



DISTRICT COUNCIL OF LOXTON WAIKERIE

Informal Gatherings Policy

Policy identification:	
Policy type:	Council
Summary:	The policy ensures that openness and transparency in Council decision-making are observed; while providing an opportunity for confidential discussions among Council members where this is warranted.
Record number:	9.63.1
Date of adoption or approval:	18 March 2016
Last review date:	18 November 2016
Next review date:	2018 Next periodic election of Council
Authorised by:	Council
Responsible department:	Executive
Responsible officer:	Chief Executive Officer
Review officer:	Governance Officer
Consultation required:	
Relevant references:	
Delegations:	
Legislation	Local Government Act 1999
Related policies	
Related procedures	Notification: Informal Gatherings Notification

1. Introduction

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.

2. Policy Objective

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 member where this is warranted by the nature of the gathering or subject matter to be discussed.

3. Strategic reference

Governance: strategy 4.2.1: implement a transparent, accountable and consistent decision making process.

4. Scope

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

The *Local Government (General) Regulations 2013* defines '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'.

5. Policy statement

5.1 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 members or between 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.

5.2 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.

5.3 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, 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 the 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.

6. 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 of 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 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.

7. 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) 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.

8. Availability

This Policy will be available for inspection at the Council Offices at Loxton or Waikerie during ordinary business hours at no charge.

Copies of this Policy will also be available from Council's website: www.loxtonwaikerie.sa.gov.au or postal copies may be obtained from the Council Office free of charge.

9. Document history and version control

Date	Version	Authorisation - Council/ Committee/ Senior Management Team	Amendment Details
18/03/2016	1.0	Council	First version (LGA model)
21/10/2016	2.0	Council; at the ordinary meeting of Council 21 October 2016 (Item 8.2)	Amended to meet the requirements of the Minister for Local Government. Primary amendment ensures that council's default position is to make informal gatherings open to the public and to require council to provide reasons, published on the website if the informal gathering is closed to the public
	2.1		This model policy is provided to Councils to assist them to comply with legislative requirements, including the requirements of regulation 8AB of the <i>Local Government (General) Regulations 2016</i> . In particular a definition has been provided for a designated informal gathering.

Information for Councils

Under amendments made to the *Local Government Act 1999* by the *Local Government (Accountability and Governance) Amendment Act 2015*, Councils must adopt a policy on the holding of 'informal gatherings or discussions' under section 90(8) of the *Local Government Act*. The policy must comply with any requirements prescribed by regulation.

This *Informal Gatherings: Model Policy* has been prepared by the Local Government Association of SA (LGA) for the guidance of and use by member Councils. The LGA is the statutory peak body for Local Government in South Australia, representing all 68 Councils in the State. Inquiries may be directed to the LGA on 08 8224 2000.

This Model Policy was first published in January 2016, following amendments made by the *Local Government (Accountability and Governance) Amendment Act 2015* which, among other changes, inserted section 90(8a) into the *Local Government Act 1999*. An updated policy was published in October 2016 following the promulgation of regulation 8AB of the *Local Government (General) Regulations 2016*.

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*.

2 June 2016

INFORMAL GATHERINGS – PUBLIC NOTIFICATION

Following is the program of **informal gatherings** currently scheduled for the month of **June 2016**.

In accordance with the Informal Gatherings Policy, informal gatherings may be closed to members of the public. Each informal gathering listed below provides advice as to whether it is open or closed to the public, either in full or in part. Where a decision has been made to close the gathering a brief reason for that decision is provided.

Description:	Informal strategy
Date:	Tuesday 7 June 2016
Time:	6:30pm
Venue:	Council Chamber – 29 East Tce., Loxton
Topics (in order or presentation):	<ul style="list-style-type: none">• Waste Transfer Fee Structure• Update from the Loxton Chamber of Commerce (<i>this topic is closed to the public on the basis that commercial information from external parties will be discussed</i>

Description:	Elected Member Development Program
Date:	Wednesday 22 June 2016
Time:	7:30pm
Venue:	Council Chamber – Strangman Road., Waikerie
Topics (in order or presentation):	(<i>this gathering is closed to the public on the basis that it is a training and development (or other)</i>)

Signed by the Chief Executive Officer
Peter Ackland
Chief Executive Officer



