held under electronic means if a public health emergency or state of emergency exists and because of this, the President or Council considers it appropriate for the meeting to be held by electronic means; or Council otherwise authorises the meeting to be held by electronic means. The Chief Executive Officer must be consulted before a determination is made.

The Council cannot authorise a meeting (the proposed meeting) to be held under subregulation (2)(c) if holding the proposed meeting under that authorisation would result in more than half of the meetings (including the proposed meeting) of the council or committee, in the relevant period, being held under an authorisation under subregulation (2)(c).

Regulation 14E requires the meeting in question to be broadcast or otherwise available to the public.

In deciding whether to authorise a meeting by electronic means under subregulation (2)(a)(b) or (c), the President or Council must have regard for:

- *suitable location of each member* *suitable equipment of each member for the purposes of the remote location*

Where possible the decision to hold a meeting via electronic means should be made prior to the issuing of the notice paper. Where this cannot occur, the Chief Executive Officer will update the details of the meeting on the Shire's website and provide notice to all Councillors and Committee Members, as relevant, as soon as practicable.

Non-electronic attendance at an electronic meeting held under r14D is not possible. This includes participation via members of the public.



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In situations where an electronic meeting is called under r14D, the only option for members to attend is electronically.

### Method of conducting meeting (r14D meeting)

The Shire of Serpentine Jarrahdale employs the Microsoft Teams platform for electronic meetings held under r14D.

### Public attendance (r14D meeting)

Under the Act meetings must be open to the public. Regulation 14E alters this requirement by providing that Band 1 and 2 Councils comply with the requirement to have an electronic meeting open to the public if the council or committee publicly broadcasts the meeting on a website or the meeting or a broadcast of the meeting is otherwise accessible to the public.

The Shire will comply with this requirement by broadcasting the meeting through the publication of the audio recording of the meeting with the minutes of the meeting.

### Suspension of Standing Orders Local Law 2002

At the commencement of an r14D meeting, Council, under clause 18.1 of the *Standing Orders Local Law 2002* should resolve to suspend, for the duration of the meeting, the following clauses:

- *Clause 3.5 – Public Question Time insofar as it relates to Public Statements*
- *Clause 3.13 - Deputations*
- *Clause 8.2 – Members to Occupy Own Seats*

### Procedure for speaking (r14D meeting)

Clause 9.1 of the *Standing Orders Local Law 2002* provides that every member of the Council or a committee wishing to speak, shall indicate by show of hand or other method agreed upon by the Council. To facilitate electronic meetings and electronic participation at physical meetings, each member present shall exhibit due courtesy when wishing to speak, to enable the effective and orderly conduct of the meeting.

### Public Question Time (r14D meeting)

Regulation 14E alters the rules concerning public question time for r14D meetings. In accordance with Regulation 14E, public questions received by 2pm on the meeting day (for committee meetings and Ordinary Council Meetings), the question and the response shall be read out at the meeting by the Chief Executive Officer or a delegate and recorded in the minutes.

### Public Statement Time (r14D meeting)

Public Statements received prior to 2pm of the meeting day will be provided to Councillors and recorded in the minutes, but not read out at the meeting.

### Deputations (r14D meeting)

Any Deputations approved for a meeting prior to the decision to hold an electronic meeting will be provided to Councillors and recorded in the minutes, if the text of that Deputation is provided prior to 2pm on the meeting day.

### Procedure for voting (r14D meeting)

Under Clause 13.2 of the *Standing Orders Local Law 2002*, the voting is to be conducted by a show of hands or other methods agreed upon, so that no voter's vote is secret, before declaring the decision.



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The voting method for r14D meetings shall be by each member being called by the Presiding Member in alphabetical order by surname, who is in sequence to state whether they are 'for' or 'against' the motion being put forward with the Presiding Member providing their vote last.

### **Procedure for dealing with Conflicts of Interest (r14D meeting)**

At the Declaration/Disclosure of Interest Item of Business, the Presiding Member will read aloud each disclosure of interest received before the meeting.

- The Presiding Member will then ask if there are any further disclosures to be made. Council Members should ensure they make any additional disclosures at this point so that the Minute Taker can record the relevant Agenda Items.
- Subsequently, the Presiding Member will announce disclosed interests prior to the relevant Agenda Item being discussed.

Members and Officers participating electronically that are required to leave the meeting as a result of a declared interest will be disconnected from the meeting for the duration of the matter and must not converse with meeting participants. The reconnection shall be initiated by Officers assisting the meeting.

### **Record of attendance and leaving and re-entering the meeting (r14D meeting)**

Regulation 11 of the *Local Government (Administration) Regulations 1996*, requires the contents of the minutes to include where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting.

To assist in the keeping of the minutes and the orderly conduct of the meeting, the Presiding Member will conduct regular roll-calls. The minutes shall record the outcome of the roll-call.

### **Procedure for matters behind closed doors (r14D meeting)**

When a meeting is closed to the public under section 5.23 of the *Local Government Act 1995*, each person permitted in attendance must ensure that the deliberations of Council cannot be observed by any other person, and in accordance with Clause 4.2 of the *Standing Orders Local Law 2002*, a member of the Council or a committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a member of the Council or the committee or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

### **Presentation of meetings and recording of proceedings (r14D meeting)**

The Teams Meeting will display the screen of the Minutes Officer to enable all meeting participants to view motions being considered.

A recording of proceedings shall be made using Microsoft Teams. The recording of the meeting will be conducted by Shire Officers. The recordings of the meeting will be published on the Shire website at the time that the unconfirmed minutes is published. The recording of the meeting will be stopped in the event that meeting goes behind closed doors or if the meeting is adjourned and restarted when the meeting is opened or recommenced.

### **Recording of participation in the minutes (r14D meeting)**

To ensure compliance with Regulation 14D(2a) which limits the number of meetings that a member is allowed to attend electronically in the previous 12 months, the minutes shall record instances where a member participated electronically under Regulation 14D.



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### General principles

#### Behaviour protocols

The Western Australian Local Government Association (WALGA)'s guidance material on electronic meetings is instructive where it states:

*“The pace of an eMeeting should be slow and orderly. The following practices will help avoid confusion and support effective eMeetings:*

- *Speak clearly and slowly, as connections may be distorted or delayed.*
- *Always **state your name** to indicate to the Presiding Member that you wish to speak. Restate your name if the Presiding Member has not heard you at first.*
- *In debate, only speak after the Presiding Member has acknowledged you. Then **state your name**, so that others know who is speaking.*
- *Follow the Presiding Member's directions and rulings.*
- *If you are unclear about what is happening in an eMeeting, immediately **state your name** to draw the Presiding Member's attention and enable you to then seek clarification from the Presiding Member.*
- *Avoid looking for opportunities to call Points of Order; instead, politely and respectfully gain the Presiding Member's attention and explain any deviation from your Meeting Procedures, the Local Government Act or any other relevant matter.”*

Councillors participating electronically must ensure that they are in an appropriate location to participate in the meeting. Such provisions include being free from distraction and being able to conduct business behind closed doors in accordance with the *Local Government Act 1995*. Participants are not permitted to record meetings unless authorised by Council and should avoid using chat facilities or other means to communicate outside of the parameters of the meeting.

#### Logistical considerations

Participating electronically in a meeting, whether that meeting is electronic or a physical meeting, presents logistical challenges and can impact the effective conduct of the meeting.

An electronic meeting is as effective as the worst connection to the meeting.

In addition to the behavioural protocols described above, participants should ensure that they have a stable connection to the meeting and are able to give the meeting their full and proper attention.

Under Clause 15.9 of the *Standing Orders Local Law 2002*, the Presiding Member may adjourn a meeting to regain order. This provision can be used to regain order in the event of technical difficulties.

Councillors and Officers are provided with Information Technology equipment to assist in the performance of their role. This equipment should be used when participating electronically, as it is the equipment supported by the Shire's ICT specialists.

Councillors and Officers who are unable to participate in an electronic meeting in a location conducive to the effective conduct of the meeting, are encouraged, to utilise the facilities of the Shire's Civic and Administration Centre, where meeting rooms can be made available.



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### Relevant Policies/BOPs/Documents

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### Legislation/Local Law Requirements

- *Local Government Act 1995*

<b>Office Use Only</b>				
<b>Relevant Delegations</b>				
<b>Council Adoption</b>	<b>Date</b>	21 February 2022	<b>Resolution #</b>	OCM027/02/22
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