


# DISTRICT COUNCIL OF LOWER EYRE PENINSULA

## Informal Gatherings Policy

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“Working with our Rural & Coastal Communities”

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|  | <h1>GOV-POL-13: INFORMAL GATHERINGS</h1> | Version No:  | 3.0        |
|  |  | Issued:      | March 2019 |
|  |  | Next Review: | March 2023 |

|                                    |  |
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| Responsibility:                    | Governance   |
| Minutes reference:                 |  |
| Applicable Legislation:            | Local Government Act 1999<br>Local Government (Accountability and Governance) Amendment Act 2015<br>Local Government (General) Regulations 2013<br>Local Government (General) Variation Regulations 2016 |
| Related Policies/Procedures/Codes: | Elected Member Code of Conduct   |
| Review Frequency:                  | Following Council Election   |

## 1. INTRODUCTION

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.

## 2. POLICY 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 member where this is warranted by the nature of the gathering or subject matter to be discussed.

## 3. 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'.

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#### 4. 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.

The District Council of Lower Eyre Peninsula have set aside the first Friday of each month as a 'Workshop Date' for the purpose of allowing Elected Members to receive briefings / education on ongoing matters of administration, attend inspections of the Council area and undertake planning sessions for budgets and strategic plans for public consultation.


These workshops will not be held to reach decisions on matters forming part of the agenda, but will allow the Elected Members to receive additional information on matters so that they may prepare plans for consultation and make informed decisions at Council meetings.

#### 5. 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 which will form part of future agendas of the Council.

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.

|  |  |              |            |
|--|--|--------------|------------|
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## 6. 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.

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.

## 7. 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.

(continued):

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**7. PROCEDURES APPLYING TO DESIGNATED INFORMAL GATHERINGS OR DISCUSSIONS** **CONT'D:**


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.

**8. PUBLICATION OF INFORMATION RELATING TO DESIGNATED INFORMAL GATHERINGS OR DISCUSSIONS**

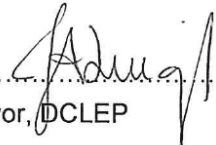
For all designated informal gatherings or discussions, the following information will be published on the Council's website:

- (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.

SIGNED:   
A CEO

Date: 15 / 03 / 2019

  
 Mayor, DCLEP

Date: 15 / 03 / 2019

| DOCUMENT HISTORY |             |   |
|------------------|-------------|---|
| Version:         | Issue Date: | Description of Change:  |
| 2.0              | 18/11/2016  | Adopted by Council  |
| 3.0              | 15/03/2019  | Inclusion of planned Council workshops to enable a determination to be made as a standing policy. |