

#### 4.5 GOVERNANCE RULES: ELECTRONIC ATTENDANCE OF COUNCILLORS AT COUNCIL MEETINGS

Responsible Director: Jarrod Doake

##### **RECOMMENDATION**

*That Council's Governance Rules be amended as outlined in this report.*

##### **INTRODUCTION**

Council considered a report on proposed changes to its *Governance Rules* to address the issue of electronic attendance of Councillors at Council meetings at its 26 July 2022 meeting.

Council resolved to conduct community consultation and that the results would be considered by a Committee of Councillors on 16 August 2022.

The Committee considered the results of the consultation and resolved that proposed changes be reported to the 30 August 2022 Council meeting.

##### **DISCUSSION**

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.

The proposed changes following Committee consideration are as follows.

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, unless the 24 hour notice period is not practicable. 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, unless the circumstances are such that it is not practicable to provide 24 hours’ notice.
- (e) Any application under rule 43(d) 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 proposed amended *Governance Rules* is provided as an Attachment to this report.

Council will be conducting a more substantive review of its *Governance Rules* 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***

Consultation was undertaken via Shape Monash and the results considered by a Committee of Councillors 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***

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.