

| COUNCIL POLICY – Informal Gatherings Policy | |
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| Reference Number | 830108 |
| Responsible Business Unit | Office of Chief Executive Officer |
| Responsible Officer | Chief Executive Officer |
| Legislation | Local Government Act 1999 Electronic Participation in Council Meetings Notice (No 1) 2020 Emergency Management (Public Gatherings) (COVID-19) Direction 2020 |
| Relevant Delegations | Chief Executive Officer |
| Related Policies Management Guidelines Frameworks | Code of Practice – Access to Council meetings and associated documents Code of Conduct |
| Link to Strategic Plan | Objective 5.1 - Ensuring Delivery |
| Council resolution | 100.7 |
| Date Adopted | 9 June 2020 |
| Review Date | During a Council term |
| Previous Revisions | 14 April 2020, item S64.1 19 November 2018, item 200.6 14 November 2016, 212.3 9 May 2016, item 85.4 – Code of Practice – Access to Council and Committee meetings & associated documents |
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POLICY STATEMENT

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.

OBJECTIVES

This 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 the matter to be discussed.

ALTERATIONS TO POLICY

On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the *South Australian Public Health Act 2011*, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.

On 22 March 2020, the State Co-ordinator for the State of South Australia declared, pursuant to section 23 of the *Emergency Management Act 2004*, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.

On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the *Local Government Act 1999* (**Notice No 1**) varying or suspending the operation of the specified provisions of the *Local Government Act 1999* as set out in Schedule 1 to Notice No 1. Notice No 1 commenced operation on 31 March 2020.

For the period Notice No 1 has effect (as provided for in Notice No 1), this Informal Gatherings Policy is altered as set out below and those alterations have effect notwithstanding any other provision in this Informal Gatherings Policy to the contrary.

The alterations to this Policy are made consistent with Notice No 1 and the Council's Code of Practice for Access to Meetings and Code of Practice for Meeting Procedures.

For the avoidance of doubt, save for the alterations to the Informal Gatherings Policy as set out below, this Informal Gatherings Policy otherwise applies to all informal gatherings of the Council.

Definitions

Electronic means includes a telephone, computer or other electronic device used for communication.

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:

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

Form of Participation by Electronic Means

Where:

- (a) a Council member is to participate in an informal gathering by electronic means; and
- (b) 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
- (c) 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.

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, as outlined in this Policy, minutes will not be recorded.

PUBLIC HEALTH EMERGENCY: EMERGENCY MANAGEMENT (PUBLIC GATHERINGS)(COVID-19) DIRECTION 2020

On 22 May 2020 the State Government released the Emergency Management (Public Gatherings) (COVID-19) Direction 2020 that specifically indicated that Council, Committee and Subsidiary meetings are permitted to be held in person.

Council meetings are permitted to be held provided that the following requirements are observed and followed:

- Limit any members of the public attending the meeting on site (e.g. in the public gallery) to a maximum of 10 attendees and follow contact tracing protocols.
- Comply with the density requirement in relation to members of the public present ie one person per four (4) square metres. This includes any media representatives
- Best endeavours are used to observe social distancing (1.5 metres rule). Depending on the size of the facility, a lower maximum limit for public attendance may apply, as the density requirement needs to be complied with (as outlined above).

It is noted that this Direction does not preclude councils from continuing to hold electronic meetings (either full or part electronic attendance) in accordance with the Electronic Participation in Council Meetings Notice No 1.

Members of Council may participate in an Informal Gatherings in person or by electronic means.

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 information 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 the Council Committee, is not a 'designated informal gathering or discussion'

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.

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 Member 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.

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 information discussion'.

The Council or Chief Executive Officer may, on a case by case basis, declare a designated informal gathering or discussion to be a confidential informal discussion' where the designated informal gathering or discussions is either;

- (1) A planning session of a general strategic nature; or
- (2) Is a briefing session relating to information or a matter of a confidential nature within the ambit of 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.

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 gatherings 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. In accordance with a Notice under the S92 of the SA Public Health Act 2011, public attendance to the Local Government is restricted due to COVID-19. The Public will be provided access to the meeting via livestream.

PUBLICATION OF INFORMATION RELATING TO DESIGNATED INFORMAL GATHERINGS OR DISCUSSIONS

For all designated informal gatherings or discussions, the following information will be published on Council's website:

1. The place, date and time at which the designated informal gathering or discussion will be held
2. The matter that is to be discussed at the designated informal gathering or discussion
3. Whether or not the designated informal gathering or discussion is to be held at a place open to the public.
4. Livestream address

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.