Notice of Special Council Meeting

NOTICE IS HEREBY GIVEN in accordance with Section 82(1)(a) of the Local Government Act 1999, that a Special Meeting of the

COUNCIL

of the

CITY OF BURNSIDE

will be held via electronic means through video conference (as afforded for through the Electronic Participation in Council Meetings Notice 2020, SA Government Gazette, 31 March 2020)

on

Tuesday 14 April 2020
at 5.45 pm

Chris Cowley
Chief Executive Officer
Special Council Meeting

Agenda

14 April 2020 at 5.45pm
Video Conference – Zoom Meeting

Members: Mayor Anne Monceaux
Councillors Carbone, Cornish, Davey, Davis, Daws, Henschke, Huebl, Hughes, Jones, Lemon, Piggott, Turnbull

1. Acknowledgement of those who gave their life for this Country and acknowledgement of Traditional Owners

2. Opening Prayer

3. Apologies

4. Leave of Absence

5. Reports of Officers – to be prepared and issued by Council

   5.1 Council Meeting Procedures and Protocols – Amendment to enable electronic participation

6. Closure
9 April 2020

Mr Chris Cowley
Chief Executive Officer
City of Burnside

Dear Chris

SPECIAL MEETING OF COUNCIL – TUESDAY 14 APRIL 2020 - 5.45PM

I request, as Presiding Member of the Council and in accordance with Section 82 (1) (a) of the Local Government Act 1999, for a Special Meeting of Council to be called, to be held via electronic means as provided for in the Electronic Participation in Council Meetings Notice (No 1) (Notice 1) and issued by the Minister for Transport, Infrastructure and Local Government. (Specifically Section 86 – variations)

In order for Notice 1 to take full effect, I am informed that councils will need to make a decision to vary their Code of Practice for Access to Meetings and Documents to apply these measures.

The requested meeting is to enable the Council to make the required changes to its Code of Practice, and associated policies, and to execute the necessary formalities to facilitate electronic meetings as provided for under Notice 1.

I trust that these arrangements will enable Council to continue making decisions for the community, while protecting the health and safety of Elected Members, Council Committee Members, Council staff and the public, during these difficult and uncertain times.

Furthermore, I am advised that the Council is unable to deal with an amendment to its Code of Practice under section 92 as a ‘first item of business’ at its current adjourned ordinary meeting for 14 April 2020, as the Council is required to deal with the adjourned items of business first, before any new business. Accordingly, this necessitates the calling of this Special Meeting of Council, prior to that adjourned ordinary meeting.

An agenda for the meeting accompanies this request.

It would be appreciated if you could issue a formal Notice of Meeting accordingly for Tuesday 14 April 2020 at 5.45pm and to be held via the means outlined above.

Yours sincerely

Anne Monceaux
Mayor
Special Council Meeting

Agenda

14 April 2020 at 5.45pm
Video Conference – Zoom Meeting

Members: Mayor Anne Monceaux
          Councillors Carbone, Cornish, Davey, Davis, Daws, Henschke,
          Huebl, Hughes, Jones, Lemon, Piggott, Turnbull

1. Acknowledgement of those who gave their life for this Country and
   acknowledgement of Traditional Owners

2. Opening Prayer

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electronic participation

6. Closure
Officer’s Recommendation

That Council:

1. Adopt the purposed changes to the Code of Practice – Access to Meetings and Documents (Code of Practice) and local meeting procedures to enable Members to attend meetings of Council and Council committees by electronic means, in accordance with the *Electronic Participation in Council Meetings (No1)* (SA Government Gazette, 31 March 2020) (Notice 1) issued by the Minister for Transport, Infrastructure and Local Government.

2. From 14 April 2020, conduct all meetings of Council and Council committees (established under Section 41 of the *Local Government Act 1999*) by electronic means by way of Video Conference, for reasons of health, welfare and safety related to the COVID-19 pandemic and the strong encouragement from the Federal and State Government to only leave your home where absolutely necessary.

3. Amend its existing Informal Gatherings Policy to facilitate participation by members of Council and Council committees in informal gatherings and discussions by electronic means.

4. Temporarily suspends the current trial of Public Question Time.

5. Request residents to submit written deputations where possible (written submissions to the Council) during the period of operation of the amended Code of Practice.

6. Amends the existing Agenda format to include an item identified as ‘Conflicts of Interest’ at the commencement of Council and Council committee meetings.

7. Note that all changes apply for the period that Notice 1 remains in effect.

8. Note that, to the extent that any other provision of the Code of Practice or local meeting procedures could be read as being inconsistent or incompatible with the ability of the Council to hold electronic meetings, that provision or procedure is suspended while Notice 1 in in effect.
9. In accordance with Notice 2, amends its Public Consultation Policy to facilitate public consultation processes for the period that Notice 2 is in effect.

Purpose

1. To inform Council that the Minister for Transport, Infrastructure and Local Government has issued the *Electronic Participation in Council Meetings (No. 1)* (SA Government Gazette, 31 March 2020) allowing Members to attend Council and Council committee meetings by electronic means, as well as the Public Access and Public Consultation (No 2) (SA Government Gazette, 8 April 2020) to facilitate access and public consultation processes during the period of operation of Notice 1 and 2.

2. To provide Council with a recommendation to alter the City of Burnside’s Code of Practice and associated meeting procedures to enable and enact this provision for future meetings of the Council and Council committees, as well as associated amendments required to the Council’s Informal Gatherings and Public Consultation Policies.

3. To provide Council and the public with the required confidence that Council is appropriately and reasonably responding to, and managing, its meeting requirements and public consultation obligations, during the COVID-19 (coronavirus) public health emergency/emergency, as declared under the *Emergency Management Act 2004*, taking into account the Council’s work, health and safety obligations that it owes not only to members and employees, but to residents and ratepayers who may seek to access the Council during this period.

Strategic Plan

4. The following Strategic Community Plan provisions are relevant:

   “*Delivery of good governance in Council business*”

   “*An empowered Council and Administration that is visionary and innovative in meeting community needs*”

Communications / Consultation

5. Notice No. 1 as issued by the Minister for Transport, Infrastructure and Local Government suspends the requirement to conduct community engagement on an alteration to the Code of Practice for Access to Meetings and Documents in accordance with Section 92(5) of the *Local Government Act 1999*.

6. Notice No. 2, as issued by the Minister for Transport, Infrastructure and Local Government, suspends the requirement to conduct public consultation in relation to the closure of the Council’s principal office, as well in respect of certain mandatory public meetings and certain types of public consultation.

7. The necessary changes to work practices as a result of the public health emergency will have an impact on the manner in which Council engages with relevant stakeholders whether it be by Zoom meetings, or other electronic forms of communication.
Statutory

8. The following legislation is relevant in this instance:

   Local Government Act 1999

   Local Government (Procedures at Meetings) Regulations 2013

Policy

9. Relevant policy changes will be made.

Risk Assessment

10. Ensuring that the necessary changes to various policies and procedures mitigates the risk of inadequate governance practices and ensures that Council functions in accordance with legislative obligations and continues to meet public expectation as best as possible.

CEO Performance Indicators

11. At the time of writing this Report the CEO Performance Indicators for 2019/20 had not been set.

Finance

12. There are no financial issues resulting from this implication. Video conferencing software and other ancillary IT equipment has been purchased to facilitate electronic meetings. This will be covered from operational budgets.

Discussion

Background

13. 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 coronavirus, and declared the emergency to be a public health emergency.

14. 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 (coronavirus) within South Australia.

15. 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 of Notice No 1, which commenced operation on 31 March 2020.

17. The *Electronic Participation in Council Meetings Notice 2020* (Notice) is the first Notice made by the Minister in exercise of his new emergency powers.

18. This Notice provides variations to the LG Act to enable some or all Council and Council committee members to participate in meetings by electronic means.

19. Notice 1 enables councils to continue making decisions for their communities, while protecting the health and safety of Elected Members, Committee Members, Council staff and the public, during this challenging time. Notice 1 has been issued during this period of emergency, to assist with dealing with the coronavirus health threat. The Notice will cease to apply 28 days after all relevant emergency declarations are revoked.

20. In order for Notice 1 to take full effect, councils will need to make a decision to vary aspects of their own Code of Practice for meetings at their next meeting in order to apply these measures.

21. On 8 April 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the Local Government Act 1999 (Notice No 2providing for closure of the Council’s principal office and amending certain requirements to hold mandatory public meetings and in respect of certain types of public consultation.

**Considerations and Analysis**

22. This Special Meeting of Council is the first opportunity for Council to vary its procedures, policies and modus operandi.

23. It is important to note that Notice 1 provides that Elected Members to meet by electronic means to alter or substitute the Code of Practice even if the existing Code of Practice prevents or inhibits anything permitted by Notice 1 (that will then be subject to change at that meeting).

24. Pursuant to Regulation 6(3a) of the *Local Government (Procedures at Meetings) Regulations 2013*, Council needs to amend its Code of Practice for Access to Meetings and Documents and its Meeting Procedures to facilitate participation by Elected Members in Council meetings and Elected Members and Independent Committee Members in Committee meetings by electronic means. This will enable future electronic meetings to proceed as planned.

25. Once resolved as per the Officer’s Recommendation, the changes will implemented to address, where relevant:

   25.1 Availability of the public notices, agendas, reports and minutes for Council meetings (no changes proposed);

   25.2 Meetings being conducted by electronic means and attendance and quorum issues;

   25.3 Suspension of public consultation requirements for the Code of Practice – Access and Documents;
25.4 Facilitating the holding of meetings in public and in confidence as per Section 90 of the Act;

25.5 Deputations;

25.6 Voting; and

25.7 Changes to arrangements for Informal Gatherings and Discussions.

**Conclusion**

26. Failure to make necessary alterations to relevant Codes and Policies will impact on the Council’s ability to meet electronically.

27. Therefore, it is essential that Council adopt the Officer’s Recommendation, to ensure that Council and Council committee meetings can proceed by electronic means.
All instruments appearing in this gazette are to be considered official, and obeyed as such

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STATE GOVERNMENT INSTRUMENTS

LOCAL GOVERNMENT ACT 1999

SECTION 302B

Public Health Emergency: Electronic Participation in Council Meetings (No 1)

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 the basis that a relevant declaration has been made in relation to a public health emergency and being satisfied that variation or suspension of the provisions specified in Schedule 1 to this notice is reasonably necessary as a result of the emergency, I, Stephan Karl Knoll, Minister for Transport, Infrastructure and Local Government, in the State of South Australia, in accordance with section 302B of the Local Government Act 1999 (“the Act”) hereby vary or suspend the operation of the specified provisions of the Act as set out in Schedule 1 to this notice, subject to any conditions specified in this notice including in accordance with any alternative requirements, arrangements or procedures as provided for in this notice.

1. Citation

This notice may be cited as the Electronic Participation in Council Meetings Notice (No 1) 2020.

2. Definitions

In this notice—

*Act* means the Local Government Act 1999;

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

*regulations* means the Local Government (Procedures at Meetings) Regulations 2013.

3. Application

This notice applies to all councils constituted under the Act including, for the avoidance of doubt, the Adelaide City Council.
### Schedule 1—Provisions of the Act and regulations varied or suspended (section 302B(1) of Act)

<table>
<thead>
<tr>
<th>Provision of Act or Regulations</th>
<th>Variation or Suspension</th>
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<tbody>
<tr>
<td><strong>Local Government Act 1999</strong></td>
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<tr>
<td>Section 74 Delete subsection (1)(b) and substitute:</td>
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<td>(b) leave the meeting (physically or by disconnecting electronic means) such that the member cannot view or hear any discussion or voting at the meeting about the matter; and (c) not view or listen to the discussion or voting at the meeting about the matter via any live stream or recording of the meeting.</td>
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<td>Section 74(2) After “or being in the chamber where the meeting is being conducted,” insert: or being connected to the meeting by electronic means,</td>
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<tr>
<td>Section 74(3) After “or to be in the chamber where the meeting is being conducted,” insert: or to be connected to the meeting using electronic means,</td>
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<td>Section 74(5) Delete subsection (5)(c) and substitute: if the member took part in the meeting, or was in the chamber during the meeting, or was connected to the meeting by electronic means, under an approval under subsection (3), the fact that the member took part in the meeting, or was in the chamber during the meeting, or was connected to the meeting by electronic means (as the case requires).</td>
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<td>Section 74 After subsection (6) insert: (7) In this section— connected to means able to hear and/or see the meeting, including via a live stream or recording of the meeting; disconnecting electronic means includes— (a) ending a telephone connection such that the discussion and voting at the meeting cannot be heard; (b) ending a video conferencing connection such that the discussion and voting at the meeting cannot be seen or heard; (c) logging out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; (d) signing out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; or (e) disconnecting any other electronic means such that the discussion and voting at the meeting cannot be seen or heard; live stream means the transmission of audio and/or video from a meeting at the time that the meeting is occurring;</td>
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<td>Section 81 After subsection (3) insert: (3a) If a place has been appointed for the holding of an ordinary meeting but the council is unable to meet at the designated place as a result of the public health emergency, the chief executive officer may appoint a different place at which the ordinary meeting is to be held.</td>
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<td>Section 81</td>
<td>After subsection (7) insert:</td>
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<td>(8) In this section—</td>
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<td><strong>place</strong> includes an electronic location (such as a virtual meeting room).</td>
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<td>Section 83</td>
<td>After subsection (3) insert:</td>
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<td>(3a) For the purposes of subsection (3)(c), the chief executive officer may sign the notice in hardcopy or electronically.</td>
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<td>Section 83</td>
<td>After subsection (9) insert:</td>
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<td>(10) In subsection (3)—</td>
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<td><strong>place</strong> includes an electronic location (such as a virtual meeting room).</td>
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<td>Section 84(1a)(a)</td>
<td>Suspend subsection 84(1a)(a).</td>
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<td>Section 84(3)</td>
<td>Delete subsection (3) and substitute:</td>
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<td>A person is entitled, on payment of a fee fixed by the council, to obtain a copy of a notice and agenda published under subsection (1a)(b) on request.</td>
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<td>Section 84(4)</td>
<td>Delete subsection (4) and substitute:</td>
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<td>The notice and agenda must continue to be published on the website under subsection (1a) until the completion of the relevant meeting.</td>
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<td>Section 84(5)</td>
<td>Delete subsection (5) and substitute:</td>
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<td>The chief executive officer (or a person nominated in writing by the chief executive officer) must also ensure that any document or report supplied to members of the council for consideration at a meeting of the council is available for inspection by members of the public—</td>
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<td>(a) in the case of a document or report supplied to members of the council before the meeting—on a website determined by the chief executive officer as soon as practicable after the time when the document or report is supplied to members of the council; or</td>
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<td>(b) in the case of a document or report supplied to members of the council at the meeting—on a website determined by the chief executive officer as soon as practicable after the time when the document or report is supplied to members of the council.</td>
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<tr>
<td>Section 84(7)</td>
<td>After subsection (6) insert:</td>
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<td>(7) In this section—</td>
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<td><strong>place</strong> includes an electronic location (such as a virtual meeting room).</td>
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<td>Section 85</td>
<td>After subsection (1) insert:</td>
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<td>(2) For the purposes of this section—</td>
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<td>(a) a member of the council participating in a council meeting by electronic means is taken to be present at the meeting provided that the member—</td>
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<td>(i) can hear all other members present at the meeting;</td>
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<td>(ii) can be heard by all other members present at the meeting; and (iii) can be heard by the person recording the minutes of the meeting.</td>
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<td>(b) A quorum is taken to be present even if 1 or more council members constituting the quorum is present by electronic means.</td>
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<td><strong>Section 86</strong></td>
<td><strong>After subsection (9) insert:</strong></td>
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<td>(10) For the purposes of this section— (a) a member of the council participating in a council meeting is taken to be present at the meeting provided that the member— (i) can hear all other members present at the meeting; (ii) can be heard by all other members present at the meeting; and (iii) can be heard by the person recording the minutes of the meeting.</td>
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<td><strong>Section 86</strong></td>
<td><strong>After subsection (8) insert:</strong></td>
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<td>(8a) For the purposes of subsection (8)(b), council members may meet by electronic means to alter a procedure determined by the council to be observed at a meeting of a council, even if the existing procedure prevents or inhibits the council members from meeting by electronic means.</td>
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<td><strong>Section 90</strong></td>
<td><strong>After subsection (1) insert:</strong></td>
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<td>(1a) A council meeting will be taken to be conducted in a place open to the public for the purposes of this section even if 1 or more council members participate in the meeting by electronic means provided that— (a) the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a live stream of the meeting on a website determined by the chief executive officer and ensures that members of the public can hear the discussion between all council members present at the meeting via the live stream; or (b) if the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps to make available a live stream of the meeting but is unable to make available a live stream of the meeting, the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a recording of the meeting as soon as practicable after the meeting on a website determined by the chief executive officer and ensures that members of the public can hear the discussion between all council members present at the meeting via the recording.</td>
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<td>(1b) If the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps to comply with subsection (1) but is unable to comply— (a) the chief executive officer (or a person nominated in writing by the chief executive officer) must publish on a website determined by the chief executive officer the steps taken to comply with subsection (1); and (b) subsection (1) is suspended.</td>
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| **Section 90**                   | After subsection (2) insert:  
|                                 | (2a) A council or council committee must disconnect any live stream or recording of a meeting for the period that the meeting is closed to the public pursuant to an order made under subsection (2). |
| **Section 90(5)**                | Delete subsection (5) and substitute:  
|                                 | A person who, knowing that an order is in force under subsection (2), enters or remains in a room in which a meeting of the council or council committee is being held, or connects to a meeting of the council or a council committee by electronic means, or fails to disconnect from a meeting of the council or council committee, is guilty of an offence and liable to a penalty not exceeding $500 and if such a person fails to leave the room on request it is lawful for an employee of the council or a member of the police force to use reasonable force to remove him or her from the room. |
| **Section 90(9)**                | After “In this section—” insert:  
|                                 | connect means able to hear and/or see the meeting, including via a live stream or recording of the meeting;  
|                                 | disconnect means remove the connection so as to be unable to hear and see the meeting;  
|                                 | live stream means the transmission of audio and/or video from a meeting at the time that the meeting is occurring; |
| **Section 91(4)**                | Delete subsection (4) and substitute:  
|                                 | A copy of the minutes of a meeting of the council must be placed on public display on a website determined by the chief executive officer within five days after the meeting and kept on display for a period of one month. |
| **Section 92**                   | Delete subsection (1) and substitute:  
|                                 | (1) Subject to subsection (1a), a council must prepare and adopt a code of practice relating to the principles, policies, procedures and practices that the council will apply for the purposes of the operation of Parts 3 and 4.  
|                                 | (1a) A council is not required to adopt any provision in a code of practice that would prevent or inhibit members from participating in council meetings or council committee meetings by electronic means. |
| **Section 92**                   | After subsection (3) insert:  
|                                 | (3a) For the purposes of subsection (3), council members may meet by electronic means in a place taken to be open to the public pursuant to section 90(1a) to alter the code of practice of the council, or substitute a new code of practice of the council, even if the existing code of practice prevents or inhibits public access to the meeting by electronic means. |
| **Section 92 (5)**              | Suspend section 92(5). |
### Local Government (Procedures at Meetings) Regulations 2013

**Reg 3(4)** Delete subregulation (4) and substitute:

For the purposes of these regulations, a vote on whether *leave of the meeting* is granted may be conducted by—

(a)  a show of hands; or

(b)  where a member is participating in a meeting by electronic means which has audio only, a verbal indication of voting in the affirmative or voting in the negative,

(but nothing in this subregulation prevents a division from being called in relation to the vote).

**Reg 3** After subregulation (4) insert:

(5)  For the purposes of subregulation (1), a reference to “appear personally” includes to appear by electronic means.

(6)  For the purposes of these regulations, a member participating in a meeting by electronic means is taken to be present at the meeting provided that the member—

(a)  can hear all other members present at the meeting;

(b)  can be heard by all other members present at the meeting; and

(c)  can be heard by the person recording the minutes of the meeting.

**Reg 6** After subregulation (3) insert:

(3a)  Without limiting subregulation (3), a council may at any time, by resolution supported by the prescribed number of members of the council entitled to vote on the resolution, alter a code of practice to facilitate participation by council members in council meetings by electronic means.

(3b)  For the purposes of subregulation (3a), the prescribed number of members of a council is a number ascertained by dividing the total number of members of the council for the time being in office by 2, ignoring any fraction resulting from the division, and adding one.

**Reg 6(7)** Delete subregulation (7) and substitute:

Regulation 12(4) does not apply to a motion under subregulation (3) or subregulation (3a).

**Reg 7(5)(b)** Delete subregulation (5)(b) and substitute:

give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be published on a website determined by the chief executive officer.

**Reg 8** After subregulation (3) insert:

(3a)  For the purposes of subregulation (3), the presiding member may initial or sign the minutes in hardcopy or electronically.
| Reg 8(4) | After subregulation (4)(b)(ii) insert:  
(iii) the method of attendance by the person;  
and  

**Example**—  
The following are examples of methods of attendance:  
(a) physical attendance;  
(b) by an audio-visual link;  
(c) by an audio link;  
(d) by telephone. |
| Reg 10(1)(d) | Delete subregulation (1)(d) and substitute:  
be addressed to the council and delivered to the council by means determined by the chief executive officer. |
| Reg 11(1) | Delete subregulation (1) and substitute:  
A person or persons wishing to appear as a deputation at a meeting must deliver (to the council by means determined by the chief executive officer) a written request to the council. |
| Reg 16(3) | Delete subregulation (4) and insert:  
(4) Subregulation (3)—  
(a) may be varied at the discretion of the council pursuant to regulation 6;  
(b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act; and  
(c) is varied in relation to a member participating in a council meeting by electronic means such that the reference to “not in his or her seat” is taken to include a disconnection of the electronic means.  
(5) In this regulation—  
**disconnection of the electronic means** includes—  
(a) ending a telephone connection such that the discussion and voting at the meeting cannot be heard;  
(b) ending a video conferencing connection such that the discussion and voting at the meeting cannot be seen or heard;  
(c) logging out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard;  
(d) signing out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; or  
(e) disconnecting any other electronic means such that the discussion and voting at the meeting cannot be seen or heard. |
Delete subregulation (3) and substitute:

(3) The division will be taken as follows:

(a) subject to subregulation (3a), the members voting in the affirmative will, until the vote is recorded, stand in their places;

(b) subject to subregulation (3a), the members voting in the negative will, until the vote is recorded, sit in their seats;

(c) the presiding member will count the number of votes and then declare the outcome.

(3a) Where a member is participating in a meeting by electronic means which has audio only, the member will provide a verbal indication of voting in the affirmative or voting in the negative.

CONDITIONS

The variation of the operation of sections 85 and 86 of the Act is subject to the following condition:

1. Where—

(a) a council member is to participate in a council meeting by electronic means; and

(b) the electronic means has the functionality to allow the council member to participate in the meeting 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.

This notice operates from the date of publication in the South Australian Government Gazette.

This notice has effect for the period specified in section 302B(2)(d)(ii) of the Act.

HON STEPHAN KNOLL MP
MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT

Dated: 30 March 2020
SUPPLEMENTARY GAZETTE

THE SOUTH AUSTRALIAN

GOVERNMENT GAZETTE

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STATE GOVERNMENT INSTRUMENTS

LOCAL GOVERNMENT ACT 1999

SECTION 302B

Public Health Emergency: Public Access and Public Consultation (No 2)

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 the basis that a relevant declaration has been made in relation to a public health emergency and being satisfied that variation or suspension of the provisions specified in Schedule 1 to this notice is reasonably necessary as a result of the emergency, I, Stephan Karl Knoll, Minister for Transport, Infrastructure and Local Government, in the State of South Australia, in accordance with section 302B of the Local Government Act 1999 (“the Act”) hereby vary or suspend the operation of the specified provisions of the Act as set out in Schedule 1 to this notice.

1. Citation

This notice may be cited as the Public Access and Public Consultation Notice (No 2) 2020.

2. Definitions

In this notice—


3. Application

This notice applies to all councils constituted under the Act including, for the avoidance of doubt, the Adelaide City Council.

SCHEDULE 1—PROVISIONS OF THE ACT VARIED OR SUSPENDED (SECTION 302B(1) OF ACT)

<table>
<thead>
<tr>
<th>Provision of Act</th>
<th>Variation or Suspension</th>
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<tbody>
<tr>
<td>Local Government Act 1999</td>
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<td>Section 45</td>
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<td>(2) Subject to subsection (3) and without limiting the operation of any other law, the principal office of a council must be open to the public for the transaction of business during hours determined by the council, except if the council is satisfied that it is reasonably necessary as a result of the public health emergency— (a) for the principal office of the council to be closed; or (b) for the transaction of business hours at the principal office of the council to be varied. (3) If a council closes its principal office or varies the transaction of business hours in accordance with subsection (2), the council must, as soon as reasonably practicable, take reasonable steps to— (a) make alternative arrangements to enable the local community to access the services of the council that are ordinarily available at the principal office of the council; and (b) inform its local community (including by publishing the information on a website determined by the chief executive officer) about the changes to the arrangements to access those services. (4) Any obligation under this Act to make a document available for inspection at the principal office of the council, is taken to be satisfied if— (a) the document is published on a website determined by the chief executive officer; or (b) the document is made available for inspection at an alternative place or by an alternative means; or (c) a hardcopy or an electronic copy of the document is provided on request (without charge or payment of a fee). (5) If a council or chief executive officer makes a document available for inspection in accordance with subsection (4), the council or chief executive officer must, as soon as reasonably practicable, take reasonable steps to inform its local community (including by publishing the information on a website determined by the chief executive officer) about the changes to the arrangements for inspection of the document. (6) For the purposes of section 70(1) of this Act, if a council makes a Register of Interests available for inspection through any of the alternative arrangements specified in subsection 45(4), the council must suppress the details of the members’ residential addresses from the Register. (7) For the avoidance of doubt, any section in the Act that provides for a document or information to be published or made available on a website continues to operate without variation unless otherwise stated in this notice or any other notice published under section 302B of the Act. (8) If a council is required under this Act to provide a copy of a document (either the whole document or an extract of the document) without charge or without payment of a fee— (a) the council must send a copy of the document on request, in the form requested, without charge or payment of a fee; and</td>
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(b) by doing so is taken to have complied with any obligation in this Act to make the document available at the principal office of the council.

(9) If a council is required under this Act to provide a copy of a document (either the whole document or an extract of the document) on payment of a fee fixed by the council—

(a) the council must send a copy of the document on request, in the form requested, subject to payment of the taken to have complied with any obligation in this Act to make the document available at the principal office of the council.

(10) If a council makes copies of a document available in accordance with subsections (8) or (9), the council must, as soon as reasonably practicable, take reasonable steps to inform its local community (including by publishing the information on a website determined by the chief executive officer) about the changes to the arrangements for provision of copies of the document.

(11) In this section—

document does not include the assessment record kept under Chapter 10 of this Act or an entry made in the assessment record.

Note—

1. The term document includes all documents referred to in the Act (for example, registers, records, policies, draft policies, reports, codes, certified copies of by-laws etc) except for the assessment record or an entry made in the assessment record.

2. For the purposes of subsection (4)(c), the council may determine the form (either hardcopy or electronic) in which the document is provided.

3. If a document has been made available for inspection in accordance with subsection (4)(c) and a copy of the document to which subsection (8) applies is requested in a different form (either electronic or hardcopy), the council is to provide a further copy of the document in the requested form.

4. If a document has been made available for inspection in accordance with subsection (4)(c) and a copy of the document to which subsection (9) applies is requested in a different form (either electronic or hardcopy), the council is to provide a further copy of the document in the requested form on payment of the relevant fee fixed by the council.

5. This section does not apply to section 84 of the Act (as varied by the Public Health Emergency: Electronic Participation in Council Meetings Notice (No 1) 2020).

Section 50

After subsection (5) insert:

(5a) For the purposes of this section, a council may alter its public consultation policy or substitute a new policy without undertaking public consultation, even if the existing public consultation policy requires the council to conduct public consultation.

Section 50

Suspend subsections (6) and (7).

Section 72

After subsection (3) insert:

(3a) A regional subsidiary is taken to have made a Register of Interests available for public inspection during ordinary office hours if the subsidiary provides a copy of the Register of Interests on request (without charge or payment of a fee).

Section 88(1a)

Suspend subsection (1a)(a).

Section 88(4)

Delete subsection (4) and substitute:

The notice and agenda must continue to be published on the website under subsection (1a) until the completion of the relevant meeting.

Section 123(4)(a)

Suspend subsection (4)(a)(i).

Section 123(4)(b)

Delete subsection (4)(b) and substitute:

the consideration by the council of any submissions made in response to the invitation under paragraph (a)(ii).

Section 123(5)

Delete subsection (5) and substitute:

The council must ensure that copies of the draft annual business plan are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) in the principal office of the council pursuant to section 45(4); and

(3b) For the purposes of subsections (3) and (3a)—

(a) the time at which the document is available for inspection at the principal office of the council includes the time at which the document is taken to be available for inspection at the principal office of the council pursuant to section 45(4); and

(b) if the document is taken to be available for inspection at the principal office of the council pursuant to section 45(4)(a), the council is taken to have satisfied its duty under sections 132(3) and 132(3a) in respect of that document.

Section 132

After subsection (3a) insert:

(3b) For the purposes of subsections (3) and (3a)—

(a) the time at which the document is available for inspection at the principal office of the council includes the time at which the document is taken to be available for inspection at the principal office of the council pursuant to section 45(4); and

(b) if the document is taken to be available for inspection at the principal office of the council pursuant to section 45(4)(a), the council is taken to have satisfied its duty under sections 132(3) and 132(3a) in respect of that document.

Section 151(7)(a)

Suspend subsection (7)(a)(i).

Section 151(7)(b)

Delete subsection (7)(b) and substitute:

the consideration by the council of any submissions made in response to the invitation under paragraph (a)(ii).

Section 151(8)

Delete subsection (8) and substitute:

The council must ensure that copies of the report required under subsection (5)(d) are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council (including as provided for in sections 45(4) and 45(9)) at least 21 days before the end of the period for public consultation.

Section 156(14d)(a)

Suspend subsection (14d)(a)(i).
Section 156(14d)(b)  Delete subsection (14d)(b) and substitute:
the consideration by the council of any submissions made in response to the invitation under paragraph (a)(ii).

Section 156(14e)  Delete subsection (14e) and substitute:
The council must ensure that copies of the report required under subsection (14a)(a) are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council (including as provided for in sections 45(4) and 45(9)) at least 21 days before the end of the period for public consultation.

Section 174  Subsection (1) is suspended.
Schedule 2, clause 10  After sub-clause (2) insert:
(3) A copy of a direction given by the council under this clause is taken to be available at the principal office of the council if a copy of the direction is provided on request (without charge or payment of a fee).

This notice operates from the date of publication in the South Australian Government Gazette.
This notice has effect for the period specified in section 302B(2)(d)(ii) of the Act.
Dated: 8 April 2020

HON STEPHAN KNOLL MP
Minister for Transport, Infrastructure and Local Government
Minister for Planning

All instruments appearing in this gazette are to be considered official, and obeyed as such.
Code of Practice – Access to Meetings and Documents

<table>
<thead>
<tr>
<th>Classification:</th>
<th>Code of Practice</th>
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<tbody>
<tr>
<td>Policy Name:</td>
<td>Code of Practice – Access to Meetings and Documents</td>
</tr>
<tr>
<td>First Issued / Approved:</td>
<td>10 December 2019 (C12395)</td>
</tr>
<tr>
<td>Last Reviewed:</td>
<td>(date &amp; resolution number)</td>
</tr>
<tr>
<td>Next Review:</td>
<td>July 2023</td>
</tr>
<tr>
<td>ECM Tracking No.:</td>
<td></td>
</tr>
<tr>
<td>Responsible Officer:</td>
<td>General Manager Corporate and Development</td>
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</tbody>
</table>
Local Government Act 1999  
Local Government (General) Regulations 2013 |
| Related Policies: | Code of Practice – Meeting Procedures  
Community Engagement (Public Consultation) Policy  
Dealing with Disruptive Behaviours Policy  
Informal Gatherings Policy  
Internal Review of Council Decisions (Section 270) Procedures |

1. **Introduction**

1.1 The City of Burnside is committed to the principle of open and accountable government and encourages appropriate community participation in the business of Council.

1.2 Council also recognises however, that on a limited number of occasions it may be necessary, in the broader community interest, to restrict public access to discussion/decision and/or documents.

1.3 This Code includes information on the relevant provisions of the *Local Government Act 1999* (the Act), Council’s policy on public access and participation, the process that will be adopted where public access to a meeting or a document is restricted and grievance procedures to be followed if a member of the public believes that the Council has unreasonably restricted public access on a particular matter.

2. **Strategic Plan Desired Outcomes**

2.1 Representation that is ethical, respectful, transparent and instils confidence, reflecting the best interests and values of the community

2.2 Delivery of good governance in all Council business
3. **Our Approach**

3.1 This Code is based on the underlying principle of providing transparency and accountability by the Council. It applies to all ordinary and special meetings of Council and Committees at the City of Burnside.

3.2 This Code sets out the policy of Council for access to meetings and documents and includes information relating to:

3.2.1 access to the agenda and minutes for meetings;
3.2.2 public access to documents and meetings;
3.2.3 the process to exclude the public from meetings;
3.2.4 matters for which the Council, or a Committee, can order that the public be excluded;
3.2.5 how the Council will approach the use of the confidentiality provisions in the Act;
3.2.6 review of confidentiality orders;
3.2.7 accountability and reporting to the community;
3.2.8 the availability of the Code; and
3.2.9 grievances about the use of the Code by Council.

3.3 This Code does not apply to the Council Assessment Panel or any Council Subsidiaries.

4. **Legislative Requirements and Corporate Policy Context**

4.1 Section 92 of the Act requires Council to have a Code of Practice relating to public access to Council and Committee meetings and public access to documents, including the minutes of those meetings (the Code).

5. **Interpretation**

5.1 For the purpose of this policy:

5.1.1 Act means the Local Government Act 1999
5.1.2 Agenda means a list of items of business to be considered at a meeting.
5.1.3 CEO means the Chief Executive Officer
5.1.4 Code means the Code of Practice - Access to Meetings and Documents
5.1.5 Clear Days means the time between the giving of the notice and the meeting is determined by excluding the day that the notice was given and the day of the meeting (e.g. notice is given on a Friday for a
following Tuesday meeting – the clear days being Saturday, Sunday and Monday).

5.1.6 **Committee** means a committee of Council established under section 41 of the Local Government Act 1999 or any other Committee established under the Act, including any subcommittee.

5.1.7 **Informal Gatherings** means a formally designated informal gathering or discussions where Elected Members and/or Committee Members gather together to receive information or discuss matters. Informal gatherings do not include training sessions or social gatherings where Elected Members are attending an event and other guests are invited.

5.1.8 **Minutes** means a record of the items discussed and the resolutions made of a meeting of Council or a Committee.

5.1.9 **Notice of Meeting** means the document which accompanies the agenda which outlines the date, time and place of the meeting and is signed by the CEO.

5.1.10 **Presiding Member** means the person who is presiding at a particular meeting.

6. **Access to the agenda for meetings**

6.1 **Section 84** of the Act sets out the public notice requirements, prescribing that notice is given at least three (3) clear days before a Council or Committee meeting (unless it is a special meeting). The notice must set out the date, time and place of the meeting and be accompanied by the agenda for the meeting.

6.2 In accordance with the requirement of section 84(1a)(a) of the Act, the City of Burnside will place a copy of the notice of meeting for any Council or Committee meeting **will be placed on the Council’s website on the Council’s public noticeboard and will be promoted the meeting and Agenda on its social media.**

6.3 The Agenda and supporting documentation for ordinary Council meetings are provided to Members on the Thursday preceding the meeting before 5.00pm (four (4) clear days prior to the meeting).

6.4 The Agenda and material for Committee meetings and special meetings are provided within the statutory timeframes and **will be published is available for inspection at the Council’s principal office during ordinary business hours and placed on Council’s website.**

6.5 A copy of the Notice of Meeting, Agenda and supporting documentation (excluding confidential items) for ordinary Council and Committee meetings will be made available for public inspection through Council’s website and at the Civic Centre Customer Service Desk at the same time as when notice is provided to Council Members. **Documents or reports supplied to Members the Council or Committee at the meeting, will be placed on the Council’s website as soon as practicable after the time when the document or report is supplied to**
The Members. The items listed on the agenda will be described accurately and in reasonable detail.

6.6 The public may request a copy of any non-confidential documentation available for public inspection and copies will be provided to the public for a fee in accordance with Council's schedule of fees and charges.

6.7 Where the CEO determines that a document or report on a particular matter should be considered in confidence to the exclusion of the public, the basis under which the order could be made in accordance with section 90(3) of the Act will be specified.

6.8 Where possible, confidential matters will be deferred until the end of the meeting to provide uninterrupted public access, including those members of the public present by way of live stream and/or audio recording, to the majority of the meeting.

6.9 The Notice of Meeting and the Agenda will be kept on the Council's website public display until the completion of the relevant Council or Committee meeting and will continue to be published on the website for a minimum of five (5) years.

7. Public Access to Meetings

7.1 Council and Committee meetings are open to the public and public attendance is encouraged. However, from time to time, where the Council or Committee determines it is necessary to do so, for reasons authorised under the Act, the public may be excluded from the relevant discussion and/or decision at a meeting.

7.2 Council's Code of Practice – Meeting Procedures provides further guidance on how members of the public can participate in Council and Committee meetings.

7.3 Informal Gatherings of employees and Council and Committee members are conducted in accordance with Council's Informal Gatherings Policy and are not meetings of the Council or a Committee. An Informal Gathering must not deal with any matter which would ordinarily form part of an Agenda for a formal meeting in such a way as to obtain, or effectively obtain, a decision outside of a formally constituted meeting of Council or a Committee.

7.4 Section 90(1a) of the Act provides that a Council meeting will be taken to be conducted in a place open to the public even if 1 or more Council Members participate in the meeting by electronic means provided that -

(a) the Chief Executive Officer (or nominee) makes available to the public a live stream of the meeting on a website determined by the Chief Executive Officer and ensures that members of the public can hear the discussion between all Council members present at the meeting via the live stream; or

(b) if the Chief Executive Officer (or nominee) has taken reasonable steps to make available a live stream of the meeting, but is unable to make
available a live stream of the meeting, the Chief Executive Officer (or nominee) makes available to the public a recording of the meeting as soon as practicable after the meeting on the Council website and ensures that members of the public can hear the discussion between all Council members present at the meeting via the recording.

7.5 If the Chief Executive Officer (or nominee) has taken reasonable steps to make available to the public a live stream of the meeting or, if unable to make available a live stream of the meeting, a recording of the meeting, but is unable to comply, the Chief Executive Officer (or nominee) must publish on the Council’s website the steps taken to comply and the requirement will be suspended.

7.6 Where a Council or Committee Member is to participate in a meeting by electronic means, and the electronic means has the functionality to allow the Member to participate in the meeting by both being seen and heard, and the electronic means of the Council has the functionality to allow the Member to be both seen and heard, the Member must participate by being both seen and heard.

8. Matters from which the public can be excluded

8.1 The circumstances in which Council or a Committee may order the public to be excluded are detailed in section 90(3) of the Act are included at Appendix 1.

8.2 If a decision to exclude the public is taken, the Council or the Committee is required to make a note in the minutes of the making of the order and the grounds on which it was made. Sufficient detail of the grounds on which the order was made will be included in the minutes and only the orders will be published in the publicly available minutes.

8.3 The Council or Committee must disconnect any live stream and/or recording of a meeting for the period that the meeting is closed to the public pursuant to an order made under section 90(2). Where a meeting of the Council or a Committee is held at an electronic location, then a member of the public will be unable see, or to hear, those items for which members have resolved to exclude the public.

9. Matters from which the public cannot be excluded

9.1 In considering whether a confidential order should be made under section 90(2) of the Act, it is irrelevant that discussion of a matter in public may:

9.1.1 cause embarrassment to Council or a Committee or employees concerned;

9.1.2 cause a loss of confidence in Council or a Committee;

9.1.3 involve discussion of a matter that is controversial within the Council area;

9.1.4 make the Council susceptible to adverse criticism.
10. Process to exclude the public from a meeting

10.1 The Act favours open and accountable local government. The bias is therefore always against excluding the public, but the legislation recognises that the exclusion of the public is appropriate in certain circumstances which are outlined in section 90(3) of the Act (Appendix 1).

10.2 Before a meeting orders that the public be excluded to enable the receipt, discussion and consideration of a particular matter, the meeting must, in public, determine if this is necessary and appropriate, and then pass a resolution to exclude the public while dealing with that particular matter.

10.3 Once the Council or Committee has determined to exclude the public, the public must then leave the room, or disconnect from any electronic meeting. This means that all members of the public (including employees), unless exempted by being named in the resolution as entitled to remain, are required to leave the room, or disconnect to a live stream and/or audio and recording, and neither listen to nor record the confidential proceedings that follow. For the operation of section 90(2) of the Act a member of the public does not include a member of Council or Committee whether or not their inclusion is identified in the wording of the resolution.

10.4 Council or a Committee can by inclusion in the resolution permit a particular person or persons to remain in the meeting, or to remain connected to the meeting. An example would be allowing a ratepayer who is suffering personal hardship to remain in the meeting when their circumstances concerning the payment of rates is being discussed.

10.6 If any person who, knowing that an order is in force, enters or remains in a room in which such a meeting is being held, or fails to disconnect from a meeting, commits an offence. Further, if the person fails to leave on request, or disconnect from the meeting, an employee of Council or a member of the police may use reasonable force to remove the person from the room.

10.7 For the convenience of the public present at a meeting, whether in person or participating where electronically, where it is resolved to consider a matter in confidence, the matter is to be placed last on the agenda and deferred until all other business has been dealt with. This avoids the need to ask the public to leave the room, or disconnect, and wait until the matter is concluded and then allow them to return to the meeting room, or re-connect, with the possibility of the same process to be repeated for a subsequent matter.

10.8 Once debate on the matter is concluded, the meeting will then consider if it is necessary to make an order that some or all documents associated with the matter remains confidential. In determining this, the meeting will have regard to the provisions of the Act and this Code. If an order is made, the meeting will also determine for what period, or for what circumstances the document or portion of the document will remain restricted from public access.

10.9 Once discussion on that particular matter is concluded, the public is then permitted to re-enter the meeting, or re-connect to the meeting.
10.10 If there is a further matter that needs to be considered in confidence it is necessary for the Council or Committee to again undertake the formal determination process and to resolve to exclude the public.

11. **Approach to the use of Confidentiality Provisions**

11.1 Any consideration of the use of confidentiality provisions, to exclude the public from the discussion of a particular matter at a meeting, will require the identification of one or more of the grounds listed in section 90(3) of the Act (Appendix 1) and the factual reasons for the relevance and application of the ground(s) in the circumstances.

11.2 When a decision to exclude the public is taken, the reason and legislative grounds for this will be communicated by the Presiding Member of the meeting at the time of the public being requested to leave and in the meeting minutes.

11.3 Each Agenda item listed for consideration as an “in confidence” matter is determined separately.

11.4 Information of a confidential nature will be placed in attachments to reports, where possible, so that the report itself can be made available to the public.

11.5 Recommendations and resolutions will be framed, where possible, so that public access to the minutes of these meetings does not need to be restricted.

11.6 Public access will be restricted for the minimum period of time necessary to allow the matter to be resolved.

11.7 Once discussion of the matter is concluded, the meeting will then consider if it is necessary to make an order that a document associated with this agenda item (including minutes) remain confidential in accordance with section 91(7) of the Act.

11.8 When making an order, the meeting must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. If the section 91(7) order is to apply for a period exceeding 12 months, then this order must be reviewed every 12 months from the date it was made. This along with the making of the order pursuant to section 90(2) of the Act and specifying the grounds pursuant to section 90(3) of the Act on which it was made, are also to be recorded in the minutes.

11.9 In determining this, the Council or Committee will consider the provisions of section 91 and in particular section 91(8) of the Act which details when the Council or a Committee must not order that a document remain confidential, namely, if it:

11.9.1 prevents the disclosure of the remuneration or conditions of service of an employee of the Council after the remuneration or conditions have been set or determined; or

11.9.2 prevents the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or disclosure of any reasons adopted by the Council as to why a
successful tenderer has been selected; or

11.9.3 prevents the disclosure of the amount or amounts payable by the Council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract; or

11.9.4 prevents the disclosure of the identity of land that has been acquired or disposed of by the Council, or disclosure of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council.

11.10 The Council or Committee may, in accordance with section 91(9) of the Act, delegate to an employee of the Council the authority to revoke a confidential order.

11.11 Once discussion of the confidential matter is concluded the public may re-enter the meeting.

11.12 In all cases the objective is that the information be made publicly available at the earliest possible opportunity and that the community is informed of any Council order and the associated implications.

11.13 Should Council or Committee not resolve to place an order of confidentiality on an item, then a copy of the document will be placed on Council’s website within seven (7) days of the meeting.

12. **Person Requesting a Matter to be Kept Confidential**

12.1 Where a person provides information to the Council or Committee and requests that it be kept confidential, the Council or Committee is not able to consider the request unless the matter is one that falls within Section 90(3) of the Act.

12.2 If the matter does fall within Section 90(3) of the Act, the Council or Committee will consider the request on its relative merits.

13. **Public Access to minutes**

13.1 In accordance with section 91(4) of the Act, a copy of the Minutes of a meeting of the Council or a Committee will be published on the website of the Council’s principal office during ordinary business hours within five (5) days after the meeting, and be kept on display for a period of one (1) month. This excludes any resolutions where a confidential order has been made. Minutes will also be published on Council’s website.

13.2 Members of the public may request a copy of any documents available for public inspection for a fee as fixed by the Council.

14. **Public Access to Documents**

14.1 Council is committed to openness and transparency and makes various documents available to the public for inspection at the Council Office and on its website as well as available for purchase (for a fee).
14.2 The Council or Committees will only order that a document associated with a discussion from which the public is excluded is to remain confidential if it is considered proper and necessary in the broader community interest.

14.3 The Council or Committees can only resolve to keep minutes and/or documents confidential under section 91(7) of the Act if they were considered in confidence pursuant to sections 90(2) and 90(3) of the Act.

14.4 Requests to access Council and Committee documents can also be made under the *Freedom of Information Act 1991*. Information in relation to the process under this Act for seeking access to documents held by Council can be found on Council's website.

15. **Reviewing and Revoking Confidential Orders**

15.1 The CEO will maintain a register of the confidential orders which is published on the Council's website. It is the practice of the Council to review all confidential orders twice a year, with the aim to make the information available to the public at the earliest opportunity.

15.2 Depending on the nature of the material, the confidentiality order may be revoked at the time of review, providing access to the public, or another review period may be set by resolution of the Council.

15.3 If the confidential order has not been remade or lifted and the time or event specified has been reached or carried out, the minutes and/or documents automatically become public.

15.4 The Council and Committee items declared confidential will be recorded in a Register of Confidential items listing the following information:

15.4.1 Title of item;

15.4.2 Date of the meeting;

15.4.3 The legislative provision to which it applies;

15.4.4 Date of order expiry; and

15.4.5 Items which the order applies to.

15.5 The CEO will maintain a register of released confidential orders and the released documents are published available on the City of Burnside’s website.

16. **Accountability and Reporting to the Community**

16.1 Council will include in its annual report, a listing of the use of sections 90(2) and 91(7) of the Act by Council and Council committees as required by Schedule 4 of the Act:

16.1.1 number of occasions each of the provisions of sections 90(2) and 90(3) were utilised;
16.1.2 number of occasions each of the provisions of sections 90(2) and 90(3) and section 91(7) were utilised expressed as a per cent of total agenda items considered;

16.1.3 the date and subject of each order;

16.1.4 number of occasions that information originally declared confidential has subsequently been made publicly available; and

16.1.5 number of occasions that information declared confidential has not been made publicly available and the reason for this in each case.

16.2 An annual summary report of the use of confidential provisions is to be provided to Council. In addition, Council requests a status report on the release of confidential items twice a year.

17. Grievances

17.1 Should a person be aggrieved about public access to either a Council or Committee meeting, or a document, they can lodge an application for consideration under Council’s Internal Review of Council Decisions (Section 270) Procedures.

17.2 A copy of this Procedure is available for inspection at the Council’s principal office during ordinary business hours and on the Council’s website www.burnside.sa.gov.au.

17.3 Copies can will also be provided upon request, and upon payment of a fee as fixed by the Council at its discretion.

17.4 A person may also make a complaint to the Ombudsman at any time under the Ombudsman’s Act 1972.

18. Review

18.1 The Council City of Burnside is required, by the Act, to review this Code within 12 months of a periodic election. Council has the ability to review this Code at any time.

18.2 Pursuant to section 92(3a) of the Act, Council may meet by electronic means to alter this Code, or substitute a new Code, even if the existing Code prevents or inhibits Council Members from meeting electronically.

18.2 Before Council adopts, alters or substitutes a Code of Practice—Access to Meetings and Documents of a Council it must:

18.2.1 make copies of the proposed code, alterations or substitute code (as the case may be) available for inspection or purchase at the council’s principal office and available for inspection on a website determined by the CEO; and

18.2.2 follow the relevant steps set out in its public consultation policy.
19. **Availability**

19.1 The Code is available to be downloaded, free of charge, from Council’s website [www.burnside.sa.gov.au](http://www.burnside.sa.gov.au)

19.2 The Code will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

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City of Burnside Civic Centre  
401 Greenhill Road, Tusmore SA 5065  
Telephone: 8366 4200  
Fax: 8366 4299  
Email: burnside@burnside.sa.gov.au  
Office hours: Monday to Friday, 8.30am to 5.00pm (except public holidays)  

Appendix 1 – Matters for which Council or a Committee Meeting can Order that the Public to be excluded

In accordance with section 90(3) of the Local Government Act 1999, Council or a Committee may order that the public be excluded from attendance at a meeting in order to receive, discuss or consider in confidence any information or matter as follows:

(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 council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; 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 the council, members or employees of the council, or council 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 the council 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 the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;

(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 council, or a person engaged by the council); 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;

(m) 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;
(n) information relevant to the review of a determination of a council under the *Freedom of Information Act 1991*. 
Informal Gatherings Policy

<table>
<thead>
<tr>
<th>Classification:</th>
<th>Council Policy</th>
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<tbody>
<tr>
<td>Policy Name:</td>
<td>Informal Gatherings Policy</td>
</tr>
<tr>
<td>First Issued / Approved:</td>
<td>22 March 2016 (C10587)</td>
</tr>
<tr>
<td>Last Reviewed:</td>
<td>26 November 2019 (C12364)</td>
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<td>Next Review:</td>
<td>November 2023</td>
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<td>ECM Tracking No.:</td>
<td>2629654</td>
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<tr>
<td>Responsible Officer:</td>
<td>General Manager Corporate and Development</td>
</tr>
<tr>
<td>Relevant Legislation:</td>
<td>Section 90(8a) &amp; (8b), Local Government Act 1999 Regulation 8AB, Local Government (General) Regulations 2016</td>
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1 Introduction

1.1 Informal gatherings provide a valuable opportunity to enhance Council decision-making processes by providing opportunities for Council or Committee members to become better informed on issues and seek further clarification.

1.2 Informal gatherings, however, should not be used as a replacement for full debate and decision making at council or committee meetings as open and transparent Council and Committee meetings underpin representative democracy and ensure public confidence in the Council’s decision-making processes.

1.3 Section 90(8) of the Local Government Act 1999 allows informal gatherings to be held provided that the discussion does not lead to a decision, or effectively obtain a decision, on a matter that would ordinarily be dealt with at a Council or Committee meeting.

1.4 This Policy reflects the intention of the legislation for informal gatherings to be used for briefing, planning and educational sessions and is aimed at avoiding any perception that informal gatherings will be used to build consensus for Council or Committee agenda items or as decision making forums.

2 Strategic Plan Desired Outcomes

2.1 Delivery of good governance in Council business.

3 Our Approach

3.1 Regularly review, update and adopt leading governance, risk management and administrative practices.
4 Legislative Requirements and Corporate Policy Context

4.1 Section 90(8) of the Local Government Act 1999 requires Councils to adopt a policy on the holding of 'informal gatherings or discussion'.

4.2 The Council policy must comply with the requirements outlined in regulation 8AB of the Local Government (General) Regulations 2013.

4.3 This Policy applies to informal gatherings of the Council or a Council committee, including Designated Informal Gatherings or Discussions.

5 Interpretation

5.1 For the purpose of this Policy:

5.1.1 **CEO** means the Chief Executive Officer.

5.1.2 **Committee** means a committed established by the Council under section 41 of the Act.

5.1.3 **Elected Members** means the Mayor and the Councillors.

5.1.4 **Designated Informal Gathering or Discussion** is defined by the Local Government (General) Regulations 2013 as 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.

6 Policy

6.1 Section 90(8) of the Local Government Act 1999 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 Council or Council Committee. Section 90(8) of the Local Government Act 1999 provides a list of non-exclusive examples of informal gatherings, which are:

6.1.1 planning sessions associated with the development of policies or strategies;

6.1.2 briefing or training sessions;

6.1.3 workshops; and

6.1.4 social gatherings to encourage informal communication between members or between members and staff.

6.2 Informal gatherings of Elected Members, Committee Members or Elected Members and Council staff are, by their nature, a non-compulsory meeting. Attendance at informal gatherings is encouraged, especially where the informal gathering or discussion is intended to provide history, context or additional information to members.

6.3 Purpose of Designated Informal Gatherings or Discussions
6.3.1 Designated Informal gatherings or discussions may be used to:

6.3.1.1 discuss issues that involve strategy or policy or other matters of Council administration;

6.3.1.2 brief Council members or Council committee members on issues relating to their functions.

6.3.2 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, or determining matters which should be determined at formally constituted meeting of the Council or Council committee.

6.3.3 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 the Council or Council committee, is not a 'Designated Informal Gathering or Discussion'.

6.4 Process

6.4.1 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 the Council or Chief Executive Officer to be a 'confidential informal discussion'.

6.4.2 The Council or Chief Executive Officer may, on a case-by-case basis, declare a Designated Informal Gathering or Discussion to be a 'confidential informal discussion' where the Designated Informal Gathering or Discussion is either a:

6.4.2.1 planning session of a general or strategic nature; or

6.4.2.2 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).

6.4.3 An informal gathering or discussion of the Council or a Council committee which is not a Designated Informal Gathering or Discussion will not be open to the public, unless otherwise determined by the Council or Chief Executive Officer.

6.4.4 Informal gatherings or discussions (including Designated Informal Gatherings or Discussions) which are open to members of the public will only enable the public to attend as observers.

6.4.5 An informal gathering or discussion will be taken to be conducted in a place open to the public even if 1 or more Council or Committee members participate in the meeting by electronic means provided that:

6.4.5.1 the Chief Executive Officer (or nominee) makes available to the public a live stream of the informal gathering or discussion on a website determined by the Chief Executive Officer and ensures that members of the public can hear the discussion between all Council or Committee members present via the live stream; or

6.4.5.2 if the Chief Executive Officer (or nominee) has taken reasonable steps to make available a live stream of the informal gathering or discussion but is unable to make available the same, the Chief Executive Officer (or nominee) makes available...
to the public a recording as soon as practicable after on the Council website and ensures that members of the public can hear the discussion between all Council or Committee members present via the recording.

6.4.6 If the Chief Executive Officer (or nominee) has taken reasonable steps to make available to the public a live stream of the informal gathering or discussion or, (if unable to make available a live stream) a recording, but is unable to comply, the Chief Executive Officer (or nominee) must publish on the Council website the steps taken to comply and the requirement will be suspended.

6.5 Procedures

6.5.1 Both the Chief Executive Officer and the Council are responsible for ensuring informal gatherings or discussions (including Designated Informal Gatherings or Discussions) are conducted in accordance with the Local Government Act 1999.

6.5.2 Informal gatherings or discussions (including Designated Informal Gatherings or Discussions) are not subject to the procedural meeting requirements of the Local Government Act 1999 and Local Government (Proceedings at Meetings) Regulations 2013.

6.5.3 Informal gatherings or discussions (including Designated Informal Gatherings or Discussions) will be chaired by the Chief Executive Officer or another senior Council officer. The Chair is responsible for ensuring that the purpose, intent and outcomes of the informal gatherings (including Designated Informal Gatherings or Discussions) are consistent with section 90 of the Local Government Act 1999.

6.5.4 Formal agendas will not be prepared for informal gatherings or discussions (including a Designated Informal Gathering or Discussion).

6.5.5 Formal minutes will not be recorded of an informal gathering or discussions (including a Designated Informal Gathering or Discussion).

6.5.6 For all Designated Informal Gatherings or Discussions, the following information will be published on the Council’s website:

6.5.6.1 the place, date and time at which the Designated Informal Gathering or Discussion or discussion will be held;

6.5.6.2 the matter that is to be discussed at the Designated Informal Gathering or Discussion; and

6.5.6.3 whether or not the Designated Informal Gathering or Discussion is to be held at a place open to the public.

6.5.7 A monthly schedule of planned Designated Informal Gatherings and Discussions will be published on the Council’s website.

6.5.8 Council may hold closed informal gatherings for the purpose of, but not limited to, Elected Member Training or Social Gatherings including: relationship building, Christmas functions, and other occasions. At these events Elected Members must not discuss matters that are, or are intended to be, part of the agenda for a formal meeting of the Council.
6.6 **Confidential Designated Informal Gatherings or Discussions**

6.6.1 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 Council or Committee members, the Chief Executive Officer and any other person invited to attend by the Council (or Committee) or the Chief Executive Officer.

6.6.2 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.

6.6.3 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 the Council's website.
7 Availability

7.1 The Policy is available to be downloaded, free of charge, from Council’s website www.burnside.sa.gov.au

7.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Burnside Civic Centre
401 Greenhill Road, Tusmore SA 5065
Telephone: 8366 4200
Fax: 8366 4299
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Office hours: Monday to Friday, 8.30am to 5.00pm (except public holidays)
Community Engagement (Public Consultation)

1. Introduction

1.1 Section 50 of the Local Government Act 1999 requires Council to adopt a Public Consultation Policy. This Policy will be required to capture the full spectrum of community engagement as the Community Engagement (Public Consultation) Policy.

1.2 This Policy provides a consistent and appropriate approach to inform, involve and consult with the Burnside community on the decision making of Council. It is recognised that high quality community engagement is critical to the successful development of sustainable policies and decisions by Council. This Policy also recognises the importance placed on community engagement in the
work of council and recognises the valuable contribution of members of our community to the well-being of our city.

1.3 This Policy applies to Elected Members, employees, contractors and agents or consultants acting on behalf of Council.

1.4 This Policy represents the Local Government Act 1999 Part 5 requirements.

2. Strategic Plan Desired Outcomes

2.1 Our Community is actively engaged and involved in shaping the City’s future.

3. Our Approach

3.1 Provide a range of opportunities for the Burnside community to actively engage and participate in Council’s decision making activities.

3.2 Improve the Council’s understanding of community views and our performance as rated by the Burnside community.

4. Legislative Requirements and Corporate Policy Context

4.1 The City of Burnside is committed to achieving a best practice standard on community engagement issues. Under Section 50 of the Local Government Act 1999, Council is required to adopt a Public Consultation Policy. The Local Government Act 1999 also requires a Council to consult on a variety of activities, including:

4.1.1 Determining the manner, places and opening hours of its office (Section 45);

4.1.2 Adoption or variation of a public consultation policy (Section 50);

4.1.3 Adoption, alteration or substitution of the Code of Practice for access to meetings and documents (Section 92);

4.1.4 Development and review of Strategic Management Plans (Section 122);

4.1.5 Annual business plans and budgets (Section 123);

4.1.6 Access to documents (Section 132);

4.1.7 Basis of rating land (Section 151);

4.1.8 Basis of differential rates (Section 156);

4.1.9 Excluding land from classification as community land (Section 193);

4.1.10 Revoking the classification as community land (Section 194);

4.1.11 Public consultation on proposed management plan for community land (Section 197);
4.1.12 Amending or revoking a management plan for community land (Section 198);

4.1.13 Alienation of community land by lease or license (Section 202);

4.1.14 Authorisation and permit for use of a road (Section 223);

4.1.15 Planting vegetation where it will have a significant impact on residents, the proprietors of nearby businesses or advertisers (Section 232); and

4.1.16 Documents to be made available by councils (Schedule 5).

4.2 Other forms of consultation are required in respect to:

4.2.1 Representation reviews (Section 12);

4.2.2 Status of Council or Name Change (Section 13);

4.2.3 Commercial activities – Prudential Arrangements (Section 48);

4.2.4 Passing By-laws (Section 249); and

4.2.5 Developing policies (Section 259).

4.3 In relation to building and development, the prescribed level of consultation can be found in Section 38 of the Development Act 1993 and Part 6 of the Development Regulations 2008.

4.4 In relation to councils closing a road (including partially or temporarily) to traffic for traffic management purposes, the prescribed level of consultation can be found in Section 32 of the Road Traffic Act 1961.

4.5 Better Living, Better Health 2014-18 Regional Public Health Plan addresses the requirements of the SA Public Health Act 2011 for the Eastern Health Authority and its Constituent Councils, providing the strategic direction for improving community wellbeing.

4.6 Engagement processes identified in this Policy will include any prescribed statutory requirements. In the event of any inconsistency between an act of parliament and this policy, the Act prevails. To view current requirements, please visit www.legislation.sa.gov.au

5. Policy

5.1 Council Members who are elected to govern every four years by fellow ratepayers and residents and through the Local Government Act 1999 are empowered and required to make decisions on their behalf. Council staff make recommendations to Elected Members but final decisions and accountability rests with Elected Members. Community engagement does not remove these roles but it increases opportunities for the community to provide advice and influence decision-making.

5.2 The City of Burnside is committed to effective, ongoing and timely community engagement as an integral part of local governance and key decision making.
5.3 Council staff will be proactive in informing and seeking the views of its community, ensuring appropriate strategies are developed to maximise the opportunities for participation by all members of the community.

5.4 Council staff and Elected Members will at all times undertake the requirements for public consultations as specified in the Local Government Act 1999 or any other relevant Act.

5.5 The results of community engagement processes are a vital part of the information that will be considered during decision-making processes but will not necessarily determine the outcome.

5.6 Engagement techniques will be selected to fulfil the implied or specified promise of the defined engagement process as described in the City of Burnside Engagement Framework (Attachment A). The public participation goals in which the City of Burnside will engage are to inform, consult and involve. Council is committed to engaging the Burnside community in order inform Council’s decision making. The responsibility for decision making rests with the elected body of Council.

5.7 Council staff will define the parameters of the community engagement process for each specific topic, in line with legislative requirements and best practice, and in accordance with the size, cost, strategic importance and perceived level of community interest in the subject being engaged upon. Appropriate engagement methods to meet the defined parameters, subject matter, information required, level of interest and community needs, for each consultation will be chosen from the list at Attachment B.

5.8 For the purposes of determining the period of community engagement, consideration will be given to avoiding school holidays, Christmas and New Year periods unless there are compelling reasons for a consultation to be held during these times. The period of engagement will be a minimum of 21 days unless legislatively required to be a different length.

5.9 Council staff and Elected Members acknowledge that there are many sections of the Burnside community that may have different levels of interest in an individual issue. Engagement strategies will be tailored accordingly.

5.10 Where significantly different groups of stakeholders have an interest in issues around an engagement, results will be assessed and reported in stakeholder groups as well as an aggregated total.

5.11 Feedback methods will require the name, address and where relevant, stakeholder group to be included in any responses from the community, including for telephone, electronic and written responses. This will enable residents, ratepayers, businesses, members of social, sporting and service clubs, and other interested parties to be separately identified and data aggregated separately. Names and addresses of respondents will remain confidential unless legally required to be disclosed.

5.12 Council staff will include responses, feedback and opinions from City of Burnside ratepayers and residents as input to all engagements as part of Council’s decision making process.

5.13 Council staff may, where appropriate, give weighting to the feedback and opinions of those residents most affected by the issue/s under consultation.
5.14 Input from external stakeholders (professional bodies, government agencies and authorities, visitors to the City of Burnside, community organisations and associations) of Council that do not comprise residents and/or ratepayers of Burnside will be included in results. They will be received and aggregated separately from resident and ratepayer inputs as appropriate. Weighting will be given to the feedback from Burnside residents and ratepayers over external stakeholders.

5.15 Contributions to engagements and surveys in the form of letters from associations, incorporated bodies and community organisations/groups will be represented as one submission.

5.16 Contributions to engagements in the form of petitions will be included on the basis that individual petitioners are residents or ratepayers of the City of Burnside. Petitioners who are not Burnside residents and/or ratepayers will be received and aggregated separately from resident and ratepayer inputs. Weighting will be given to the feedback from Burnside residents and ratepayers over external stakeholders as appropriate.

5.17 Individual petitioners who have also completed a written and/or online survey as part of an engagement process will be represented by one submission.

5.18 Individuals who complete a written and an online survey as part of an engagement process will be represented by one submission.

5.19 Council staff will make available the results of engagements on the Council website and where appropriate on the engage.burnside website.

6. Grievances

6.1 Any grievances in relation to this Policy or its application should be forwarded in writing to the General Manager Corporate and Development, City of Burnside.


7.1 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.

7.2 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.

7.3 On 8 April 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the Local Government Act 1999, the Public Access and Public Consultation Notice (No 2) 2020 (Notice No 2) varying or suspending the operation of the specified provisions of the Local Government Act 1999 as set out in Schedule 1 to Notice No 2. Notice No 2 commenced operation on 8 April 2020.
7.4 For the period Notice No 2 has effect (as provided for in Notice No 2), this Public Consultation Policy is altered as set out below and those alterations have effect notwithstanding any other provision in this Policy to the contrary.

7.5 For the avoidance of doubt, save for the alterations to the Policy as set out below, the Policy otherwise applies to public consultation undertaken by the Council for the purposes of the Local Government Act 1999.

8. Alterations to Public Consultation Policy

8.1 Definitions

8.1.1 For the purposes of these alterations the Council includes an officer or employee of the Council acting within the scope of that person’s ordinary functions and duties except in circumstances where these alterations expressly require a matter to be considered at a meeting of the Council.

9. Statutory Requirement to Hold Public Meetings Suspended

9.1 The Council will not publish a notice in a newspaper circulating in the area of the Council inviting interested persons to attend a public meeting or meeting of the Council in relation to any matter within the scope of Sections 123, 151 or 156 of the Local Government Act 1999 for which public consultation is required under the Local Government Act 1999. The Council will not hold such a public meeting or invite persons to attend a meeting of the Council to ask questions or make submissions on the matter.

9.2 The Council will publish a notice in a newspaper circulating in the area of the Council inviting interested persons to make written submissions within the period stated in the notice (which will not be less than 21 days after the publication of the notice) in relation any matter within the scope of Sections 123, 151 or 156 of the Local Government Act 1999 for which public consultation is required under the Local Government Act 1999. The Council will consider the submissions at a meeting of the Council.

10. Other Requirement to Hold Public Meeting Suspended

10.1 The Council will not hold a public meeting in relation to any matter for which the Local Government Act 1999 requires the Council to follow the steps set out in its public consultation policy.

10.2 The Council will not hold a public meeting in relation to any matter for which this Policy would, but for this provision, require the Council to hold a public meeting.

10.3 To the extent this Policy would otherwise require the Council to hold a public meeting in relation to a matter, the Council will instead publish a notice on its website or in a newspaper circulating in the area of the Council inviting interested persons to make written submissions in relation to any matter within the period stated in the notice (which will not be less than 21 days after the publication of the notice, unless the matter is considered by the Council to require urgent consideration and it is not otherwise contrary to the Local Government Act 1999 to consult for a lesser period). The Council will consider the submissions.

11. Other Requirement to undertake in Person Consultation Activity Suspended

11.1 The Council will not undertake any form of face-to-face or in person public consultation activity (including without limitation a door knock, focus group, forum.
briefing session, workshop, open house, citizen panel, conversation café, citizen jury, round table or symposium) in relation to any matter for which the Local Government Act 1999 requires the Council to follow the steps set out in its public consultation policy.

11.2 The Council will not undertake any form of face-to-face or in person public consultation activity (including without limitation a door knock, focus group, forum, briefing session, workshop, open house, citizen panel, conversation café, citizen jury, round table or symposium) in relation to any matter for which this Policy would, but for this provision, require the Council to hold such an activity.

11.3 To the extent this Policy would otherwise require the Council to hold a face-to-face or in person public consultation activity in relation to a matter, the Council will instead publish a notice on its website or in a newspaper circulating in the area of the Council inviting interested persons to make written submissions in relation any matter within the period stated in the notice (which will not be less than 21 days after the publication of the notice, unless the matter is considered by the Council to require urgent consideration and it is not otherwise contrary to the Local Government Act 1999 to consult for a lesser period). The Council will consider the submissions.


12.1 To the extent that any other provision of this Policy could be read as requiring the Council to undertake public consultation with a person face-to-face or in person, the provision is suspended while these provisions are in effect and the provisions of paragraph D operate in their stead.

7.13. Review and Authority

7.1 This Policy will be reviewed bi-annually in accordance with Council’s Policy and Procedure Framework.

7.2 Without changing the intent, a General Manager may waive or vary the requirements of this policy as needed to meet operational requirements.

8.14. Availability

8.1 The Policy is available to be downloaded, free of charge, from Council’s website www.burnside.sa.gov.au

8.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee in accordance with Council’s Fees and Charges Schedule.

City of Burnside Civic Centre
401 Greenhill Road, Tusmore SA 5065
Telephone: 8366 4200
Fax: 8366 4299
Email: burnside@burnside.sa.gov.au
Office hours: Monday to Friday, 8.30 am to 5 pm (except public holidays).
9. Further information

For further information about this policy please contact:

Strategic Community Engagement Officer
City of Burnside
410 Greenhill Road
Tusmore SA 5065
Telephone 08 8366 4200
ENGAGEMENT FRAMEWORK

Our Strategic Direction is to be engaging, open and approachable, to listen to and be representative of our community’s views, to act on our behalf in our best interest.

**INFORM**
- means providing information to assist understanding of how decisions will be/were made
- we will inform when:
  - a decision is made for legislative, financial, environmental, or technical reasons
  - there is no opportunity to influence the outcome

**CONSULT**
- means obtaining feedback on preferences when there are options available
- we will consult when:
  - input is required on concepts or designs
  - there are several options available
  - final decisions are being shaped
  - issues and concerns are unclear

**INVOLVE**
- means involving people and working together to understand all needs and concerns
- we will involve when:
  - we need community knowledge to influence the decision
  - there is likely to be a high level of interest
  - we need stakeholders to talk with us and each other about complex issues

**Why engage?**
- The City of Burnside is committed to open, participatory and transparent engagement that forms the foundation of responsible government.
- Engagement strengthens relationships between Council and its stakeholders.
- Much of Council’s work has an impact on, or is impacted by, our communities and the work of other people in the organisation. The decisions made by Council will be more effective if the people affected by our work:
  - understand what we are doing and what it will mean for them
  - are involved at whatever level they need to ensure the best outcome.

Community engagement is undertaken to inform Council’s decision making. We will seek to achieve understanding and involvement with those affected by our decision making through participation ranging from informing and consulting to involving.

**Our framework provides a structured approach that includes**
- **language** that clearly explains our approach to engagement and encourages participation in the decision making process
- **methods of engagement** that offer a range of ways to work with communities such as to inform, consult or actively involve to broaden community participation in the decision making process
- **support and development** to provide relevant information, knowledge and skills to ensure staff know how to work within the framework
- **evaluation process** that supports continuous improvement and development of the framework
Attachment B

A variety of methods may be used to engage with the public. Methods will be chosen considering a number of factors:

- Size (numbers) and geographic location of population targeted;
- Segmentation of population targeted;
- Format preferences of targeted population;
- Any barriers to participation;
- Legislative requirements;
- Type of information/response required (according to the City of Burnside Engagement Framework, Attachment A);
- Preferred techniques of communication as advised by the Annual Community Survey;
- Stage of project/issue to be engaged upon;
- Cost of project/issue to be engaged upon;
- Strategic importance of project/issue to be engaged upon;
- Perceived level of community interest in project/issue;
- Need for statistical validity;
- Cost of engagement methodologies.

The range of methods available for use includes, but is not limited to, the following options:

- Advertising in Messenger Press or other newspaper;
- Distribution of leaflets/newsletters;
- Email notifications;
- Messenger Column;
- Council website;
- On-site signage;
- Media releases;
- Promotional displays at Civic Centre and/or other Council venues;
- Social media communications;
- Focus magazine;
- Other magazine articles.
- Engage.burnside with online surveys as required;
- Ward forums/public meetings;
- Surveys (telephone and written), the Annual Community Survey;
- ePanel;
- Field trips
- Workshops
- Focus groups
- Interviews.