



**TATIARA DISTRICT COUNCIL**

# **INFORMAL GATHERINGS POLICY**

## INTRODUCTION

Open and transparent council meetings underpin representative democracy and ensure public confidence in council's decision-making processes. 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.

## POLICY OBJECTIVE

To ensure council members have sufficient opportunity to conduct planning sessions, to receive informal briefings and educational sessions, and convene other informal gatherings without prejudicing the requirements for openness and transparency as required by the *Local Government Act 1999*.

Section 90(8) of the Local Government Act allows informal gatherings to be held provided that the discussion does not lead to a decision, or effectively obtain a decision, on a matter that would ordinarily be dealt with at a council meeting. This policy reflects the intention of the legislation for informal gatherings to be used for briefing, planning and educational sessions and is aimed at avoiding any perception that informal gatherings will be used to build consensus for council agenda items.

## 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'.

## POLICY STATEMENT

### Purpose of Informal Gatherings or Discussions

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.

Informal gatherings and discussions of these kinds will be used solely for the purpose of information sharing and not for the purpose of debating issues, building consensus positions or otherwise discharging council's deliberative and decision-making functions.

Informal gatherings of council members, or council members and council staff are, by their nature, a non-compulsory meeting of the council. All council members are encouraged to attend as these sessions, particularly those designed to provide history, context or additional information to assist council members to carry out their functions.

### **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 relevant to matters which in the future will be included on the agenda of a formal meeting of the Council or Council committee.

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 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 section 90(3) of the Local Government Act (see attachment).

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*.

The CEO after consulting with the Mayor will decide who shall chair the workshop or parts of the workshop to ensure the smooth running of the meeting. It could be the CEO, the Mayor, a Senior Manager, a councillor or an independent facilitator depending on the issues to be discussed. 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.

### **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) the matter that is to be discussed at the designated informal gathering or discussion;
- (iii) 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.

### **RECORD OF AMENDMENTS**

<b>DATE</b>	<b>REVISION NO:</b>	<b>REASON FOR AMENDMENT</b>
3-2-2016	Rev: 00	Draft Policy prepared based on LGA Model Policy
9-2-2016	Rev: 01	Policy adopted by Council
8-11-2016	Rev: 02	Policy revised to comply with an addition made to the Local Government (General) Regulations
13-3-2018	Rev 03	Policy revised to remove Protocol for gatherings, Adopted Council (Res# 514)

## ATTACHMENT

### **Information and Matters within the Ambit of Section 90(3), Local Government Act, which Allows Council to Exclude the Public**

- (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*.