

## Access to Council and Committee Meetings and Documents Statutory Code of Practice

**Keywords:** Access, Meetings

<b>Corporate Plan:</b>	<i>Forms basis for Council's Corporate Plan to be open, informative, and transparent</i>
<b>Classification:</b>	<i>Executive Services, Statutory Policies, Access to Meetings, Code of Practice</i>
<b>First Issued/Approved:</b>	<i>27 August 2002</i>
<b>Review Frequency:</b>	<p><i>Regulatory Requirement: The Local Government Act 1999 92(2) requires that Council must, within 12 months after the conclusion of each periodic election, review the operation of its code of Practice under this section 92(3) states: "A Council may at any time alter its code of practice, or substitute a new code of practice" Good Governance Practice: Biannually</i></p> <p><i>Notice No 1:</i></p> <p><i>(a) provides that a Council is not required to adopt any provision in a code of practice that would prevent or inhibit members from participating in Council meetings or Council committee meetings by electronic means;</i></p> <p><i>(b) provides that Council members may meet by electronic means to alter the code of practice of the Council, or substitute a new code of practice of the Council, even if the existing code of practice prevents or inhibits the Council members from meeting by electronic means;</i></p> <p><i>(c) suspends the requirement in section 92(5) that before a Council adopts, alters or substitutes a code of practice it makes copies of the proposed code, alterations or substitute code (as the case may be) available for inspection and purchase at the principal office of the Council and on a website determined by the Council and that the Council follow the steps set out in its public consultation policy.</i></p>
<b>Last Reviewed:</b>	<i>October 2023</i>
<b>Next Review Due:</b>	<i>Regulatory Requirement: Within 12 months of Elections 2026 Good Governance</i>
<b>Responsible Officer(s):</b>	<i>Chief Executive Officer/Executive Assistant</i>
<b>Council File Reference:</b>	<i>Council (P)</i>
<b>Applicable Legislation:</b>	<i>Local Government Act 1999, Section 92 – Refer Appendix</i>
<b>Relevant Policies:</b>	<p><i>Public Consultation; Code of Conduct Elected Members &amp; Committee Members; Code of Conduct- Council Employees; Confidentiality Provisions - Code of Practice; Procurement Policy (Contracting &amp; Tendering); Order Making Policy; Review of Council Decisions (including handling complaints). Local Government (Public Health Emergency) Amendment Act 2020 and the Electronic Participation in Council Meetings Notice (No 1) 2020</i></p>
<b>Related Procedures:</b>	<i>Public Consultation required prior to adoption following review or alteration</i>
<b>Delegations:</b>	<i>Berri Barmera Council Delegations Register</i>

### 1. Purpose

The Access to Meetings and Documents – Code of Practice Policy has been developed in accordance with the intent and requirements of Section 92 of the Local Government Act 1999.

Council supports the principle that the procedures to be observed at a meeting of Council or a Council Committee should contribute to open, transparent and informed decision-making and encourage appropriate community participation in the affairs of Council.

However, Council also recognises that on a limited number of occasions it may be necessary in the broader community interest to restrict public access to discussion or documents.

## **2. Definitions**

<b>Connect</b>	means able to hear and/or see the meeting, including via a live stream or recording of the meeting;
<b>Disconnect</b>	means remove the connection so as to be unable to hear and see the meeting;
<b>Live stream</b>	means the transmission of audio and/or video from a meeting at the time that the meeting is occurring;
<b>Clear days</b>	means that the time between the giving of the notice and the day of the meeting, but excluding both the day on which the notice was given and the day of the meeting, e.g. notice is given on a Thursday for a following Monday meeting, the clear days are Friday, Saturday and Sunday. Sections 84(1a) and 88(1a) Local Government Act 1999.

## **3. Principles**

The aims of this Code of Practice are to:

- 3.1. Inform and educate the community about public access to Council and Committee meetings and or other Council documents;
- 3.2. Provide information on Council's Code of Practice to the community; and
- 3.3. Summarise the legal position relating to public access to Council and committee meetings and documents.

## **4. Policy Statement**

### **4.1. Framework for Code of Practice – Access to Council Meetings, Council Committees and Council Documents**

The code is intended to provide clear guidance as to the application of the provisions in the Local Government Act 1999 to restrict public access to meetings or documents. It also includes information on:

- the relevant provisions in the Act,
- adopted policy on the use of these provisions,
- the process that is utilised to restrict public access when this is considered necessary,
- the Council contact officer should additional information be required, and
- refers to a process for dealing with any grievances.

It sets out the policy of Council for access to meetings and documents. It includes:

- a statement of Council principle,
- access to the agenda for meetings,
- public access to meetings,

- process to exclude the public,
- matters for which Council, or a committee, can order that the public be excluded,
- how Council will approach the use of the confidential provisions,
- public access to documents, including minutes;
- review of confidentiality orders
- accountability and reporting to the community, and the codes availability, and
- grievances about the use of the code by Council.

## **5. Community Involvement in the Development of the Code**

Council is required prior to adopting a code of practice, and prior to alteration or substitution of a code, to make copies available for inspection or purchase at the principal office. In involving the community Council must follow the relevant process set out within Council's community consultation policy. A copy of that policy can be viewed or obtained at any of the council offices during normal business hours.

## **6. Access to the Agenda of Meetings**

- 6.1. At least three clear days<sup>1</sup> before a Council or Council committee meeting (unless it is a special meeting) the Chief Executive Officer (CEO) must give written notice of the meeting to all Council/committee Members setting out the date, time and place<sup>2</sup> of the meeting and the notice must contain or be accompanied by the agenda for the meeting.
- 6.2. Subject to clause 5.8 the notice and agenda are also to be placed on public display at the principal office of Council located at 19 Wilson Street, Berri,<sup>3</sup> at the same time as they are forwarded to Council members and on Council's website <http://www.berribarmera.sa.gov.au>. Notice of Meetings (agendas) and Minutes will be made available to Elected Members using Ipads that have been provided to members for this purpose.
- 6.3. Items listed on the agenda are to be described with reasonable particularity and accuracy.
- 6.4. The practice of Council is to place on public display a list of the items of business plus any documents and reports relating to these matters (with the exception of any matters that might be indicated as subject potentially to the making of an order of confidentiality). These must be kept on public display or continue to be published on the website until completion of the relevant Committee or Council meeting.
- 6.5. Copies of the agenda documents and non-confidential reports that are to be considered at the meeting must be made available to members of the public at the meeting. A reasonable number of copies are to be available for public inspection as soon as practicable after they are supplied to the members of Council.
- 6.6. Members of the public may obtain a copy of the agenda and any particular reports for a fee to cover the costs of photocopying, in accordance with a Council's schedule of fees and charges.
- 6.7. Distribution of agenda papers to members of Council, or members of a committee, may include advice from the CEO of Council (after consultation with the principal member of Council, or in the case of a committee, the presiding member) that a

document or report on a particular matter may be considered in confidence with the public to be excluded. Where this occurs, the Chief Executive Officer must specify the basis under which such an order could be made. Should the Council not confirm, and thereby not place an order of confidentiality on an item that the CEO has indicated may be considered as such, then a copy of the document will be available to the public at the meeting (publicly tabled) and placed on public display the next working day.

The following is an example (this could be included in the copy that is placed on public display): *(Confidentiality Clause – Exclusion)*

*That pursuant to Sections 90(2) and 90(3)(h) of the Local Government Act 1999 the Council orders that the public be excluded with the exception of the Chief Executive Officer and senior staff present on the basis that it will receive, consider and discuss correspondence relating to “Dog Barking Prosecution” and the Council is satisfied that the principle, being that the meeting should be conducted in a place open to the public, is outweighed in relation to the matter because receiving, considering and discussing the matter involves:*

- 90(3)(h) legal advice

*(Confidentiality Clause – Order)*

*That pursuant to Sections 91(7) and (9) of the Local Government Act 1999, the Council orders that the minutes and all reports and associated documents considered and discussed in regard to “Barking Dog Prosecution” remain confidential and not available for public inspection, for a period of 12 months from the date of the meeting (viz. 27th April 2010) and notes that this order is to be reviewed in 12 months time.*

Note: - These provisions apply to Council meetings, committees that have as part of their responsibility some regulatory activities and those other committees to which Council has determined these procedures will apply. The committees involved are listed as appendix 2 to this code. Where a committee is not performing a regulatory activity, these procedures may be varied, e.g. notice may be given in a form decided by the committee and need not be given for each meeting separately. Public notice may be given at a place determined by the CEO taking into account the nature and purpose of the committee.

## **7. Public Access to Meetings**

Council and Committee meetings are open to the public and attendance is encouraged - except where Council (or the committee) believes it is necessary in the broader community interest to exclude the public from the discussion of a particular matter.

The public will only be excluded when considered proper and necessary i.e. the need for confidentiality outweighs the principle of open decision making.

Council encourages public attendance at meetings by displaying the meeting dates and times on the Council website and social media platforms. Council meetings are held on the fourth Tuesday of each month, (with the exception of Meetings that fall on Public Holidays). Council's December Meeting is held on the third Tuesday of the month to allow for the festive season. Any changes to dates/times of Council's meetings are advertised in the local Newspaper.

It is not unlawful for members of Council, a committee and staff to participate in informal gatherings or discussion provided that a matter which would ordinarily form part of the

agenda for a formal meeting is not dealt with in such a way as to obtain, or effectively obtain, a decision outside a formally constituted meeting of Council or committee. The Council is not bound to hold an informal gathering open to the public in accordance with Section 90(1) of the Act as openness to the public only applies to Council and Council Committee meetings. This means that section 90(2) to exclude the public has no role to play.

It is recommended that public notice of an informal gathering, such as a workshop, be given and that the notice clearly indicate whether or not the informal gathering will be open to the public.

The following are examples of informal gatherings or discussions that may be held in accordance with section 90(8):

- planning sessions associated with the development of policies and strategies;
- briefing or training sessions;
- workshops;
- social gatherings to encourage informal communication between members or between members and staff.

## **8. Process to Exclude the Public from a meeting**

Before a meeting orders that the public be excluded to enable the receipt, discussion and consideration of a particular matter, the meeting must, in public, formally determine if this is necessary and appropriate, and then pass a resolution to exclude the public while dealing with that particular matter. If this occurs, then the public must leave the room. This means that all members of the public (including staff), unless exempted by being named in the resolution as entitled to remain, are required to leave the room. For the operation of section 90(2) a member of public does not include a member of Council.

Once Council, or Council committee has made the order, it is an offence for a person, who knowing that an order is in force, enters or remains in a room in which such a meeting is being held. It is lawful for an employee of Council or a member of the police force to use reasonable force to remove the person from the room if s/he fails to leave on request. It is recommended however, that if any form of force is required, that it be left to the police to deal with.

Once discussion on that particular matter is concluded, the public are then permitted to re-enter the meeting. If there is a further matter that needs to be considered in confidence it is necessary to again undertake the formal determination process and to resolve to exclude the public as above.

Please note that Council, or the committee, can by inclusion within the resolution permit a particular person or persons to remain in the meeting. An example would be allowing a ratepayer who is suffering personal hardship to remain in the meeting when their circumstances concerning the payment of rates is being discussed.

It is the policy of Council that for the convenience of the public present at a meeting, where it is resolved to consider a matter in confidence, that this matter, unless there are pressing reasons as to why it should be debated at that point of the meeting, will be deferred until all other business has been dealt with. This is the preferred option of Council rather than asking the public to leave the room, to wait around for however long it takes until the matter is concluded and then invite them back into the meeting room, possibly with the same process being repeated for a subsequent matter.

**9. Matters for which Council, or a committee, can order that the public be excluded (Sect.90(3))**

Council, or a Council committee may order that the public be excluded in the following circumstances (in accordance with the requirements of section 90(3) of the 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
  - 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 council; and
  - ii. would, on balance, be contrary to public interest;
- c) information the disclosure of which could 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 it, 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 that would, if disclosed, 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 official or authority (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 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 Plan Amendment Report relating to the amendment is released for public consultation under that Act; or

- m) 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;
- n) information relevant to the review of a determination of a council under the Freedom of Information Act 1991.

The Act provides for a definition of “personal affairs”, being a person’s financial affairs, criminal records, marital or other personal relationships, personal qualities, attributes or health status, or that person’s employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person, but does not include the personal affairs of a body corporate.

Council, or a Council committee, cannot make an order under section 90(2) that the public be excluded from a meeting only on the basis that discussion of a matter in public may:

- cause embarrassment to Council or the committee concerned, or to members or employees of Council: or
- cause a loss of confidence in Council or the committee. [Section 90(4)]

If a decision to exclude the public is taken, Council or the Council committee is required to make a note in the minutes of the making of the order and the grounds on which it was made.

## **10. Public Access to Minutes**

Minutes of a meeting of Council must be publicly available, including on the internet within 5 days after the meeting.

## **11. Use of the confidentiality provisions**

Any consideration of the use of the confidentiality provisions to exclude the public from the discussion of a particular matter at a meeting will require the identification of one or more of the grounds listed within section 90(3) of the Act and the factual reasons for the relevance and application of the ground(s) in the circumstances. These are listed in the previous section of this code.

The policy approach of the Council is that:

- The principle of open and accountable government is strongly supported;
- Confidentiality provisions will only be utilised after careful consideration and when considered proper and necessary;
- Information of the grounds on which an order to exclude the public is made will be conveyed to the public at the time of them being ordered to leave the meeting;
- Once discussion of the matter is concluded, the meeting will then consider if it is necessary to make an order that a document associated with this agenda item remain confidential. In determining this, the meeting shall have regard to the provisions of section 91 and in particular section 91(8) which details when a council must not order that a document remain confidential;
- If the meeting determines that it is proper and necessary to keep a document confidential, then a resolution for an order to this effect is required to be carried by the meeting in accordance with section 91(7) of the Act;  
The Council will not consider a number of agenda items “in confidence” together i.e., en bloc. It will determine each item separately and consider the exemptions relevant to each item.

- Once discussion of the matter is concluded and the public have returned, the decision of the meeting in relation to this matter will be made publicly known unless Council has resolved to order that some information remain confidential, e.g., the price to which Council is prepared to bid for land yet to be auctioned. Details relating to any order to keep information or a document confidential in accordance with section 91 (7) are also to be made known. When making an order the meeting must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. If the section 91(7) order is to apply for a period exceeding 12 months, then this order must be reviewed every 12 months from the date it was made. This along with the making of the order pursuant to section 90(2) and the grounds on which it was made pursuant to section 90(3) are also to be recorded in the minutes;
- In all cases the objective is that the information be made publicly available at the earliest possible opportunity and that the community is informed of any Council order and the associated implications; and
- Where a person provides information to the Council and requests that it be kept confidential, Council is not able to even consider this request unless the matter is one that falls within section 90(3). If this is the case, Council will then be in a position to consider the request on its merits.
- The use of all confidentiality provisions will be reported to the community and included in Council's Annual Report.

Note: There is no legal requirement to resolve to "come out of confidence" or to go back into "public session". The public may and should be invited to re-enter the meeting when consideration of the relevant Agenda Item has concluded. The public are also entitled to be present for the debate on whether any subsequent item should be considered in confidence.

## **12. Public Access to Documents**

Various documents are to be available for inspection and purchase (for a fee) by the public. Council may also make a document available in electronic form and place it on the Council's website <http://www.berribarmera.sa.gov.au> for public access.

Council/ the Council committee will only make an order that a document associated with a discussion from which the public are excluded will remain confidential if it is considered proper and necessary in the broader community interest.

Council/the Council committee can only resolve to keep minutes and or documents confidential under section 91(7) if they were considered in confidence pursuant to sections 90(2) and 90(3).

Once a matter has been dealt with, Council/ the Council committee may order that a document relating to the matter considered in confidence is to be kept confidential. There are some exceptions. In accordance with section 91(8) the Council/a Council committee must not make an order to prevent:

- the disclosure of the remuneration or conditions of service of an employee of the Council after the remuneration or conditions have been set or determined; or
- the disclosure of the identification of a successful tenderer for the supply of goods or provision of services (including the carry out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected; or
- the disclosure of the amount or amounts payable by the Council under a contract for the supply of goods or the provision of services (including the carrying out of



- works) to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract; or
- the disclosure of the identity of land that has been acquired or disposed of by Council, or of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council.

Where keeping a document confidential is considered proper and necessary, a resolution to this effect is required which shall include:

- the grounds for confidentiality; and
- the duration of the order or circumstances in which the order will cease to apply or when the order must be reviewed – if the order has a duration of more than 12 months, the order must be reviewed at least once in every year;
- (if applicable) whether the power to revoke the order will be delegated to an employee of the Council. [s.91(9)]

Requests to access Council and Council committee documents can be made under the Freedom of Information Act 1991. Any inquiries in relation to the process for seeking access to documents held by Council should be directed to Council's accredited Freedom of Information Officer on Phone 8582 1922.

### **13. Example Confidentiality Provisions**

Council will record in the minutes of any Council and Council committee meetings the making of an order in accordance with sections 90(2) and (3) and section 91(7) as outlined in the "Confidentiality Provisions – Code of Practice" policy.

### **14. Review of Confidential Documents (Section 91(9)(a))**

A confidentiality order made under section 91(7) of the Act must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. In any event, any order that operates for a period exceeding 12 months must be reviewed at least once in every year.

An order will lapse if the time or event specified has been reached or carried out. There is no need for the Council to resolve for the confidential order to be lifted. Once the order has lapsed, the minutes and/or documents automatically become public.

A review of the reports or documents that were considered under the provision of sections 90(3) and 91(7) of the Act will be conducted every 6 months to ensure that items are released in accordance with the resolution of Council, when the confidential provision no longer applies.

Orders that exceed 12 months must be reviewed annually and the Council must assess whether the grounds for non-disclosure are still relevant and, if so, provide the relevant grounds and reasons for the minutes and/or documents remaining confidential. The conduct of the annual review can be delegated to the Chief Executive office and sub-delegated to an employee of the Council if appropriate. If there are any items that require a fresh confidentiality order because the original order is about to expire, then the reviewer will prepare a report to Council making recommendations with respect to each item to be retained in confidence. Each item must then be addressed separately and assessed against section 90(3) and section 91(7) of the Act. While a Council may delegate the power to undertake an annual review, the Council cannot delegate the power to apply sections 90(3) and 91(7) of the Act.

A Council may resolve to exclude the public from a meeting to discuss and undertake consideration of the recommendations arising from the annual review in confidence, subject to the application of the relevant ground under section 90(3) of the Act. Section 90(3) of the Act must be applied separately to each item and not en bloc.

If there is no longer any need for the confidentiality order, then the Council or Council Committee may delegate to an employee of the Council the power to revoke an order made in accordance with section 91(7) of the Act. The Council or Council committee may also include in the resolution whether any delegation is given to an employee to revoke the order and if relevant, any conditions associated with the delegation.

Where Council has made an order that documents and information are to remain confidential for a specific period of time pursuant to section 90 of the Local Government Act 1999, the matter will be recorded in the Index of the Confidential Minutes Book with the matter being reviewed within the time constraints set out in the applicable Confidentiality Order (Motion).

## **15. Accountability and reporting to the community**

A report on the use of sections 90(2) and 91(7) by the Council and Council committees must be included in the annual report of a Council as required by Schedule 4 of the Act. This supports commitment to the principle of accountability to the community. The reporting should include the following information, separately identified for both Council and Council committees:

- number of occasions each of the provisions of sections 90(2) and 90(3) were utilised;
- number of occasions each of the provisions of sections 90(2) and 90(3) and section 91(7) were utilised, expressed as a percentage of total agenda items considered;
- an indication of any particular issues that contributed to the use of confidentiality provisions on more than one occasion e.g. a proposal to acquire a parcel of land was considered on 3 separate occasions;
- number of occasions that information originally declared confidential has subsequently been made publicly available; and
- number of occasions that information declared confidential has not been made publicly available and the reason for this in each case.

## **16. Availability of Code**

The public may inspect a copy of the Code, without charge, at the offices of Council during office hours, and may obtain a copy for a fee fixed by Council. The Code is also available via the Council's website [www.berribarmera.sa.gov.au](http://www.berribarmera.sa.gov.au).

## **17. Grievance**

Council is required to establish procedures for the review of decisions of:

- council, and its committees;
- employees of the Council; and
- other persons acting on behalf of the Council.

Should a person be aggrieved about public access to either a meeting or a document then they can lodge an application for consideration under the “Review of Council Decisions” policy established by Council. A copy of the policy / procedures adopted by Council is available from the Executive Assistant.

In the first instance, an application for a review of decision should be expressed in writing, addressed to:

Chief Executive Officer  
Berri Barmera Council  
PO Box 229  
BERRI SA 5343

A person may also lodge a complaint with the Ombudsman, who may carry out an investigation if it appears (to the Ombudsman) that Council (or committee) may have unreasonably:

- excluded members of the public from a meeting; or
- prevented access to documents.

If an investigation is conducted, the Ombudsman must supply the Minister and Council with a copy of the written report that is prepared. After considering the report of the Ombudsman if the Minister believes Council has unreasonably excluded members of the public from a meeting or prevented access to a document, s/he may give directions to Council about the future exercise of its powers concerning the exclusion of the public from meetings or the making of orders to withhold a document (or part thereof) or to release information that should, in the opinion of the Minister, be available to the public. Before taking such action the Minister must give Council a reasonable opportunity to make submissions to the Minister in relation to the matter.

## **18. Revoking or Amending Previous Resolutions**

Subject to some circumstances, Council and Council committees can pass resolutions that amend, or revoke resolutions previously adopted. Whilst this is not a regular practice it can happen where for example new information is presented.

## **19. Information**

The Chief Executive Officer or Executive Assistant can assist in providing information. The contact telephone number is 8582 1922.

## **20. Related Policies:**

This Policy has reference to the following policies:

- Public Consultation
- Code of Conduct Elected Members & Committee Members
- Code of Conduct - Council Employees; Confidentiality Provisions - Code of Practice
- Procurement Policy (Contracting & Tendering; Order Making Policy)
- Review of Council Decisions (including handling complaints).

## **21. Appendices**

Appendix 1- Local Government Act 1999 Provisions

## Appendix 1

### Local Government Act 1999 Provisions

Chapter 6 of the Local Government Act sets out arrangements for meetings of council and committees. It requires that all council and council committee meetings are to be held in public except where special circumstances exist as prescribed in the Act and a council or council committee orders that the public be excluded. There are very strict circumstances in which a discussion or document considered in a council or council committee meeting can be kept confidential. These provisions are included in the following sections:

83 (5) Council & 87 (10) Committee - the Chief Executive Officer (CEO) may, after consultation with the principal member of council, or in the case of a committee the presiding member, indicate on a document or report (or on a separate note) provided to members of council or committee, as the case may be, that the matter may, if the council or committee so determines, be considered in confidence. The CEO is required to specify at the same time the basis on which such an order can be made.

84 (1a, (b)) that the notice and the agenda for of council meetings – be published on a website

87(15) & 88 (7) – the provisions of these sections may be modified if the council committee is not performing a regulatory function. Regulations 23 & 24 of the Local Government (Procedures at Meetings) Regulations 2013 enable variation to the notice of meetings for members and public notice of meetings.

88 (1a, (b)) that the notice and the agenda for of committee meetings – be published on a website

90 (2) & (3) - circumstances where council may order that the public can be excluded from attendance at a meeting, or part of it, to enable a matter/s to be considered in confidence.

90 (8) – informal gatherings and discussions are not unlawful under certain circumstances.

91 (7) - circumstances when a document considered in confidence can be ordered to remain confidential.

91 (8) - circumstances where a council must not order that a document remain confidential.

91 (9) – the council or committee must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order will be reviewed. The power to revoke an order can also be delegated to an employee of council.

92 – requires the council to prepare and adopt a code of practice relating to access to meetings and documents. Prior to adoption, alteration, or substitution the proposed code (or changes) must be available for inspection and purchase. Council is also required to follow the relevant steps set out in its public consultation policy. Council must, at least once in every financial year, review the code.

94 – provides that the Ombudsman may, on receipt of a complaint, investigate the use of these provisions.

132 (1), (2) and (3) That the Council must make documents available for inspection on the Internet within a reasonable time after they are available at the principal office of the Council.

270 – Council to establish procedures for the review of decisions.

## **Appendix 2**

### **Committees of Council:**

Audit and Risk Committee  
Infrastructure, Asset and Works Committee  
Lease and Licences Advisory Group  
Planning and Strategy Committee  
CEO Review Panel

### **Other:**

- Berri Barmera Council Building Fire Safety Committee (Sect. 71 of Development Act)
- (RRAP) Riverland Regional Assessment Panel (Meeting Procedures – includes access to meetings - are a separate document – adopted annually at 1st Meeting of Panel)

## **22. Confidentiality**

*Any information provided will be treated as strictly confidential. Information provided to the Council's Chief Executive Officer (CEO) will be securely retained within Council's records.*

***Electronic version on the Intranet is the controlled version.***

***Printed copies are considered uncontrolled. Before using a printed copy, verify that is the current version.***