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# COUNCIL POLICY

## Informal Gatherings

<b>Policy Number:</b>	PO017		
<b>Strategic Plan Objective</b>	5.3 Meet all legislative and compliance responsibilities with Council's internal controls		
<b>Policy Owner:</b>	Chief Executive Officer	<b>Record Number:</b>	16/13893 [v3]
<b>Responsible Officer:</b>	Governance Officer	<b>Minute Reference:</b>	052/2020 (08/04/2020)
<b>Date Adopted:</b>	08/04/2020	<b>Next Review Date:</b>	March 2024

### 1. POLICY OBJECTIVES

Section 90(8) of the Local Government Act 1999 allows informal gatherings to be held provided that the discussion does not lead to a decision, or effectively obtain a decision, on a matter that would ordinarily be dealt with at a Council meeting.

This policy provides Elected Members with the opportunity to conduct planning sessions and confidential discussions, to receive informal briefings and educational sessions and convene other informal gatherings without prejudicing the requirements for openness and transparency as required by the Local Government Act 1999. It aims to assure the public that actual or effective decisions are not made at informal gatherings.

Clear direction is provided to Elected Members and staff in relation to holding informal gatherings.

#### Alterations to Policy

On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the *South Australian Public Health Act 2011*, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.

On 22 March 2020, the State Co-ordinator for the State of South Australia declared, pursuant to section 23 of the *Emergency Management Act 2004*, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.

On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the Local Government Act 1999 (**Notice No 1**) varying or suspending the operation of the specified provisions of the Local Government Act 1999 as set out in Schedule 1 to Notice No 1. Notice No 1 commenced operation on 31 March 2020.

For the period Notice No 1 has effect (as provided for in Notice No 1), this Informal Gatherings Policy is altered as set out below and those alterations have effect notwithstanding any other provision in this Informal Gatherings Policy to the contrary.

The alterations to this Policy are made consistent with Notice No 1 and the Council's Code of Practice for Access to Meetings and Code of Practice for Meeting Procedures.

For the avoidance of doubt, save for the alterations to the Informal Gatherings Policy as set out below, this Informal Gatherings Policy otherwise applies to all informal gatherings of the Council.

## 2. SCOPE

This policy captures informal gatherings and other discussions arranged either by the Chief Executive Officer (CEO) or by the elected council. Section 90(8) of the Local Government Act provides a list of non-exclusive examples of informal gatherings, which are:

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

## 3. DEFINITIONS

Consensus	An opinion or position reached by a group as a whole
Informal gathering or discussion (in accordance with Local Government [General] Variation Regulations 2016)	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.
Electronic	A telephone, computer or other electronic device used for communication.

## 4. POLICY STATEMENT

Informal gatherings are a non-compulsory meeting of the Council. All Elected Members are encouraged to attend as these sessions, particularly those designed to provide history, context or additional information to assist Elected Members to carry out their functions.

### Purpose

Informal gatherings and discussions will be used solely for the purpose of information sharing and not for the purpose of debating issues, building consensus positions or otherwise discharging Council's deliberative and decision-making functions.

Informal gatherings will not be used for the purpose of conducting the general business of the council or to stifle debate on issues that may subsequently be dealt with by the Council at a formal meeting. However informal gatherings may be used to discuss issues that involve strategy or policy or other matters of council administration and to brief Elected Members on issues relating to their decision-making function.

### Monthly Workshops

The Council has determined to hold informal gatherings in the nature of workshops on the fourth Wednesday of each month, usually held in the Minlaton Council Chambers and commencing at 5.30pm, subject to the CEO's determination that there is appropriate subject matter. These meetings will be open to the public wherever possible.

A list of agenda topics will be prepared and made available to the public on the Council's [website](#). A record of the subject matter discussed may also be kept at the discretion of the CEO.

If a topic falls into a category that would normally be kept confidential if it arose at a Council meeting, the item will be placed last and the gathering will be closed when that item is reached.

Either the Council or the CEO may decide to hold other informal meetings, at other times, as required and public access will be determined on a case by case basis (in accordance with section 8AB of the Local Government [General] Variation Regulations 2016). The Council is aware of the need to balance openness and transparency with opportunities for private discussions between Elected Members and Elected Members and employees.

#### A Confidential Informal Discussion

A confidential informal discussion may be declared by the Council or CEO on a case-by-case basis to discuss a planning or briefing session relating to information or a matter of a confidential nature within the ambit of section 90(3) of the Local Government Act. This gathering may be attended by Council members, the CEO and any other person invited by the Council or the CEO.

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.

#### Procedure at Informal gatherings

There will be no formal meeting procedures or formal minute taking process. Informal gatherings will be chaired by the CEO or another senior council officer and may also be led by an invited trainer or presenter. The Chair is responsible for ensuring that the purpose, intent and outcomes of the gatherings are consistent with section 90 of the Local Government Act.

#### Attendance at Informal Gatherings

Members of the Council may participate in an informal gathering of the Council by electronic means.

A member of the Council participating in an informal gathering by electronic means is taken to be present at the informal gathering provided that the member:

- can hear all other members present at the informal gathering; and
- can be heard by all other members present at the informal gathering.

#### Form of Participation by Electronic Means

Where:

- a Council member is to participate in an informal gathering by electronic means; and
- the electronic means has the functionality to allow the Council member to participate in the informal gathering by being heard but not seen or by being both seen and heard; and
- the electronic means of the Council has the functionality to allow the council member to be heard but not seen or to be both seen and heard,

the member must participate by being both seen and heard.

#### Public Access to Designated Informal Gatherings

During the period within which Notice No. 1 applies, public access to designated informal gatherings may be provided in accordance with Sections 90(1a) and 90(1b) of the Local Government Act 1999 however, as outlined in this Policy, minutes will not be recorded.

The mandatory Code of Conduct for Council Members and mandatory Code of Conduct for Employees must be observed during informal meetings.

#### Responsibilities

Both the CEO and the Council are responsible for ensuring informal gatherings and discussions are conducted in accordance with this policy and the Local Government Act 1999.

### Availability

This policy is available for inspection without charge at Council's Principal Office during normal business hours and on Council's website. A copy of this policy can be downloaded from Council's website or can be obtained from Council's Principal Office.

## **5. COMPLAINTS**

Complaints about this policy can be made in writing to the Governance Officer.  
Complaints will be managed in accordance with Council's Complaints Policy PO147.

## **6. REVIEW**

This policy will be reviewed every four years and as deemed necessary in consideration of any changes to legislation and relevant standards, codes and guidelines.

## **7. TRAINING**

Council is committed to supporting Elected Members and employees in complying with this policy.

This policy will be provided to Elected Members and employees during induction. Training needs will be reviewed annually, during individual performance reviews and as necessary in consideration of any changes to legislation and relevant standards, codes and guidelines.

Elected Members and employees will actively participate in training.

## **8. RELATED COUNCIL POLICIES AND DOCUMENTS**

PO147 Complaints Policy

## **9. REFERENCES AND LEGISLATION**

Local Government Act 1999

Local Government (Accountability and Governance) Amendment Act 2015

Local Government (General) Variation Regulations 2016

Code of Conduct for Council Employees

Code of Conduct for Council Members

Local Government (Public Health Emergency) Amendment Act 2020

Electronic Participation in Council Meetings Notice (No 1) 2020

## **10. COUNCIL DELEGATION**

<b>Details of Delegation:</b>	
<b>Delegate:</b>	Chief Executive Officer

## **11. VERSION HISTORY**

<b>Archived Policy Name</b>	<b>Policy Number</b>	<b>Date Adopted</b>	<b>Last Reviewed</b>
Informal Gatherings Policy	PO017	09/03/2016	08/03/2017