Virtual meeting participation

Consultation paper

Policy proposal

It is proposed to permanently allow councils and regional libraries to conduct meetings virtually.

Background

In response to the COVID-19 pandemic, temporary provisions were inserted in Part 12 of the *Local Government Act 2020* to allow councils and regional libraries to meet by virtual means. These provisions were subsequently extended twice by Parliament and have an automatic expiry date of 26 April 2022.

Some councils have called for virtual participation at meetings to become a permanent option, having experienced the flexibility these temporary provisions have provided.

Rationale

Providing flexibility in how people participate in council meetings creates genuine opportunity and access for all people to be councillors, allowing for a diverse and truly representative council. As the level of government closest to communities, it's vital councils reflect all the people they serve.

The Victorian Government's Gender Equality Strategy, Safe and Strong, sets a target of 50/50 gender representation for councillors and mayors by 2025. Enabling virtual participation in council meetings may encourage more women to take up local leadership roles by providing them with the flexibility to accommodate their other responsibilities.

It is well known that diverse and inclusive decision-making bodies make better decisions. The new Gender Equality and Local Government Acts, passed into law earlier this year, put gender equality, diversity and inclusion as a key priority for councils and their staff.

In addition to promoting gender equality, flexibility in how people can attend and participate in meetings will enable greater access for members who may have other barriers that prevent regular attendance in person at a meeting. These barriers could include health issues, caring responsibilities or long distances to travel.

Details of the policy proposal

Policy options

Three options are suggested:

Option 1: Councillors, members of council delegated committees, and members of governing bodies of Regional Library Corporations (RLC) would have an automatic right or entitlement to attend meetings by electronic means.

OR

Option 2: Councillors, members of council delegated committees, and members of governing bodies of RLCs can attend meetings by electronic means subject to approval (in accordance with the relevant Governance Rules, or Local Laws in the case of RLCs), which cannot be unreasonably refused.

OR

Option 3: Discontinue the use of council and RLC virtual meetings when the current emergency provisions in Part 12 of the *Local Government Act 2020* expire on 27 April 2022.

Features of options 1 and 2

The following regulatory measures would apply to both options 1 and 2:

- To ensure transparency of proceedings and effective participation, participation by electronic means is only allowed where the person can –
  o hear proceedings and be heard.
  o see other members and be seen.
- Councils and RLCs must develop Governance Rules (or Local Laws in the case of RLCs) which will enable persons to participate in meetings virtually by electronic means.
- All council meetings must be streamed live on the council's website.
- All delegated committee meetings must be either streamed live on the council's website, or recordings of the meeting made available on the council's website as soon as practicable after the meeting. Note, this does not apply to RLCs as their meetings are not open to the public.
- Proceedings of a council, delegated committee or RLC are not invalidated because of a failure by a virtual participant in a meeting to:
  o hear proceedings and be heard, and / or
  o to see other members and be seen.

Analysis of policy proposal

For discussion purposes, the table below suggests the strengths and limitations of virtual participation at council, delegated committee and regional library corporation meetings. It is not an exhaustive list.

Strengths	• Promotes gender equality and inclusiveness. • Provides greater flexibility and participation for members. • Allows attendance for those who, for example, are unwell, have caring responsibilities or travel long distances. • May lead to more people being attracted to the council role, creating a more diverse pool of candidates. • Increase public accessibility to meetings in real time. • Increased community engagement with the business of council. • Potential cost savings. • Potential for more orderly debate of council decisions. • Potential for more respectful meeting behaviour.
Limitations	• Complexity of managing hybrid attendance at meetings. • Unanticipated changes to traditional democratic decision-making processes involving face-to-face debate. • Potentially reduce engagement with and representation of constituents. • Potential impact on carer entitlements.

Option 1 has an advantage in having consistent application across all councils, with guaranteed right for members to attend virtually for any reason.

Option 2 leaves councils and RLCs in control in deciding the circumstances in which virtual attendance will be permitted, in similar way that councils have discretion in regulating their own meeting proceedings under their Governance Rules (or Local Laws in the case of RLCs). This may lead to different councils applying different rules with regard to such participation.

Option 3 reverts to the status quo.

Consultation questions

1. What observations do you have about your experiences of virtual participation in meetings? [Open text response]
2. Which option outlined above is your preferred option? [Multiple choice: Option 1, Option 2, Option 3]
3. What would enable virtual meetings to happen successfully in a council? [Open text response]

4. Besides the measures listed above, should there be any additional regulatory measures to address the limitations or issues that may arise with the implementation of virtual meetings? [Open text response]