

Electronic Attendance at Meetings

Introduction

This policy is intended to ensure a consistent and transparent approach to the request and approval of individual elected members, and committee members attending meetings electronically as well as setting out parameters when an applicable meeting can be authorised for an e-meeting in line with legislation.

Objective

1. To establish the Local Government's decision-making framework enabling electronic attendance at in-person meetings and for the conduct of meetings by electronic means.
2. This policy is to be read in conjunction with the *Local Government Act 1995* ('the Act') and Regulations 14C, 14CA, 14D and 14E of the *Local Government (Administration) Regulations 1996*.

Scope

This policy applies to Elected Members and Community members. Ad hoc meetings with Shire Officers and/or external stakeholders may also be available to attend electronically by all attendees. In these instances, authorisation by the Presiding Member is not required.

Definitions

Term	Definition
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 [Admin.r.14CA(3)]. The electronic means must be determined before the suitability of a location and equipment can be assessed as part of a request to attend electronically to an in-person meeting or to an electronic meeting.
Meeting <i>(as per 14C(1) of the Local Government (Administration) Regulations 1996)</i>	(a) an ordinary meeting of the council; or (b) a special meeting of the council; or (c) a meeting of a committee of the council; or (d) a meeting of an audit committee of a local government.
Members	refers to a council member and any other person appointed as a member of a committee under Section 5.10 of the Act.
Refer to the Shire of Toodyay (Shire) Glossary (Definitions) located on the Shire website for definitions not listed: https://www.toodyay.wa.gov.au/documents/470/corporate-documents-glossary-(definitions)	

Policy Statement

Meetings will be held primarily as in person meetings, and the CEO will be consulted before the electronic means by which the meeting is to be held is determined by the Presiding Member or by Council resolution.

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.

1. Electronic Attendance

Electronic attendance during closed sessions must comply with s. 5.23AA of the Act. Decisions to close meetings and allow electronic attendance may be subject to review by the Local Government Inspector.

1.1 Requests

- (a) Requests to attend meetings electronically are to be in writing where practical on the form provided for this purpose; and
- (b) Requests are to be provided as soon as practicable but no later than 24 hours prior to the meeting the request relates to where practical.

Note: for committees, where practicable, a request for electronic attendance to an in-person committee meeting can only be approved by the Presiding Member 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.

- (c) Records of requests and decisions about requests must be retained:
 - (i) Where the Presiding Member makes the decision, the record is retained as a Local Government record (e.g. email communication) in accordance with the Shire's Record Keeping Plan and protocols established by the CEO; and
 - (ii) Where Council makes the decision, the decision must be recorded in the minutes [Admin.r.11(d)].
- (d) The CEO shall ensure that necessary 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 Presiding Member or during the meeting itself by Council for a Council meeting.

1.2 Authorisation

- (a) The Shire President's authorisation will have regard to whether the location from which the member intends to attend the meeting, and the equipment to be used are suitable to enable the member to effectively engage in deliberations and communications during the meeting.

- (b) Where a request meets the following criteria, approval will not be unreasonably withheld:
 - (i) 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;
 - (ii) The Member has made a declaration prior to the meeting, or that part of the meeting, that will be closed, that confidentiality 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; and
 - (iii) The approval does not exceed prescribed limitations for the number of meetings attended by that Member by electronic means.

1.3 Location

- (a) Elected Members, Committee Members, and Shire Officers attending meetings electronically are to ensure that the location is suitable.
- (b) As a general rule, a suitable location is considered to be a:
 - (i) Secure, password protected internet connection; and a
 - (ii) Room that is quiet and private; and a
 - (iii) Room with suitable controls to ensure confidentiality is not breached.
- (c) Members must provide a written declaration confirming confidentiality can be maintained and acknowledge that breaches may result in sanctions under Part 8A of the Act.

1.4 Electronic means

- (a) The Shire conducts electronic meetings primarily through Microsoft Teams but will also utilise other virtual meeting tools on occasion.
- (b) Access to the meetings link will be sent:
 - (i) to the Members and Shire Officers through their @toodyay.wa.gov.au email address; and
 - (ii) to the Committee Member's designated e-mail address as a meeting invitation only after written approval by the Shire President.
- (c) Members and Officers shall ensure attendance electronically at least 10 minutes prior to the commencement of the actual meeting to ensure a connectivity and resolve any issues with connectivity if they arise prior to the meeting commencing.
- (d) For closed sessions held electronically, members must ensure the environment is secure, private, and compliant with confidentiality protocols. External parties must confirm compliance before participation.

1.5 Equipment

- (a) Where practicable, members and officers attending meetings electronically are to use the electronic equipment provided by the Shire for Council business (including the headphones).
- (b) Use of Shire provided equipment ensures ease of providing technical assistance if required.
- (c) Committee members are to ensure their electronic equipment is of a suitable standard with the appropriate software/app installed to enable attending meetings electronically.

1.6 The 50% cap (subject to any future amendments to the *Local Government (Administration) Regulations 1996*.)

- (a) Members may only attend a meeting by electronic means, provided they have not attended more than half of the council or committee meetings in the previous twelve (12) months by this method. This includes the proposed meeting; and
- (b) Members' meeting attendance will be recorded and monitored by Executive Services in the form of a spreadsheet and reported in the Shire's Annual Report each year;
- (c) Members' electronic attendance will also be recorded in the relevant meeting minutes or notes.
- (d) The 50% cap does not apply to a member who is a person with a disability as defined in s.3 of the *Disability Services Act 1993*.
- (e) The 50% cap does not apply to Shire Officers attending as observers.

2. Electronic Meetings

2.1 Participation in meetings by electronic means

- (a) Presiding at Meeting: Where the Presiding Member is approved to attend an in-person meeting by electronic means, they may choose to defer to the Deputy Presiding Member for the purpose of presiding at the meeting.
- (b) Conduct: Members are to be familiar with their Meeting Procedures and Code of Conduct requirements, in particular, protecting confidential information and appropriate communication practices, when participating in a meeting by electronic means.
- (c) Meeting Procedures: where provisions of meeting procedures are not applicable to an electronic meeting environment, the Presiding Member may need to consider modification or suspension of the inconsistent subject provisions.
- (d) 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 and Risk 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.

2.2 Electronic meetings outside of an emergency

- (a) Electronic meetings outside of an emergency require a Council resolution.
- (b) Clauses 1.3 to 1.6 also apply to electronic meetings outside of an emergency.
- (c) A change from a public meeting to an electronic meeting will require adequate public notice:
 - (i) published on the Shire's website; and
 - (ii) provided in the Notice of Meeting/Agenda; and
 - (iii) broadly promoted to ensure community awareness, such as through social media, newsletters, on noticeboards, etc.

Reference Information

- e-meetings Guide and Policy from WALGA Governance Portal

Legislation

[Local Government Act 1995](#)

- s. 5.23AA (*Inspector powers*)
- Part 8A (*Confidentiality and complaints*)
- Part 8B (*Compliance and enforcement*)

[Local Government \(Administration\) Regulations 1996 \(Part 8 local government payments and gifts to members\)](#)

Associated documents

Approval for Electronic Attendance form

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