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## 1. PREAMBLE

Under the *Local Government Act 1999 (the Act)*, council must adopt a policy on the holding of ‘informal gatherings or discussion’ under section 90(8).

Under section 90(8b) of the Act, a council policy must comply with any requirements set out in the *Local Government (General) Regulations 2013*.

### 1.1 Background

- 1.1.1 Open and transparent council meetings underpin representative democracy and ensure public confidence in council’s decision-making processes.
- 1.1.2 Informal gatherings, where appropriate, provide a valuable opportunity to enhance the decision-making processes by providing opportunities for council members to become better informed on issues and seek further clarification.
- 1.1.3 Informal gatherings, should not be used, or seen to be used as a replacement for full debate and decision-making at council or committee meetings.
- 1.1.4 The Act sets out the following examples of informal gatherings:
  - planning sessions associated with the development of policies or strategies;
  - briefing or training sessions; and
  - workshops.

### 1.2 Purpose

- 1.2.1 To ensure council members have sufficient opportunity to conduct planning sessions, to receive informal briefings, educational sessions and convene other informal gatherings without prejudicing the requirements for openness and transparency as required by the Act.
- 1.2.2 This policy is aimed at avoiding any perception that informal gatherings will be used to build consensus for council agenda items.

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- 1.3.2 This policy applies to Council and Council Committees.
- 1.3.3 This Policy has been supplemented to include provisions made on 30 March 2020 by the Minister for Transport, Infrastructure and Local Government who issued a notice pursuant to section 302B of the *Act-Electronic Participation in Council Meetings Notice (No 1) 2020* (Notice No 1). This Notice varies or suspends the operation of the specified provisions of the *Act* as set out in Schedule 1 to Notice No 1. Notice No 1 commenced on 31 March 2020.

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

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

The provisions in blue will remain in operation during the declaration of the public health emergency (COVID-19) and whilst the Minister's Notice No 1 remains in operation.

### 1.3 Scope

Section 90(8) of the Act provides a non-exclusive list of examples of informal gatherings.

### 1.4 Definitions

- 1.4.1 *Informal gathering* are gatherings to provide information, facilitate informal discussions, training as defined by Section 90(8) of Act.
- 1.4.2 *Designated informal gathering or discussion* means 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.
- 1.4.3 *Electronic means* includes a telephone, computer or other electronic device used for communication e.g. video conferencing, teleconferencing etc.

### 1.5 Strategic Reference

A place that provides value for money.

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### 2. PRINCIPLES

- 2.1 The City of Holdfast Bay will use informal gatherings (including designated informal gatherings or discussions) 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.
- 2.2 Council recognises that attendance at informal gatherings or discussions are not compulsory and Elected Members are encouraged to attend as these sessions, particularly those designed to provide history, context or additional information to assist council members.
- 2.3 Informal gatherings (including designated informal gatherings or discussions) will be conducted in accordance with the Act and the *Local Government (General) Regulations 2013*.
- 2.4 Informal gatherings (including designated informal gatherings or discussions) 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.
- 2.5 Informal gatherings (including designated informal gatherings or discussions) must be held at a place open to the public, unless the designated informal gathering or discussion is one that the council or chief executive officer has determined will be in confidence.
- 2.5a Informal gatherings (including designated informal gatherings or discussions) may be held by electronic means. It will be at the discretion of the CEO or Mayor to determine whether the informal gathering is face to face, electronic or a combination.
- 2.5b A member of the Council participating by electronic means is taken to be present provided the member can hear all other members present and can be heard by all other members present at the informal gathering.
- 2.5c Meetings held by electronic means will be live streamed where it is a meeting open to the public (which will mean the meeting is conducted in a place open to the public), unless the designated informal gathering is required to be held in confidence.
- 2.6 A designated informal gathering or discussion may be in confidence when considered on a case by case basis and if the designated informal gathering or discussion 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 section 90(3) of the Act.
- 2.7 Council will advise the schedule and the details of the designated informal gatherings or discussions including in all cases the place, date and time, the matter which will be discussed and whether or not the designated informal gathering will be open to the public and the reason for closing the informal

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gathering and discussion to the public. Details are available on [www.holdfast.sa.gov.au](http://www.holdfast.sa.gov.au).

- 2.8 The council is aware of the need to balance openness and transparency with opportunities for private discussions between council members and council members and staff.
- 2.9 The Chief Executive Officer and the Council are responsible for ensuring that the informal gatherings or discussions are conducted in accordance with the *Act* and are not subject to the procedural requirements of the *Act* and *Local Government (Proceedings at Meetings) Regulations 2013*.
- 2.10 Designated informal gatherings or discussions will be facilitated by either the Chief Executive Officer or another senior staff member.
- 2.11 An informal gathering which is not a designated informal gathering or discussion will not be open to the public, unless otherwise determined by the Council or Chief Executive Officer.
- 2.12 Informal gatherings will not involve a formal agenda or minute taking process.
- 2.13 Social Gatherings of Elected Members are not informal gatherings.

### 3. REFERENCES

#### 3.1 Legislation

- *Local Government Act 1999*
- *Local Government (General) Regulations 2013*
- [Electronic Participation in Council Meetings Notice \(No 1\) 2020](#)

#### 3.2 Other References

Nil