

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



1. PURPOSE

The purpose of this Code is to clearly outline to the community how they may access Council and Committee meetings, agendas, and reports as well as information or briefing sessions. In addition it outlines how public access to Council and Committee meetings or documents may be restricted.

The City of Tea Tree Gully supports the principle that the procedures to be observed at a meeting of Council or a Committee should contribute to open, transparent and informed decision-making and encourage appropriate community participation in the affairs of Council. Council recognises that on a limited number of occasions it may be necessary in the broader community interest to restrict public access to discussion or documents.

2. CODE

This Code should be read in conjunction with Council's Code of Practice for Meeting Procedures.

2.2 Council and Committee Meetings and Documents

2.2.1 Notice, Agenda and Reports

Public access to Council and Committee Agendas provides one of the main opportunities for the community to gain information about the business of Council and Committees. The following procedures apply to encourage public access to the Notice and Agenda:

- a. At least three Clear Days before a Council or Committee meeting (unless it is a special meeting) the CEO must give written Notice of the meeting to all Council and Committee Members
- b. It will be placed on public display at the principal office of Council and on Council's website three Clear Days prior to the meeting

The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

- c. It will be kept on display until the completion of the meeting and continue to be published on the website

Various non-confidential documents from Council or Committee meetings are to be available for inspection by members of the public on Council's public website or at the meeting as soon as practicable after the document or report is supplied to members of the Council, pursuant to section 84(5) of the Act.

The Agenda may include a recommendation from the CEO that a document or report on a particular matter should be considered in confidence with the public to be excluded, in accordance with section 90 of the Act. Where this occurs, the CEO must specify the basis under section 90(3) where such an order could be made.

Requests to access documents can be made under the *Freedom of Information Act 1991*. Further information is available on Council's public website.

2.2.2 Meetings (including excluding the public)

Council and Committee meetings are open to the public and attendance is encouraged, except where Council or a Committee believes it is lawful and necessary to exclude the public from the meeting i.e. the need for confidentiality outweighs the general principle of open decision making.

The public may consider participation through the public forums or deputations in accordance with Council's Code of Practice for Meeting Procedures.

Council or a Committee will only discuss matters in confidence when it is considered necessary to do so, and may order that the public be excluded in specific circumstances. Any consideration of the use of the 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 within section 90(3) of the Act.

Before a Council or Committee meeting orders that the public be excluded, the meeting must resolve that way. If this occurs then the Presiding Member will convey this to the public (and the grounds on which this will occur) and the public must leave the meeting. The Council or Committee can by inclusion within the resolution permit a particular person or persons to remain in the meeting.

Where a person provides information to Council and requests that it be kept confidential the Council is not able to comply with this request unless the matter is one that falls within the ambit of section 90(3) of the Act. If this is the case, Council will then be in a position to consider the request on its merits.

2.2.3 Minutes

Minutes of a Council or Committee meeting must be publicly available on Council's website within five days after the meeting. This excludes any resolutions where a confidential retention order has been made. If a decision to exclude the public is taken, Council or a Committee is required to record in the Minutes the making of the order and the grounds on which the resolution was made in the Minutes. This will also apply to any order to keep an associated document confidential in accordance with section 91(7) of the Act. These minutes must be available for a minimum period of one (1) month.

2.2.4 Confidential Retention Orders

Council or a Committee will only make an order that a document associated with a discussion from which the public are excluded will remain confidential if it is considered proper and necessary. A resolution to this effect will be carried by the meeting, immediately after considering the confidential item which will include the grounds for confidentiality and the duration of the order or circumstances in which the order will cease to apply or when the order must be reviewed. When retaining documents as confidential, the retention period will be kept as short as is necessary.

Each item must be addressed separately and assessed against section 90(3) and section 91(7) of the Act. The Council or Committee can delegate the power to revoke an order made under section 91(7) of the Act and this can be included in the retention order, including any conditions associated with this delegation.

Documents will not be made available for public inspection while a confidential order under section 91(7) remains in place.

The CEO will maintain a register of the confidential retention orders and released confidential documents. This register will be published on Council's website. Released documents are available on Council's website.

A review of retention orders and confidential documents will ideally be conducted twice a year (once a year at a minimum) to ensure that items are released to the public in accordance with the resolutions of Council, including detailing where an extension of a confidential retention order is required. The objective is that the information is to be made publicly available at the earliest opportunity.

2.2.5 Audio or Visual Recordings

Visual or Audio recordings are not to be taken outside of that prescribed in the Code of Practice for Meeting Procedures, which will also determine access to this information.

2.2.6 Reporting

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, and the *Local Government (General) Regulations 2013*.

2.3 Information and Briefing Sessions

Council will hold and publish information about information and briefing sessions in accordance with section 90A of the *Local Government Act 1999* and regulation 8AB of the *Local Government (General) Regulations 2013*. Information and briefing sessions may either be open to the public or closed to the public in accordance with the legislation.

Absent a specific decision of the Council or CEO to the contrary, documents presented to any information or briefing sessions are not publicly available and documents presented to information or briefing sessions that are closed to the public are confidential.

Members of the Council or Committee may participate in an information or briefing session by electronic means (which may be as a result of restrictions on physical attendance on site). Council may make available to the public a live stream of any electronic information or briefing session. Where an information or briefing session must be conducted in a place open to the public and physical attendance on site is not permitted, Council will make available to the public a live stream of the session on Council's website, so that members of the public can hear the discussions between all persons participating in the information or briefing session. This requirement will not apply to any part of the electronic information or briefing session that has been closed to the public.

2.4 Public Access to Documents

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

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. 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).

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 can be located on Council's public website under [Freedom of Information](#).

2.5 Grievance Procedure

Should a person be aggrieved about public access to either a meeting or a document then a request, in writing, can be lodged for consideration under Council's [Internal Review of Council Decisions Policy](#).

A member of the public is also entitled to lodge a complaint with the South Australian Ombudsman if he or she has been aggrieved by a decision of Council to exclude the public from a meeting or has otherwise been prevented access to Council documents.

3. DEFINITIONS

For the purposes of this Code the following definitions apply:

Act

Local Government Act 1999

Agenda

As defined in the Act means a list of items of business to be considered at a meeting.

CEO

Refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully

Clear Days

Means the number of calendar days between the giving of the Notice and the meeting. This is determined by excluding the day on which the Notice is given and the day of the meeting e.g. if Notice is given on a Friday for a following Tuesday meeting, then the Clear Days are the intervening Saturday, Sunday and Monday.

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Committee

Refers to key (section 41) Council Committees established under the Local Government Act 1999.

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

Electronic Means

Includes a telephone, computer or other device used for communication.

Live Stream

Means the transmission of audio and/or video from a meeting at the time that the meeting is occurring;

Minutes

A written record of the proceedings at every meeting of the Council or a Council committee.

Notice of a Meeting (Notice)

Pursuant to the Act in the case of an ordinary meeting or Council committee meeting, the CEO must give each member of the Council notice of the meeting at least three Clear Days before the date of the meeting. In the case of a special meeting or a special Council committee meeting, the CEO must give each member of Council notice of the meeting at least four hours before the commencement of the meeting. A Notice of a Meeting of the Council must be in writing, set out the date, time and place of the meeting, be signed by the CEO and contain or be accompanied by the Agenda for the meeting. For Council committee meetings, the Notice is not required to be signed by the CEO.

Personal Affairs

As defined in section 90(9) of the Act, being a person's financial affairs, criminal records, marital or other personal relationships, personal qualities, attributes or health status, or that person's employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person, but does not include the Personal Affairs of a body corporate.

Presiding Member

Under the Local Government (Procedure of Meetings) Regulations 2013, this means the person who is the Presiding Member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting.

SAPOL

South Australia Police.

4. LEGISLATIVE FRAMEWORK

The following legislation applies to this Code:

Freedom of Information Act 1991

Schedule 1, Section 9(1) & (2) of this Act specifies certain documents that are exempt and not exempt from disclosure to the public.

Local Government Act 1999

Sections 83 and 84 of the Act details the public notice requirements for Council meetings.

Section 90 of the Act provides a general duty for Council and Committee meetings to be conducted in a place open to the public.

Section 90A of the Act sets out the requirements for information or briefing sessions.

Section 91 of the Act provides for confidential documents and the release of and minutes relating to.

Section 92 of the Act requires a council to prepare and adopt a code of practice relating to the principles, policies and procedures that council will apply for the purposes of the operation of Parts 3 & 4 of the Act.

Local Government (General) Regulations 2013

Regulation 35 outlines the requirement for reporting in the Annual Report for Confidential Documents.

Other references:

Council's documents including:

- a. [Code of Practice for Meeting Procedures](#)
- b. [Community Engagement \(Public Consultation\) Policy](#)
- c. [Fees and Charges Register](#)
- d. [Internal Review of Council Decisions Policy](#)
- e. [Petitions Management Policy](#)
- f. [Public Forum and Deputation Guidelines.](#)

This Code is based on a model code developed by the Local Government Association.

5. STRATEGIC PLAN/POLICY

5.1 Strategic Plan

The following strategic objectives in Council's Strategic Plan 2025 are the most relevant to this report:

Objective	Comments
Community	
<i>People can have a say in decisions that affect them and the key decisions of the Council</i>	This Code provides opportunity for the Community to participate in Council and Committee meetings and have the opportunity to speak on matters that may affect them.

6. POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council's scheme of delegations.

Record number	D23/23132
Responsible Manager	Manager Corporate Governance
Other key internal stakeholders	NA
Last reviewed	27 June 2023
Adoption reference	Council
Resolution number	176
Previous review dates	9/8/22, 15/12/21, 14/04/20, 10/2/19, 9/05/17, 11/08/15, 11/03/14 (Access to Recordings of Council and Committee Meetings Policy has been merged into this), 11/06/2011, 12/8/08, 13/2/07, 24/2/04, 28/5/02, 3/10/00
	A Council must, within 12 months after each periodic election, review this Code
Legal requirement	Before Council adopts, alters or substitutes this Code, it must follow the relevant steps in its Community Engagement (Public Consultation) Policy
Due date next review	2027
Delegations	No