

Governance & Compliance

Conducting Electronic Meetings and Attendance by Electronic Means

Objective

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

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*.

Policy

Definitions

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

Electronic Attendance at an In-Person Meeting

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.

A request for electronic attendance at an in-person meeting:

- Is to be provided to the President;
- Where the President is unavailable to approve a request, the request is to be considered by Council (the request is to be moved, seconded and approved);
- Where the President rejects a request, the requester may ask Council to re-consider the request; and
- 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.

Where a request **meets** the following criteria, approval will not be unreasonably withheld:

- 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;
- 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; and

- The approval does not exceed prescribed limitations for the number of meetings attended by that Member by electronic means.

Records of requests and decisions about requests must be retained:

- 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
- Where Council makes the decision, the decision must be recorded in the minutes.

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 President or during the meeting itself by Council for a Council meeting.

Conducting a Meeting by Electronic Means

Ordinary meetings will primarily be held as in-person meetings.

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:

- 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.

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, subject to:

- The prescribed limitation is not exceeded on the number of electronic meetings allowed;
- 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;
- 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
- Each Member has made a declaration prior to the meeting, or that part of the meeting, that is closed, that confidentially can be maintained. 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.

Where a meeting is authorised to be held as an electronic meeting, the CEO must ensure details are:

- published on the Local Government's Official webpage;
- provided in the Notice of Meeting/Agenda; and
- broadly promoted to ensure community awareness, such as through social media, newsletters, on noticeboards, etc.

Participating in Meetings by Electronic Means

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 for the purpose of presiding at the meeting.

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.

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.

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.

Related Documents (Legislation/Local Law/Policy/Procedure/Delegation)

Local Government Act 1995

Local Government (Administration) Regulations 1996

Shire of Koorda Standing Orders Local Law 2018

Review History

Date	Council Resolution	Description of review/amendment
17/04/2024	RES: 060424	Adoption of Policy

