

# Electronic Attendance Policy

<b>Responsible Division</b>	Office of the Chief Executive Officer
<b>Responsible Business Unit</b>	Governance and Organisational Development and Planning
<b>Responsible Officer</b>	Manager Governance and Organisational Development and Planning
<b>Affected Business Units</b>	Governance and Organisational Development and Planning
<b>ECM Document Set ID</b>	4457890

## Purpose

This Policy establishes parameters for requests for electronic attendance at meetings and the expectations of Council and Committee members attending meetings electronically in relation to equipment and location.

## Scope

This Policy applies to electronic attendance at Ordinary Council Meetings, Special Council Meetings and Committee Meetings for Elected Members, Independent Members of Committees and City Officers who are members of Committees.

This policy also applies to Elected Member attendance at Agenda Briefing Forums, Council Briefing Sessions and Council Workshops.

## Definitions

For the purpose of this policy —

**Briefing** means a briefing session of Council as listed in the City of Bayswater Notice of Meetings or an Agenda Briefing Forum for an Ordinary Council Meeting.

**Meeting** means an Ordinary Council Meeting, Special Council Meeting, or Committee Meeting (including the Audit and Risk Management Committee) of the City of Bayswater.

**Natural Disaster** includes fire, flood, lightning, movement of land and storm.

**Relevant period** means the period of 12 months ending on the day on which the proposed meeting is to be held.

**Regulation** means a regulation from the *Local Government (Administration) Regulations 1996*.

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**Workshop** means an informal workshop of Council as listed in the City of Bayswater Notice of Meetings

## Policy Statement

### Meetings Held by Electronic Means

1. Meetings may be held by electronic means in accordance with Regulation 14D(2).  
*“(2) A meeting may be held by electronic means —*
  - (a) if —*
    - (i) a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and*
    - (ii) the mayor, president or council considers it appropriate for the meeting to be held by electronic means because of the public health emergency or state of emergency and having regard to the matters in subregulation (2B);*
  - or*
  - (b) if —*
    - (i) a direction is issued under the Public Health Act 2016 or the Emergency Management Act 2005 that prevents the meeting from being held in person; and*
    - (ii) the mayor, president or council authorises the meeting to be held by electronic means;*  
*or*
  - (c) if the council otherwise authorises the meeting to be held by electronic means.”*
2. Under the Regulations, Council cannot authorise a meeting to be held under subregulation (2)(c) if holding the proposed meeting under that authorisation would result in more than half of the meetings (including the proposed meeting) of the council or committee, in the relevant period, being held under an authorisation under subregulation (2)(C).
3. Council must have regard to whether the location from which each member attends the meeting via electronic means and the equipment the member intends to use to attend the meeting are deemed suitable for the member to be able to effectively engage in deliberations and communications during the meeting. Suitable locations and equipment are designated by the provisions of this Policy.

### Requests for Electronic Attendance at Meetings

4. Requests for electronic attendance at meetings must be made in accordance with Regulation 14C(2):  
*“(2) A member of a council or committee may attend a meeting by electronic means —*
  - (a) if —*
    - (i) a public health emergency or state of emergency exists or a natural disaster has occurred; and*
    - (ii) because of the public health emergency, state of emergency or natural disaster, the member is unable, or considers it inappropriate, to be present in person at the meeting; and*

*(iii) the member is authorised to attend the meeting by electronic means by the mayor, president or council;*

*or*

*(b) if the member is otherwise authorised to attend the meeting by electronic means by the mayor, president or council."*

5. Requests for electronic attendance at briefings and workshops are not legislated, however are covered by this Policy. If a member intends to attend an unlegislated meeting such as a briefing or workshop electronically, they do not need to ask for permission, but should advise [governance@bayswater.wa.gov.au](mailto:governance@bayswater.wa.gov.au) at their earliest convenience to ensure the appropriate videoconferencing equipment is made available and tested prior to the meeting.
6. Requests for electronic attendance should be made preferably two business days prior to the meeting, briefing or workshop for which electronic attendance is being requested.
7. All requests for electronic attendance should specify the location from which the member wishes to attend the meeting and the equipment the member intends to use to attend the meeting.
8. Requests for electronic attendance at Ordinary Council Meetings are to be made by email to the Mayor and copied in to [governance@bayswater.wa.gov.au](mailto:governance@bayswater.wa.gov.au); and the CEO.
9. Requests for electronic attendance at Committee Meetings are to be made by email to the Mayor and copied in to the Committee Chairperson, [governance@bayswater.wa.gov.au](mailto:governance@bayswater.wa.gov.au); and the CEO.
10. Approval to attend a meeting electronically will be provided via return email from the Mayor, with a copy sent to all parties included on the original email request.
11. Should the application for electronic attendance at a meeting meet the requirements for approval as specified in this policy, and approval for electronic attendance is denied by the Mayor, the member may seek approval of the Council.
12. All requests for approval of electronic attendance by Council must be submitted to the Chief Executive Officer, and copied to [governance@bayswater.wa.gov.au](mailto:governance@bayswater.wa.gov.au) preferably 10 clear business days ahead of the meeting at which the request is to be made.
13. A matrix can be found in Appendix 1 to this Policy, to assist with making requests for electronic attendance at meetings.

## **Requirements for Approval**

14. There is no limit to the number of meetings that can be attended electronically due to a public health emergency, state of emergency or a natural disaster (regulation 14(2)(a)).
15. For Ordinary Council Meetings, Special Council Meetings and Committee Meetings, the member's electronic attendance at the proposed meeting under r14(2)(b) of the Regulations must not result in the member attending more than half of the meetings (including the proposed meeting) of the Council or Committee in the relevant period under an authorisation under r14(2)(b) of the Regulations. This cap does not apply to a member who is a person with a disability as defined in s3 of the *Disability Services Act 1993*.

16. There is no cap on electronic attendance for Agenda Briefing Forums, briefings and workshops, however physical presence is encouraged, particularly for meetings that require a high level of collaboration and involvement.
17. The City's Governance team will record electronic attendance on the Attendance register and will advise the Mayor or Council if the requester is eligible for electronic attendance based on the percentage of meetings the person has attended electronically under Regulation 14C(2)(b).
18. In approving the request, the Mayor or Council must have regard to whether the location from which the member wishes to attend the meeting and the equipment the member intends to use to attend the meeting are deemed suitable for the member to be able to effectively engage in deliberations and communications during the meeting, in line with the provisions of this Policy.

### **Suitable Locations**

19. Locations within Australia and its Territories are considered to be suitable for electronic attendance.
20. Due to increased cyber security risks with overseas communications networks, attendance from international locations will not be approved.
21. The location from which the member attends must be indoors, quiet and private.
22. If other people are present at the location at the time of the meeting, the member must be able to close a door in order or take other measures required to minimise noise and maintain privacy.

### **Electronic Means**

23. The electronic means for all electronic meetings will be set up by City officers using a software or web-based application approved for use by the City.
24. City Officers will include the details of how to connect to all meetings electronically on the Outlook calendar invite for that meeting.

### **Suitable Networks and Equipment**

25. Members attending meetings electronically must connect through a suitable network and using suitable equipment.
25. Suitable networks include private home internet and WIFI, or a mobile hotspot from a trusted personal mobile device.
27. Due to increased cyber security risks, public WIFI is not considered to be a suitable connection for electronic attendance (this includes connections at cafes, airports, hotels and restaurants).
28. Suitable equipment for attending electronic meetings includes City provided devices (e.g. tablet or laptop) or a personal computer or laptop with a video camera. Mobile phones are not considered to be suitable for attending meetings electronically.
29. It is recommended that remote participants use fully charged headphones with at least 6 hours talk-time during the meeting.

## Maintaining Confidentiality During the Meeting

30. If the meeting or part of the meeting for which a member is attending electronically is to be closed to the public, the member must make a declaration that they can maintain confidentiality during the meeting or the closed part of the meeting (as the case requires).
31. This declaration must be recorded in the minutes of the meeting and should be worded as follows:
 

*“I [Member Name], declare that I am able to maintain confidentiality during the closed part of this meeting. If I am no longer able to maintain confidentiality, I will excuse myself from the meeting.”*
32. Should the member make the above declaration and subsequently cannot maintain confidentiality, they must leave the meeting or the closed part of the meeting.
33. The declaration is to be made before the meeting goes behind closed doors.
34. Clauses 30. to 33. of this Policy apply to all attendees of meetings where the entire meeting is held by electronic means.

## Related Legislation

*Disability Services Act 1993, s3.*

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996, r.14C-r14E.*

## Related Documentation

Nil.

## Document details

<b>Relevant delegations</b>	Nil
<b>Risk evaluation</b>	Moderate
<b>Strategic link</b>	Communicate in a clear and transparent way.
<b>Council adoption</b>	28 March 2023 <b>Resolution</b> 10.6.4.2
<b>Next review due</b>	March 2025

Appendix 1

Matrix for Making Requests to Attend Meetings Electronically

No request is required to attend Agenda Briefing Forums, Council Briefings, and Council Workshops electronically, however please advise [governance@bayswater.wa.gov.au](mailto:governance@bayswater.wa.gov.au) at your earliest convenience if you intend to attend electronically.

<b>The request for electronic attendance is due to a Public Health Emergency, State of Emergency or Natural Disaster</b>				
<b>Circumstance</b>	<b>Type of Meeting</b>	<b>Request Approval From</b>	<b>Copy In</b>	<b>50% Cap Applies?</b>
Initial request	Ordinary Council Meeting, Special Council Meeting	Mayor	CEO, <a href="#">Governance</a>	No
Initial request	Committee Meeting	Mayor	Committee Chairperson, CEO, <a href="#">Governance</a>	No
Application for electronic attendance has been denied by Mayor but meets the requirements for approval as specified in this policy	Ordinary Council Meeting, Special Council Meeting	Council. Send request to CEO at least 10 business days clear of the Council meeting at which the request is to be made.	<a href="#">Governance</a>	No

<b>The request for electronic attendance is <u>NOT</u> due to a Public Health Emergency, State of Emergency or Natural Disaster</b>				
<b>Circumstance</b>	<b>Type of Meeting</b>	<b>Request Approval From</b>	<b>Copy In</b>	<b>50% Cap Applies?</b>
Initial request	Ordinary Council Meeting, Special Council Meeting	Mayor	CEO, <a href="#">Governance</a>	Yes
Initial request	Committee Meeting	Mayor	Committee Chairperson, CEO, <a href="#">Governance</a>	Yes
Application for electronic attendance has been denied by Mayor but meets the requirements for approval as specified in this policy	Ordinary Council Meeting, Special Council Meeting	Council. Send request to CEO at least 10 business days clear of the Council meeting at which the request is to be made.	<a href="#">Governance</a>	Yes