

TITLE:	Code of Meeting Practice Policy		
DIVISION:			
ADOPTED BY:	Council		
DATE OF ADOPTION:	19 February 2015	DATE OF REVIEW:	1 February 2019
MOTION NUMBER:	16/15		
POLICY NUMBER:	CP000041		
AUTHORISED:	Chief Executive Officer		

THIS POLICY APPLIES TO:

All employees of the Barkly Regional Council and Elected Members

PREAMBLE

The aim of all policy is for Councillors to provide strategic input into the effective operational framework of the organisation under S.11 of the Local Government Act

SUMMARY

This Policy has been developed in order to help Council run its meetings. It is not meant to be a complete guide to meeting procedures. As part of their Charter, Councils are to involve Councillors, Council staff, and members of the public and others in the development, improvement and co-ordination of Local Government. Well run meetings reflect an effective partnership and relationship between the governing body of Council and Council administration.

OBJECTIVES

Whilst legislation sets out certain procedures that must be followed in Council and committee meetings, beyond this, meetings procedures vary between Councils. These differences usually reflect local cultural practices and priorities.

Rules and suggestions on holding Council meetings are in the *Local Government Act 2008 (as amended)* (the Act); and the *Local Government (Administration) Regulation 2008* (the Regulation). While publications such as Joske's *Law and Procedures at Meetings in Australia* give general guidance on running meetings, a Council's meetings procedures must follow the Act, Regulation, and Council's Meeting Procedures By-law. Where there are any differences in what is said or required, the Act, Regulation and By-law must be followed.

The principles governing the conduct of meetings include integrity; leadership; selflessness; impartiality, accountability; openness; honesty and respect (Section 4, Model Code). Meetings must be run fairly and the procedures used should improve decision-making, not personal or political advantage.

BACKGROUND

Councillors are accountable to their communities for the decisions that they make. Those decisions should be based on sound and adequate information. The conduct of effective meetings is an indicator of good governance. Therefore, how meetings are managed is an important part of achieving this goal. Meeting procedures contribute to good public decision-making and increase council's transparency and accountability to its community. (Chapter 6, Part 6 Section 58 – S61 of the Act)

POLICY STATEMENT

This Policy has been developed in order to help Council run its meetings. Members should refer to the Barkly Regional Council Meeting Procedures Handbook and the NT Local Government Act for more detailed information.

Contents

- Local Government Act
- Meeting Procedures By-law
- Procedural Motions
- Points of Order
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- Local Authority Meetings

NT LOCAL GOVERNMENT ACT

Reference	Council Meetings
58/59/60	<p>The CEO convenes Council meetings. Notice must be in writing. At least 3 days' notice must be given for an ordinary meeting and at least 4 hours for a special meeting.</p> <p>Ordinary meetings must be held at least once in every two months and can deal with any business.</p> <p>Special Meetings may be held if called by the Council, President or 3 Elected Members to deal with a particular item of business.</p>
61	<p>Meetings are chaired by the President or in the President's absence the Deputy and if neither are present by a Member elected at the meeting</p> <p>A quorum for Council meetings consists of a majority of members – that is 7 Members for the Council. If a quorum is not present within 30 minutes after the time appointed for the start of the meeting the meeting is postponed to a time and place appointed by the CEO</p> <p>Where a member attends by audio or audio-visual conferencing communication must be established at the start of the meeting and the member must have the same opportunity to participate in debate, and to register an opinion, on questions arising for decision as if the member were physically present at the meeting. Councillors would need to clearly supply evidence that they are attending and have attended by phone. This is expected to only occur during an emergency. Attendance at Council and Local Authority meetings by phone, where physical attendance cannot be achieved.</p> <p>Each member has one vote and a decision carried by a majority of the votes of the members present at a meeting of a Council is a decision of the Council.</p> <p>At the first meeting after each general election the Council must decide whether to give the President a casting vote.</p> <p>Note: <i>BRC has decided that the chair of any meeting should have a casting vote</i></p> <p><i>Resolution: 35/12</i></p> <p>Unless the council decides unanimously to take a vote by secret ballot voting is to be by show of hands.</p> <p>Subject to the Act, Regulations, Ministerial Guidelines and Council By-laws a Council may determine its own procedures.</p>

	<p>Meetings of Local Authorities, Boards and Council Committees</p>
<p>62/63/64</p>	<p>Subject to any guidelines the Minister may make in relation to Local Authorities and any Council direction, Authorities, Boards and Council Committees may choose when to meet.</p> <p>All meetings are convened by the CEO in writing and provided to members of the Authority, Board or Committee a reasonable time before the meeting.</p> <p>Authority's and Boards appoint their own Chairs whilst the Council appoints the Chair of a Council Committee</p> <p>Rules in relation to quorums and attendance by audio-visual devices are the same as for the council.</p> <p>A decision is to be by majority vote of the members present at a meeting.</p> <p>Subject to this Act, any guidelines that the Minister may make and any direction by the council, a local authority, local board or council committee may determine its own procedures.</p> <p>Note:</p> <p><i>The Council has adopted a policy covering Local Authority Operations. This policy sets out;</i></p> <ul style="list-style-type: none"> • <i>The frequency of Authority meetings</i> • <i>Requirements for the first meeting in each financial year</i> • <i>The order of business to be followed at Authority Meetings</i> • <i>Determination of the Agenda for Authority meetings</i> • <i>A requirement for public access to Business papers</i> <p><i>This policy provides that the Meeting Procedures By-law does not specifically apply to Local Authority Meetings but may be used as a guide if procedural issues arise and an Authority's own rules do not deal with the issue.</i></p>

	Provisions of general application to meetings of Councils, local authorities, local boards, and council committees
65/66/67	<p>Meetings must be open to the public unless matters of a confidential nature are being discussed.</p> <p>The NT Local Government (Administration) Regulation provide that the following information is classified as confidential:</p> <ul style="list-style-type: none"> (a) <i>information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual;</i> (b) <i>information about the personal circumstances of a resident or ratepayer;</i> (c) <i>information that would, if publicly disclosed, be likely to:</i> <ul style="list-style-type: none"> (i) <i>cause commercial prejudice to, or confer an unfair commercial advantage on, any person; or</i> (ii) <i>prejudice the maintenance or administration of the law; or</i> (iii) <i>prejudice the security of the council, its members or staff; or</i> (iv) <i>prejudice the interests of the council or some other person;</i> (d) <i>information subject to an obligation of confidentiality at law, or in equity;</i> (e) <i>information provided to the council on condition that it be kept confidential.</i> <p><i>For S 65(2) of the Act, business involving the discussion of confidential information is classified as confidential business.</i></p> <p>If it is impractical for a meeting to proceed the CEO may postpone it for up to 21 days</p> <p>The CEO is responsible for keeping the minutes which must be confirmed (with or without amendment) at the next ordinary meeting. Minutes must be available to the public but until confirmed should be marked with a warning to that effect.</p>

	Conflict of interest
73/74	<p>A member has a conflict of interest in a question arising for decision by the council, local board or council local authority, committee if the member or an associate of the member has a personal or financial interest in how the question is decided.</p> <p>As soon as a member becomes aware of a conflict of interest in a question that has arisen or is about to arise before the council, local authority, local board or council committee, the member must disclose the personal or financial interest that gives rise to the conflict at a meeting of the council, local authority, local board or council committee, and to the CEO who records it in a register of interests kept for the purpose.</p> <p>Note:</p> <p><i>This section does not apply if the interest is:</i></p> <ul style="list-style-type: none"> (a) <i>an interest in a question about the level of allowances or expenses to be set for members; or</i> (b) <i>an interest that the member or associate shares in common with the general public or a substantial section of the public; or</i> (c) <i>an interest as an elector or ratepayer that the member or associate shares in common with other electors or ratepayers; or</i> (d) <i>an interest that the member or an associate has in a non-profit body or association; or</i> (e) <i>an interest of the member or an associate:</i> <ul style="list-style-type: none"> (i) <i>in appointment or nomination for appointment to a body with predominantly charitable objects; or</i> (ii) <i>in payment or reimbursement of membership fees, or expenses related to membership, in such a body; or</i> (f) <i>an interest so remote or insignificant that it could not reasonably be regarded as likely to influence a decision.</i>

	Confidential Information
75/76	A person who discloses confidential information acquired as a member of a council, a local authority, a local board or council committee or makes improper use of such information is guilty of an offence
	Code of Conduct
77	The Council is required to adopt a Code of Conduct. In default Schedule 2 of the Local Government Act constitutes the Council's Code of Conduct. Councils current Code of Conduct was adopted in November 2014.

BARKLY REGIONAL COUNCIL – MEETING PROCEDURES BY-LAW

By-law Reference	Meeting Procedures
3	Council to determine the day and time of ordinary meetings
4	Council determines the order of business however this can be changed for a particular meeting if the Members vote to change it: Note: <i>Council has adopted the following order of business:</i> <ul style="list-style-type: none"> • <i>business arising out of previous meetings;</i> • <i>business which the President wishes to have considered at the meeting without notice;</i> • <i>matters of which notice, in accordance with Policy 108, has been given;</i> • <i>petitions;</i> • <i>deputations;</i> • <i>matters referred to the Council by a committee;</i> • <i>officers' reports to the Council referred to the meeting by the President or the CEO; and</i> • <i>other business as the Council from time to time determines be contained in the business paper.</i> <i>Resolution 191/13 dated 12/12/2013</i>

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5	CEO to prepare the business paper which is also available to the public
6/7	A matter shall not be considered unless notice has been given to members. This must be in writing. However a majority of members at an ordinary meeting can agree to consider a matter even if notice has not been given. <i>Note: Council has resolved that at least eight days' notice must be given 191/13 dated 12/12/2013</i>
8	The President can introduce a matter for consideration. This takes precedence over all other business.
9	A Member may present a petition which must be in respectful language. The only motion that can be considered is that the petition be received and whether it is to be referred to an Officer or Committee for consideration or whether it should be considered by the Council and, if so, when that should happen.
10	A deputation may apply in writing to the CEO to be heard. This must occur at least 7 clear days (that is 9 days) before the meeting. The CEO advises the President who determines whether or not the Deputation should be heard. One approved by the President the Deputation must be given adequate opportunity to explain its intent however the Council can set a time limit and the President can terminate an address once satisfied that the purpose has been satisfactorily explained.
11/12	The President shall put motions properly brought before the Council to the meeting. Motions on the business paper can be called over by the President (as a group) and put without debate where there is no dissent.
13/14	Motions of which notice has been given cannot be withdrawn unless a majority of members agree. If the member giving notice is not in attendance the motion can be moved by another member or deferred
15	Motions and amendments must be seconded before they are debated
16	Only one motion and one amendment can be before the meeting at any one time

17	Deals with motions dissenting from the ruling of the chair. These must be dealt with immediately
18	<p>Resolutions cannot be altered or rescinded unless at least seven days' notice (signed by the mover and the seconder) in writing has been given.</p> <p>Resolutions cannot be rescinded if they have been implemented.</p> <p>If notice to rescind is given at a meeting in relation to a resolution made at that meeting the resolution shall not be implemented until after the rescission motion has been considered.</p> <p>If the motion is lost it, or a similar motion, cannot be moved for 3 months.</p> <p>This part does not apply to procedural motions.</p>
19	Procedural Motions – see attached table.
20	A Member can ask a question of another member or an officer. Questions must be asked without discussion and the answer cannot be debated. The President may require notice to be given.
21	The President may intervene at any time during the debate and other members must remain silent until the President has been heard.
22	Members and officers must be addressed by their official title.
23/24	<p>Speaking</p> <p><u>A member who moves a motion shall have a right:</u></p> <ul style="list-style-type: none"> ▪ to speak on any amendment proposed to the motion; and ▪ of reply to the motion and any amendment proposed to it. <p><u>Any other member has a right to speak only once</u></p>

	<p><u>A member may not speak:</u></p> <ul style="list-style-type: none"> ▪ more than once; or ▪ for more than 5 minutes, ▪ on a question before the meeting. <p>Unless a majority of members present grant an extension which cannot be for more than five minutes, or</p> <p>If a member considers that he or she has been misrepresented a majority of members present may grant consent to that member to address the misrepresentation</p> <p>If more than one member wishes to be heard the President decides who has precedence</p>
25	Prevents a member from making a personal reflection or imputing a proper motive to another member
26/27	<p>Order and Disorder</p> <p>1 <u>The President may call a member to order if they consider the member to be out of order or guilty of an act of disorder.</u> This applies where the member:</p> <ul style="list-style-type: none"> • is in breach of the Act or of these By-laws; • uses language which, according to common usage, would be considered disorderly; • uses an expression inconsistent with good order or decorum; or • says or does anything calculated to bring the council into contempt. <p>2 <u>Another member can draw the President's attention to a member whose behaviour they consider is out of order or are guilty of an act of disorder.</u></p> <p>If this occurs the President must make a ruling but is entitled to seek the views of other members before doing so.</p> <p>Having decided that a breach has occurred, the President may suspend the member for a specified number of minutes or for the duration of the meeting and require an unequivocal apology to the members present. This order must be obeyed forthwith and</p>

	<p>without discussion except where a motion of dissent is moved and passed.</p> <p>Where disorder arises at a meeting the President can of her own volition adjourn the meeting for a period of not more than 15 minutes and vacate the Chair</p> <p>On resumption of the meeting the President moves 'That the meeting be resumed'.</p> <p>If that motion is lost the meeting is closed.</p> <p>If a Member of the public disrupts the meeting they shall immediately leave the meeting on the request of the President.</p>
28	<p>A majority of members may reject a motion or amendment if it is considered to be out of order.</p>
29	<p>If, at a meeting, a quorum is lost the President adjourns the meeting for five minutes. If there is still no quorum the President then adjourns the meeting to a later time or another day.</p> <p>To be 'present' for the purpose of a quorum a member must be in the room and seated at the place allocated to them.</p>
30/31/32	<p>The media and the public can attend meetings.</p> <p>If a Member of the public disrupts the meeting they shall immediately leave the meeting on the request of the President. If they fail to leave they can be removed.</p> <p>Members of the public cannot participate in meetings except when invited to do so.</p>
33/34/35	<p>Committees</p> <p>Subject to the Act, By-law and Council decision Committees can determine their own procedures.</p> <p>Council has determined that the Meeting Procedures By-law applies to all Committee meetings.</p> <p><i>191/13 dated 12/12/2013</i></p> <p>Committee Reports will be presented by the Committee chair or, in their absence, another Committee member as determined by</p>

	<p>the President.</p> <p>Committee recommendations may be debated separately.</p>
36	Where a procedural matter arises which is not covered by the Act, Regulations, Ministerial Guidelines, By-laws or Council policy the matter shall be dealt with as the Council or Committee decides.

Procedural Motions, Limitations on Speaking and Points of Order

Procedural Motion	Intent	Who can move it and when?	What happens	Comment
That the question be put	To end the debate	<p>Can be moved at the conclusion of a speaker's time (that is a speaker cannot be interrupted).</p> <p>-This motion can only be moved if no member wishes to speak to the motion or an amendment, Or</p> <p>-Unless at least 2 members have spoken for the motion or an amendment and at least 2 have spoken against the motion or an amendment, And</p> <p>-The mover of the procedural motion has not spoken to the motion or an amendment</p> <p>-A seconder is not required.</p> <p>-Where a procedural motion is lost the Member who moved it cannot move another formal motion for 30 minutes</p>	<p>If successful the debate on the motion or the amendment is terminated and the question put to the vote without further debate.</p> <p>If lost the debate continues.</p>	If this motion is moved the President must put it immediately without any debate.

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That the debate be adjourned	To end the discussion for the time being	Can be moved at the conclusion of a speaker's time (that is a speaker cannot be interrupted). -A seconder is not required. -Where a procedural motion is lost the Member who moved it cannot move another formal motion for 30 minutes	If successful the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption)	As Above
That the meeting proceed to the next item of business	To end the debate without voting directly on the matter before the meeting	As Above	If successful In the case of an amendment the amendment lapses and debate returns to the motion. In the case of a motion the motion lapses and the meeting moves on to the next item of business	As Above
That the meeting be closed	To close the meeting	As Above	If successful the meeting is brought to an end immediately without the consideration of further business	As Above
That the Question lie on the Table		As above	If successful the meeting immediately moves to the next item of business. The item	As Above

			can only be retrieved if a resolution is carried in which case discussion continues from the point at which it was laid on the table	
That the meeting stands adjourned	To adjourn the meeting to another time	As above - Except that <i>If this motion is lost no member can move for an adjournment for another 30 minutes</i>	If successful the meeting is adjourned immediately without the consideration of further business. It will be resumed at a later date	As Above

Points of order

The Chair may call to order a member who is in breach of the Act or the By-law or Council policy

A member may draw to the attention of the Chair a breach of the Act or the By-law or Council policy and must state briefly the nature of the alleged breach.

- A point of order takes precedence over all other business until determined.
- The Chair will rule on a point of order.
- If an objection is taken to the ruling of the Chair, a motion that the ruling not be agreed with must be moved immediately.
- The Chair is entitled to make a statement in support of the ruling before a motion under is put.
- A resolution under By-law 18 binds the meeting and, if a ruling is not agreed with the ruling has no effect and the point of order is annulled.

Council Committees

The Local Government Act provides that the Act, any guidelines that the Minister may make and any direction by the council, a Council Committee may determine its own procedures.

Local Authority Meetings

The Local Government Act provides that the Act, any guidelines that the Minister may make and any direction by the council, a local authority may determine its own procedures.

The Council has adopted a policy covering Local Authority Operations. This policy sets out;

- The frequency of Authority meetings
- Requirements for the first meeting in each financial year
- The order of business to be followed at Authority Meetings
- Determination of the Agenda for Authority meetings
- A requirement for public access to Business papers

The Meeting Procedures By-law does not specifically apply to Local Authority Meetings but may be used as a guide if procedural issues arise and an Authority's own rules do not deal with the issue.

LEGISLATION, TERMINOLOGY AND REFERENCES

This Policy has been adopted by Council under the *Local Government Act* and is enforceable under that legislation.

IMPLEMENTATION AND DELEGATION

This policy guides the conduct and practice of Council meetings and its Committees.

This policy is delegated to the CEO.

EVALUATION AND REVIEW

This policy is to be reviewed in line with council terms every (4) years.