Informal Gathering Policy

This policy is set by Council for use by the community and council administration

ECM Document Set No.: 2618541

Version No.: 3

Date of Current Version: 7 April 2020

Responsible Team: Governance

Other Key Internal Stakeholders: Council Members; Executive

Initial Date of Adoption: 22 March 2016

Last Reviewed: 20 December 2016

Authorised By: Council

Resolution No.: 3983

Legal Requirement: Local Government Act 1999 and Local Government (General) Regulations 2013

Date of Next Review: April 2021
1. Purpose

Section 90(8) of the Local Government Act 1999 allows informal gatherings or discussions of Council to be held. Council must have an Informal Gathering Policy compliant with the Local Government Act 1999 and Local Government Act (General) Regulations 2013 which ensures transparency, accountability and trust in Council’s decision making.

2. 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.


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

The alterations to this Informal Gatherings Policy are made consistent with Notice No 1 and the Council’s Code of Practice for Public Access to Meetings and Meeting Documents and Code of Practice for Council and Committee Meetings.

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 meetings of the Council.

3. Scope

Informal Gatherings which fall under this policy are Gatherings arranged by the Council or the Chief Executive Officer and this Policy applies to informal gatherings of the Council or a Section 41 Committee of Council, including designated informal gatherings or discussions.
4. Legislation and References

- Local Government Act 1999
- Local Government Act (General) Regulations 2013
- Elected Member Support Policy
- Designated Informal Gathering Notice Template

5. Definitions

Act refers to Local Government Act 1999

Chief Executive Officer (CEO) means the Chief Executive Officer of a council and includes a Deputy or other person acting in the office of Chief Executive Officer.

Council Member as stated in the Local Government Act 1999, member of a council means the principal member or a councillor of the Council. Elected Member is commonly utilised to refer to Council Member.

Committee means a committee established by Council pursuant to Section 41 of the Local Government Act 1999.

Designated Informal Gathering or discussion means 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.

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

Informal Gathering is an informal forum, whereby Council Members can exchange information, engage in conversation and exchange ideas or meet for the purpose of a social gathering or training, or for the purpose of a Designated Informal Gathering.

Planning Sessions of a general or strategic nature include the future planning of Council business such as the budget, business plans and strategic plans. For example an Informal Gathering or discussion providing an update of a current Council Project may not be considered a planning session, whereas the planning for future projects may be.

Staff includes Council employees, contractors, volunteers and all others who perform work on behalf of Council.
6. Policy

6.1 Purpose of Informal Gatherings

6.1.1 Informal Gatherings provide an informal forum for receiving information and discussion and are not for obtaining decisions. These sessions are not compulsory; Council and/or Committee Members, however, are encouraged to attend.

For example section 90(8) of the *Local Government Act 1999* outlines:

a. planning sessions associated with the development of policies or strategies;
b. briefings or training sessions;
c. workshops; and
d. social gatherings to encourage informal communication between Council Members or between Council Members and staff.

6.1.2 Informal Gatherings will be chaired by the Mayor or the CEO in their absence.

6.1.3 The CEO and/or Mayor may invite or permit a person(s) to attend an Informal Gathering.

6.2 Closed Informal Gatherings – Training

6.2.1 Council may hold Closed Informal Gatherings for the purpose of Council Member Training including:

a. Mandatory Training;
b. Group Training; and
c. Individual Training.

6.3 Closed Informal Gatherings – Other

6.3.1 Council may hold Closed Informal Gatherings for the purpose of Social Gatherings including:

a. Relationship building (between CEO and Council Members);
b. Christmas functions;
c. Workshops;
d. Other occasions.

6.4 Attendance at Informal Gatherings

6.4.1 Members of the Council may participate in an informal gathering of the Council by electronic means.
6.4.2 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.

6.5 Form of Participation by Electronic Means

6.5.1 Where:

a. a Council member is to participate in a Council 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.

6.6 Designated Informal Gatherings or Discussions

6.6.1 A matter which would ordinarily form part of the agenda for a formal Council and/or Council Committee Meeting is considered a Designated Informal Gathering and will not be dealt with in such a way as to obtain, or effectively obtain, a decision.

Open Designated Informal Gatherings or Discussions

6.6.2 Council will hold Open Designated Informal Gatherings or Discussions, unless it has been declared Closed by the CEO in accordance with the Informal Gathering Regulations 8AB.

Closed Designated Informal Gatherings or Discussions

6.6.3 Council may hold Closed Designated Informal Gatherings or Discussions. Regulation 8AB (1)(b) outlines it may be declared closed by the CEO provided it is:

a. assessed on a case by case basis; and
b. if the designated informal gathering or discussion -
   • is a planning session of a general or strategic nature; or
   • is a briefing relating to Information or a matter of a confidential nature as outlined in section 90(3) of the Local Government Act 1999.
6.6.4 The date, time, location and reasons as to why the session is closed will be published on the City of Playford website.

6.6.5 As Informal Gatherings or Discussions are not formal meetings of Council minutes are not recorded.

6.6.6 If there are Informal Gathering Items which are both Open and Closed to the Public open items will be scheduled first.

Public Access to Designated Informal Gatherings

6.6.7 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.

7. Responsibilities

It is the responsibility of the Chief Executive Officer, Council and Committee Members to ensure all Informal Gatherings and Designated Informal Gatherings are conducted in accordance with this Policy, the Local Government Act 1999 and Local Government (General) Regulations 2016.

8. Relevance to Strategic Plan

1: Smart Service Delivery Program

Outcome 1.2 Improved service delivery

9. Accessibility

This Policy is available on the City of Playford website and is available internally in the Corporate Policy Library on Click.

10. Feedback

We invite your feedback on this policy which can be directed to Manager – Governance to playford@playford.sa.gov.au.
### 11. Approval and Change History

<table>
<thead>
<tr>
<th>Version</th>
<th>Approval Date</th>
<th>Approval By</th>
<th>Change</th>
</tr>
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<tbody>
<tr>
<td>1.0</td>
<td>22 March 2016</td>
<td>Council – Resolution No. 2524</td>
<td>New Policy</td>
</tr>
<tr>
<td>2.0</td>
<td>20 December 2016</td>
<td>Council – Resolution No. 2767</td>
<td>Revised policy in response to release of <em>Local Government (General) Variation Regulations 2016</em></td>
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<tr>
<td>3.0</td>
<td>7 April 2020</td>
<td>Council – Resolution No. 3983</td>
<td>Placed into current Council policy template.</td>
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<td>Addition of Appendix A <em>Electronic Participation in Council Meetings Notice (No.1) 2020</em></td>
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<td></td>
<td>Amendments as per <em>Electronic Participation in Council Meetings Notice (No.1) 2020</em></td>
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Appendix A – Electronic Participation in Council Meetings Notice (No 1) 2020

Public Health Emergency: Electronic Participation in Council Meetings

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 Informal Gatherings 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 meetings 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 a Council 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 minutes will not be recorded.