

2.3 CONDUCTING ELECTRONIC MEETINGS AND ATTENDANCE BY ELECTRONIC MEANS

Responsible Directorate	Corporate Services	
Responsible Service Area	Governance	
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Local Law Ref	<i>Meeting Procedures Local Law 2015</i>	
Procedure Ref	N/A	

1. PURPOSE

To provide a clear framework for conducting electronic meetings and approving electronic attendance by Council Members, ensuring compliance with the *Local Government Act 1995*, associated regulations, and recent legislative reforms. This policy also ensures compliance with s.5.23A of the *Local Government Act 1995* and Part 2A of the *Administration Regulations* for livestreaming and recording requirements.

The Shire of Mundaring supports electronic attendance and meetings where:

- a) It enhances accessibility and continuity of governance.
- b) It complies with statutory requirements for transparency and public participation.

2. SCOPE

This policy applies to:

- a) Ordinary and Special Council Meetings
- b) Committee Meetings

under s.5.25(1)(ba) of the *Local Government Act 1995* and includes obligations for livestreaming and public access.

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

4. POLICY

4.1. Electronic Attendance at an In-Person Meeting (Regulations 14C and 14CA)

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:

- a. Is to be provided to the Shire President in writing by 12.00pm the day of the in-person meeting the member is applying to attend by electronic means;
- b. Where the Shire President 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 Shire President rejects a request, the requester may ask Council to re-consider the request; and
- d. The Shire President may refer their own request to the Deputy Shire President (acting under Section 5.34 of the Act); or alternatively, may refer the request to Council for decision.

Whilst the use of the Attendance by Electronic Means and Declaration Form (Appendix 1) is encouraged, requests may be submitted in any written format.

Note: for committees, a request for electronic attendance to an in-person committee meeting can only be approved by the Shire 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:

- 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 (regulation 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 (regulation 14CA(5)); and

- c. The approval does not exceed prescribed limitations for the number of meetings attended by that member by electronic means (more than half of the meetings of the council or committee for the preceeding 12 months, refer to regulation 14C(3) and regulation 14C(4)).

Records of requests and decisions about requests must be retained:

- a. Where the Shire President makes the decision, the record is retained in accordance with the Shire's Record Keeping Plan; and
- b. Where Council makes the decision, the decision must be recorded in the minutes and recorded in an annual register.

4.2. Conducting a Meeting by Electronic Means (Regulations 14D and 14E)

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 Shire 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 (regulation 14D(2)(a)(b)).

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 (regulation 14D(2)(c)), subject to:

- a. The prescribed limitation is not exceeded on the number of electronic meetings allowed (more than half of the meetings of the council or committee for the preceeding 12 months, refer to regulation 14D(2A));
- b. The CEO has been consulted, before the electronic means by which the meeting is to be held is determined by the Shire President or Council resolution (regulation 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 confidentiality can be maintained (regulation 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.

Whilst the use of the Attendance by Electronic Means and Declaration Form (Appendix 1) is encouraged, declarations may be submitted in any written format.

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

- a. published on the Shires's Official website (regulation 12);
- b. provided in the Notice of Meeting/Agenda; and
- c. broadly promoted to ensure community awareness, including through social media, newsletters, on noticeboards, etc.
- d. Public access must be maintained via livestreaming and question time provisions.

Where the meeting must be 'open to members of the public', then the council or committee must '*publicly broadcast the meeting on a website or the meeting or a broadcast of the meeting is otherwise accessible to the public*' (regulation.14E(3A)(b)).

All meetings must be livestreamed and recorded; recordings retained for 5 years and published on the Shire website within 14 business days. CEO to ensure technology supports livestreaming and recording compliance

4.3. Participating in Meetings by Electronic Means

The Shire has implemented technologies to facilitate electronic attendance at in-person meetings and / or electronic meetings.

4.3.1. Presiding at Meeting

Any person presiding at an in-person meeting is not to attend by electronic means. Where the Shire President is approved to attend an in-person meeting by electronic means, the Shire President is to defer to the Deputy Shire President (acting under Section 5.34 of the Act) for the purpose of presiding at the meeting. Where the presiding person is approved to attend an in-person meeting by electronic means, the presiding person is to defer to the deputy presiding person for the purpose of presiding at the meeting.

4.3.2. Conduct

Members are to be familiar with *Meeting Procedures Local Law 2015* and the requirements of the Code of Conduct for Council Members, Committee Members and Candidates, in particular, protecting confidential information and appropriate communication practices, when participating in a meeting by electronic means.

4.3.3. Meeting Procedures

Where provisions of the *Meeting Procedures Local Law 2015* are not applicable to an electronic meeting environment, the Presiding Member may need to consider modification or suspension of the inconsistent subject provisions.

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

4.3.4. Location

Members must confirm in writing that the location from which they attend is safe, secure, 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.

At the meeting during the record of attendance, the Presiding Member is to confirm the authorisation and note that the location at which the member is located complies with this policy.

4.3.5. Equipment

A visual presence is to be maintained for the duration of the meeting (i.e. a video connection). During the course of a meeting, a member must not enter or leave the meeting without first informing the Presiding Member in order to facilitate the recording in the minutes of the time of entry or departure. When leaving the meeting, the member may disable their video connection and shall re-establish video connection when they return to the meeting.

Members are to make best efforts to maintain a consistent connection when attending by electronic means. If the connection is unable to be maintained (e.g. technical fault) the member is to note the time and advise the Presiding Member and CEO by alternate means as soon as practicable. The minutes are to reflect the time at which the member left the meeting.

To minimise disturbances (e.g. echoing or feedback) members are to mute their microphone unless they are invited to speak by the Presiding Member.

A member is to indicate a request to speak by using the 'raise hand' feature and wait to be invited to speak by the Presiding Member. On the commencement of speaking, the member is to 'lower hand'.

The chat function is not to be used during electronic meetings.

4.3.6. Public Question Time and Presentations

Members of the public are not able to attend meetings by electronic means.

Where a meeting is held by electronic means members of the public may participate in the meeting by submitting questions for public question time or presentations (deputations, petitions and presentations) in writing 2 business days prior to the meeting.

Questions and presentations are to be received in accordance with the *Meeting Procedures Local Law 2015* and this policy.

The Presiding Member will read out the question or presentation. Consistent with the *Meeting Procedures Local Law 2015* a

response may be provided, the question taken on notice or a petition or presentation may be accepted.

Details of the question or presentation and the response will be included in the minutes.

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

4.3.7. 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), they are to first confirm in writing they have met the electronic means, location and equipment suitability requirements of this policy, including maintaining confidentiality.

Whilst the use of the Attendance by Electronic Means and Declaration Form (Appendix 1) is encouraged, declarations may be submitted in any written format.

At the meeting during the record of attendance, the Presiding Member is to confirm the authorisation and note that the location at which the member is located complies with this policy. For clarity, these provisions do not apply to participation in public question time or presentations.

4.3.8. Conflict of Interest

Where a Council member has a financial/proximity conflict of interest, they must exit the meeting electronically during the discussion of the item or matter in which the conflict relates too and can reconnect to the meeting for other items on the agenda.

5. APPENDICES

Appendix 1 - Attendance by Electronic Means and Declaration Form

6. RELATED LEGISLATION

s.5.23A Local Government Act 1995

Local Government (Administration) Regulations 1996, regulations 14C, 14CA, 14D and 14E

7. RELATED DOCUMENTS

Code of Conduct for Council Members, Committee Members and Candidates Policy

Livestreaming and Recording of Meetings Policy