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COUNCIL POLICY - Informal Gatherings and Discussions

1. Preamble

- 1.1 Section 90(8) and (8a) of the *Local Government Act 1999* (Act) operate to enable Council to lawfully hold informal gatherings or discussions of members of Council or a Council Committee, with or without Council employees, provided that:
- 1.1.1 any matters discussed relating to a matter that would ordinarily form part of the agenda for a formal meeting of the Council or a Council Committee are not dealt with in such a way as to obtain, or effectively obtain a decision; and
 - 1.1.2 the Council has adopted a policy on the holding of informal gatherings and discussions and the informal gatherings and discussions comply with the policy.
- 1.2 Regulation 8AB of the *Local Government (General) Regulations 2013* (Regulations) details the requirements and procedures for the holding of “*designated informal gatherings and discussions*”.

2. Purpose

- 2.1 Pursuant to s 90(8a) of the Act and regulation 8AB of the Regulations, this Policy is intended to clearly outline the purpose of and the basis upon which, the Council will apply the provisions of s90(8) of the Act and regulation 8AB of the Regulations regarding the holding of designated informal gatherings or discussions.

3. Scope

- 3.1 This Policy applies to all informal gatherings or discussions to which members of Council or a Council Committee have been invited.

4. Definitions

- 4.1 **Designated informal gatherings or discussions** mean an event organised and conducted by or on behalf of the Council or Chief Executive Officer (CEO) to which members of the Council or a Council Committee 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.

5. Policy Statement

- 5.1 On occasions, Council will hold informal gatherings and discussions involving members of the Council or a Council Committees.
- 5.1.1 The Chief Executive Officer, or delegate, is responsible for inviting members of Council or a Council Committee to an informal gathering or discussion.
- 5.2 Informal gatherings will not be dealt with in such a way as to obtain, or effectively obtain, a decision of Council or Council Committee.

- 5.3 It is at the discretion of the CEO, or delegate, to determine whether an informal gathering or discussion which is not a “designated informal gathering or discussion” will be open to the public.
- 5.4 “*Designated Informal gatherings or discussions*” will be used for the sole purpose of discussing a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council Committee.
- 5.4.1 All designated informal gatherings or discussions will be held in a place open to the public unless the designated informal gathering or discussion is one that Council or the CEO has declared will be held in confidence.
- 5.4.2 Council or the CEO will only declare that a designated informal gathering or discussion will be held in confidence on a case by case basis, and the Council or CEO will only declare that such a designated informal gathering or discussion will be held in confidence if it:
- 5.4.2a is a planning session of a strategic or general nature; or
- 5.4.2b is a briefing relating to information or a matter of a confidential nature within the ambit of s90(3) of the Act.
- 5.4.3 The CEO will publish the following details, of all designated informal gatherings or discussions, regardless of whether they are to be conducted in confidence, on Council's website, as soon as practical after the designated informal gathering has been arranged:
- 5.4.3a place date and time at which the designated informal gathering or discussion will be held;
- 5.4.3b the matter to be discussed; and
- 5.4.3c whether or not the designated informal gathering will be held in confidence, and if so, the reason(s).

6. Procedure

- 6.1 Designated informal gatherings or discussions:
- 6.1.1 The CEO, or delegate, is responsible for organising and inviting members of the Council or a Council Committee to a designated informal gathering or discussion.
- 6.1.2 The CEO, or delegate, is responsible for ensuring the details of a designated informal gathering or discussion, as per clause 5.4.3 of this policy, are publicised on Council's website as soon as practical after it has been arranged.
- 6.1.3 When the CEO determines that a matter to be discussed at a designated informal gathering or discussion is of a confidential nature, within the ambit of s90(3) of the *Local Government Act 1999*, both the sub-section and reason for dealing with the matter in confidence will be recorded on Council's website.
- 6.1.3 The CEO, or delegate, will maintain records of those invited and those that attended informal gatherings.
- 6.1.4 Council's Annual Report will include details of all designated informal gatherings held by Council in the preceding financial year, including the

place, date and time of those designated informal gatherings along with the matters discussed and whether they were held in a place open to the public.

- 6.2 A copy of this Policy is available for inspection by members of the public at the offices of Council or the library during normal office hours, or from the City of West Torrens' website. Alternatively, the public may obtain a copy for a fee fixed by Council.