

## Informal Gatherings Policy

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<b>Corporate Plan:</b>	<i>Governance – Informal Gatherings</i>
<b>Classification:</b>	<i>January 2014</i>
<b>First Issued/Approved:</b>	<i>This Policy will be reviewed within 12 months after a General Election and as required.</i>
<b>Review Frequency:</b>	<i>7 April 2020</i>
<b>Last Reviewed:</b>	<i>October 2023</i>
<b>Next Review Due:</b>	<i>This Policy will be reviewed within 12 months after a General Election and as required.</i>
<b>Responsible Officer(s):</b>	<i>Chief Executive Officer</i>
<b>Council File Reference:</b>	<i>Council Policies (P)</i>
<b>Applicable Legislation:</b>	<i>Local Government Act 1999 Local Government (Accountability and Governance) Amendment Bill 2015</i>
<b>Relevant Policies:</b>	<i>Access to Meetings - Code of Practice; Public Consultation; Statutory Code of Conduct Elected Members &amp; Committee Members; Statutory Code of Conduct- Council Employees; Confidentiality Provisions - Code of Practice; Procurement Policy and Procurement Procedure; Order Making Policy; Review of Council Decisions (including Handling Complaints).</i>
<b>Related Procedures:</b>	<i>Not Applicable</i>
<b>Delegations:</b>	<i>Not Applicable</i>

### 1. Purpose

Section 90 of the Act provides that members of Council, a committee and staff can participate in informal gatherings or discussion provided that a matter which would ordinarily form part of the agenda for a formal Council or Committee meeting is not dealt with in such a way as to obtain, or effectively obtain, a decision outside a formally constituted meeting of the Council or committee. 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. The traditional use of these meetings has been for consideration of strategic directions for the Council, the preparation of the annual budget and Elected Member training sessions.

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.

## 2. Definitions

Electronic	includes a telephone, computer or other electronic device used for communication.
Council	means Berri Barmera Council
CEO	Chief Executive Officer of Berri Barmera Council

## 3. Principles

Informal gatherings, briefing sessions, planning sessions and other discussions captured under this policy are those gatherings that are arranged by the council, either by the CEO or by the elected council. Section 90(8) of the Local Government Act provides a list of non-exclusive examples of informal gatherings, which are:

- 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.

Both the CEO and the council are responsible for ensuring informal gatherings and 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). The co-ordination and chairing of these sessions is managed by the Chief Executive Officer or another senior council officer to ensure they are conducted in accordance with legislative requirements and consistent with Section 90 of the Local Government Act, whilst providing the desired outcomes / benefits for members and staff.

These sessions benefit Members of Council as they provide a forum for discussing issues and options in an informal environment, not constrained by formal meeting procedures that dictate how and when a member might speak to a matter which enables Members to question, clarify and develop greater understanding of issues, which supports and contributes to informed decision making in the appropriate forum.

These sessions allow input into policy and strategic framework development, which can also include community members, consultants, and staff. These sessions are used primarily as effective two-way communication between Elected Members and Elected Members & senior staff.

No decisions can be made at informal gatherings of Council or Council Committee Members.

### 3.1. Attendance at Informal Gatherings

Members of the Council may participate in an informal gathering of the Council by electronic means.

A member of the Council participating in an informal gathering by electronic means is taken to be present at the informal gathering provided that the member:

- can hear all other members present at the informal gathering; and
- can be heard by all other members present at the informal gathering.

### **3.2. Form of Participation by Electronic Means**

Where:

- a Council member is to participate in a Council informal gathering by electronic means; and
- the electronic means has the functionality to allow the Council member to participate in the informal gathering by being heard but not seen or by being both seen and heard; and
- the electronic means of the Council has the functionality to allow the council member to be heard but not seen or to be both seen and heard, the member must participate by being both seen and heard.

### **3.3. Public Access to Designated Informal Gatherings**

During the period within which Notice No. 1 applies, public access to designated informal gatherings may be provided in accordance with Sections 90(1a) and 90(1b) of the Local Government Act 1999 however minutes will not be recorded.

## **4. Policy Statement**

### **4.1. General Business of the Council**

Informal gatherings will not be used for the purpose of conducting the general business of the council or council committee or to stifle debate on issues that may subsequently be dealt with by the council at a formal meeting. However informal gatherings may be used to discuss issues that involve strategy or policy or other matters of council administration and to brief council members on issues relating to their decision-making function.

### **4.2. Timing of, and Access to, Informal Gatherings of Council**

- Where informal gatherings, such as workshops and briefing sessions, are scheduled regularly to coincide with the council's meeting cycle and to consider matters that will form part of the council's meeting agenda, the gatherings will be advertised and open to the public. Any ad hoc informal gatherings or discussions that are convened to discuss items that will form part of the council's meeting agenda will also be advertised and open to the public.

A schedule of planned briefing sessions will be published on the council's website.

If a topic falls into a category that would normally be kept confidential if it arose at a council meeting, the item will be placed last, and the gathering will be closed when that item is reached.

- For all other informal gatherings public access will be determined on a case-by-case basis. 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.

#### **4.3. Agendas and Minute Taking**

Informal gatherings will not involve a formal minute taking process. However, a list of the matters to be discussed at an informal meeting may be published on the council's website in accordance with (i) above. Any notes taken at these sessions will be tabled at the next council meeting.

**Attachment**  
**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.

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