

LEGISLATION

This policy is to be read in conjunction with the *Local Government Act 1995* ('the Act'), Regulations 14C, 14CA, 14D and 14E of the *Local Government (Administration) Regulations 1996* and the Shire of Manjimup Standing Orders Local Law (or as superseded).

OBJECTIVE

To establish the Shire of Manjimup's decision-making framework enabling electronic attendance at in-person meetings and for the conduct of meetings by electronic means.

DEFINITIONS

- **Electronic Means** refers to the approved electronic requirements to access an in-person meeting or attend an electronic meeting, encompassing hardware and software requirements to enable instantaneous communication.
- **Members** refers to a council member and any other person appointed as a member of a committee under Section 5.10 of the Act.

AREA OF APPLICATION

This policy applies to the following meeting types:

- Ordinary and Special Council Meetings
- Committee Meetings

This policy does not apply to meetings where electronic attendance is not subject to legislation, including:

- Agenda Briefing Sessions and Concept Forums
- Any other ad-hoc meetings of Council (eg. budget workshops)

Electronic attendance at these meeting types is at the discretion of the meeting Chair, in consultation with the CEO.

POLICY MEASURES

Electronic Attendance at an In-Person Meeting

1. Members are required to attend all applicable meetings in person. A request for electronic attendance may only be approved by the President or Council where the following applies:

1.1. As provided for in the *Local Government (Administration) Regulations 1996*:

- 1.1.1. There is a declared public health emergency or state of emergency or a natural disaster; or
- 1.1.2. The member is a person with a disability as defined in the *Disability Services Act 1993*;

or

1.2. Other reasonable circumstances.

Reasonable circumstances means circumstances that are beyond the Member's control, that could not reasonably have been avoided or planned around, and that make attendance in person unreasonable or impracticable.

In determining whether reasonable circumstances exist, the President or Council is to have regard to:

- *whether the circumstance arose from events outside the Member's control;*
- *whether the circumstance could reasonably have been anticipated or avoided;*
- *the seriousness of the consequence to the Member, or to another person, if the request were refused; and*
- *whether attendance in person would pose a significant risk to the health, wellbeing or safety of the Member or others.*

Circumstances that will not ordinarily constitute reasonable circumstances include personal convenience, minor / short-term illness, routine work or business commitments, recreational travel or holidays, social or family events, and circumstances arising from the Member's own scheduling choices.

2. For efficiency and the avoidance of unnecessary inconvenience, Members are to submit requests for electronic attendance at the earliest opportunity, but in any case, requests must be received so that there is sufficient time for the request to be considered and the necessary technology and meeting protocols to be implemented.
3. A request for electronic attendance at an in-person meeting:
- 3.1. Is to be provided to the President.
- 3.2. Where the President is unavailable to approve a request, the request is to be considered by Council.
- 3.3. Where the President rejects a request, the requester may ask Council to re-consider the request.

- 3.4. The President may refer their own request to the Deputy President, or alternatively, may refer the request to Council for decision.

Note: For committees, a request for electronic attendance to an in-person committee meeting can only be approved by the President or Council (not the relevant committee). Similarly, a request for a committee to be held as an electronic meeting (outside of a declared emergency) must first be approved by Council.

4. An eligible request may only be approved if the President (or the Council) is satisfied of each of the following:

- 4.1. The electronic means of instantaneous communication, and the location and equipment from which the Member seeks to attend the meeting are determined as suitable for the Member to effectively engage in deliberations and communications throughout the meeting [Admin.r.14C(5)]; and

- 4.2. The Member has made a declaration prior to the meeting, or that part of the meeting, that will be closed, that confidentially can be maintained. In the absence of such a declaration, the Member is prohibited from participation in the meeting, or that part of the meeting, that is closed [Admin.r.14CA(5)]; and

- 4.3. The approval does not exceed prescribed limitations for the number of meetings attended by that Member by electronic means [Admin.r.14C(3) and r.14C(4)].

Note: Prescribed limitations do not apply to a Member who is a person with a disability as defined in the *Disability Services Act 1993*.

- 4.4. The equipment and facilities at the place at which the meeting is to be held are capable of supporting electronic attendance.

5. Records of requests and decisions about requests must be retained:

- 5.1. Where the President makes the decision, the record is retained as a Local Government record (e.g. email communication) in accordance with the Local Government's Record Keeping Plan and protocols established by the CEO; and

- 5.2. Where Council makes the decision, the decision must be recorded in the minutes [Admin.r.11(d)].

6. The CEO shall ensure that reasonable administrative and technological support is readily available to facilitate attendance by electronic means at any meeting, on the basis that approvals may be given at any reasonable time prior to commencement of the meeting by the President or during the meeting itself by Council for a Council meeting.

Conducting a Meeting by Electronic Means

1. Meetings will primarily be held as in-person meetings.
2. Where a declared public health or state of emergency, or associated directions, are in effect that prevent an in-person meeting being held, the President or the Council can approve a meeting to be held by electronic means.

Note: Meetings held by electronic means in these circumstances are not subject to, or included in, the prescribed limitation on the number of meetings held by electronic means [Admin.r.14D(2)(a)(b)].

3. Where it is otherwise considered expedient or necessary (and there is no declared emergency), the Council may resolve to authorise the meeting to be held by electronic means [Admin.r.14D(2)(c)], subject to:
 - 3.1. The prescribed limitation is not exceeded on the number of electronic meetings allowed [Admin.r.14D(2A)]; and
 - 3.2. The CEO has been consulted, before the electronic means by which the meeting is to be held is determined by the President or Council resolution [Admin.r.14D(3)(4)]; and
 - 3.3. The decision has given due regard to whether the location from which each Member seeks to attend the meeting and the equipment each Member intends to use, are suitable to ensure each Member is able to effectively engage in deliberations and communications throughout the meeting; and
 - 3.4. Each Member has made a declaration prior to the meeting, or that part of the meeting, that is closed, that confidentially can be maintained [Admin.r.14D(6)]. In the absence of such a declaration, a Member is prohibited from participation in the meeting, or that part of the meeting, that is closed.
4. Where a meeting is authorised to be held as an electronic meeting, the CEO must ensure details are:
 - 4.1. Published on the Local Government's Official webpage [Admin.r.12]; and
 - 4.2. Provided in the Notice of Meeting/Agenda; and
 - 4.3. Broadly promoted to ensure community awareness, such as through social media, newsletters, on noticeboards, etc.

Note: In the case of a Band 1 or 2 Council or committee, where the meeting must be 'open to members of the public', then the Council or committee must 'publicly broadcast the meeting on a website or the meeting or a broadcast of the meeting is otherwise accessible to the public' [Admin.r.14E(3A)(b)].

Participating in Meetings by Electronic Means

1. Presiding at Meeting

Where the President is approved to attend an in-person meeting by electronic means, the President may choose to defer to the Deputy President (acting under Section 5.34 of the Act) for the purpose of presiding at the meeting.

2. Conduct

Members are to be familiar with their Meeting Procedure/Standing Orders and Code of Conduct requirements, in particular, protecting confidential information and appropriate communication practices, when participating in a meeting by electronic means.

3. Meeting Procedures

Where provisions of a Meeting Procedures/Standing Orders are not applicable to an electronic meeting environment, the Presiding Member may need to consider modification or suspension of the inconsistent subject provisions.

4. External Parties Participating in Closed Meetings

Where external parties are invited to participate in a closed part of an electronic meeting (such as auditor attending an Audit Committee electronic meeting), before being approved to attend by a resolution of the meeting, they are to first confirm they have met the electronic means, location and equipment suitability requirements of this policy, including maintaining confidentiality.

5. Equipment

Members attending a meeting by electronic means are required to use Shire-provided or Shire-approved communication technology that is compatible with the Shire's meeting systems. Public Wi-Fi networks must not be used. Where available, the Member's video must remain on for the duration of the meeting unless the Presiding Member permits otherwise.

6. Connection

Members attending electronically must:

- 6.1. Use a secure, password protected internet connection.
- 6.2. Ensure their device is connected to the Shire's approved meeting platform and communication technology at least ten minutes prior to the meeting commencing.
- 6.3. Maintain a stable internet connection and suitable visual and/or audio capability for the duration of the meeting.
- 6.4. Keep their microphone muted when they are not speaking to minimise background noise and disturbance to the meeting.

6.5. In the event of a loss of connectivity with a Member, the times of the loss and resumption of connectivity is to be recorded in the minutes.

7. Location

A suitable location is considered to be a room that is private and quiet, with suitable controls in place to ensure confidentiality is not breached.

8. Managing Conflicts of Interest

Where a Member has a financial or proximity interest in an item or matter, the Member must leave the meeting electronically for the duration of the discussion and consideration of the item or matter and may only reconnect to the meeting once the discussion and consideration has concluded.

9. Public Question Time

Where a meeting is held by electronic means, members of the public may participate in public question time by submitting questions to the Shire in writing at least one business day prior to the meeting.

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