
Policy Number:	E13
Relevant Delegation:	Nil
Adoption Details:	28 November 2023
Last Review Details:	

POLICY OBJECTIVE:

To provide guidance on the attendance and conduct of Council and Committee Meetings held via electronic means.

POLICY SCOPE:

This policy applies to:

1. All Council and Committee Members.
2. Meetings with attendees participating via electronic means in accordance with Regulations 14C and 14CA of the *Local Government (Administration) Regulations 1996* (the Regulations).
3. Meetings held by electronic means in accordance with Regulations 14D and 14E of the Regulations.

POLICY STATEMENT:

PRINCIPLES

1. Behaviour Protocols

The Western Australia 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 1995 or any other relevant matter."*

2. Logistical Considerations

- 2.1 Participating in meetings via electronic means, whether the meeting is electronic or a physical meeting, presents logistical challenges and can impact the effective conduct of the meeting.
- 2.2 An electronic meeting is as effective as the worst connection at the meeting.
- 2.3 In addition to the behavioural protocols mentioned above, members should ensure they have a stable connection to the meeting and are able to give the meeting their full and proper attention.
- 2.4 To ensure the best connection possible, members are requested to mute their microphone when not speaking.

3. Confidentiality

In accordance with Regulations 14CA(5) and (6), members attending via electronic means must ensure they are in an appropriate location, being private and free from distractions (both to themselves and to other meeting attendees). When a meeting is closed to the public (Behind Closed Doors) in accordance with Section 5.23 of the *Local Government Act 1995* (the Act), members must ensure that the deliberations cannot be observed or overheard by any other person.

MEETINGS WITH ATTENDEES PARTICIPATING VIA ELECTRONIC MEANS

1. REQUESTS FOR ATTENDANCE

- 1.1 Regulation 14C(2) stipulates a member may attend a meeting via electronic means:
“(a) if —
 - (i) a public health emergency or state of emergency exists or a natural disaster has occurred; and
 - (ii) 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
 - (iii) the member is authorised to attend the meeting by electronic means by the mayor, president or council;or
(b) if the member is otherwise authorised to attend the meeting by electronic means by the mayor, president or council.”
- 1.2 An application to participate via electronic means is to be made in writing (email will suffice) to the Shire President at least twenty-four (24) hours prior to the meeting. This enables appropriate record keeping and monitoring of the 50% attendance cap stipulated in Regulation 14C(3).
- 1.3 The member applying for electronic participation is to provide sufficient information in the request to enable the decision-maker to determine if the requirements of Regulation 14C(5) are met and provide reasons why the member is unable to attend the meeting in person.
- 1.4 In instances where the Shire President authorises attendance via electronic means, the Shire President will notify the Chief Executive Officer to enable the electronic meeting invitation to be sent to the attendee.
- 1.5 In some instances, the President may determine the request is to be presented to Council, in which case the application will be presented for consideration as part of

the attendances portion of the meeting. Council may authorise participation via a simple majority decision. Officers assisting the meeting will generate the electronic meeting invitation and send it to the attendee immediately following Council's resolution.

- 1.6 The minutes of the meeting shall record whether a member's electronic participation was granted or refused by the President, or by Council.
- 1.7 The Administration will appropriately monitor these authorisations to ensure the 50% cap referenced in Regulation 14C(3) is not exceeded.

2. CONSIDERATION OF A SUITABLE LOCATION AND EQUIPMENT

- 2.1 In deciding whether to authorise a member to attend a meeting via electronic means, the President or Council must consider whether the location from which the member intends to attend the meeting, and the equipment the member intends using to attend the meeting, are suitable for the member to effectively engage in deliberations and communication during the meeting.
- 2.2 To attend a meeting via electronic means, the member is to ensure that the location is quiet and private, such as a room without distractions and where all the doors and windows can be closed to other people.
- 2.3 In rooms where sound may travel, and particularly where a meeting is closed to the public (Behind Closed Doors), the member is to use headphones to ensure the deliberations cannot be inadvertently overheard.

3. MAINTAINING CONFIDENTIALITY

- 3.1 In accordance with Regulation 14CA(5), the member is to declare either prior to the meeting, or prior to the closed part of the meeting, that confidentiality can be maintained (as the case requires).
- 3.2 The members' declaration is to be recorded in the minutes of the meeting.
- 3.3 Where confidentiality cannot be maintained, a member cannot attend and is required to leave the closed part of the meeting.
- 3.4 Where a member is required to leave the meeting, the Officers assisting the meeting will place the member in the Waiting Room and manage the transition of the member to and from the meeting.
- 3.5 The time the member left the meeting and returned to the meeting is to be recorded in the minutes of the meeting in accordance with Regulation 11.

4. PREFERRED ELECTONIC MEANS AND EQUIPMENT FOR ATTENDANCE

- 4.1 The Shire of York utilises either Zoom or the Microsoft Teams platform for electronic meetings. The platform to be used will be notified prior to the meeting.
- 4.2 In the case of Councillors, members are to utilise the Shire-provided iPad as it is the equipment supported by the Shire's ICT specialists. If there is a fault with the Shire-provided iPad, Councillors may use their own laptop or desktop computer so long as it has facilities for a microphone, webcam and headphones.
- 4.3 External members may use their own mobile device, laptop or desktop computer so long as it has facilities for a microphone, webcam and headphones.

5. GENERAL CONDUCT OF ELECTRONIC ATTENDANCE AT MEETINGS

Suspension of Local Government (Council Meetings) Local Law 2016

At the commencement of a meeting where a member is attending via electronic means, Council, under Clause 8.1 of the Council Meetings Local Law should resolve to suspend, for the duration of the meeting, Clause 8.1(2) – Members to be in their proper places.

Procedure for Speaking

Clause 8.5 of the Council Meetings Local Law provides that every member who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed 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

In accordance with Regulation 9, voting is to be conducted so that no-one's vote is secret. For meetings where a member or members are participating via electronic means, the Presiding Member will ask if there is any member opposed to a recommendation/motion and pause. If a member is opposed, they are to speak their name. If there is no member opposed, the item is passed unanimously. Where an item has been debated, the voting method shall be by the Presiding Member calling each member participating by electronic means to state whether they are 'for' or 'against' the motion being put forward and then each member in the physical location by a show of hands.

Procedure for dealing with Conflicts of Interest

Any members participating via electronic means who declare a Financial or Proximity Interest in an item must leave the meeting as is required when attending in person. Where a member is required to leave the meeting, the Officers assisting the meeting shall initiate the disconnection of the member from the meeting, and subsequent reconnection. The time the member left the meeting and returned to the meeting will be declared by the Presiding Member and is to be recorded in the minutes of the meeting in accordance with Regulation 11.

Record of Attendance and Leaving and Re-entering the Meeting

The Presiding Member will regularly check the attendance of any members attending via electronic means. Members' faces must always be visible. A member is taken to no longer be in attendance at a meeting if they cease to be in instantaneous communication with each other person present at the meeting. The member's title (ie President ..., Cr ...) is to be displayed at all times. To request leave from the meeting, the member is to raise their hand, wait for verbal acknowledgement from the Presiding Member, and advise the Presiding Member of their reason for requesting leave and the anticipated period of time (for example, I request leave from the meeting for two minutes). The Presiding Member will verbally confirm that the leave has been granted. Any such cessation in attendance of a member will be recorded in the minutes of the meeting in the chronological order it occurs in accordance

with Regulation 11. The Presiding Member will consider the effect of this on the quorum requirements and take action as necessary.

MEETINGS HELD VIA ELECTRONIC MEANS

6. DETERMINING ELECTRONIC MEETINGS

- 6.1 Regulation 14D(2) enables meetings to be held via electronic means:
- “(a) if —*
- (i) a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and*
 - (ii) the mayor, president or council considers it appropriate for the meeting to be held by electronic means because of the public health emergency or state of emergency and having regard to the matters in subregulation (2B);*
- or*
- (b) if —*
- (i) a direction is issued under the Public Health Act 2016 or the Emergency Management Act 2005 that prevents the meeting from being held in person; and*
 - (ii) the mayor, president or council authorises the meeting to be held by electronic means;*
- or*
- (c) if the council otherwise authorises the meeting to be held by electronic means.”*
- 6.2 In accordance with Regulation 14D(2)(c), the decision of Council whether to conduct a meeting via electronic means is to be made either at a Special Council Meeting called for that purpose, or at the Ordinary Council Meeting held prior to the proposed electronic meeting.
- 6.3 Circumstances where Council may consider it appropriate to conduct a meeting via electronic means (outside Regulation 14D(2)(a) or (b)) include, for example, seeding or harvest to reduce the need for travel time.
- 6.4 In-person attendance at a meeting held via electronic means under Regulation 14D is not possible. This includes participation by members of the public.

7. CONSIDERATION OF A SUITABLE LOCATION AND EQUIPMENT

- 7.1 In deciding whether to conduct a meeting via electronic means, the President or Council must consider whether the location from which each member intends to attend the meeting, and the equipment each member intends using to attend the meeting, are suitable to effectively engage in deliberations and communication during the meeting.
- 7.2 When attending an electronic meeting, members are to ensure that their location is quiet and private, such as a room without distractions and where all the doors and windows can be closed to other people.
- 7.3 In rooms where sound may travel, and particularly where a meeting is closed to the public, members are to use headphones to ensure the deliberations cannot be inadvertently overheard.

8. MAINTAINING CONFIDENTIALITY

- 8.1 In accordance with Regulation 14D(6), each member is to declare either prior to the meeting, or prior to the closed part of the meeting, that confidentiality can be maintained (as the case requires).
- 8.2 The members' declarations are to be recorded in the minutes of the meeting.
- 8.3 Where confidentiality cannot be maintained, a member cannot attend and is required to leave the meeting.
- 8.4 Where a member is required to leave the meeting, the Officers assisting the meeting shall initiate the disconnection of the member from the meeting, and any subsequent reconnection.
- 8.5 The time the member left the meeting and returned to the meeting is to be recorded in the minutes of the meeting in accordance with Regulation 11.

9. PREFERRED ELECTONIC MEANS AND EQUIPMENT FOR ATTENDANCE

- 9.1 The Shire of York utilises either Zoom or the Microsoft Teams platform for electronic meetings. The platform to be used will be notified prior to the meeting.
- 9.2 In the case of Councillors, members are to utilise the Shire-provided iPad as it is the equipment supported by the Shire's ICT specialists. If there is a fault with the Shire-provided iPad, Councillors may use their own laptop or desktop computer so long as it has facilities for a microphone, webcam and headphones.
- 9.3 External members may use their own mobile device, laptop or desktop computer so long as it has facilities for a microphone, webcam and headphones.
- 9.4 Members of the public may use their own mobile device, laptop or desktop computer which has facilities for a microphone, webcam and headphones.

10. NOTICE OF ELECTRONIC MEETINGS

- 10.1 Following Council's decision to conduct a meeting via electronic means, the Chief Executive Officer is to provide notice via the Shire's website, social media, email distribution lists and noticeboards that the meeting(s) will be held via electronic means.

11. PUBLIC QUESTION TIME

- 11.1 The public are invited to submit questions in writing to the Shire prior to 3pm on the day of the meeting (or 12pm for Audit & Risk Committee Meetings).
- 11.2 Questions are to be emailed to records@york.wa.gov.au or delivered to the Shire Administration and must include the person's full name and address.
- 11.3 Questions at an Ordinary Council Meeting can relate to any matter affecting the Shire. Questions at a Special Council Meeting or Audit & Risk Committee Meeting must relate to items on the agenda for that meeting.
- 11.4 The Presiding Member will read the questions during Public Question Time but cannot exceed 2 minutes per question.

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- 11.5 Responses to all questions will be provided in writing and included in the next Council or Committee Meeting Agenda.

12. DEPUTATIONS

- 12.1 The public can request a Deputation at a meeting held via electronic means in accordance with Clause 6.9 of the Shire of York Local Government (Council Meetings) Local Law 2016.
- 12.2 The request for a Deputation is to include confirmation that the person can participate in the meeting using their own mobile device, laptop or desktop computer which has facilities for a microphone, webcam and headphones.
- 12.3 Requests which cannot fulfil the requirements of clause 12.2 above, cannot be accepted at an electronic meeting.
- 12.4 A copy of the deputation to be made at an electronic meeting is to be emailed to records@york.wa.gov.au or delivered to the Shire Administration prior to 3pm on the day of the meeting and must include the person's full name and address.
- 12.5 Copies of the deputation will be provided to members prior to the meeting.

13. CONFLICTS OF INTEREST

- 13.1 Members declaring an Interest in a matter presented to a meeting held via electronic means are to email the completed Disclosure of Interest Form to records@york.wa.gov.au prior to 3pm on the day of the meeting (or 12pm for Audit & Risk Committee Meetings).
- 13.2 Members who declare a Financial or Proximity Interest in an item must leave the meeting as is required when attending in person. Where a member is required to leave the meeting, the Officers assisting the meeting will place the member in the Waiting Room and manage the transition of the member to and from the meeting. The time the member left the meeting and returned to the meeting will be declared by the Presiding Member and is to be recorded in the minutes of the meeting in accordance with Regulation 11.
- 13.3 At the Declaration /Disclosure of Interest Item of Business, the Presiding Member will read aloud each disclosure of interest. The Presiding Member will then ask if there are any further disclosures to be made. Members should ensure they make any necessary disclosures at this point so the Minute Taker can record the relevant Agenda Items.
- 13.4 Subsequently, the Presiding Member will call on each member to read their declaration immediately prior to the relevant Agenda Item being discussed.

14. LEAVE OF ABSENCE

- 14.1 Members who need to request Leave of Absence can apply for leave by emailing records@york.wa.gov.au prior to 3pm on the day of the meeting.
- 14.2 The email must include the dates of the requested leave of absence and a reason for requesting the leave (for example, work commitments or a holiday).

15. TECHNICAL DIFFICULTIES

- 15.1 The Presiding Member may adjourn the meeting for a short period of time to allow technical difficulties to be resolved. The Presiding Member will state the reason for the adjournment and anticipated length, prior to the meeting being adjourned.
- 15.2 Once the technical difficulty is resolved the Presiding Member will explain the technical difficulty prior to the meeting recommencing.

16. GENERAL CONDUCT OF ELECTRONIC MEETINGS

Suspension of Local Government (Council Meetings) Local Law 2016

At the commencement of an electronic meeting, Council, under Clause 8.1 of the Council Meetings Local Law should resolve to suspend, for the duration of the meeting, Clause 8.1(2) – Members to be in their proper places.

Procedure for Speaking

All members are encouraged to mute their microphone when not speaking to minimise background noise.

Clause 8.5 of the Council Meetings Local Law provides that every member who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council. To facilitate electronic 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

In accordance with Regulation 9, voting is to be conducted so that no-one's vote is secret. For meetings held via electronic means, the Presiding Member will ask if there is any member opposed to a recommendation/motion and pause. If a member is opposed, they are to speak their name. If there is no member opposed, the item is passed unanimously. Where an item has been debated, the voting method shall be by the Presiding Member calling each member to state whether they are 'for' or 'against' the motion being put forward. The Presiding Member will then confirm whether the motion has been Carried or Lost.

Record of Attendance and Leaving and Re-entering the Meeting

The Presiding Member will regularly check the attendance of members. Members' faces must always be visible. A member is taken to no longer be in attendance if they cease to be in instantaneous communication with each other person present at the meeting. Members' titles (ie President ..., Cr) must be displayed at all times. To request leave from the meeting, the member is to raise their hand, wait for verbal acknowledgement from the Presiding Member, and advise the Presiding Member of their reason for requesting leave and the anticipated period of time (for example, I request leave from the meeting for two minutes). The Presiding Member will verbally confirm that the leave has been granted. Any cessation in attendance of a member will be recorded in the minutes of the meeting in the chronological order it occurs in accordance with Regulation 11. The Presiding Member will consider the effect of this on the quorum requirements and take action as necessary.

PENALTIES:

The *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* do not provide for penalties applicable to this policy.

KEY TERMS/DEFINITIONS:

Act means the *Local Government Act 1995*.

Regulations means the *Local Government (Administration) Regulations 1996*.

Member means a Councillor or a Committee Member.

Meeting means an Ordinary Meeting of Council, a Special Meeting of Council or a Meeting of a Committee of Council (including the Audit & Risk Committee).

Electronic Means means telephone, video conference or any other form of instantaneous communication.

Behind Closed Doors means where a meeting is closed to members of the public in accordance with Section 5.23(2) of the Act.

Responsible Officer:	Chief Executive Officer
Contact Officer:	Council & Executive Support Officer
Relevant Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 2021</i>

Review History:

Date Review Adopted:	Resolution Number
Adoption 28 November 2023	161123
Former Policy No:	Not Applicable