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1. PREAMBLE

Under amendments made to the *Local Government Act 1999* by the *Local Government (Accountability and Governance) Amendment Act 2015*, council must adopt a policy on the holding of ‘informal gatherings or discussion’ under section 90(8) of the *Local Government Act 1999*.

Under section 90(8b), 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.

1.2 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 *Local Government Act 1999*.
- 1.2.2 This policy is aimed at avoiding any perception that informal gatherings will be used to build consensus for council agenda items.
- 1.3.2 This policy applies to Council or Council Committees

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1.3 Scope

1.3.1 Section 90(8) of the *Local Government Act 1999* 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 the *Local Government Act 1999*.

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.

1.5 Strategic Reference

A place that provides value for money.

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 *Local Government Act 1999* 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
- 2.6 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

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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 *Local Government Act 1999*.

- 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 gathering and discussion to the public.
- 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 *Local Government Act 1999* and are not subject to the procedural requirements of the *Local Government 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

- *Section 90(8a) & (8b) of the Local Government Act 1999*
- *Local Government (General) Regulations 2013*

3.2 Other References

Nil