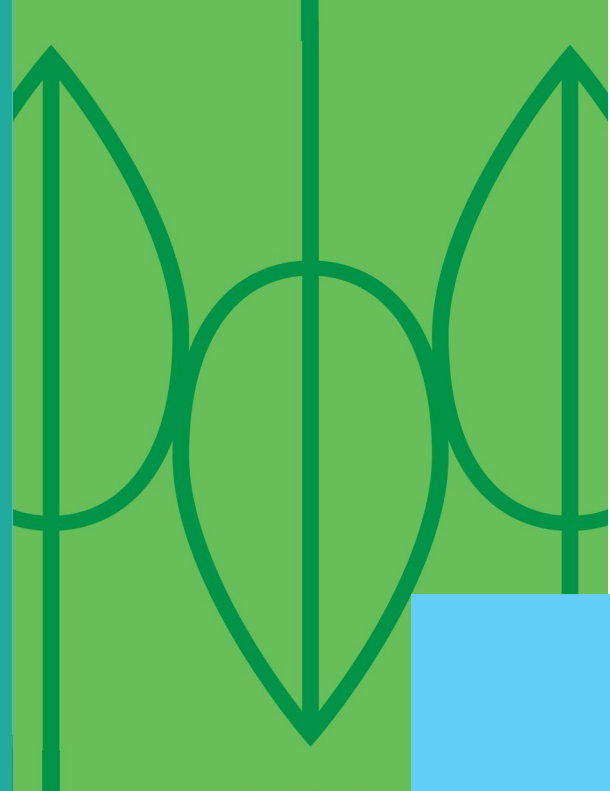


2022–2026



Adelaide
Plains
Council

Code of Practice Access to Meetings & Documents



Code of Practice–Access to Meetings & Documents

Pursuant to section 92 of the Act

Adopted 25 November 2024

ADELAIDE PLAINS COUNCIL

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Adelaide Plains Council acknowledges that we are located on the traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past, present and emerging. We recognise and respect their cultural heritage, beliefs and relationship with the land and we acknowledge that they are of continuing importance to the Kurna people living today.

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1. Definitions

- (a) **Act** means the *Local Government Act 1999*;
- (b) **CEO** means Chief Executive Officer of Council;
- (c) **committee** means a committee of Council established under section 41 of the Act;
- (d) **community** encompasses any person who lives, works, pays rates, conducts private or government business, visits, utilises services, facilities and public space within the Council area;
- (e) **Council** means Adelaide Plains Council;
- (f) **Council Meeting** means formal meetings of Council Members held in accordance with the Act (but to avoid doubt does not include information or briefing sessions held under section 90A of the Act);
- (g) **Council Member** means a member of Council elected or appointed in accordance with the Act or the *Local Government (Elections) Act 1999*;
- (h) **employee** means any person carrying out duties or performing tasks for and on behalf of Council, whether they are paid or unpaid, including staff, contractors, consultants, trainees, volunteers, students and any other person who has access to Council's electronic systems and services in a full-time, part-time or casual capacity;
- (i) **presiding member** means the Mayor or other member presiding at a meeting of Council, or the chairperson or other member presiding at a meeting of a committee; and
- (j) **Regulations** means the *Local Government (Meeting Procedures) Regulations 2013*.

Other terms referred to that have not been defined are as defined in the Act and/or Regulations (if there is any definition in the Act or Regulations).

2. Purpose & scope

Council has adopted this code of practice¹ to set out how the community may access Council and committee meetings and documents.² In addition, this code of practice outlines how access to such meetings and documents may be restricted.

This code of practice is underpinned by Council's core values, and supports the principle that the procedures to be observed at Council and committee meetings should contribute to open, transparent and informed decision-making, and encourage appropriate community participation in the affairs of Council.

¹ Pursuant to section 92 of the Act.

² This code of practice does not apply to the Council Assessment Panel or documents which are not normally available to the community (see part 7.2).

3. Council & committee meetings

3.1 Community access & attendance

- (a) Council and committee meetings are open to the community and attendance is encouraged to observe and listen (except when a confidential order applies, refer to [part 3.3](#)).
- (b) The presiding member may speak to members of the community for the purposes of welcoming attendees, arranging deputees and providing other information related to the meeting.
- (c) A Council Member or committee member must not speak to members of the community during the meeting, or accept notes or other documents and materials from those present in the gallery. The only exception is when addressing a deputee, during a deputation.³
- (d) Council employees should minimise discussion with members of the community during a meeting, other than providing guidance regarding meeting logistics.
- (e) It is an offence for any member of the community to behave in a manner which is disorderly or to cause an interruption during a Council or committee meeting.⁴ The presiding member may ask any person whom the presiding member considers to be in contravention of this requirement to leave the meeting.

3.1.1 Livestreaming of meetings

- (a) Council Meetings (except when a confidential order applies)⁵ will be livestreamed using electronic meeting software (i.e., audio and visual) to enable the community to observe the meeting. The livestream will not enable the community to participate in the meeting.⁶
- (b) The details of the livestream will be included on Council's website: www.apc.sa.gov.au on the day of the meeting.⁷ If the CEO (or delegate) has taken reasonable steps but is unable to make a livestream of the meeting available, the CEO will publish a notice on Council's website.
- (c) Council will not livestream any committee meetings.

3.1.2 Recordings of meetings

- (a) Council Meetings (except when a confidential order applies)⁸ will be recorded using electronic meeting software (i.e. audio and visual). Such recordings will be managed in accordance with relevant legislation.⁹
- (b) As a general rule, the recordings will be captured by Council employees to be used to:
 - (i) assist in the preparation of minutes;
 - (ii) ensure decisions are accurately recorded; and
 - (iii) verify the accuracy of minutes prior to confirmation.

³ Refer to Council's **Code of Practice – Meeting Procedures**.

⁴ Regulation 30.

⁵ Livestream will be paused when the community is excluded pursuant to section 90 of the Act.

⁶ The public gallery is visible in the livestream, see Council's **Privacy Policy** for more information.

⁷ For example, banner on home page and event on the calendar.

⁸ Recordings will be paused when the community is excluded pursuant to section 90 of the Act.

⁹ *State Records Act 1997; Surveillance Devices Act 2016 and Freedom of Information Act 1991.*

- (c) The recording is an internal working document and is not the official record of the Council Meeting. The official record of the meeting is the meeting minutes which require confirmation by resolution and are signed by the presiding member.
- (d) A recording of the Council Meeting will be published on Council's website **within 5 days** of the meeting. If the CEO (or delegate) has taken reasonable steps but is unable to make a recording of the meeting available, the CEO will publish a notice on Council's website.
- (e) A recording of a Council Meeting will remain on Council's website for a period of 12 months and after 12 months, the recording of the meeting will be deleted.
- (f) Council will not record any committee meetings.

3.2 Meeting documents (agendas, reports & minutes)

3.2.1 Council & committees performing regulatory activities

- (a) The Act prescribes the requirements for notice of meetings to Council Members, committee members (as applicable) and the community.¹⁰ The notice must contain, or be accompanied by, the agenda,¹¹ and as far as practicable, the reports and documents that are to be considered at the meeting. The notice and documents for a meeting are provided to Council Members and committee members (as applicable) via email (unless this has not been authorised by a Council Member in which case a hard copy will be provided to that Council Member, however, in urgent cases for special meetings, notice may be still provided by email regardless).¹²
- (b) A copy of the notice, agenda, reports and documents (excluding any documents subject to a confidential order) will be displayed on Council's website: www.apc.sa.gov.au and on public display at the Mallala and Two Wells office as soon as practicable after the time when such documents are supplied to Council Members and committee Members (as applicable). In any instance a document is supplied to Council Member and committee members (as applicable) at the meeting (and is not subject to a confidential order) it will be made available on Council's website **within 5 days** of the meeting.
- (c) The notice will remain on Council's website and on public display until the completion of the meeting.¹³
- (d) The CEO must ensure that minutes are kept for every meeting.¹⁴ The minutes of a meeting will be supplied to Council Members and committee members (as applicable) and published on Council's website (except when a confidential order applies) **within 5 days** of the meeting.¹⁵

¹⁰ Section 83(1) and (2) of the Act; see also Council's **Code of Practice – Meeting Procedures**.

¹¹ Section 4 of the Act, 'agenda' means a list of items of business to be considered in a meeting. For clarity, reports and documents that accompany those business items are not considered to be the 'agenda'.

¹² Section 83(6)(d) and (7) of the Act.

¹³ Section 84(3) of the Act.

¹⁴ If the CEO is excluded from the meeting, the presiding member must ensure minutes are kept, see sections 91(1) and (2) of the Act.

¹⁵ Section 91(3) of the Act.

3.2.2 Other committees

- (a) The Act prescribes the requirements for notice of meetings to Council Members, committee members and the community.¹⁶ These requirements are modified by the Regulations for any committee that does not perform regulatory activities.¹⁷ Thus:
- (i) notice for a committee meeting does not need to be given for each meeting separately and does not need to contain or be accompanied by the agenda for the meeting;
 - (ii) notice to the community may be given by displaying a notice and agenda in a form determined by the CEO and committee after considering its nature and purpose;
 - (iii) if ordinary meetings of the committee have a set agenda, then notice of the meeting does not need to contain or be accompanied by the agenda;
 - (iv) it is not necessary for the CEO to ensure that each committee member (at the time notice is given) be supplied with a copy of any documents or reports to be considered at the meeting.
- (b) The CEO must ensure that minutes are kept for every committee meeting.¹⁸ The minutes of a meeting will be supplied to Council Members, committee members and published on Council's website (except when a confidential order applies): www.apc.sa.gov.au, **within 5 days** of the meeting.¹⁹

3.3 Restriction of access to meetings & documents

3.3.1 Attendance

- (a) Council and committee meetings must be conducted in a place open to the community.²⁰ However, in circumstances where it is necessary to receive, discuss or consider sensitive or confidential information and matters, an order may be made to exclude the community from attending.²¹ When considering whether an order should be made Council and committees will have regard to the relevant provisions under the Act.²² It is irrelevant that discussion may:
- (i) cause embarrassment to Council or a committee, Council Members or an employee; or
 - (ii) cause a loss of confidence in Council or a committee; or
 - (iii) involve discussion of a matter that is controversial within the Council area; or
 - (iv) make Council susceptible to adverse criticism.²³
- (b) Reports presented to Council or a committee may include a recommendation that Council should consider an item in confidence.²⁴ These recommendations permit the CEO to withhold from public inspection any documents or reports for community access to the recommendations apply until

¹⁶ Section 87 and 88 of the Act.

¹⁷ Regulations 23 and 24; i.e., any committee to which Part B of Council's **Code of Practice – Meeting Procedures** and Part 3 of the Regulations applies.

¹⁸ If the CEO is excluded from the meeting, the presiding member must ensure minutes are kept, sections 91(1) and (2) of the Act.

¹⁹ Section 91(3) of the Act.

²⁰ Section 90(1) of the Act; supported by regulation 4 of the Regulations.

²¹ Sections 90(2) and (3) of the Act.

²² Section 90(2)(3) and (8) of the Act, see also Attachment 1.

²³ Section 90(4) of the Act.

²⁴ Section 83(5) of the Act.

the relevant point in the meeting at which the item is to be considered.²⁵

- (c) All members of the community, including employees, not listed in the order are required to leave the meeting once an order has been made.²⁶ The community will not be excluded until after the confidential order has been debated and carried. The livestream of the meeting will be paused for the period the meeting is closed to the community. Such order will be recorded in the minutes.
- (d) Once the order has been made, it is an offence for a person who knows that the order is in force to enter or remain in the room. It is lawful for an employee of Council or a member of the police force to use reasonable force to remove the person from the room if he or she fails to leave on request.²⁷
- (e) Once consideration of the particular matter has concluded, the community will be permitted to re-enter the meeting and the livestream will also resume. No order is required to cease the confidential order. If there is a further matter that needs to be considered in confidence, it is necessary for another order to be made to exclude the community.
- (f) Council prefers for the convenience of the community present at a meeting (unless there are pressing reasons why it should be debated at an earlier point of the meeting) to consider confidential items at the latter end of the meeting.
- (g) The use of confidential orders will be recorded by the CEO in Council's *Confidential Items Register* and is published on Council's website: www.apc.sa.gov.au. Information regarding the use of confidential orders is also included in Council's Annual report, available on Council's website.

3.3.2 Documents

Council or a committee may also keep minutes, reports and other documents confidential if the document relates to a matter dealt with under a confidential order.²⁸ In doing so, Council will consider the relevant provisions under the Act.²⁹ Such order must be made in the minutes and will be reviewed every year (refer to [part 5](#)).³⁰

²⁵ Where such indication the CEO must specify basis in accordance with section 90(3) of the Act. Where Council Members are provided confidential information outside a Council Meeting they are bound by their obligations to not make improper use of information and maintain confidentiality under section 62(3) and (4a) of the Act and relevant Behavioural standards.

²⁶ Section 90(6) of the Act.

²⁷ Section 90(5) of the Act.

²⁸ Section 91(7) of the Act.

²⁹ Section 90(2) and (3) of the Act.

³⁰ Section 91(9) of the Act.

4. Information or briefing sessions

4.1 Community access & attendance

- (a) An information or briefing session may be facilitated by Council or the CEO if more than 1 Council Member or committee member are invited to attend.³¹
- (b) Information or briefing sessions are open to the community to observe only, unless invited to ask questions.
- (c) A Council Member or committee member may participate in an information or briefing session by electronic means, provided that it is a means made available by Council and approved by the CEO (having regard to security and other relevant matters) for the purpose of electronic information or briefing sessions.³²
- (d) Where the electronic means has the functionality to enable the Council Members or committee member to be both seen and heard, the member must participate in the information or briefing session by being both seen and heard.
- (e) A Council Member or committee member participating in an information or briefing session by electronic means is taken to be present provided that:
 - (i) if the electronic means has the functionality to enable the member to be both seen and heard, the member can hear and see all other members present in the information or briefing session and can be heard and seen by all other members present at the information or briefing session; or
 - (ii) if the electronic means does not have the functionality to enable the member to be both seen and heard, the member can be heard by all other members present at the information or briefing session and can hear all other members present at the information or briefing session.
- (f) Council will make a livestream of any electronic only information or briefing session available to the community.
- (g) Council will not record any information or briefing sessions.

4.2 Documents

- (a) Information or briefing sessions do not have formal agendas or minutes. While PowerPoint presentations may be used and notes may be taken at these sessions, they will not be published on the Council's website or made available to the community.
- (b) As soon as practicable after the holding of an information or briefing session, the place, date and time of the session, the topic of discussion and whether the session was open to the community will be published on Council's website: www.apc.sa.gov.au.³³

³¹ Section 90A(1) of the Act; a matter must not be dealt with at an information or briefing session in such a way as to obtain, or effectively obtain, a decision outside of a formal meeting, see section 90A(2) of the Act.

³² Sections 90(7a) and 90A(6)(a) of the Act.

³³ Regulation 8AB of the *Local Government (General) Regulations 2013*.

4.3 Restriction of access to sessions & documents

- (a) Information or briefing sessions must be conducted in a place open to the community if a matter is, or intended to be, on the agenda for a formal Council Meeting or committee meeting.³⁴ However, in circumstances where it is considered necessary to receive, discuss or consider sensitive or confidential information and matters, Council or the CEO may order the community be excluded from an information or briefing session.³⁵ When considering whether an order should be made to exclude the community, Council will have regard to the relevant provisions under the Act.³⁶
- (b) All members of the community, including employees, not permitted to remain in the room are required to leave the information or briefing session.³⁷ Once the order has been made, it is an offence for a person who knows that the order is in force to enter or remain in the room. It is lawful for an employee of Council or a member of the police force to use reasonable force to remove the person from the room if he or she fails to leave on request.³⁸
- (c) Council prefers for the convenience of the community present at a meeting (unless there are pressing reasons why it should be debated at an earlier point of the meeting) to consider confidential items at the latter end of the information or briefing session.
- (d) The reason for the information or briefing session (entirely or partially) being held in confidence will be published on Council's website: www.apc.sa.gov.au.³⁹
- (e) The use of confidential orders will be recorded by the CEO in Council's *Confidential Items Register* and is published on Council's website. Information regarding the use of confidential orders is also included in Council's Annual report, available on Council's website.

5. Review & release of restricted documents

- (a) When a confidential order is made, the order must specify the duration of the order, the circumstances of which the order will cease to apply or a period of when the order will be reviewed. In any event, any order that operates for a period exceeding 12 months must be reviewed once every year.⁴⁰ A report will be presented to Council for the yearly review.
- (b) The duration of a confidential order cannot be extended after an order has ceased to apply.⁴¹ The CEO will make such documents available on Council's website **within 90 days** after the order has lapsed.
- (c) The power to review and revoke a confidential order may be delegated to the CEO or an employee.⁴²

³⁴ Section 90A(3) of the Act.

³⁵ Section 90(2) and (3) of the Act.

³⁶ Section 90(2)(3) and (8) of the Act, see also Attachment 1.

³⁷ Section 90(6) of the Act.

³⁸ Sections 90(5) and 90A(6)(a) of the Act.

³⁹ Section 90(3) of the Act.

⁴⁰ Section 91(9) of the Act.

⁴¹ Section 91(9)(ab) of the Act.

⁴² Section 91(9)(c) of the Act.

6. Other

6.1 What if I disagree with a confidential order?

If a person disagrees with an order to exclude the community from a meeting, information or briefing session or restrict access to a document, they are encouraged to raise their complaint or request a review under Council's **Community Requests, Complaints & Feedback Policy**.

6.2 Can I request access to restricted documents?

Applications can be made to access information.⁴³ Applications should be submitted using the freedom of information application form on Council's website: www.apc.sa.gov.au.

7. Further information

Public Access:	Members of the community may inspect this code of practice (and any other related documents) free of charge at: Council's website: www.apc.sa.gov.au ; or Council's Principal Office: 2a Wasleys Rd, Mallala SA 5502 . <i>A copy of this code of practice may be obtained on payment of a fee.⁴⁴</i>
Queries:	Any queries in relation to this code of practice must be in writing to info@apc.sa.gov.au , marked: <i>Attention: Manager Governance</i>

⁴³ Under the *Freedom of Information Act 1991*.

⁴⁴ As outlined in Council's *Fees & Charges Schedule*.

