Code of Practice – Access to Council and Committee Meetings and Council Documents

1. INTRODUCTION

1.1 The District Council of Karoonda East Murray (the **Council**) is committed to the principle of open, transperant 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 Section 92 of the *Local Government Act 1999* (the **Act**) requires Council to prepare and adopt a Code of Practice for Access to Meetings and Documents (the **Code of Practice**).

1.4 Public access to Council and Committee meetings and documents is one of the primary means by which the community can gain access to information about the business of Council and Council Committees. This Code of Practice includes information relating to:

- access to the agenda for meetings;
- public access to meetings;
- the process to exclude the public from meetings;
- matters for which the Council, or a Council Committee, can order that the public be excluded;
- public access to documents, including minutes;
- accountability and reporting to the community, and the availability of the Code of Practice; and
- grievances about the use of the Code of Practice by Council.

2. PUBLIC ACCESS TO THE AGENDA FOR MEETINGS

2.1 At least three (3) clear days before the Council or Council Committee meeting (unless it is a Special Meeting),[1] the Chief Executive Officer (**CEO**) must give a written 'Notice of Meeting' (the **Notice**) to all Council/Committee Members setting out the date, time and place of the meeting. Insofar as reasonable practicable, the Notice must contain or be accompanied by the agenda for the meeting.

2.2 At the time the Notice is issued, the CEO must, insofar as is reasonably

[1] For the purposes of clause 2.1, 'clear days' refers to the minimum number of days required to give formal notice of meeting. Both the day on which notice is given and the day of the meeting are not taken to be included in the 'clear days', but Saturdays, Sundays and public holidays are included.

practicable, supply each member of the Council a copy of any documents or reports that are to be considered at the meeting (so far as this is practicable).

2.3 The notice of meeting will be placed on public display at the principal office of the Council and the Notice and agenda will be published on the Council's website – dckem.sa.gov.au

2.4 The Notice will be kept on public display and continue to be published on the website until the completion of the relevant Council or Council Committee meeting. The agenda will be published on the Council's website.

2.5 Where a Committee is not performing a regulatory activity, these procedures may be varied in accordance with Part 3 of the Local Government (Procedures at Meetings) Regulations 2013.

2.6 Reasonable numbers of copies of non-confidential agenda documents and reports that are to be considered at the meeting must be made available:

- In the case of a document or report supplied to Members before the meeting:
  - on a website determined by the CEO, as soon as practicable after being supplied to Members of the Council.
- In the case of a document or report supplied to Members of the Council at the Meeting:
  - at the meeting, as soon as practicable after they are supplied to the members of Council. These documents will also be subsequently uploaded onto the Council's website.

2.7 Members of the public may obtain a copy of the agenda and any particular reports on payment of a fee (if any) fixed by the Council.

2.8 Agenda papers provided to members of Council, or members of a Committee, may include an indication from the CEO that the Council or Committee may determine to consider an item in confidence, with the public to be excluded from the meeting during discussion of that item. Where such an indication is made, the CEO must specify the basis under which the confidentiality order could be made in accordance with section 90(3) of the Act.

3. PUBLIC ACCESS TO MEETINGS

3.1 The principle of open, transparent and accountable government is strongly

supported. Council facilitates public attendance at meetings of the Council and Committees through public notification of meetings on the Council website.

3.2 Council and Council Committee meetings are open to the public and attendance is encouraged, noting there may be circumstances where the Council (or the Council Committee) believes it is necessary in the broader community interest to exclude the public from the discussion (and, if necessary, decision) of a particular matter.

3.3 A Council Committee meeting will be taken to be conducted in a place open to the public, even if one or more committee members participate in the meeting by telephone or other electronic means (provided that members of the public can hear the discussion between all Committee Members).

3.4 The public will only be excluded when considered proper and necessary (i.e. the need for confidentiality outweighs the principle of open decision-making).

4. PUBLIC QUESTION TIME

4.1 At an Ordinary Meeting of Council, the public may ask questions of Council with notice during the agenda item 'Public Question Time.

4.2 Public Question Time will be limited to fifteen (15) minutes per Ordinary Meeting of Council. The Presiding Member of the meeting, usually the Mayor, will determine the order in which members of the public will speak and all questions are to be asked through the Presiding Member.

4.3 Submissions of 'Public Question Time' questions are to be received by the CEO no later than 12pm on the day preceding each Ordinary Council meeting day. ***Any/all persons submitting a Public Question Time question are required to complete the prescribed Public Question Time form. No verbal questions will be permitted at the time of the Ordinary Meeting of Council.***

4.4 In signing the form a person agrees to recognise that the Mayor has full discretion to terminate both the question and response at any time, and acknowledge Council's right to enforce Section 30 of the Local Government (Procedure at Meetings) Regulations 2000.

4.5 The Mayor will have full discretion to not accept a particular question. Questions are restricted to matters relating to Council reports, policy or operations, and those of a personal nature will not be accepted. It is at the Mayor's discretion whether those questions accepted are:

4.5.1 answered by an immediate response at the meeting where it is asked and minuted;

4.5.2 not be replied to for reasons of confidentiality or being vexatious, time wasting, trivial, irrelevant or of a personal nature.

4.6 The CEO will endeavour to give an immediate response to the question(s) submitted at the time of the meeting, otherwise the question(s) will be taken 'On Notice' and a written response forwarded to the person submitting the question within five (5) working days.

If further clarification is required by the person submitting the question that person is to be encouraged to contact the CEO for further advice.

4.7 All 'Public Question Time' questions and relevant responses will be uploaded onto Council's website for public information.

5. INFORMATION & BRIEFING SESSIONS

5.1 Council or the CEO are permitted to initiate an 'Information and/or Briefing Session' where more than one Member of the Council or Council Committee is invited.

5.2 A matter must not be dealt with at an Information and/or Briefing Session in such a way so as to obtain, or effectively obtain, a decision outside of a formally constituted meeting of Council or Committee.

5.3 An Information and/or Briefing Session on a matter that will be included on a Council agenda must be open to the public. However, the Council or the CEO may order that the Information and/or Briefing Session be closed to the public if the matter listed for discussion falls within the confidentiality provisions listed in section 90(3) of the Act.

5.4 Whether or not an Information and/or Briefing Session has been open to the public, the following information must be published as soon as practicable after the holding of the session:

5.4.1 the place, date and time of the session;

5.4.2 the matter discussed at the session; and

5.4.3 whether or not the session was open to the public.

5.5 Similarly to clause 4.3 above, a Council member(s) or Committee member(s) may, in extenuating circumstances, participate in an Information and/or Briefing Session by telephone or other electronic means.

6. COMMUNITY QUESTION TIME PUBLIC FORUM

6.1 Up to four (4) times per calendar year, the Council may at its discretion, set aside up to one (1) hour during a scheduled Information and/or Briefing Session to hold an open 'Community Question Time' public forum for members of the public to attend and ask verbal questions.

6.2 While an informal session, the Presiding Member of the meeting, usually the Mayor, will determine the order in which members of the public will speak.

6.3 Upon participating in the 'Community Question Tim' public forum all parties acknowledge Council's right to enforce Section 30 of the Local Government (Procedure at Meetings) Regulations 2000.

6.4 In order to ensure effective and equitable use of available time, each person will be allocated a maximum of five (5) minutes to ask their question(s). A person may ask a maximum of two (2) questions within their allocated five (5) minutes.

6.5 Prior to asking a question, the person must state their full name and address.

6.6 The Presiding Member may reject a question, if in his/her view the question:

- is offensive or defamatory in nature;
- relates to the competence or personal affairs of a Council Member or a member of staff;
- relates to confidential matters, legal advice, legal proceedings or legal processes; and/or
- is vague in nature or irrelevant to the business of Council.

6.7 The Presiding Member may defer to a Council Member or a member of staff to provide a response to the question(s).

6.8 Where a verbal response is unable to be provided at an Information and/or Briefing Session, a written response will be provided by the CEO within five (5)

business days.

6.9 In the event the allocated one (1) hour expires, the person(s) who have not had an opportunity to ask their question may submit their question(s) in writing to the CEO, who will respond in writing within five (5) business days.

6.10 The Presiding Member shall have absolute discretion accepting or rejecting questions from the public.

7. PROCESS TO EXCLUDE THE PUBLIC FROM A MEETING

7.1 The usual practice of the Council is to list all items indicated for consideration in confidence within the last section of the Council or Council Committee agenda, to allow all other items of business to be transacted with members of the public present at the meeting and are not required to leave the room until the 'confidential' section of the agenda is reached.

7.2 Despite the above, there may be circumstances where, during the course of a meeting, it becomes apparent that a matter should be considered in confidence. In those cases, members of the public will be asked to leave the meeting whilst the matter is discussed (subject to an appropriate resolution of the Council being carried to close the meeting).

7.3 Before a meeting orders that the public be excluded to enable consideration of a particular matter in confidence, the Council or Council Committee must, in public, formally determine if this is necessary and appropriate and then pass a resolution to exclude the public while dealing with that particular matter. If this occurs, then the public must leave the room. This means that all members of the public (including staff, but not including a Member of the Council or Council Committee), unless exempted by being named in the resolution as entitled to remain, are required to leave the room.

7.4 Once Council, or a Council Committee, has made the order, it is an offence for a person, who knowing that an order is in force, to enter or remain in the meeting room. It is lawful for an employee of the Council or a member of the police to use reasonable force to remove the person from the room if he or she fails to leave on request.

7.5 Once discussion on that particular matter is concluded, the public are then permitted to re-enter the meeting. If there is a further matter that needs to be

considered in confidence, it is necessary to repeat the formal determination process and to resolve to exclude the public as above.

8. PUBLIC ACCESS TO DOCUMENTS

8.1 The Act requires that councils to make available a large number of documents. Many of these are set out in Schedule 5 of the Act, with other requirements contained in other sections of the Act.

8.2 Schedule 5 documents must be published on a website determined by the CEO. Councils must also, upon request, provide a person with a printed copy of any document referred to in Schedule 5 of the Act. The provision of printed copies of a document may require payment of a fee (if any) set by Council (see Council's fees and charges register for any relevant fee).

8.3 Requests to access Council and Council Committee documents that are not otherwise publicly available can be made under the *Freedom of Information Act 1991*. Inquiries in relation to the process for seeking access to documents held by Council should be directed to Council's accredited Freedom of Information Officer.

9. PUBLIC ACCESS TO MINUTES

9.1 Minutes of a meeting of Council or a Council Committee must be made available, on the Council's website within five (5) days following the respective Council or Committee meeting.

9.2 Printed copies of minutes can be provided to a person on request on payment of a fee (if any) set by Council (see Council's fees and charges register for any relevant fee).

10. AVAILABILITY OF THE CODE OF PRACTICE

10.1 A copy of this Code of Practice will be made available on the Council website - dckem.sa.gov.au. The Council will also, on request, provide a person with a printed copy of the Code of Practice on payment of a fee (if any) fixed by the council (see Council's fees and charges register for any relevant fee).

11. GRIEVANCE

11.1 Council has established procedures for the review of decisions under section 270 of the Act for:

11.1.1 Council, and its Committees;

11.1.2 employees of the Council; and

11.1.3 other persons acting on behalf of the Council.

11.2 Should a person be aggrieved about public access to either a meeting or a document they can lodge an application for review of that decision under the procedures established by Council.

12. DOCUMENT AND ADMINISTRATION CONTROL

COUNCIL POLICY	
Policy title:	Code of Practice – Access to Council and Committee Meetings and Council Documents
Policy number:	GOV108
Responsible officer:	Chief Executive Officer
Version:	V5.0
First issued/adopted:	14 December 2004
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Last reviewed:	12 November 2024 (Resolution 17.2.2)
Next review date:	November 2027
Applicable legislation/related documents:	• *Local Government Act 1999* • Local Government (Procedures at Meetings) Regulations 2013 • Complaint Handing Policy • Behavioural Management Policy