

Council Policy 3.3.7 – Electronic Meetings

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Corporate Performance
Responsible Officer	Manager Corporate Performance
Affected Business Units	All

Objective

The objective of this Policy is to provide guidance on participation and the conduct of Council and Committee meetings held electronically.

Scope

This Policy applies to:

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

Policy

All meetings will be held primarily as in-person meetings unless exceptional circumstances require meetings to be held electronically, including due to a public health emergency or state of emergency.

An Elected Member may make a regulation 14C request to participate electronically at a physical meeting in accordance with Part 1 of this Policy.

A meeting may be held entirely electronically (regulation 14D) in accordance with Part 2 of this Policy.

Part 1 - electronic participation at physical meetings (reg 14C)

- 1.1. An Elected Member may request to participate in a physical meeting by electronic means in exceptional circumstances approved by the President or Council.
- 1.2. Electronic participation at physical meetings will be conducted in accordance with the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.
- 1.3. An application to participate in a meeting electronically should be made to the President via the Chief Executive Officer at the earliest opportunity, but in any case, requests must be received so there is sufficient time for the request to be considered and necessary technology and meeting protocols to be implemented (no later than 24 hours prior to the meeting that the request relates to).
- 1.4. Applications are to be made in writing and include sufficient information to demonstrate the suitability of the location and equipment for participation via electronic means.
- 1.5. The Chief Executive Officer will present the application in the first instance to the President or Presiding Member for consideration.
- 1.6. If 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



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decision. The minutes of the meeting shall record whether electronic participation was granted or refused by the President or Council.

- 1.7. At the commencement of a meeting with electronic participants, Council, under clause 18.1 of the *Standing Orders Local Law 2002 (as amended)* should resolve to suspend, for the duration of the meeting, the following clause:
 - Clause 8.2 – Members to Occupy Own Seats
- 1.8. During a meeting with electronic participation, the Presiding Member will:
 - regularly check the attendance of any persons participating electronically,
 - ensure courtesy is shown to electronic participants to enable the effective and orderly conduct of the meeting, and
 - request electronic participants to state whether they are for or against a motion put forward.
- 1.9. To ensure compliance with the Regulations, 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.

Part 2 – electronic meetings (reg 14D)

- 2.1. In deciding whether to authorise a meeting by electronic means under subregulation (2)(a)(b) or (c) of the Regulations, the President or Council must have regard for:
 - the suitable location of each member
 - suitable equipment of each member for the purposes of the remote location
- 2.2. 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 Elected Members and Committee Members, as relevant, as soon as practicable.
- 2.3. Non-electronic attendance at an electronic meeting is not possible. This includes participation of members of the public.
- 2.4. In situations where an electronic meeting is called, the only option for members to attend is electronically.
- 2.5. Meetings held electronically will be arranged and conducted in accordance with the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.
- 2.6. At the commencement of an electronic meeting, Council, under clause 18.1 of the *Standing Orders Local Law 2002 (as amended)* 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
- 2.7. Clause 9.1 of the *Standing Orders Local Law 2002 (as amended)* 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, each member present shall



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- exhibit due courtesy when wishing to speak, to enable the effective and orderly conduct of the meeting.
- 2.8 In accordance with the Regulations, for public questions received by 2pm on the meeting day (for committee meetings and Ordinary Council Meetings), the question and response shall be read out at the meeting by the Chief Executive Officer or a delegate and recorded in the minutes.
- 2.9 Public Statements received prior to 2pm of the meeting day will be provided to Elected Members and recorded in the minutes, but not read out at the meeting.
- 2.10 Any Deputations approved for a meeting prior to the decision to hold an electronic meeting, will be provided to Elected Members and recorded in the minutes, if the text of that Deputation is provided prior to 2pm on the meeting day.
- 2.11 The voting method for electronic meetings shall be by each member being called by the Presiding Member in alphabetical order by surname, to state whether they are ‘for’ or ‘against’ the motion being put forward, with the Presiding Member providing their vote last.
- 2.12 Elected Members and Officers participating electronically that are required to leave a 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.
- 2.13 To ensure compliance with the Regulations, 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.
- 2.14 Proceedings will be publicly broadcasted live and recorded in accordance with Council Policy 3.3.11 – Live Streaming and Recording of Council and Committee Meetings.

General principles for electronic meetings

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.”*



Continued

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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.

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.

Elected Members 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.

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

Elected Members 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.

Elected Members 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.

Definitions

Nil

Relevant Policies/Council Documents

Council Policy 3.3.11 – Live Streaming and Recording of Council and Committee Meetings

Legislation/Local Law Requirements

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*

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