

Electronic Attendance, Livestreaming and Recording of Council Meetings Policy

Policy Objective

To establish requirements for electronic attendance, electronic meetings, livestreaming and recording of Council and committee meetings.

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*, as amended from time to time.

Policy Scope

This policy applies to Ordinary and Special Council Meetings, Briefing Sessions and Committee Meetings.

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. 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 council member and any other person appointed as a member of a committee under Section 5.10 of the Act.

Meeting Procedures refers to the *Town of Bassendean Council Meeting Procedures Local Law 2020* (Meeting Procedures).

Policy Statement

- 1. Electronic Attendance Requests at an In-Person Meeting [Administration Regulations 14C and 14CA]**
 - 1.1. 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.
 - 1.2. A request for electronic attendance at an in-person meeting:

- 1.2.1. Is to be provided to the Mayor in writing, using the Attendance by Electronic Means and Declaration Form, by 12.00pm the day of the in-person meeting;
- 1.2.2. Where the Mayor is unavailable to approve a request, the request is to be considered by Council (the request is to be moved, seconded and approved);
- 1.2.3. Where the Mayor rejects a request, the requester may ask Council to reconsider the request; and
- 1.2.4. The Mayor may refer their own request to the Deputy Mayor, [acting under Section 5.34 of the Act]; 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 Mayor 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.

- 1.3. Where a request meets the following criteria, approval will not be unreasonably withheld:
 - 1.3.1. 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)];
 - 1.3.2. 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
 - 1.3.3. 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)].
- 1.4. Records of requests and decisions about requests must be retained:
 - 1.4.1. Where the Mayor makes the decision, the record is retained as a Local Government record (e.g. email communication) in accordance with the Town's Record Keeping Plan and protocols established by the CEO; and
 - 1.4.2. Where Council makes the decision, the decision must be recorded in the minutes [Admin.r.11(d)].
- 1.5. 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 Mayor or during the meeting itself by Council for a Council meeting.

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

- 2.1. Ordinary meetings will primarily be held as in-person meetings.
- 2.2. Where a declared public health or state of emergency, or associated directions, are in effect that prevent an in-person meeting being held, the Mayor or the Council can approve a meeting to be held by electronic means:
 - 2.2.1. 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)].
- 2.3. 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 [Admin.r.14D(2)(c)], subject to:
 - 2.3.1. The prescribed limitation is not exceeded on the number of electronic meetings allowed [Admin.r.14D(2A)];
 - 2.3.2. The CEO has been consulted, before the electronic means by which the meeting is to be held is determined by the Mayor or Council resolution [Admin.r.14D(3)(4)];
 - 2.3.3. 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
 - 2.3.4. Each Member has made a declaration prior to the meeting, or that part of the meeting, that is closed, that confidentiality 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.
- 2.4. Where a meeting is authorised to be held as an electronic meeting, the CEO must ensure details are:
 - 2.4.1. published on the Local Government's Official webpage [Admin.r.12];
 - 2.4.2. provided in the Notice of Meeting/Agenda; and
 - 2.4.3. broadly promoted to ensure community awareness, such as through social media, newsletters, on noticeboards, etc.

3. Participation Requirements in Meetings by Electronic Means

3.1. Presiding at Meeting

Where the Mayor is approved to attend an in-person meeting by electronic means, the Mayor may choose to defer to the Deputy Mayor [acting under Section 5.34 of the Act] for the purpose of presiding at the meeting.

3.2. Conduct

Members must comply with the Meeting Procedures and Code of Conduct, particularly in relation to confidentiality and appropriate conduct during electronic meetings.

3.3. Meeting Procedures

The Presiding Member may determine procedural matters where the Meeting Procedures do not adequately apply to electronic meetings.

3.4. Voting

To determine the votes, a member must show their hand, not use the 'raise hand' feature.

3.5. Location Requirements

Members must ensure the location from which they attend electronically is suitable to enable effective participation and maintain confidentiality for closed meetings.

3.6. Visual Presence

Members must maintain a continuous video connection for the duration of the meeting and notify the Presiding Member when entering or leaving the meeting. Video connection must be re-established upon return.

3.7. Consistent and Clear Connection

Members must make reasonable efforts to maintain a stable connection during meetings. If connection is lost, Members must notify the Presiding Member and CEO as soon as practicable.

Members must use the designated method (raise virtual hand) to request to speak and wait for the Presiding Member's invitation before speaking. The chat function is not to be used during meetings.

The Presiding Member is to record the time a Member leaves the meeting where connection is lost.

3.8. Public Question Time and Presentations

Members of the public are not permitted to attend meetings electronically. Members of the public may participate by submitting questions or statements in accordance with the Meeting Procedures.

Responses will be provided in accordance with the Meeting Procedures, and a summary of questions, statements and deputations will be included in the minutes.

The procedure for public question time and presentations is to be publicised with meeting details.

3.9. External Parties Participating in Closed Meetings

External parties invited to participate in a closed session of a committee or Council meeting must only attend by electronic means where:

- they have been approved by resolution of the meeting (or Council where required under the Act); and
- they comply with the electronic participation and confidentiality requirements of this policy.

For committee meetings, approval for an external party to participate in a closed session must be determined by Council where required under the *Local Government Act 1995* or applicable regulations.

3.10. Conflict of Interest

Where a Council Member has a financial or proximity conflict of interest, they must exit the meeting electronically during consideration of the relevant item and may reconnect for other items on the agenda.

4. Public Access, Livestreaming and Recording

- 4.1. Meetings open to the public will be livestreamed and recorded from commencement until adjournment or closure.
- 4.2. Any part of a meeting closed under section 5.23 of the *Local Government Act 1995*, or by resolution of Council, will not be livestreamed or made publicly available.
- 4.3. Recordings are provided for public information only and do not constitute the official record of the meeting.
- 4.4. Recordings of Council meetings are provided for public information and must not be altered, edited or used to create a misleading representation of the proceedings.
- 4.5. Recordings will be retained in accordance with the Town's Record Keeping Plan, the *State Records Act 2000*.

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