



## I. INTRODUCTION

- 1.1.** Informal gatherings provide a valuable opportunity to enhance Legatus decision-making processes by providing opportunities for Legatus 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 Legatus meetings or Legatus committee meetings. Open and transparent Legatus meetings and Legatus committee meetings underpin representative democracy and ensure public confidence in Legatus' decision-making processes.

## 2. POLICY OBJECTIVE

- 2.1.** The policy aims to ensure that the statutory requirements for openness and transparency in Legatus decision-making are observed; while providing an opportunity for confidential discussions among Legatus member where this is warranted by the nature of the gathering or subject matter to be discussed.

## 3. SCOPE

- 3.1.** This policy applies to informal gatherings of Legatus or a Legatus committee, including designated informal gatherings or discussions.
- 3.2.** The *Local Government (General) Regulations 2013* defines 'designated informal gathering or discussion' as:

*an event organised and conducted by or on behalf of Legatus or chief executive officer to which members of Legatus or Legatus 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 Legatus or Legatus 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 Legatus or Legatus committee, is not a 'designated informal gathering or discussion'.

## **4. POLICY STATEMENT**

### **4.1. 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 Legatus or Legatus 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 Legatus members or Legatus committee members (either with or without Legatus staff) are, by their nature, non-compulsory. However, all Legatus members and Legatus 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 Legatus members or Legatus committee members.

### **4.2. 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 Legatus administration
- brief Legatus members or Legatus committee members on issues relating to their functions.

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 Legatus or Legatus committee.

#### **4.3. 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 Legatus or the Chief Executive Officer to be a 'confidential informal discussion'.

Legatus or the 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 (see attachment).

An informal gathering or discussion of Legatus or a Legatus committee which is not a designated gathering or discussion will not be open to the public, unless otherwise determined by Legatus or the Chief Executive Officer.

#### **4.4. Procedures applying to designated informal gatherings or discussions**

Both the Chief Executive Officer and Legatus 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 Legatus 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 Legatus 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 Legatus members, the Chief Executive Officer and any other person invited to attend by Legatus or the Chief Executive Officer.

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.

#### **4.5. Publication of information relating to designated informal gatherings or discussions**

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

### **5. INFORMATION AND MATTERS WITHIN THE AMBIT OF SECTION 90(3) LOCAL GOVERNMENT ACT**

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- (b) information the disclosure of which:
  - (i) could reasonably be expected to confer a commercial advantage on a person with whom the Legatus is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Legatus; and
  - (ii) would, on balance, be contrary to the public interest;
- (c) information the disclosure of which would reveal a trade secret;
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which:

- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
  - (ii) would, on balance, be contrary to the public interest;
- (e) matters affecting the security of Legatus, members or employees of Legatus, or Legatus property, or the safety of any person;
- (f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
- (g) matters that must be considered in confidence in order to ensure that Legatus does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- (h) legal advice;
- (i) information relating to actual litigation, or litigation that Legatus or Legatus committee believes on reasonable grounds will take place, involving Legatus or an employee of Legatus;
- (j) information the disclosure of which:
  - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Legatus, or a person engaged by the Legatus); and
  - (ii) would, on balance, be contrary to the public interest;
- (k) tenders for the supply of goods, the provision of services or the carrying out of works;
- (l) information relating to a proposed amendment to a Development Plan under the *Development Act 1993* before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act;
- (m) information relevant to the review of a determination of Legatus under the *Freedom of Information Act 1991*.

Signature:



Date: 12 June 2020

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Chief Executive Officer

If a conflict exists with any law in Australia, then the provisions of the law in Australia will prevail to the extent of the conflict.

## 6. LEGISLATION and OTHER DOCUMENTS

Section 90(8a) & (8b) of the *Local Government Act 1999*

Regulation 8AB, *Local Government (General) Regulations 2016*

## 7. AVAILABILITY & GRIEVANCES

This policy is available for inspection at Legatus's office at 155 Main North Road, Clare during ordinary business hours.

It is also available for inspection, download or printing, free of charge, from the Legatus Group website at [www.legatusgroup.sa.gov.au](http://www.legatusgroup.sa.gov.au)

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer, Legatus Group, PO Box 419, Clare SA 5453.

## 8. REVIEW

This Legatus Group Policy shall be reviewed by the Legatus Group within (4) years of the issued date.

Date	Revision Number	Reason for Amendment
5 June 2020	1	No amendment