

	<b>POLICY 25</b>	Version:	5
	<b>Informal Gatherings</b>	Date Adopted:	14/04/2020
		Next Review Due:	Nov 2022

## 1. STATEMENT

Informal gatherings or discussions provide a valuable opportunity to enhance Council decision-making processes by providing opportunities for Elected Members to become better informed and seek clarification on issues. This Policy will clearly outline the purpose of, and the basis upon which, the Council will hold informal gatherings or discussions and provides the basis in which the statutory requirements for openness and transparency in Council decision-making are observed.

### IMPORTANT NOTE REGARDING THE OPERATION OF THIS POLICY

#### **Public Health Emergency: Electronic Participation in Council Meetings**

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 Informal Gatherings 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 (and highlighted in blue), this Informal Gatherings Policy otherwise applies to all meetings of the Council.

## 2. DEFINITIONS

***Designated informal gatherings and discussions*** has the same meaning as the *Local Government (General) Regulations – 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 means*** includes a telephone, computer or other electronic device used for communication.

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***Non-Designated informal gatherings and discussions*** 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.

### 3. ALTERATION TO POLICY

#### 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:

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

#### Form of Participation by Electronic Means

Where:

- (a) a Council member is to participate in a Council informal gathering by electronic means; and
- (b) 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
- (c) 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 minutes will not be recorded.

## 4. PRINCIPLES

### 3.1 Scope & Application

Informal gatherings may be held, provided that, decisions on a matter are not obtained or effectively obtained outside a formally constituted meeting of the Council or Council Committee and informal gatherings are not used as a replacement for full debate and decision making.

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It is the responsibility of both the CEO and the Elected Members to ensure informal gatherings and discussions are conducted in accordance with *the Local Government Act* and this policy.

Informal gatherings and discussions are not subject to the procedural meeting requirements of the *Local Government Act 1999* and *Local Government (Proceedings at Meetings) Regulations 2013*. Formal minutes will not be recorded for informal gatherings.

### 3.2 Designated Informal Gatherings or Discussions

Designated informal gatherings or discussions will be open to the public, unless declared it will be held in confidence. The Council or CEO may, on a case by case basis declare a designated informal gathering or discussion to be held in confidence if the purpose is:

- a planning session of a general or strategic nature; or
- is a briefing relating to information or a matter of a confidential nature within the ambit of section 90(3) of the Act;

The following procedures apply to designated informal gatherings or discussions only:

- where multiple matters will be discussed on one occasion, matters declared to be held in confidence will be discussed last;
- the designated informal gathering or discussion will be open to the public until immediately prior to the discussion on confidential matters commencing;
- if declared to be held in confidence, the designated informal gathering or discussion may be attended by Council members, the CEO and any other person invited to attend by the Council or the CEO.
- Notes generated from informal gatherings can be tabled at the formal Council meetings or Council committee meetings.
- the following information will be published on Council's website:
  - the place, date and time it will be held;
  - matter to be discussed;
  - whether it has been declared to be held in confidence and the reason;

Examples of designated informal gatherings and discussions:

- Planning sessions associated with the development of policies and strategies;
- Briefing or training sessions.

### 3.3 Non-Designated Informal Gatherings or Discussions

A non-designated informal gathering or discussion will not be open to the public unless otherwise determined by the Council or CEO.

Examples of non-designated informal gatherings or discussions:

- Social gatherings to encourage informal communication between members or between members and staff;
- Council member training sessions.

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## 5. REVIEW

This policy should be reviewed after each general election (four yearly).

Reviews must be done in consultation with the Executive Leadership Team and Elected Members.

## 6. AVAILABILITY

This policy is available for inspection without charge at the following location during ordinary business hours:

- Principal Office, "Civic Centre", George Street, Millicent
- Council Website: [www.wattlerange.sa.gov.au](http://www.wattlerange.sa.gov.au)

A copy of the policy may be purchased from the Principal Council Office upon payment of a prescribed fee in accordance with Council's Schedule of Fees and Charges.

## 7. REFERENCES & FURTHER READING

References	
Relevant Legislation:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1999</i> Section 90 (8a) &amp; (8b)</li> <li>• <i>Local Government (General) Regulations 2013</i> Regulation 8AB</li> </ul>
Relevant Policies / Procedures / Guidelines	<p>This Policy should be read in conjunction with:-</p> <ul style="list-style-type: none"> <li>• Policy 1.2 Public Access to Council and Committee Meetings &amp; Associated Documents Code of Practice</li> <li>• Code of Conduct for Elected Members</li> </ul>

## 8. ADOPTION AND AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of the policy.

Version No:	Issue Date:	Authorised by:	Description of Change:	Minutes Reference:
1	11/08/2015	Council	Adoption	Folio 6126; Item 11.2.5
2	14/06/2016	Council	Amended	Folio 6425; Item 13.2.8
3	13/12/2016	Council	Amendment due to changes in Local Government (General) Regulations	Folio 6954; Item 13.2.7
4	14/05/2019	Council	Amended	Folio 8485; Item 15.2.5
5	14/04/2020	Council	Amendment due to changes in <i>Local Government Act</i> (COVID-19)	Folio 8949; Item 4.1.3

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