

1.28 Meeting Attendance by Electronic Means

Objective

To provide a framework for the conduct of electronic meetings of Council, its committees and informal briefings. The Policy also provides clear guidance on Council's requirements for Members of Council and Committees attending meetings by electronic means, including defining:

- the requirements for requests for attendance at meetings by electronic means, and grounds for refusal;
- suitable locations for both open and confidential meetings; and
- suitable equipment.

The policy also establishes a register to record remote attendance and ensure compliance with the 50 percent cap on meetings attended by electronic means imposed by the *Local Government (Administration) Regulations 1996* ("the Regulations"), and attends to a number of consequential matters.

Definitions

Council Briefing Session means an informal briefing or workshop of Council Members organised by the Shire of East Pilbara.

Electronic Meeting means a Meeting convened entirely by electronic means under regulation 14D of the Regulations.

Meeting means an Ordinary Council Meeting, Special Council Meeting, or Committee Meeting, including the Audit, Risk and Governance Committee, Plant Committee, Shire Airports Committee and Local Emergency Management Committees of the Shire of East Pilbara, or any other Committee established by the Council.

Member means a Member of the Council or Committee of the Council.

Policy means this Meeting Attendance by Electronic Means Policy.

Attendance at meetings by electronic means

1. Requests by Members to attend a Meeting or Council Briefing Session, must be made prior to the commencement of the Meeting or Council Briefing Session. Where possible, the request should be made in writing at least one (1) week prior to the meeting to the Shire's Governance staff. The Chief Executive Officer is authorised to develop and amend a form for such requests to be made.
2. All requests to attend by electronic means are to be considered by the President. If the President refuses the request, the Member may elect to have the request considered by Council.
3. A request must identify the location; confirm the Member will be in a private and quiet space; and that the equipment and network to be used comply with this policy. The request may be refused if this information is not provided.
4. Requests must be refused if the Member's attendance by electronic means would result in the Member attending more than half of the meetings of Council or the Committee in the period of twelve (12) months from the day on which the Meeting requested to be attended by electronic means is proposed to be held.

5. In accordance with regulation 14C of the Regulations, neither the President nor Council may refuse a request to attend a meeting by electronic means by either:
 - a. a Member who is a person with a disability as defined by section 3 of the *Disability Services Act 1993*; or
 - b. by a Member who is unable, or considers it inappropriate, to be present in person at the Meeting in the circumstances of a public health emergency, state of emergency or natural disaster.
6. A request to attend by electronic means must be refused if the Member is not in a suitable location as defined by this Policy.
7. There is no limit on the number of Council Briefing Sessions a Member may attend by electronic means.

Electronic Meetings

1. When Council determines to convene any electronic meeting (including but not limited to a Meeting or Council Briefing Session), Members may attend the meeting from either the Newman or Marble Bar Council Chambers, unless the circumstances of a public health emergency, state of emergency or natural disaster prevail.
2. Attendance by a Member at an Electronic Meeting is not counted towards the 50% cap in place on a Member's attendance by electronic means authorised under regulation 14C(b) of the Regulations.

Suitable Networks and Equipment

1. Members attending a Meeting by electronic means should, where possible, connect to the Meeting through the videoconferencing software provided by the Shire, using their Shire issued device.
2. In recognition of frequently poor network conditions in remote parts of the District, Members may participate in Meetings by telephone, where no alternative is available.
3. It is the responsibility of Members to ensure their electronic device has sufficient battery power for the duration of the Meeting.
4. The equipment must have the capability of allowing the Member to clearly hear the Meeting proceedings, and to be heard. Where the equipment is video camera enabled, the video should be switched on.
5. Public wi-fi networks may be vulnerable to cybersecurity threats and are not to be used. A private home or business internet connection, or hotspot from a trusted source is suitable.

Suitable Location

1. A Suitable Location for the purposes of this Policy is defined as being in Australia. Council may approve participation from a country outside of Australia, subject to network security confirmation by the qualified Shire Officers.
2. The Member should participate in the meeting within a private and quiet space.
3. For the purposes of a Confidential Session under 5.23(2) of the *Local Government Act 1996* ("the Act"), a Member must ensure they cannot be observed or overheard by any other person. If this cannot be

ensured, the Member must immediately seek the attention of the Presiding Member and advise they are leaving the meeting until they cannot be observed or overheard by any other person.

Suspension of Meeting Procedures

In each instance of an Electronic Meeting, or where a Member is authorised to attend a Meeting by electronic means, clause 8.1(2) of the *Shire of East Pilbara Meeting Procedures Local Law 2019*, which requires each Member to occupy their allotted position at each Council meeting, is suspended for the duration of the Meeting. The Suspension of Meeting Procedures is to be recorded in the Minutes.

Conflicts of Interest

Where a Member attending a Meeting by electronic means has disclosed an interest under Part 5, Division 6 of the Act, and are to leave the proceedings of the Meeting during the consideration of the relevant item, the Member must leave the Meeting (for example by exiting the videoconference or terminating the telephone call) so they cannot see nor hear any of the proceedings. This must be confirmed with Shire Officers by the Presiding Member before the Meeting will proceed further. Shire Officers will contact the Member at the conclusion of the item and invite them to resume their participation in the Meeting.

Loss of connectivity

In the event of a loss of connectivity with a Member attending a Meeting by electronic means, the times of the loss and resumption of connectivity is to be recorded in the Minutes.

Voting procedures

The Presiding Member at a Meeting with Members attending by electronic means, must call a roll of those Members to state whether they are 'for' or 'against' the motion under consideration.

Register of Attendance by Electronic Means

The Chief Executive Officer will maintain a Register of Attendance by Electronic Means, as part of the Register of Meeting Attendance, which is to be published on the Shire's website.

Authorisation Details

References:	<i>Local Government Act 1995</i> Regulations 14C, 14CA, 14D and 14E of the <i>Local Government (Administration) Regulations 1996</i>		
Authorised by:	Council		
Date:	28 April 2023	Item No.	11.1.2
Review/Amendment Date		Item No.	
Next Review	Following each Ordinary Election		
Responsible Directorate	Chief Executive Office		
Responsible Officer	Manager Governance, Risk and Governance		
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