



Council and Committee Meeting Procedures

REFERENCE NUMBER: P41

ORGANISATION UNIT: Governance

RESPONSIBLE POSITION: Director Finance and Corporate Services

RELEVANT DELEGATIONS: CEO

DATE ADOPTED: June 2013

REVIEW DATE: Every three years

Objectives:

The purpose of the Council and Committee Meeting procedures is to provide a clear, transparent framework for the effective conduct of the business of the Council and for the governing of Council and Committee meetings

Scope:

The Council and Committee Meeting procedures apply to Councillors and employees of the Central Desert Shire Council.

Definitions:

What some of the words mean in the procedure:

Act means the *NT Act 2008*

Chair means the Shire President or in his or her absence, the Deputy Shire President, Acting Shire President or member chosen at the meeting in accordance with section 61 of the Act.

Confidential matters means any confidential information as defined by regulation 9 of the *NT Local Government Administration Regulations 2008*

CEO means CEO and includes an acting CEO.

Committee means any committee of Council established under section 54 of the Act.

Meeting means any meeting of Council or Committee and includes Ordinary Council meeting, Special Council meeting and Committee meeting.

Councillor means an elected member of Council.

Procedures:

1 Scheduling of Council and Committee Meetings

- (1) The dates, times and places of all ordinary Council and Committee meetings will be determined annually in advance at a December Ordinary Meeting of the Council. The resolution will constitute notice of those scheduled meetings in compliance with Section 59 of the Act.

- (2) In the year of General Council Elections, Council shall establish meeting dates and times for the remainder of the calendar year at the next Ordinary Council meeting following the General Council Election.
- (3) The scheduled date or time of Council meetings may be changed in accordance with the following:
 - Ordinary Council meetings to be scheduled every two months;
 - Finance and Audit Committee meetings to be scheduled in the month that the Council does not meet.
- (4) The scheduled date or time of any Ordinary Meeting of Council will be changed in circumstances where it would be inappropriate to conduct the meeting in accordance with the schedule, such as prior knowledge that a quorum will not exist.
- (5) If not by Council resolution, or a request by the majority of Councillors, a change will be approved by the Shire President exercising discretion after consultation with a majority of Councillors. A fair decision in accordance with the information available will then be made by the Shire President.

2 Location of Council Meeting

- (1) The Central Desert Shire shall hold meetings in accordance with the schedule as established above. Regardless of location, the selected venue will be:
 - generally accessible to the public and to people with disabilities;
 - of an adequate size to host the full Council plus visitors; and
 - equipped with appropriate facilities for the convenience of Councillors and visitors.
- (2) During Open Session, doors to the venue in which the Meeting is occurring will remain open unless the meeting is Closed (see 14).

3 Determination of the Chair

- (1) The Chair of the meeting of the Council shall be the Shire President as governed by Section 61 of the Act.
- (2) The Chair of a committee will be determined by vote, by the Committee.

4 Business Papers

- (1) The content of Council and Public Business Papers for Ordinary Council meetings will be as follows:

Ordinary Council Meetings

- **Welcome** – The Welcome by the Chair.
- **Attendance** – Councillors present at the meeting are recorded.
- **Apologies** – Councillors who have given reasons why they cannot attend the meeting and those reasons are acceptable to the Shire President and the CEO. A motion will be made to either accept or refuse the apologies.
- **Acceptance of Agenda** – Councillors may alter the agenda by Motion
- **Declarations of Conflict of Interest** – Councillors may make a declaration of interest with an item on the agenda

- **Code of Conduct Matters** – the Shire President or CEO will advise Council of any Code of Conduct Matters. Councillors may deal with the matter by Motion.
- **Confirmation of Previous Minutes** – A motion to confirm that the Minutes are a true and correct record
- **Actions From Previous Minutes** – The table of Outstanding Actions with a current status report is presented.
- **Local Board Minutes** – The minutes from the Local Boards are presented to the Council for their noting.
- **Local Board Reports** – Agenda items arising from Local Board's Advice to Council.
- **President's Report** – This report outlines the activities of the Shire President and discusses any issues which the Shire President considers of interest to the Councillors
- **Chief Executive and Officers Reports** – Officers reports are presented to the Council with recommendations.
- **Committee Reports** – The minutes of any open Committee meeting are tabled with recommendations.
- **General Business** – Any matter not otherwise dealt with can be raised in general business, subject to rules requiring notice.
- **Questions From Members** – With or without notice.
- **Questions From The Public** – With or without notice.
- **Deputations** - Presentations and question time will be maintained by the Shire President and should not exceed 30 minutes with 15 minutes of question time.
- **Petitions** – Petitions will be dealt with in accordance with the relevant policy.
- **Closed Session** – Council may deliberate on items of a confidential nature as allowed by the Section 8 of Local Government (Administration) Regulations.

5 Availability of Business Papers

- (1) Council will make open Meeting business papers available for the information of the media and public.
- (2) Copies of open any Ordinary Council Meeting agenda and open Committee meeting agendas will be uploaded to the Central Desert Shire Council website no later than three days prior to the meetings.
- (3) A minimum of two copies will be made available for the public gallery at the meetings.
- (4) Copies of the minutes from any Council meeting and open Committee will be uploaded onto the Central Desert Shire Council website no later than 10 days following the meeting.
- (5) Any interested person may download from the Central Desert Shire Council website previous Agendas and Minutes or may request to inspect these documents at the Council Offices.

6 Late Reports

- (1) Late reports to Council Meetings should only be admitted on the following grounds:

- (a) Either a decision on a matter of reasonable importance is required by an outside party, or an important internal matter which was unforeseen and, in both cases, could not reasonably wait until the next meeting.

or

- (b) Where some prompt action is required in the interests of public relations to offset, counter or correct some unfavourable publicity or action against Council.
- (2) The Shire President or the CEO will have the final say as to the submission of late reports to Council.

7 Confidential Business Papers

- (1) In an endeavour to protect confidentiality and at the same time facilitate the administration of confidential matters defined under Section 8 of *Local Government (Administration) Regulations*. Council restricts the distribution of confidential Council agenda item and reports.
- (2) 'Confidential' Council and Committee agenda items and reports will be restricted to:
- (a) Shire President;
 - (b) Councillors;
 - (c) CEO;
 - (d) Executive Management Team;
 - (e) Governance Officer and Executive Support Officer;
 - (f) Records Officers; and
 - (g) Interpreters.
- (3) Items of a confidential nature must not be distributed or discussed with any other individual other than those identified above*.

* NOTE: Please refer to section 75-76 of the Act.

- (4) Highly sensitive confidential Council and Committee agendas and reports may be restricted further subject to confidentiality requirements. Highly sensitive confidential Council and Committee agendas and reports will be delivered in sealed envelopes.

8 Attendance by Members – Audio/Audiovisual*

- (1) Members may attend ordinary, special or committee meetings by technological means so long as there are no members of the public in attendance when confidential matters are discussed and undue influence is not exercised over members by members of the public during the meeting.

*NOTE: The above satisfies the requirement of Section 61(4) of Act.

9 Notice of Motion

- (1) Members may give written notice to the CEO 10 working days prior to the Council meeting of a motion proposed to be moved at the meeting. The CEO shall include the Notice of Motion on the agenda.

10 Apologies and Leave of Absence

- (1) Shire Councillors must attend all Council meetings. The Act (section 39 1 (d)) says that shire councillors who fail to attend two meetings without a valid apology will lose their elected position on Council.

10.2 Single Meeting

- (1) A Councillor who becomes aware of a situation or circumstance that will prevent them from attending a meeting should notify the CEO to register their apology at the meeting. An email, signed letter or the apology form should be used and need to be received by the CEO no later than 24 hours before the meeting.
- (2) Councillors are also expected to attend shire council training workshops and professional development opportunities, as well as local board meetings in their ward, and to send apologies at least 24 hours before hands if they cannot attend any of these meetings.

10.3 Multiple Meetings

- (1) A member of the Council who is aware of circumstances that will prevent attendance at more than one meeting may:
 - (a) Submit a written request for leave of absence with such request detailing the inclusive dates of the absence. The written requests will be included on the agenda or tabled at a meeting of the Council prior to the period of absence commencing.or
 - (b) Notify the CEO or another Councillor, of their absence on a meeting by meeting basis as for an apology for a single meeting.
- (2) The Council has an expectation that, for a range of operational reasons, members will, wherever possible, seek leave of absence for multiple meetings in advance.

10.4 Shire President and Deputy President

- (1) In order to comply with the Act and appoint an Acting Shire President when it becomes known that both the Shire President and the Deputy President will be unavailable, the Council shall be made aware of the known absence or other inability to perform the functions of Shire President or Deputy President in sufficient time to enable the Council to consider and appoint a Councillor to be Acting Shire President.

11 Visitors

- (1) Members of the public, including journalists, shall be allowed to attend ordinary, special or committee meetings unless Council chooses to close them for confidential reasons.
- (2) A member of the public must not take part, or attempt to take part, in the proceedings of a meeting unless invited to do so by the Chair.
- (3) As a matter of protocol any visitor to a meeting from another local government, or Territory, State or Federal jurisdiction, whether formal or informal, will be acknowledged and introduced to Council at the beginning of the meeting.

12 Deputations

- (1) A deputation wishing to attend and be heard at a meeting must apply in writing to the CEO no less than five working days before the next Council meeting.
- (2) The application must state why the deputation wishes to attend and be heard.
- (3) The CEO, upon receiving the application, must inform the Shire President of the contents. The Shire President must determine whether the deputation may be heard and notify the CEO accordingly.
- (4) If the Shire President has determined to hear the deputation, the CEO will arrange a convenient time for the deputation to be heard at a Council meeting through the Agenda.
- (5) Only two people in the deputation may address the meeting unless the Councillors determine otherwise by resolution.
- (6) A person in the deputation who is addressing the meeting must be temperate in speech and matter, and must not use insulting or offensive language.
- (7) The deputation must be given adequate opportunity and facility to explain the purpose of the matter.
- (8) The Chair may halt an address by a person in a deputation if:
 - (a) the Chair is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors; or
 - (b) the person is severe in speech or manner or uses insulting or offensive language.

13 Motions

13.1 Motions to be dealt with in the order they appear in the agenda unless otherwise determined

- (1) The Chair shall start the meeting by asking Councillors present at the meeting to move motions in the order that items are appeared in the agenda (as well as any other motions that arise during consideration of those items).

13.2 Motions to have a mover and a seconder for debate to commence

- (1) The Chair will invite Councillors to move a motion.
- (2) A Councillor may move a motion and may speak in support of the motion for 10 minutes before it is seconded.
- (3) The Chair shall only allow debate on a motion if the motion is seconded.
- (4) Debate will start with the Chair allowing a Councillor that may wish to speak against the motion to speak first. Debate will continue until all Councillors that wish to speak on the matter have been heard.
- (5) If a motion is not seconded it will be recorded in the minutes as having lapsed.
- (6) A Councillor speaking about a motion must confine his or her remarks to the matter being considered.

13.3 Motions not to be withdrawn without consent

- (1) When a motion has been moved and seconded, it becomes subject to the control of the ordinary meeting and may not be withdrawn without the consent of Councillors.

- 13.4 A Councillor may move an amendment to a motion so long as it still relates to that motion
- (1) When a motion has been moved and seconded, a Councillor may move an amendment to the motion.
 - (2) Any amendment so moved, must not negate the intent of the original motion.
 - (3) The Chair shall rule that any proposed amendment that attempts to negate a motion, or replace an amended motion with the original motion, is rejected.
- 13.5 Council may only deal with one amendment to a motion at a time
- (1) Once an amendment has been moved, no further amendment can be considered until that amendment is disposed of, either because it lapses, or is seconded and put to the vote.
- 13.6 The amendment, if voted on and carried, becomes a motion
- (1) Once an amendment is put to the vote and carried, the motion, as amended, then becomes the motion before the ordinary meeting.
- 13.7 Dealing with further amendments to motions
- (1) If an amendment to a motion is lost, then further amendments may be considered until a motion is carried (be it the original motion or some variation of it) or all motions are exhausted.
- 13.8 Limitation as to the number and duration of speeches
- (1) The mover of an original motion, in his or her opening speech, must not speak for more than ten (10) minutes.
 - (2) Except with the consent of the Chair, a Councillor, other than the mover of the original motion, must not speak for more than five minutes at any one time. The Chair is responsible to keep the Councillors on time.
 - (3) A Councillor, who is the mover of an original motion, has a right of general reply (and may speak for up to five (5) minutes once all debate is completed) to all observations which have been made in reference to the motion and every amendment involved in respect of it.
 - (4) A Councillor, other than the mover or an original motion, has the right to speak once to the motion and any amendment proposed to it. The Shire President has the right to close the debate at anytime he or she deems that there has been ample debate.
- 13.9 Chair to take Part in Debate
- (1) The Chair may move or second motions as well as to 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.
- 13.10 Chair to maintain order, to decide who can speak first and to have priority when speaking
- (1) The Chair must maintain order, and may call any Councillor to order whenever, in his or her opinion, it is necessary to do so.
 - (2) If two or more Councillors attempt to speak at the same time, the Chair must decide which of the Councillors may speak first.
 - (3) The Chair may, at any time during the debate on the matter, indicate an intention to speak.

- (4) If the Chair indicates an intention to speak, a Councillor speaking or proposing to speak to the debate must be silent until the Shire President has been heard.

13.11 Councillors must address other Councillors and Council officers properly at meetings, and may request the Chair to bring order to the meeting

- (1) Councillors must not make personal remarks or suggest improper motives about any other Councillors or Shire staff at a meeting.
- (2) A Councillor who considers that another Councillor is out of order may call upon the Chair to maintain order.
- (3) The call for order must be dealt with immediately, without further discussion, in accordance with Central Desert Shire Council's Code of Conduct.

13.12 How the Chair shall deal with calls for order from Councillors

- (1) Where a Councillor calls for order, the Chair must rule on the call by determining whether the comments made by a Councillor are out of order.
- (2) Where the Chair rules that a Councillor is out of order on more than three occasions at a meeting he or she may request the Councillor to leave the meeting.
- (3) If the Chair decides that any motion, amendment or other matter (including a matter he or she considers is objectionable) is out of order, it must be rejected and not be considered further.

13.13 Rescinding or altering resolutions

- (1) A resolution passed by Council may only be altered or negated within three months of its adoption, by a motion signed by 3 Councillors. The rescission motion must be submitted to the CEO in accordance with the time table outlined in 9 Notice of Motion requirements.
- (2) Motions that rescind or negate a previous motion should be mindful of the following:
 - (a) If the action that the original motion required has already been taken, a rescission motion is unnecessary – basically the action is done, no motion will fix it.
 - (b) If the action has been partially taken, it is suggested that a motion be proposed that no further action be taken.
 - (c) If no action has been taken, then any Councillor can move the rescission motion. The correct wording is: "That the motion to do XYZ, be rescinded", or, "That the motion carried at the March 24th meeting requiring XYZ, be rescinded." or, alternatively, "That motion number 165/2010, moved and carried on March 24th, be rescinded."

13.14 Motions to improve the handling of matters at a meeting

- (1) A Councillor may move a motion to have a matter put on the vote only after the Chair has:
 - (a) first queried whether Councillors wish to speak for, or against, the particular motion to do with the matter; and
 - (b) at least two Councillors have had the opportunity to do so.
- (2) If the motion to put a matter to the vote is lost, debate on the matter must be allowed to continue for at least ten minutes before the Chair can allow a similar motion for the matter to be put to the vote.

- (3) If the motion to put a matter to the vote is carried, the Chair must immediately put the motion to do with the matter to the vote.
- (4) A Councillor may move a motion to have debate on a matter put off 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 Chair must continue to allow debate on the matter until it is put to the vote
- (5) A Councillor may move a motion to have a meeting put off for a short period:
 - (a) if the motion is carried, the meeting must continue with the matter before the meeting at the point where it was delayed; and
 - (b) if the motion is lost, the Chair must not accept a similar motion within 30 minutes after the motion was lost.

14 Closed Sessions

- (1) Members of the public may be asked to leave the meeting when Council is dealing with matters defined as “confidential” under Section 8 of *Local Government (Administration) Regulations*.

14.2 Closure of Meeting by Resolution to Close

- (1) The Council, or a Committee of the Council of which all the members are Councillors, may close to the public part or all of the Meeting by resolution to close.

14.3 Grounds for closing part of meeting to be specified

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
 - (a) the matter that is to be discussed during the closed part of the meeting; and
 - (b) the reason why the part of the meeting is being closed.

14.4 Public access to decisions made in closed sessions

- (1) Resolutions or recommendations made at a closed part of a Council meeting must be made public by the Chair as soon as practical after the closed part of the meeting has ended.
- (2) While discussions in the closed part of the meeting remain confidential, the separate nature of a resolution or recommendation allows it to be made public immediately after the closed part of the meeting has ended, whilst ensuring that confidential information is not revealed.
- (3) Any person is entitled to inspect minutes containing resolutions or recommendations from the closed parts of the meeting.

15 Voting

15.1 All Members to Vote

- (1) At all meetings every Member present shall vote when a motion is put except where the Act otherwise provides. If any Member who is required to vote at the meeting fails to do so the Chair shall call upon the Member to vote.

15.2 Casting Vote

- (1) At any Meeting where there is an equal division of votes upon any motion the Chair may cast a second vote.

*NOTE: This determination on whether the Chair can have a casting vote can only be made in the first meeting following a general election and can not be changed during the term of the Council (refer section 61 (7) of the Act) – this was endorsed for the first term of the Council at the 13th November 2008 Council meeting.

15.3 Method of Taking the Vote

- (1) The Chair shall, in taking the vote on any motion or amendment, put the question first in the affirmative and then in the negative. The Chair may do so as often as is necessary to determine the majority. Voting shall be by a show of hands except where a Member is prevented by physical disability.

16 Public Question Time

16.1 Raising a Question

- (1) A member of the public who wishes to raise a question during public question time can, through the Chair, do so in one of three ways;

- (a) Submit the question in writing, including their name and address, to the Shire office prior to the day of the Meeting;
- (b) Submit the question in writing, including their name and address, to the Shire office on the day of but prior to the start of the Meeting;

or

- (c) If time permits and if the Chair allows, verbally, after having stated their name and address at a Meeting.

- (2) Questions shall be put as succinctly as possible and no discussion shall be allowed. Questions submitted in accordance with (a) and (b) shall be read aloud to the Meeting by the Chair or the Minuting Officer.

16.2 Time Allowed and Equal and Fair Opportunity to Ask a Question

- (1) Public question time shall be conducted for 15 minutes if there are sufficient questions and may be extended for up to another 15 minutes by the Chair. At the discretion of the Chair questions are to be dealt with generally in accordance with the following:-

- (a) Questions of which a written notice has been submitted prior to the day of the Meeting;
- (b) Questions of which a written notice has been given on the day of the Meeting but prior to the start of the Meeting;

or

- (c) Questions without notice from the gallery.

- (2) Notwithstanding, only one question, or part of a question where multiple parts exist, per person at a time should be asked and responded to.

16.3 Question on Notice

- (1) A question may be taken on notice for later response. When the Chair determines that a question will be taken on notice the CEO is to ensure that a response is given to the member of the public in writing and a summary of the response is included in the agenda of the next Meeting.

16.4 Recording of Questions

- (1) Summaries of public questions and responses are to be included in the minutes.

17 The Chair is to maintain order when the public is participating in ordinary, special or committee meetings

- (1) The Chair may invite questions, submissions or comments from members of the public at a meeting of the Council but is not obliged to do so.
- (2) If the Chair considers a question, comment or statement of a member of the public at a meeting of the Council is offensive, irrelevant, and unduly long or deals with a confidential matter, the Chair may rule the matter out of order and proceed to deal with it or the next item of business.
- (3) A question on notice from a member of the public must be included in the agenda for the next Council meeting.
- (4) On receiving a comment or submission from a member of the public, the Council must:
 - (a) refer it to a committee;
 - (b) request it be included in the agenda for the next Council meeting;
 - (c) deal with it under general business at the meeting of the Council;or
 - (d) note it and take no further action.

18 Procedures for Council committees

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

19 Changing these procedures

- (1) Council may change these procedures by resolution at a meeting.

History

Originally adopted 6 December 2011 (235/2011)

Updated: June 2013