

**Policy No: CP23**

**Reference: D-23-0003581**

**Policy Title: CONDUCTING ELECTRONIC MEETINGS AND ATTENDANCE BY ELECTRONIC MEANS POLICY**

**Objective:**

To establish a framework enabling electronic attendance at in-person meetings and for the conduct of meetings by electronic means.

The policy is to be read in conjunction with the *Local Government Act 1995* ('the Act') and the *Local Government (Administration) Act 1996, Regulations 14C, 14CA, 14D, and 14E*.

**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 [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.
- **Members** refers to a MRC Councillor and any other person appointed as a member of a committee under Section 5.10 of the Act.
- **Chair or Deputy Chair** refers to the MRC Chair or MRC Deputy
- **Council** refers the MRC Council
- **Committee** refers to the MRC Committees

**Policy Statement**

**1. Electronic Attendance at an In-Person Meeting [Administration Regulations 14C and 14CA]**

- (1) 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.
- (2) A request for electronic attendance at an in-person meeting:
  - a. Is to be provided to the Chair;
  - b. Where the Chair is unavailable to approve a request, the request is to be considered by Council (the request is to be moved, seconded and approved);
  - c. Where the Chair rejects a request, the requester may ask Council to re-consider the request; and
  - d. The Chair may refer their own request to the Deputy Chair, 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 Chair or Council (not the relevant committee).

- (3) Where a request **meets** the following criteria, approval will not be unreasonably withheld:
  - a. 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)];
  - b. 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 [Admin.r.14CA(5)]; and
- c. 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)].
- (4) Records of requests and decisions about requests must be retained:
- a. Where the Chair 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
- b. Where Council makes the decision, the decision must be recorded in the minutes [Admin.r.11(d)].
- (5) Subject to the member council chambers being able to accommodate use of their equipment, 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 Chair or during the meeting itself by Council for a Council meeting.

## **2. Conducting a Meeting by Electronic Means [Administration Regulation 14D and 14E]**

- (1) Ordinary 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 Chair 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 [Admin.r.14D(2)(a)(b)].
- (3) Where it is otherwise considered expedient or necessary (and there is no declared emergency), this policy allows for Special Council meetings and Committee meetings to be held by electronic means, subject to:
- a. The prescribed limitation is not exceeded on the number of electronic meetings allowed [Admin.r.14D(2A)];
- b. The CEO has been consulted, before the electronic means by which the meeting is to be held is determined by the Chair or Council resolution [Admin.r.14D(3)(4)];
- c. 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
- d. 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:
- a. published on the Local Government's Official webpage [Admin.r.12];
- b. provided in the Notice of Meeting/Agenda; and
- c. broadly promoted to ensure community awareness, such as website and noticeboard.

### 3. Participating in Meetings by Electronic Means

- (1) **Presiding at Meeting** – Where the Chair is approved to attend an in-person meeting by electronic means, the Chair may choose to defer to the Deputy Chair [acting under Section 5.34 of the Act] for the purpose of presiding at the meeting.
- (2) **Conduct** – Members are to be familiar with the Meeting Procedures 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 are not applicable to an electronic meeting environment, the Presiding Member may need to consider modification or suspension of the inconsistent subject provisions.
- (4) **Approved Electronic Means** - The approved electronic means is ZOOM
- (5) **Cameras** - MRC requests that Members cameras are operational for the duration of the meeting. Members must ensure that they are visible on screen at all times during the meeting. Member's visibility is crucial to assure members of the public that Council is fully engaged during the meeting. Members must indicate to the Chair if they are leaving or re-joining a meeting. The time a member leaves and re-joins a meeting will be reflected in the minutes.
- (6) **Location** – Members must confirm that the location from which they attend is safe, quiet, private, devoid of distractions, and where a meeting is closed to the public, a place where confidentiality can be maintained. Location requirements must be satisfied before authorisation is given to a Member to attend any meeting by electronic means.
- (7) **Equipment** – Equipment supplied by the respective Member Councils (ie IT devices such as laptop, tablets or phones) may be used to log into an electronic meeting. You may use either your Local Government electronic device supplied to you by your respective Member Council or your own personal device.
- (8) **Public Question Time** –Public Question Time will be advertised in the public notice, the MRC will invite public questions by email, and the cut off for public questions will be mid-day the day prior to the meeting.
- (9) **External Parties Participating in Council and Committee meetings** – Where external parties are invited to participate in Council or Committee meetings (such as auditor attending an electronic Audit and Risk Committee meeting/Council meeting), the External party participating in the meeting must have been approved to attend. Approval to attend is by authorisation, in the case of a committee meeting; the Chair of that Committee, or in the case of a Council meeting the Chair of the Council; or by Council resolution. The external meeting participant prior to attending the meeting must confirm they have met the electronic means, location and equipment suitability requirements of this policy, including maintaining confidentiality.
- (10) **Observers of Meetings held by Electronic Means** - Where Member Council CEOs and members of the Strategic Working Group are invited to attend an Electronic Council meeting, they may log into the meeting for the purposes of observing the meeting. Audio and Video must be turned off. Officers must display their name and the Member Council they represent. Officers will be required to confirm, prior to the meeting that they have met the electronic means, location and equipment suitability requirements of this policy, including maintaining confidentiality.

<b>Legislation</b>	Local Government Act 1995 s5.25 Local Government (Administration) Regulations 1996 regulations 14C, 14CA, 14D and 14E
<b>Responsible Officer</b>	Chief Executive Officer
<b>Council Meeting Date</b>	30 November 2023
<b>Creation date</b>	09 June 2023
<b>Next Review Date</b>	31 March 2023
<b>Revision History</b>	
<b>Delegation to the Chief Executive Officer</b>	Nil