

# Meetings and Attendance – Elected Members

## Council Policy 105



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### 1. Purpose

This policy informs councillors, local authority members and staff members of their roles and management responsibilities relating to attending meetings of the MacDonnell Regional Council (MRC), including:

- attendance, responsibilities and apologies at ordinary council meetings, council planning days, special council meetings, meetings of council committees and local authority meetings; and
- the related appeals procedure and process.

### 2. Scope

This policy covers all members elected to Council, committees of Council and to Local Authorities as well as staff members attending Ordinary Council meetings, Council planning days, Special Council meetings, meetings of Council committees and Local Authority meetings.

### 3. Objectives

The policy objectives are:

- To clarify and outline the roles, responsibilities and rights related to meeting attendance
- to encourage attendance at as many meetings as possible;
- to improve the functioning and efficacy and efficiency of these meetings; and
- to provide an internal appeal process for elected members to request Council's consideration of any special circumstances that have affected attendance.

### 4. Statement

The guidelines supplied by the Northern Territory LG Act are both specific to different meetings and also general in nature, applying to all meetings, and these will be discussed with this delineation in mind.

#### 4.1. General

- 4.1.1** As a general rule, a meeting of a council, local authority, local board or council committee must be open to the public, confidential business excluded.
- 4.1.2** The CEO may, if it becomes impracticable to proceed with a meeting of a council, local authority, local board or council committee at the appointed time and place, postpone the meeting for up to 21 days and provide a notice including the time and location it has been postponed to.
- 4.1.3** The CEO must ensure that proper minutes of meetings of the council, local authorities, local boards and council committees are kept, and these (with or without amendments) are to be confirmed at the next meeting as a record of the meeting.
- 4.1.4** A copy of the minutes must, within 10 business days after the date of the meeting to which they relate, be available to the public on the council's website and at the council's public office.

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### 4.2. Ordinary Council meetings

#### 4.2.1 Nature and timing of council meetings

- 4.2.1.1 A council must hold a meeting of its members (an ordinary meeting) at least once in each successive period of 2 months.
- 4.2.1.2 Subject to this Act, a council may deal with business of any kind at an ordinary meeting.
- 4.2.1.3 The first ordinary meeting of a council to be held after a general election must be held within 14 days after the conclusion of that general election.
- 4.2.1.4 The council may hold a meeting to deal with a particular item of business (a special meeting) whenever circumstances require.

#### 4.2.2 Convening of meetings

- 4.2.2.1 Meetings of a council are convened by the CEO.
- 4.2.2.2 A notice convening a council meeting must:
  - 4.2.2.2.1 be in writing
  - 4.2.2.2.2 state the date, time, place and agenda for the meeting
  - 4.2.2.2.3 be given to the members at least 3 business days before the date of the meeting
  - 4.2.2.2.4 be accessible on the council's website a reasonable time before the time appointed for the meeting
  - 4.2.2.2.5 be posted on a notice board at the council's public office
  - 4.2.2.2.6 The notice may be given to a member personally, by post, by email, by fax or in any other way pre-arranged by the CEO with the member.

#### 4.2.3 Procedure at meeting

- 4.2.3.1 The Chair of a meeting will be the principal member, in their absence, the deputy principal member, acting principal member or member chosen by the meeting, in that order of preference.
- 4.2.3.2 A quorum of Council consists of a majority of Council's members.
- 4.2.3.3 If a quorum is not present within 30 minutes after the scheduled start of the meeting, the meeting will be postponed to a time and place to be fixed by the CEO and notified to the members.
- 4.2.3.4 A decision carried by the majority of the members present at a meeting is a decision of the Council.

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- 4.2.3.5 Each member present at a meeting has and must exercise one vote on a question arising for decision.
- 4.2.3.6 Unless unanimously decided to take a secret vote by secret ballot, all voting is to be by a show of hands.
- 4.2.3.7 Subject to the Local Government Act, and any by-laws regulating the procedure at a meeting, Council may determine its own procedures.

### 4.2.4 Apologies

- 4.2.4.1 Apologies must be given 3 days in advance of a Council, Special Council or Local Authority meeting.
- 4.2.4.2 If a Councillor will be unable to attend a meeting they need to advise the Council President, CEO and delegated Council staff member and provide a reason for their lack of attendance. Where extenuating circumstances exist these will be considered.
- 4.2.4.3 Councillors may also provide a written apology.
- 4.2.4.4 This apology needs to be accepted by a majority vote of Council to be valid. Voting may be done by a show of hands or secret ballot.
- 4.2.4.5 Councillors are advised to provide supporting documentation to the delegated Council staff member for presentation at the meeting, to increase the chances of their apology being accepted.
- 4.2.4.6 Documentation may be provided after the meeting if it is part of an appeal process.
- 4.2.4.7 If an apology is not accepted it will be recorded as an absence.
- 4.2.4.8 The Local Government Act states that Councillors who are absent for two consecutive Ordinary Council meetings are automatically no longer members.

### 4.2.5 Leave of Absence

Good practice for notifying Council of a known leave of absence requires:

- 4.2.5.1 elected members to provide notice one month in advance of meetings in order to allow for Council's approval before the intended leave of absence, where extenuating circumstances exist these will be considered;
- 4.2.5.2 the CEO to ensure that the written request is included in the next available agenda to be tabled for discussion;
- 4.2.5.3 a decision by way of a resolution to either accept or reject the leave of absence and to provide details on the reasoning behind the decision if the leave of absence is rejected.

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### **4.2.6 Appeals (procedural fairness)**

**4.2.6.1** An elected member who wishes to appeal a decision of council in relation to attendance should be afforded the opportunity to address the council.

**4.2.6.2** Applications for appeal should be:

**4.2.6.2.1** made in writing and should provide details of any special or extenuating circumstances (including any support letters) that should be taken into account;

**4.2.6.2.2** submitted to the CEO; and

**4.2.6.2.3** submitted at least two full weeks in advance of the council meeting to ensure that it is tabled in the agenda for discussion.

**4.2.6.3** The elected member may wish to request that agenda items be placed in the confidential business section if the surrounding circumstances are of a sensitive nature, in accordance with section 8(e) of the Local Government (Administration) Regulations.

**4.2.6.4** If the appeal is successful the previous resolution of non-acceptance must be rescinded and any related records are changed to that effect.

### **4.3. Meetings of local authorities and council committees**

#### **4.3.1 Timing of meetings of local authorities and council committees**

**4.3.1.1** Subject to direction by the council, a council committee meets at times determined by the council committee.

**4.3.1.2** Subject to any guidelines that the Minister may make, and to direction by the council, a local authority meets at times determined by the local authority.

#### **4.3.2 Convening of meetings**

**4.3.2.1** Meetings of a local authority or council committee are convened by the CEO.

**4.3.2.2** The CEO may, at the request of the Chair of a local authority or council committee, convene a meeting of the local authority, local board or committee.

**4.3.2.3** A notice convening a meeting must:

**4.3.2.3.1** be in writing,

**4.3.2.3.2** state the date, time, place and agenda for the meeting,

**4.3.2.3.3** be given to the members of the local authority or council committee a reasonable time before the time appointed for the meeting,

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- 4.3.2.3.4 be accessible on the council's website a reasonable time before the time appointed for the meeting,
- 4.3.2.3.5 be posted on a notice board at the council's public office
- 4.3.2.3.6 The notice may be given to a member personally, by post, by email, by fax or in any other way pre-arranged by the CEO with the member.

### 4.3.3 Procedure at meeting

- 4.3.3.1 The Chair of a meeting of a local authority or council committee will be:
  - 4.3.3.1.1 in the case of a local authority – a member appointed by the local authority,
  - 4.3.3.1.2 A quorum at a meeting of a local authority, local board or council committee consists of a majority of its members.
- 4.3.3.2 If a quorum is not present within 30 minutes after the time appointed for a meeting, the meeting is postponed to a time and place to be fixed by the CEO and notified to the members.

### 4.3.4 Councillor meeting attendance responsibilities

- 4.3.4.1 All Councillors are required to attend Ordinary Council meetings and Special Council meetings. If a Councillor cannot attend these meetings they will need to submit an apology.
- 4.3.4.2 Councillors who are members of a Committee of Council are required to attend those meetings or submit an apology.
- 4.3.4.3 Councillors are automatically members of Local Authorities within their ward, and they count towards the Local Authority's quorum. If a Councillor cannot attend these meetings they will need to submit an apology to the chairperson and the Council governance staff member and provide a reason for their lack of attendance. They may also provide a written apology.

### 4.4. Local authority meetings

- 4.4.1 Ordinary Local Authority meetings will be provided secretarial support from a Governance Officer or Governance representative and the CEO, a Director or another representative nominated by the CEO of MRC will attend.
- 4.4.2 Ordinary Local Authority Meetings as convened by the CEO or their delegate, and are set at the start of the calendar year.
- 4.4.3 Under exceptional circumstances, despite the above, a meeting can proceed without the CEO, a Director or a representative nominated by the CEO, provided the CEO approves this.

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- 4.4.4** MRC are committed to achieving the minimum number of meetings (4) per Local Authority per year. Due to the large number of Local Authority meetings that MRC holds, MRC will not be able to reschedule all cancelled meetings
- 4.4.5** A member who is not physically present at a meeting is taken to be present at the meeting if:
  - 4.4.5.1** the member's attendance at the meeting by means of an audio or audio-visual conferencing system is authorised in accordance with council policy,
  - 4.4.5.2** communication is established by means of the conferencing system, at or around the commencement of the meeting, between the member and the members present at the place appointed for the meeting,
  - 4.4.5.3** the member has the same or substantially 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.
- 4.4.6** Under exceptional circumstances, despite the above, a meeting can proceed without the CEO, a Director or a representative nominated by the CEO, provided the CEO approves this.
- 4.4.7** To ensure that the community representatives have control of the meeting, for the duration of the meeting Local Authority members and Councillors will sit at the meeting table and MRC staff (apart from the Governance Officer or Governance representative) and visitors will sit in the designated viewing area, unless invited to the table by the Local Authority Chair.
- 4.4.8** MRC staff should not participate in discussions where a decision is the responsibility of the Local Authority, unless asked to do so by Local Authority members.
- 4.4.9** Where confidential matters are being discussed, visitors will be asked to wait outside for the duration of those discussions.
- 4.4.10** Local Authorities may act as representative bodies for their communities to Commonwealth and NT government representatives or agencies, non-government organisations and other groups that wish to meet with the community.
- 4.4.11** Local Authority meetings are open to the public, but any person wishing to formally meet with or present to the Local Authority must put a request in writing to MRC at least two weeks prior to the meeting.
- 4.4.12** These agenda items will be discussed after the completion of local government business or as determined by the meeting.
- 4.4.13** A decision of a local authority, a local board or a council committee is to be by majority vote of the members present at a meeting.

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**4.4.14** 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.

### **4.5. External bodies consulting with Local Authorities**

**4.5.1** Local Authorities may act as representative bodies for their communities to Commonwealth and NT government representatives or agencies, non-government organisations and other groups that wish to meet with the community.

**4.5.2** Local Authority meetings are open to the public, but any person wishing to formally meet with or present to the Local Authority must put a request in writing to MRC at least two weeks prior to the meeting.

**4.5.3** These agenda items will be discussed after the completion of local government business or as determined by the meeting.

### **4.6. Special Local Authority Meetings**

**4.6.1** Special Local Authority Meetings are convened by the Chairperson of the Local Authority through the CEO or their delegate.

**4.6.2** The purpose of the Special Local Authority Meeting is to deal with important issues that cannot wait until the next scheduled Ordinary Local Authority Meeting.

**4.6.3** This policy applies to Special Local Authority meetings as for Ordinary Local Authority Meetings.

### **4.7. Rescheduled meetings**

**4.7.1** MRC are committed to achieving the minimum number of meetings (4) per Local Authority per year. Due to the large number of Local Authority meetings that MRC holds, MRC will not be able to reschedule all cancelled meetings.

**4.7.2** Priority will be given to rescheduling meetings that have been cancelled due to legitimate reasons and where advanced warning has been given.

**4.7.3** As per section 66 of the Local Government Act a meeting may be postponed for up to 21 days from the initial scheduled date. After this timeframe a meeting must be cancelled and reconvened at an alternative time.

### **4.8. Advance warning for legitimate reasons**

**4.8.1** A meeting cancellation will be deemed to be legitimate where:

**4.8.1.1** access to a community is restricted (e.g. weather, cultural business);

**4.8.1.2** sorry or cultural business prevents the meeting proceeding; or

**4.8.1.3** a conflicting community meeting or event would significantly restrict community participation.

**4.8.2** Where MRC staff receive advanced warning of a meeting cancellation and the reasons are legitimate, they will make every effort to reschedule the meeting.

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- 4.8.3** Local Authority members are able to change the meeting dates with less than seven days' notice if the majority of members agree.
  - 4.8.4** Meetings should be rescheduled to occur within 21 days of the original meeting dates.
  - 4.8.5** If a rescheduled meeting does not proceed, no further attempts will be made to reschedule that meeting.
  - 4.8.6** If there are changes to the scheduled meeting time made by the CEO or their delegate, members of the Local Authority must be given as much notice about the rescheduled date, time and place for the meeting, as practicable.
- 4.9. No quorum on the day**
- 4.9.1** We cannot reschedule meetings, except in extreme circumstances (e.g. sudden family emergencies); if no warning is given that there will not be a quorum.
  - 4.9.2** We will assess our ability to reschedule based on available resources if the reason is considered by MRC to be extreme.
  - 4.9.3** If the rescheduled meeting does not happen, no further attempts will be made to reschedule.
- 4.10. Provisional Meetings**
- 4.10.1** Where a quorum cannot be achieved a provisional meeting can be held. See 4.4 for the specific number of appointed members required to attend at each community.
  - 4.10.2** Provisional Meetings contribute to the annual requirement of four (4) Local Authority meetings as per applicable legislation.
- 4.11. Local Authority meeting member attendance and allowance**
- 4.11.1** Members are required to attend local authority meetings as often as possible. If a member cannot attend these meetings they need to submit an apology. Membership of the Local Authority may be revoked if a member does not attend as required.
  - 4.11.2** Councillors are automatically members of Local Authorities within their ward, and they count towards that Local Authority's quorum. If a Councillor cannot attend these meetings they will need to submit an apology.
  - 4.11.3** Appointed members are entitled to an allowance for each local authority meeting or provisional meeting they attend in accordance with the guidance provided in Guideline 8.
- 4.12. Audio and audio-visual conferencing**
- 4.12.1** Section 61(4) (a - c) of the Local Government Act makes provision for Councillors to participate in a meeting via audio and/or audio –visual technology, and subject to the requirements of this Act.
  - 4.12.2** Where this can be arranged, this is preferable to not having a meeting take place, or having an apology or absence lodged.



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### 5. Policy Details

<b>Replaces Policy No: (if applicable)</b>	DCS023
<b>Responsible Directorate/Department:</b>	Corporate Services – Governance
<b>Council Approval Date:</b>	23 May 14
<b>Council Minutes Reference:</b>	Special Council Meeting
<b>Review Cycle:</b>	Four (4) years or sooner if required.

### 6. Legislation and References

<b>Related Legislation:</b>	Local Government Act (NT) Local Government Guideline 8 Local Government (Administration) Regulations
<b>Related Policies:</b>	Code of Conduct – Elected and Appointed Members CP111 - Local Authority Policy CP106 - Allowances - Elected Members
<b>Associated Documents:</b>	

### 7. Version Control

Version No	Council Approval Date	Policy No.	Council Minutes reference (previous version)
1.0	May 2014	DCS012	Special Council Meeting
2.0	April 2018	CP105	13.1 Ordinary Council Meeting
2.2	October 2018	CP105	13.2 Ordinary Council Meeting