

## Informal Gatherings Policy

Strategic Reference	Objective 1: A caring, healthy & resilient community. Strategy 1.7: Achieve or implement the statutory and core responsibilities of Council.
File reference	AR19/836
Responsibility	Office of the CEO
Revision Number	2
Effective date	16 November 2016
Last revised date	February 2019
Minutes reference	046/19, 247/16
Next review date	Within six (6) months of the next periodic election, February 2022
Applicable Legislation	Local Government Act 1999, Section 90(8a) & (8b) Local Government (General) Regulations 2016, Regulation 8AB
Related Policies	Code of Practice for Access to Meetings of Council and Committees and Council Documents Code of Practice for Proceedings of Council and Committee Meetings
Related Documents	Council Meeting Procedures Handbook 2013 (with amendments 2015) LGA (SA)

### 1. Objective

Informal gatherings provide a valuable opportunity to enhance Council decision-making processes by providing opportunities for Council members to become better informed on issues and seek further clarification. Informal gatherings, however, should not be used, or be seen to be used, as a replacement for full debate and decision-making at Council meetings or Council committee meetings. Open and transparent Council meetings and Council committee meetings underpin representative democracy and ensure public confidence in Council's decision-making processes.

The policy aims to ensure that the statutory requirements for openness and transparency in Council decision-making are observed; while providing an opportunity for confidential discussions among Council members where this is warranted by the nature of the gathering or subject matter to be discussed.

### 2. Scope

This policy applies to informal gatherings of the Council or a Council committee, including designated informal gatherings or discussions.

An 'informal gathering' is a gathering or discussion to which all Council Members or Council Committee Members (as the case may be) are invited.

The *Local Government (General) Regulations 2013* defines a 'designated informal gathering or discussion' as:

*An event organised and conducted by or on behalf of the council or chief executive officer to which members of the council or council committee (as the case may be) have been invited and that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the council or council committee.*

An informal gathering which does **not** involve discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council committee, is not a 'designated informal gathering or discussion'.

### 3. Purpose

#### **Purpose of Informal Gatherings or Discussions**

Section 90(8) of the *Local Government Act* allows informal gatherings or discussions to be held provided that the gathering or discussion does not obtain, or effectively obtain, a decision on a matter outside a formally constituted meeting of the Council or Council committee.

The *Local Government Act* sets out the following examples of informal gatherings or discussions:

- Planning sessions associated with the development of policies or strategies
- Briefing or training sessions
- Workshops
- Social gatherings to encourage informal communication between Council Members or between Council Members and staff.

Informal gatherings of Council Members or Council committee members (either with or without Council staff) are, by their nature, non-compulsory. However, all Council Members and Council committee members are encouraged to attend relevant informal gatherings, particularly where the informal gathering or discussion is intended to provide history, context or additional information to Council members or Council committee members.

#### **Purpose of Designated Informal Gatherings or Discussions**

Designated informal gatherings or discussions may be used to:

- Discuss issues that involve strategy or policy or other matters of Council administration
- Brief Council members or Council committee members on issues relating to their functions.

Designated informal gatherings and discussions will be used solely for the purpose of information sharing and not for the purpose of determining, or effectively determining, matters which should be determined at a formally constituted meeting of the Council or Council committee.

#### **4. Informal Gatherings Proceedings**

##### **Designated Informal Gatherings or Discussions to be open to the Public, except in Special Circumstances**

Designated informal gatherings or discussions will be held at a place open to the public, except where the designated informal gathering or discussion has been declared by the Council or Chief Executive Officer to be a 'confidential informal discussion'.

The Council or Chief Executive Officer may, on a case-by-case basis, declare a designated informal gathering or discussion to be a 'confidential informal discussion' where the designated informal gathering or discussion is either:

- (i) A planning session of a general or strategic nature; or
- (ii) Is a briefing session relating to information or a matter of a confidential nature within the ambit of section 90(3) of the *Local Government Act* (see Attachment 1).

An informal gathering or discussion of the Council or a Council committee which is not a designated gathering or discussion will not be open to the public, unless otherwise determined by the Council or Chief Executive Officer.

##### **Procedures applying to Designated Informal Gatherings or Discussions**

Both the Chief Executive Officer and the Council are responsible for ensuring designated informal gatherings or discussions are conducted in accordance with the *Local Government Act*.

Designated informal gatherings or discussions are not subject to the procedural meeting requirements of the *Local Government Act* and *Local Government (Proceedings at Meetings) Regulations 2013*.

Designated informal gatherings or discussions will be chaired by the Chief Executive Officer or another senior Council officer. The Chair is responsible for ensuring that the purpose, intent and outcomes of the designated informal gatherings or discussions are consistent with section 90 of the *Local Government Act*.

Formal minutes will not be recorded for a designated informal gathering or discussion. Notes of a designated informal gathering or discussion may be tabled at the Council meeting following the designated informal gathering or discussion, if deemed relevant.

If a designated informal gathering or discussion has been declared to be a 'confidential informal discussion', then the designated informal gathering or discussion may be attended by Council members, the Chief Executive Officer and any other person invited to attend by the Council or the Chief Executive Officer.

If a confidential informal discussion declaration has been made in respect of only some of the matters to be discussed at a designated informal gathering or discussion, then these confidential matters will be scheduled to be discussed at the end of the agenda for the designated informal gathering or discussion. The designated informal gathering or discussion will be open to the public until immediately prior to the discussion on confidential matters commencing.

## **Publication of Information relating to Designated Informal Gatherings or Discussions**

For all designated informal gatherings or discussions, the following information will be published on the Council's website:

- (i) The place, date and time at which the designated informal gathering or discussion will be held;
- (ii) The matter that is to be discussed at the designated informal gathering or discussion;
- (iii) Whether or not the designated informal gathering or discussion is to be held at a place open to the public.

Where a confidential informal discussion declaration applies to a designated informal gathering or discussion, the reason for the designated informal gathering or discussion being held entirely or partially in confidence must be published on the Council's website.

### **5. Further Information & Policy Review**

This policy will be reviewed in the six (6) months following the next periodic regular election in November 2022, or as required subject to legislation changes.

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: [www.coorong.sa.gov.au](http://www.coorong.sa.gov.au).

#### **Coorong Civic Centre**

95-101 Railway Terrace  
Tailem Bend  
Phone: 1300 785 277  
Fax: 8572 3822

#### **Meningie Information Hub**

49 Princes Highway  
Meningie  
Phone: 1300 785 277

#### **Tintinara Customer Service Centre**

37 Becker Terrace  
Tintinara  
Phone: 1300 785 277

Copies will be provided to interested parties upon request. Email [council@coorong.sa.gov.au](mailto:council@coorong.sa.gov.au).

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

## Attachment 1

### Information and matters within the ambit of section 90(3), Local Government Act

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- (b) information the disclosure of which:
  - (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council; and
  - (ii) would, on balance, be contrary to the public interest;
- (c) information the disclosure of which would reveal a trade secret;
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which:
  - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
  - (ii) would, on balance, be contrary to the public interest;
- (e) matters affecting the security of the Council, members or employees of the Council, or Council property, or the safety of any person;
- (f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
- (g) matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- (h) legal advice;
- (i) information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the Council or an employee of the Council;
- (j) information the disclosure of which:
  - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and
  - (ii) would, on balance, be contrary to the public interest;
- (k) tenders for the supply of goods, the provision of services or the carrying out of works;
- (l) information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act;
- (m) information relevant to the review of a determination of a Council under the *Freedom of Information Act 1991*.