

## 5.5 ELECTRONIC ATTENDANCE OF COUNCILLORS AT COUNCIL MEETINGS

Responsible Senior Officer: Jarrod Doake – Chief Operating Officer

### **RECOMMENDATION**

*That:*

- 1) *Community Consultation be undertaken during the first two weeks of August 2022 on proposed amendments to the Governance Rules relating to the electronic attendance of Councillors at Council meetings as outlined in this report; and*
- 2) *A Committee of the whole Council be appointed by Council to consider submissions received on proposed amendments to the Governance Rules, and to hear any submitters requesting in writing to be heard in support of their submission, in the Council Chamber at 6.30pm on Tuesday 16 August 2022.*

### **INTRODUCTION**

A key learning during the Covid-19 pandemic has been that there are significant advantages to allowing Councillors to attend Council meetings electronically if they so choose. Councillors have very busy lives juggling commitments relating to work, family, and their role as elected representatives. The option of attending Council meetings electronically has allowed Councillors to better balance these commitments. More broadly, electronic attendance at meetings is now widely accepted across the community for its advantages relating to efficiency, environmental sustainability, and promoting access. While the Covid-19 pandemic has been a difficult time for all members of the community, one positive has been the learning that Council meetings can be held effectively and efficiently with those Councillors who choose to do so attending electronically.

### **DISCUSSION**

Council's *Governance Rules* do not currently explicitly address the issue of virtual attendance. Historically, it was assumed that attendance meant being at the meeting in person. However, community expectations have changed markedly during the Covid-19 pandemic and electronic attendance at a wide range of meetings is now widely accepted.

The State government has made it possible, through legislation and a Ministerial Good Practice Guide, for Councillors to attend Council meetings electronically during the Covid-19 pandemic. The current arrangements cease on 1 September 2022. From 2 September 2022 onwards, electronic attendance at Council meetings will be governed by amendments to the *Local Government Act 2020*.

The amendments require changes to Council's *Governance Rules*. There are two key aspects to these changes:

1. Clarification that "meeting" in the *Governance Rules* includes the situation where some Councillors are attending electronically; and
2. Inclusion of a process whereby Councillors request and are given approval to attend electronically.

It is proposed that the following potential amendments to Council's *Governance Rules* be the subject of community engagement.

To address point 1 above, it is proposed that the definition of "Meeting" on page 4 of the *Governance Rules* be amended to read:

**"Meeting"** means a meeting of Council, a Delegated Committee or a Community Asset Committee, as the case requires (whether held as face-to-face attendance in a set location, via electronic means (virtual) or in a hybrid format that mixes in-person and electronic attendance), but excludes an Informal Councillor Meeting.

The words added to the above amended definition of "Meeting" are "(whether held as face-to-face attendance in a set location, via electronic means (virtual) or in a hybrid format that mixes in-person and electronic attendance)". This proposed amendment draws on guidance circulated by the State government.

In addressing point 2 above, it is important to reiterate that electronic attendance at meetings is now widely accepted and, in the case of Councillors, has allowed them to better balance their work, family, and elected representative commitments. As a result, the option of attending electronically has enhanced their ability to perform their role as Councillors. Given these benefits, it is believed that individual Councillors should be given the right to decide if their attendance by electronic means (virtual) is appropriate in the case of a specific Council meeting.

Therefore it is proposed that the *Governance Rules* be amended to specify that Council's default position is that Councillors have the option of attending Council meetings by electronic meetings as of right, unless Council resolves that a forthcoming meeting will be by in-person attendance only. Should this occur, a Councillor may seek permission to attend via electronic means. Such a request is to be in writing and must be received 24 hours prior to the meeting. Council will resolve on such a request as a matter of urgency at the meeting and the Councillor will be advised of the outcome.

It is proposed that the following text be added to Rule 43 (Attendance at Meetings) of the *Governance Rules*:

- (c) Council's default position is that Councillors have the option of electronic attendance at Meetings as of right unless Council resolves otherwise;
- (d) If Council resolves that a meeting is to be held wholly by face-to-face in person attendance, a Councillor may make application to attend electronically, and such an application must be in writing and be received by the CEO at least 24 hours prior to the scheduled meeting time; and
- (e) Any application under rule 43(e) of these rules must be considered by Council as a matter of urgency at the meeting in question and approval must not be unreasonably denied.

A marked up version of the *Governance Rules* is provided as an Attachment to this report.

Council will be conducting a more substantive review of its Governance Rule shortly and this may result in further amendments relating to electronic attendance at Council meetings.

#### ***POLICY IMPLICATIONS***

A minor change to Council's *Governance Rules* is required.

#### ***CONSULTATION***

Under the governing legislation, changes to Council's *Governance Rules* require community engagement. This will be undertaken via Shape Monash during the first two weeks of August 2022. The results will be reported to a Committee of the whole Council to be held in the Council Chambers at 6.30pm on 16 August 2022.

#### ***SOCIAL IMPLICATIONS***

There are no negative social implications arising from this proposal.

#### ***HUMAN RIGHTS CONSIDERATIONS***

There are no negative impacts on the 20 substantive rights included in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

#### ***GENDER IMPACT ASSESSMENT***

This is a minor change to the *Governance Rules* and is not considered to have a direct and significant impact on the Monash community. Therefore, a Gender Impact Assessment has not been undertaken. However, it should be noted that, by making it easier for Councillors to balance their, work, family, and elected representative commitments, any negative gendered impacts of being a Councillor are likely to be minimised.

***FINANCIAL IMPLICATIONS***

There are no significant financial implications.

***CONCLUSION***

Subject to community engagement and a final decision by Council, the proposed amendments to the *Governance Rules* are an effective and efficient way of continuing the substantial benefits of providing Councillors with the option of attending Council meetings electronically.