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**Policy Number**            **EM04**

**Policy Name**                **Council Meeting Procedures**

## **SUMMARY**

The Meeting Procedures Policy has been developed to provide a structure for the orderly and efficient proceedings of meetings. West Daly Regional Council acts as a representative, informed and responsible decision maker in the interests of its constituencies and to exercise and perform its powers and functions of Local Government as assigned under the *Local Government Act*.

## **BACKGROUND**

This policy applies to all Council, Finance and Audit Committee meetings. For Local Authority meetings refer to Policy: GOV10\_Local Authority Policy.

## **POLICY STATEMENT**

### MEETING ATTENDANCE

- I. Elected Members are expected to attend every Ordinary Council meeting. If they are unable to attend, they should send an apology no later than 24 hours before the scheduled commencement of the meeting and explain why they are unable to attend the meeting. Such apologies may be provided to the Mayor, Chief Executive Officer or to the Community Services Manager (CSM) in the home community of the Elected Member.
  
- II. In accordance with the *Local Government Act*, if an Elected Member is absent, without permission of the Council, from two (2) consecutive meetings of Council, then it is considered that the Elected Member ceases to hold office. An acceptable apology must be provided to Council prior to a meeting to obtain permission from Council to be absent from a meeting.
  
- III. Elected Members may attend Ordinary, Special or Committee meetings by technological means (such as audio or audio-conferencing or video-conferencing facilities) where these means are available and by giving

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reasonable notice to the CEO or the Community Services Manager. This procedure satisfies the requirements of the *Local Government Act*.

#### SCHEDULE OF MEETINGS

- I. The dates, times and places of all Ordinary Council meetings and Committee meetings will be determined annually in advance by Council, normally at its last meeting before the end of the financial year. The schedule will be provided to all Elected Members and displayed on Council's website and constitutes notice of those meetings in compliance with the *Local Government Act*, in a year of a general election of Council, Council shall establish meeting dates and times for the remainder of the calendar year at the first Ordinary Council meeting following the general election.
- II. Ordinary Council meetings are scheduled every month.
- III. Council may resolve to change the date and time of any scheduled Ordinary Council meeting in circumstances where it would be inappropriate to conduct the meeting such as when prior knowledge indicates that a quorum is unattainable.

#### PUBLIC ATTENDANCE

- I. All Ordinary meetings of Council will be open to the public except for those closed sessions where confidential matters are discussed.
- II. A member of the public attending an Ordinary or Special meeting of Council must not take part, or attempt to take part, in the proceedings of a meeting unless invited to do so by the Chairperson.
- III. As a matter of protocol any visitor at a meeting for another Local Government, Territory, State or Federal jurisdiction, whether formal or informal, will be acknowledged and introduced to Council at the beginning of the meeting.
- IV. A deputation wishing to attend and be heard at a meeting must apply to the CEO no less than five (5) working days before that meeting. The application must state the reasons for wishing to attend and be heard. The CEO on receiving the request must inform the Mayor of the intention. The Mayor will decide if the deputation will be heard and advise the CEO accordingly. If the deputation is to be heard, the CEO shall indicate a suitable time of the agenda. Any speaker from the deputation addressing Council must be temperate in speech and manner and must not use insulting or offensive language.
- V. The Chairperson may halt an address by a person in a deputation if the Chairperson is satisfied the purpose of the deputation has been sufficiently explained or the person is severe in speech or manner or uses insulting or offensive language.

- VI. Each Ordinary meeting of Council will include a period where members of the public may ask questions of the meeting. The Chairperson may invite questions, submissions or comments from members of the public at the meeting however is not obliged to do so.
- VII. If the Chairperson feels that a question, comment or statement from a member of the public at a meeting of Council is offensive, irrelevant, culturally inappropriate, and unduly long or deals with a confidential matter, the Chairperson may rule the matter out of order and proceed to deal with or proceed to the next item of business.

### CHAIRPERSON

At all Ordinary meetings of Council, the Mayor will chair the meeting or, if the Mayor is absent for any reason, the Deputy Mayor will preside. In the event that neither the Mayor or the Deputy Mayor are available to chair the meeting, a Chairperson, for that meeting only, will be from an Elected Member who is in attendance.

### AGENDAS AND MINUTES

- I. The order of business for an Ordinary meeting of Council shall be (as follows or as the Council from time to time may determine).
  - a. Formal opening of the meeting by the Mayor;
  - b. Persons Present;
  - c. Apologies and Leave of Absence;
  - d. Disclosures of Interest;
  - e. Confirmation of Minutes from previous ordinary and special meetings;
  - f. Minutes from Audit Committee meetings;
  - g. Minutes from the Local Authority Meetings;
  - h. Incoming and Outgoing Correspondence;
  - i. Chief Executive Officer report
  - j. Managers Reports from each community;
  - k. Financial Report;
  - l. Call for items of General Business;
  - m. Closed Session for Confidential Items;
  - n. Next Meeting details;
  - o. Close of meeting.
- II. The Agenda (and any attachments) for an Ordinary meeting will be circulated to all Elected Members and available on the Council's website at least three (3) working days prior to the scheduled meeting of the Council.
- III. In the case of a Special Meeting then the Agenda (and any attachments) will be circulated to all Elected Members and available on Council's website no less than (4) hours prior to the scheduled time of the meeting.
- IV. All meetings will be minuted with the draft minutes being uploaded onto Council's website no later than ten (10) days following the date of the meeting.

Such draft minutes will have been checked by the CEO for accuracy and must clearly bear the watermark “unconfirmed”.

- V. All Council minutes are to be available for downloading from the website or for reading at any Council office.
- VI. The Confidential agenda and minutes will be restricted to Elected Members, the CEO and Council's Management Team.
- VII. An Elected Member may give written notice of at least ten (10) working days to the CEO of a motion to be considered at the next Council meeting. The CEO will include this item on the relevant agenda.

#### MOTIONS, DEBATES, RESOLUTIONS AND VOTING PROCEDURES

- I. All motions must have a mover and a seconder to allow debate. If a motion has no seconder, it will be recorded in the minutes as having lapsed. Debate can only proceed on the basis of a motion being formally accepted by the Chairperson. Notwithstanding, a mover of a motion or an amendment to a motion, may speak in support of the motion or amendment before it is seconded.
- II. Where an Elected Member has given due notice of an intended motion under Clause 22 and for whatever reason, that Elected Member is not in attendance at the meeting, the motion may be:
  - a. Moved by another member at the meeting; or
  - b. Deferred to the next Ordinary Meeting of Council.
- III. Debate on any motion on the floor will commence with the Chairperson asking for, and allowing, any Elected Member to speak for or against the motion. Debate will continue until all elected Members that wish to speak for or against the matter have been heard.
- IV. An Elected Member speaking for or against the motion, must confine his or her remarks to the matter under consideration.
- V. When a motion has been moved and seconded but not put to the vote, it becomes the property of the meeting and may not be withdrawn without the consent of the Councillors present.
- VI. An Elected Member may move an amendment to a motion so long as the amendment still relates to the motion. Any amendment must not negate the intent of the original motion. For example: If Council X and Councillor Y moved a motion for a Council to have a community swimming pool closed, an amendment that specifically stated the swimming pool was to remain open could not be moved, although an amendment that the pool be closed only on certain days could be allowed for debate.

- VII. An Elected Member who moves or seconds a motion shall not propose or second an amendment to the motion.
- VIII. The Chairperson shall rule on any proposed amendment and may reject any amendment to the motion that attempts to negate the original motion or replace the original motion.
- IX. Only one amendment to a motion can be dealt with at any one time. Once an amendment has been moved, no further amendment can be considered until that amendment is disposed of, either because it lapses for want of a seconder, or is seconded and put to the vote.
- X. Council must dispose of any amendment motion that has been formally moved and seconded, before it deals with the original motion.
- XI. If an amendment to a motion is lost, further amendments may be considered until a motion is carried (be it the original motion or a variation of it).
- XII. The Chairperson of a meeting may impose a time limit on any speeches in support or against a motion.
- XIII. Once all debate on a motion is concluded, but before the motion is put to the vote, the mover of the original motion has a right of reply and may speak of all observations made in reference to the motion.
- XIV. If the Chairperson decides that any motion, amendment or other matter (including a matter he or she considers to be objectionable) is out of order, it must be rejected and not be considered further.
- XV. The Chairperson of a meeting has the right to conclude debate on a motion if he or she considers there has been sufficient debate on the topic. Similarly, an Elected Member wishing to end the debate and have voting concluded on the original motion, may move that "the motion be now put". If a seconder concurs with the motion to have the original/amended motion put to the vote, and Councillors present agree, then the motion that "the motion be now put" is voted upon and, if passed, then the Chairperson is to seek an immediate vote on the original motion.
- XVI. A Councillor can move a motion to have debate on a matter deferred to the next Council meeting and have the meeting move to the next item of business:
  - a. If the motion is carried, the CEO must ensure the matter is included in the agenda for the next meeting; or
  - b. If the motion is lost, the Chairperson must not accept a similar motion within 30 minutes after the motion was lost.
- XVII. The Chairperson may move or second motions as well as take part in a discussion upon any motion or business before the meeting and when doing so shall adhere to the general procedures for motions.

- XVIII. A resolution passed by Council may only be altered or negated within three (3) months of its adoption, by a further motion which must have the support of at least three (3) Elected Members. This further motion is known as a Rescission Motion and recorded separately in the minutes.

#### MEETING BEHAVIOUR AND RULES OF CONDUCT

- I. If the Chairperson indicates an intention to speak to a matter under consideration, any Councillor speaking, or proposing to speak to the debate, must be silent until the Chairperson has been heard.
- II. Elected Members must address other Elected Members and Council employees properly and courteously at meetings and may not make inappropriate personal remarks or suggest improper motives about any other Elected Member or Council employee at a meeting.
- III. An Elected Member may ask a question at a meeting for reply by another Member or Council employee. The Chairperson will accord such time as necessary for the response. A question raised during a meeting shall be asked categorically and without argument and no discussion shall be permitted at the meeting in relation to the reply or a refusal to reply.
- IV. An Elected Member or Council employee of whom a question is asked may request that the question be taken on notice until the next meeting.
- V. All Elected Members shall, at all times during a meeting, address and refer to another Member or Council employee by the Member's or Employee's official title or designation.
- VI. At all times the Chairperson must maintain order within the meeting and call upon any Councillor present to come to order if considered necessary. A Councillor who considers that another Councillor is out of order may also request the Chairperson to maintain order. This includes the right of the Chairperson to ask an Elected Member to resume their seat and cease talking if, in the Chairperson's opinion, that the Elected Member is out of order, is overly loud and abusive or is being offensive.
- VII. Any call for order must be dealt with immediately, without further discussion, in accordance with Council's Code of Conduct. Where a Councillor calls for order, the Chairperson must rule on the call by determining whether the comments made by any Councillor are out of order or not.
- VIII. Where the Chairperson rules that a Councillor is out of order on more than three (3) occasions at a meeting, he or she will request the Councillor to leave the meeting.
- IX. An Elected Member is guilty of an act of disorder if, at a meeting:
- X. The Elected Member is in breach of the *Local Government Act and Regulations* or this policy;

- a. The Elected Member uses language that, according to common usage, would be considered disorderly or offensive.
  - b. The Elected Member is dressed and/or conducts themselves in a manner or uses an expression inconsistent with good order and decorum, or
  - c. The Elected Member says or does anything calculated to bring Council into public disrepute or contempt.
- XI. If two or more Elected Members speak at the same time, the Chairperson will decide the order of speaking.
  - XII. At all times during a meeting, the Chairperson has the right to demand that any person present (member of the public, Council employee or Elected Member) leave the meeting for a specific or indefinite time if, in the Chairperson's opinion, that person is out of order, is overly loud, abusive or is being offensive.
  - XIII. The Chairperson may, when disorder arises at a meeting, adjourn the meeting without notice for 15 minutes and quit the Chair. On resumption of any meeting adjourned for disorder, the Chairperson shall immediately move a motion, which does not require a mover or a seconder and which shall be put without debate, to determine whether the meeting is to proceed. Where the motion is lost, the Chairperson shall declare the meeting closed.
  - XIV. Members of the public and any Council employees may be asked to leave a meeting when Council is dealing with matters defined as "confidential" under the *Local Government (Administration)*.
  - XV. The meeting should formally resolve to move into "Confidential Matters" and similarly formally resolve to move out of "Confidential Matters" and revert to the Ordinary meeting. Such resolutions and times of passing are to be recorded in the minutes.

## VOTING

- I. At all meetings, every Elected Member present shall vote when a motion is put except where the Act requires otherwise provides. If any Elected Member who is required to vote at the meeting fails to do so, the Chairperson shall call upon the Member to vote.
- II. At any meeting where there is an equal division of votes upon any motion, the Chairperson may cast a second vote\*. This is known as a "casting vote".

\*NOTE: The determination by Council on whether the Chair can have a casting vote can only be made at the first meeting following a general election and cannot be changed during the term of the Council (refer *Local Government Act* section).

- III. The Chairperson shall, in taking the vote on any motion or amendment, put the question first in the affirmative and then in the negative. The Chairperson may do so as often as is necessary to determine the majority.

- IV. Voting shall be by a show of hands except where the Chairperson considers a secret ballot is required, such as filling the office of Mayor and Deputy Mayor or Committee appointments, or where an Elected Member is prevented by a physical disability when a separate system of voting may be agreed upon. Where voting is unanimous, this is to be reflected in the meeting minutes.

#### COMMITTEE MEETINGS

- I. Committees of Council shall follow the same procedures as provided for other Council meetings unless the committee resolves otherwise.
- II. Minutes of committee meeting shall be included in the agenda of the following Council meeting as a recommendation for Council to adopt in whole, or part, or be simply noted with no further action required.

#### LOCAL AUTHORITY MEETINGS

- I. The minutes of all Local Authority meetings held in the period since the previous Council meeting shall be tabled and any recommendations or observations duly noted and actioned. Where a decision is made based on the comments/recommendations of a Local Authority, details of the decision shall be transmitted to the next meeting of that Local Authority.
- II. The Mayor is ex officio a member of all Local Authorities within Council's boundaries.
- III. Each Local Authority Chairperson is considered the meeting Chairperson for their Local Authority meetings.
- IV. Local Authorities shall hold at least 4 (four) meetings annually but no more than 6 (six).
- V. The Council Services Manager shall provide secretarial services to the Local Authority in their community and an Action Items register will be maintained by Council.

### **TERMINOLOGY AND REFERENCES**

This policy applies to all Council, Finance and Audit Committee meetings.

**Agenda** - means a list of items for consideration at the meeting together with reports and other attachments relating to those items.

**Amendment** - means a motion that is seeking to amend or alter an existing motion.

**Casting Vote** – means a vote that may be exercised by the Mayor/Chairperson in the event of a tied vote.

**Chairperson** - means the person who is presiding over an official meeting of Council.

**CEO** – means the Chief Executive Officer of West Daly Regional Council.

**Committee** – means the Committee established by the Council.

**Confidential Session** – is a meeting of Council or a Committee from which the media and the public has been excluded by a resolution carried in accordance with the Local Government (Administration) Regulations.

**Councillor** - means the elected member of the West Daly Regional Council.

**Deputy Mayor** – means the Deputy Mayor of the West Daly Regional Council.

**Ex Officio** - refers to a right, because of the office held, of a person to attend a meeting. For example, the Mayor has the right to attend, and be a member of, every Local Authority within the region of West Daly Regional Council.

**Mayor** – means the Mayor of the West Daly Regional Council.

**Meeting Room** - means any location inside the doors of the room being used for the meeting but does not include any area set aside for the public, media representatives or guests.

**Minutes** - means the record of the proceedings of any meeting of the Council and its committees.

**Motion** - is a formal proposal for the meeting to consider. In most cases it requests a mover and a seconder before it can be officially debated.

**Mover** - is a person at a meeting who initiates the motion.

**Notice of Motion** - is the provision of advice of intention to seek movement of a particular motion at a specified meeting. Notices of Motion are to be in writing and specify the wording of the foreshadowed motion.

**Ordinary Meeting of Council** – refers to publically scheduled meetings of Council as specified in the *Local Government Act*.

**Point of Order** - is taken when an Elected Member official draws the attention of the chairman of the meeting to an alleged irregularity.

**Put to the Vote** - means the act of the Chairperson of a meeting in formally seeking participants views on a particular motion in order that Council, as a whole, can determine its policy or decision on a particular matter.

**Quorum** – is the minimum number of members needed to be present to constitute a valid meeting of Council. The *Local Government Act* states “A quorum at a meeting of a council consists of a majority of the council’s members”. If there are six (6) Elected Members, including the Mayor, a quorum of an ordinary meeting of Council would be 4 being 50% (3) + 1.

**Record** - means a document including any written or printed material or object that is or has been made or received in the course of official duties by a Councillor or an employee of the Council and, in particular, includes the minutes of meetings of the Council or Committee of the Council.

**Resolution** – is a motion that has been passed by a majority of Councillors at the meeting. While in practice it means the 'council decision', the word 'resolution' also indicates the process by which the decision was made.

## **REFERENCES**

*Local Government Act (Administration)*

## **FURTHER INFORMATION:**

*Chief Executive Officer*

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