



## **Informal Gatherings Policy**

Version 1.2

# Informal Gatherings Policy

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Applicable Legislation	<i>Local Government Act 1999</i> <i>Local Government (General) Regulations 2013</i> <i>Local Government (Procedures at Meetings) Regulations 2013</i>
Related Policies	Code of Conduct for Council Members
Related Documents	

## 1. INTRODUCTION

Informal gatherings provide a valuable opportunity to enhance the decision-making processes of councils, by providing opportunities for council members to become better informed on issues and seek further clarification on matters.

Sections 90(8) and (8a) of the *Local Government Act 1999* (“the Act”) operate to enable the District Council of Orroroo Carrieton (“the Council”) to lawfully hold informal gatherings of Council Members (or Committee members), with or without Council employees, provided that:

- 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
- the Council has adopted a policy on the holding of informal gatherings; and
- the informal gathering complies with the policy.

### **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.

## **2. PURPOSE AND SCOPE**

This Policy is adopted pursuant to section 90(8a) of the Act and is intended to outline the purpose of, and the basis upon which, the Council will apply the provisions of s90(8) of the Act regarding informal gatherings.

This Policy applies to all informal gatherings that:

- involve a quorum of the Council (or Committee members), regardless of whether Council employees are in attendance; and
- involves discussion or consideration of any matter that would ordinarily form part of the agenda for a formal meeting of Council or Council Committee; and
- is approved by the Chief Executive Officer ("the CEO") (or delegate).

## **3. DEFINITION OF INFORMAL GATHERINGS**

For the purposes of this Policy, "*Informal Gatherings*" mean informal gatherings or discussions involving a quorum or more of Council Members (or Committee members) outside of a formal Council (or Council Committee) meeting.

That is, any gathering or meeting involving Council Members (or Committee members) at which the number of Council Members (or Committee members) present constitutes a quorum of the Council (or Committee) and, therefore, at which a decision of the Council (or Committee) could be obtained, or effectively obtained.

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

#### 4. POLICY STATEMENT

Council will, on occasion, hold informal gatherings involving Council Members or members of Council Committees. The CEO (or delegate) will be responsible for determining who is invited to attend an informal gathering.

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

The CEO and Council Members are responsible for ensuring informal gatherings and discussions are conducted in accordance with the Act.

The types of informal gatherings that may be convened by the CEO (or delegate) include, but are not limited to:

- planning sessions associated with the development of policies or strategies;
- briefing/consultation sessions;
- workshops/training/conferences/seminars;
- training sessions; or
- social gatherings or events to encourage informal communication between Council Members (or Committee members); or between Council Members (or Committee members) and Council employees.

Unless the CEO (or delegate) determines otherwise, informal gatherings are open to the public.

Informal gatherings will not involve a formal minute taking process. However, a list of the matters to be discussed at an informal gathering may be published on the Council's website as appropriate.

Council Members and members of Council Committees will not convene or otherwise participate in informal gatherings outside of this Policy.

##### **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.

## 5. FURTHER INFORMATION

A copy of this Policy is available for inspection by members of the public at the offices of Council during ordinary business hours. Alternatively, the public may obtain a copy for a fee fixed by Council, or copies are available to be downloaded free of charge from the Council's website.

Further enquiries in relation to the policy should be directed to the CEO, or telephone (08) 8658 1260 or by email to [council@orreroo.sa.gov.au](mailto:council@orreroo.sa.gov.au)