

INTERIM PROCEDURES FOR ATTENDANCE BY COUNCILLORS AT MEETINGS BY AUDIO-VISUAL LINK



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Related Document Information, Standards & References

Related Legislation:	Local Government Act 1993 Local Government (General) Regulation 2005	Chapter 4 – Part 1 Chapter 12 – Parts 1 & 2 Part 10
Related Policies (Council & Internal)	Code of Meeting Practice Code of Conduct	
Related Documents - Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements, etc	N/A	
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1	TBA		Manager Governance & Corporate Strategy	Creation of procedure document as a result of amendments to the Local Government (General) Regulation 2005.

BACKGROUND

On 31 March 2021 the Local Government (General) Regulation 2005 was amended to remove the requirement under the Code of Meeting Practice for councillors to be personally present at meetings. The amendment expires on 31 December 2021.

The Office of Local Government has advised that councils are not required to amend their codes of meeting practice to allow councillors to attend meetings remotely by audio-visual link while the Regulation amendment is in force but should adopt procedures governing attendance by councillors at meetings by audio-visual link to supplement their codes of meeting practice.

WHAT IS AN "AUDIO VISUAL LINK"

- For the purposes of these procedures, an audio-visual link is a facility that enables audio and visual communication between persons at different places.

APPROVAL FOR COUNCILLORS TO ATTEND MEETINGS BY AUDIO VISUAL LINK

- Councillors may attend meetings of the council or committees of the council comprising wholly of councillors, remotely by audio-visual link.
- Councillors must notify the General Manager of their intention to attend a meeting remotely by audio-visual link no later than 2.00 pm on the day of the meeting, to allow time to set up the remote technology and arrange staffing.
- Where a councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or comply with the council's code of meeting practice on one or more previous occasions when they have attended a meeting of the council or its committees by audio-visual link, that councillor's entitlement to attend meetings remotely may be revoked by resolution.

ATTENDANCE BY COUNCILLORS AT MEETINGS BY AUDIO VISUAL LINK

- Where a councillor attends a meeting by audio-visual link they are to be taken as attending the meeting in person for the purposes of the council's code of meeting practice and will have the same voting rights as if they were attending the meeting in person.
- The council's code of meeting practice will apply to a councillor attending a meeting remotely by audio-visual link, in the same way it would if the councillor was attending the meeting in person.
- Councillors must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link.
- Councillors must be appropriately dressed when attending meetings by audio-visual link and must ensure that no items are within sight of the meeting that are

inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

- Councillors who are not visible, not able to hear or not able to be heard when attending a meeting by audio-visual link, whether for technical or other reasons, will be taken not to be present at the meeting and may not speak on matters nor vote until the issue is rectified.
- If remote audio-visual technology is not available at a meeting for technical or other reasons, subject to quorum requirements the meeting will proceed and councillors seeking to attend remotely will be treated as absent and granted an apology.
- Where a councillor attends a meeting of the council or a committee of the council by audio-visual link, the minutes of the meeting must record that they attended the meeting by audio-visual link.

CONFLICTS OF INTEREST

- Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct.
- Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be managed by Council staff such that the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

CONFIDENTIALITY

- Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting has been closed to the public under section 10A of the *Local Government Act 1993*.

MAINTENANCE OF ORDER

- Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with the council's code of meeting practice.
- If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.