



## INFORMAL GATHERINGS POLICY

<b>Responsible Officer/s</b>	Chief Executive Officer Executive Assistant
<b>Relevant Legislation / Documents</b>	Local Government Act 1999 Local Government (Regulations) 2016
<b>Adopted</b>	18 March 2018
<b>Reviewed</b>	18 October 2023
<b>Next Review</b>	18 October 2026

### A. Purpose

Section 90A of the Act provides that members of Council, a committee and staff can participate in informal gatherings. 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.

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

### C. Policy

#### 1. **Legislation - Local Government Act 1999 Section 90A Information or briefing session**

##### **90A—Information or briefing sessions**

*(1) A council, or the chief executive officer of a council, may hold or arrange for the holding of a session (not being a formal meeting of a council or council committee required to be held under this Chapter) to which more than 1 member of the council or a council*

*committee is invited to attend or be involved in for the purposes of providing information or a briefing to attendees (an information or briefing session).*

- (2) A matter must not be dealt with at a council information or briefing session in such a way as to obtain, or effectively obtain, a decision on the matter outside a formal meeting of the council or a council committee.*
- (3) A council information or briefing session must be conducted in a place open to the public during any period in which a matter that is, or is intended to be, on the agenda for a formal meeting of the council or a council committee is discussed at the session.*
- (4) However, the council or chief executive officer may order that an information or briefing session be closed to the public to the extent (and only to the extent) that the council or chief executive officer (as the case requires) considers it to be necessary and appropriate for a matter of a kind referred to in subsection (3) to be discussed in a session closed to the public in order to receive, discuss or consider in confidence any information or matter listed in section 90(3) (after taking into account any relevant consideration under that subsection).*
- (5) If an order is made under subsection (4), the council or chief executive officer (as the case requires) must, as soon as reasonably practicable after the making of the order, make a record of— (a) the grounds on which the order was made; and 17.11.2022—Local Government Act 1999 Meetings—Chapter 6 Public access to council and committee meetings—Part 3 Published under the Legislation Revision and Publication Act 2002 11 (b) the basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made; and (c) if relevant, the reasons that receipt, consideration or discussion of the information or matter publicly at the information or briefing session would be contrary to the public interest.*
- (6) If an information or briefing session is organised or held by a council or chief executive officer of a council, the following provisions apply: (a) sections 90(5), (6) and (7a) apply to the information or briefing session as if it were a meeting of the council or council committee; (b) a prescribed matter cannot be dealt with at an information or briefing session; (c) a reference to a meeting or meetings in sections 94 and 95 includes a reference to an information or briefing session or sessions.*
- (7) A council or the chief executive officer of a council must comply with any requirements of the regulations relating to the following:*
  - (a) the publication of prescribed information as soon as practicable after resolving or determining to hold an information or briefing session;*
  - (b) the publication of prescribed information as soon as practicable after the holding of an information or briefing session*

## **2. Purpose of designated informal and Inform gatherings or discussions**

### **2.1 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.

### **2.2 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.

### **2.3 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

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.

#### *2.4 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.

#### *2.5 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.

#### D. 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 Councils website:

[www.loxtonwaikerie.sa.gov.au](http://www.loxtonwaikerie.sa.gov.au) or postal copies may be obtained from the Council Office free of charge.

#### E. Document history and version control

Date	Version	Authorisation	Amendment Details
18/03/2016	1	Council	Adoption – first version (LGA Model)
21/10/2016	2	Council, at the ordinary council meeting 21 October 2016	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  This model policy is provided to Councils to assist them to comply with legislative requirements, including the requirements of regulation 8AB of the Local Government (General) Regulations 2016. In particular a definition has been provided for a designated informal gathering.
18/10/2023	3	Council – at the ordinary council meeting held 18 October 2023	Updated to new template included section 90A into the policy for legislative reference Removed LGA information to councils and appendix – the Act reform with section 90A now included within policy. Next review due 18/10/2023 prior to next periodic election