



MITCHAM

INFORMAL GATHERINGS

Adopted by Council 28 May 2019

public policy

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1. PREAMBLE

Under amendments made to the *Local Government Act 1999* by the *Local Government (Accountability and Governance) Amendment Act 2015*, Councils must adopt a Policy on the holding of 'informal gatherings or discussion' under section 90(8) of the Local Government Act.

Regulation 8AB of the *Local Government (General) Regulations 2013* mandates requirements for the Informal Gatherings Policy. This regulation commenced on 24 November 2016.

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 Elected Members to become better informed on issues and seek further clarification.

2. PURPOSE

To provide opportunities for Elected Members to participate in 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.

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 to effectively obtaining a decision, on a matter that would ordinarily be dealt with at a Council meeting.

This policy reflects the legislative intention that informal gatherings to be used for briefing, planning, educational and social sessions and is aimed at avoiding any perception that informal gatherings will be used to build consensus for Council agenda items.

3. SCOPE

Informal gatherings, briefing sessions, planning sessions and other discussions captured under this policy are those gatherings that are arranged by the Council or a Council committee either by the Chief Executive Officer or by Elected Members.

4. DEFINITIONS

Informal Gathering – An event organised and conducted by or on behalf of the Council or Chief Executive Officer to which all members of Council or Committee have been invited to attend, that does not constitute a formal Council or Committee meeting.

Designated Informal Gathering or discussion – 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 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.

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At the City of Mitcham, these are likely to include:

- Planning sessions associated with the development of policies or strategies;
- Council Workshops / Briefing
- Operational Briefings
- Community Ward Forums held between Elected Members and members of the community and supported by members of Senior Management.

Non – Designated Informal Gatherings or discussion - An event organised and conducted by or on behalf of the Council or Chief Executive Officer, which does not involve discussion of a matter that is intended to be part of the agenda or a formal meeting of the Council or Committee.

At the City of Mitcham, these are likely to include:

- Training and Induction sessions
- Community and civic events
- Social gatherings to encourage informal communication between members or between members and staff, including dinner, suppers and celebratory events.

5. PRINCIPLES

Elected Members should not obtain, or effectively obtain, a decision on a matter which would ordinarily form part of the agenda of a Council meeting at an informal gathering. The Council recognises that formal decisions of Council may only occur by way of a resolution at a formal meeting of Council.

6. POLICY STATEMENT

Informal gatherings will be used for information sharing, discussion of issues, relationship building and not to discharge Council's deliberative and decision-making function.

Informal gatherings may be used to discuss issues that involve strategy or policy or other matters of Council administration and to brief Elected Members on issues relating to their decision-making function.

Council is aware of the need to balance openness and transparency with opportunities for private discussions between Elected Members and between Elected Members and staff.

Informal gatherings (other than social gatherings) will be chaired by the Mayor, Chief Executive Officer, or another senior officer, or may be chaired by an Elected Member on occasion.

6.1 Designated Informal Gatherings

- 6.1.1 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 and Regulations.

- 6.1.2 The Chair is responsible for ensuring the purpose, intent and outcomes of the designated informal gatherings or discussions are consistent with section 90 of the Local Government Act.
- 6.1.3 Designated informal gatherings or discussions are not subject to the Code of Practice – Meeting Procedures.
- 6.1.4 Formal minutes will not be recorded of a designated informal gathering or discussion.
- 6.1.5 Attendance of Elected Members at designated informal gatherings or discussions will be recorded via a sign-in sheet.
- 6.1.6 The requirement to hold a designated informal gathering or discussion in confidence will be determined on a case-by-case basis by the Council or Chief Executive Officer. Only:
- a planning session of a general or strategic nature; or
 - 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,
- may be closed to the public.
- 6.1.7 If only some matters to be discussed at a designated informal gathering or discussion have been declared to be a ‘confidential discussion’, then the declared matters will generally be scheduled to be discussed at the end of the agenda. The designated informal gathering will be open to the public until immediately before and/or after the discussion of the declared matters (as relevant).
- 6.1.8 For all designated informal gatherings, the following information will be published on Council’s website:
- the place, date and time at which the designated informal gathering or discussion will be held;
 - the matters to be discussed;
 - whether or not the designated informal gathering or discussion is to be held at a place open to the public;
 - when closed to the public (held in confidence), the reason for excluding the public and whether the gathering will be partially or entirely held in confidence.

6.2 Non – Designated Informal Gatherings or discussion:

Non – Designated Informal Gatherings or discussions will generally be conducted in a manner consistent with Designated Informal Gatherings or discussions, with the exception that:

- They will not be held in a place open to the public
- They will not be publicised
- Attendance will not be recorded, with the exception of induction, training and development sessions.

7. POLICY REVIEW

This policy will be reviewed within 12 months of a periodic election or as deemed necessary by the Chief Executive Officer.

8. VERSION HISTORY

VERSION	AUTHOR(S) POSITION	CHANGES	DATE
V1.0	Kate O'Neill, Director Organisational & Community Development	Established	23 February 2016
V2.0	<i>Kym Elder, Manager Corporate Affairs</i>	<i>Amendments from Local Government (General) Variation Regulations 2016</i>	<i>22 November 2016</i>
V11	<i>Deborah Horton, Team Leader Governance</i>	<i>Minor amendments for Clause 6.1.7, 6.1.8 and 6.2 for clarification</i>	<i>29 May 2019</i>

9. DOCUMENT CONTROL

Responsible Department:	Corporate Affairs		
Delegations Apply:	Yes		
Classification:	Governance		
Applicable legislation:	Sections 90(8a) and (8b) of the <i>Local Government Act 1999</i> Regulation 8AB of the <i>Local Government (General) Regulations 2013</i>		
Related Policies & Corporate Documents:	Code of Practice – Meeting Procedures		
Additional references:			
Endorsed by Council:	22 November 2016	Item No:	7.1
Effective Date:	24 November 2016	Next Review Date:	November 2019
ECM Record Number:	16.153987 (Trim) 1381716	TRIM Folder No:	FF/2016/1010
Template Folder No:	FF/2012/245	Template Record No:	12.60143[v4]