

Council Meetings Procedure

MC02-P1 (amendments will be made subject to the enactment of the Local Government Act (General) Regulations and any updated MRC document names)

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1. Purpose

To ensure MacDonnell Regional Council (MRC) run efficient and effective council meetings by providing a procedure that governs a council meeting and to support the objectives as set out in MC02-CP Meetings Policy.

2. Scope

This procedure applies to ordinary and special council meetings and affects all attendees.

3. Definitions

Appointed principal member	Means a member appointed by the Council to the position of principal member also known as the president.
Elected member	Refers to a member that has been elected to council who represents a ward.
Member	For the purposes of this procedure, member refers to a member of council.
Quorum	Means majority (over 50%) of all elected members are present.
Chairperson	Is responsible for running the meeting and ensuring that members are following the conventions of the meeting.

4. Procedure

4.1. General

4.1.1.MRC holds ordinary council meetings as per calendar schedule decided by council resolution. However, council can also hold the below meetings as deemed necessary:

- a. Special council meetings
- b. Meeting of electors

4.1.2.Council meetings must be held in a place where the public may access the place for the purpose of attending the meeting, confidential business excluded.

4.1.3.In some cases, specific sections of the *Local Government Act 2019 (the Act)* and *Local Government (General) Regulations 2021* may be referred to for further information as the content is detailed.

4.1.4.MC02-P4 First Council Meeting Procedure applies to the first meeting of a newly elected council and items must be placed on the agenda to be addressed.

4.2. Nature and timing of meetings

In accordance with section 90 of the Act:

4.2.1.A newly elected council must hold its first meeting within 21 days of conclusion of the general election.

- a. At this meeting the schedule of meetings for the term of council must be determined.
- b. The schedule can be altered at subsequent meetings.

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4.2.2.A council must hold a meeting of its members (an ordinary meeting) at least once in each successive period of 2 months.

4.2.3.Subject to the Act, the Council may deal with business of any kind at an ordinary meeting.

4.2.4.A special meeting may deal only with the business for which the special meeting was convened unless all members are present at the special meeting and unanimously decide, by resolution, to deal with other business.

4.3. Notice and publication of notice of meetings

4.3.1.A notice convening a meeting must:

- a. be in writing.
- b. state the date, time, place and agenda for the meeting.
- c. be given to the members at least 3 business days before the date of the meeting or at 4 hours before the scheduled special meeting.
- d. be accessible on the Council's website and notice board at the Council's public office at least 3 business days before the time appointed for the meeting at 4 hours before the scheduled special meeting.
- e. must include any business papers to be considered at the meeting (including any business papers for confidential business).
- f. if business that deals with confidential information is to be considered at the meeting, the notice available to the public must contain a statement of that fact and the provision of the Act under which the information is confidential.
- g. If it is not practicable to do so, the business papers for the meeting may not be posted with the copy of the notice posted on the notice board, however the notice must contain information on how to otherwise access the business papers on the Council's website.
- h. 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.

4.4. Convenor of meetings

4.4.1.Ordinary council meetings are convened by:

- a. The CEO
- b. If CEO fails to convene meeting, any member of the Council may convene the meeting.

4.4.2.Special council meetings are convened by the CEO to deal with specified business but can also be convened if:

- a. The principal member or 3 or more other members request the CEO in writing to convene the meeting; or
- b. The Council resolves that the special meeting should be convened.

4.4.3.If the CEO fails to convene a meeting required under section 91 of the Act, a meeting may be convened by any member of the Council.

4.5. Determining the Chairperson

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4.5.1. At either an ordinary or special council meeting, if the primary Chairperson is not present, the Chairperson's responsibilities moves to the next position on the below list.

- a. President
- b. Deputy President
- c. Acting President
- d. Member mutually agreed upon by resolution

4.6. Quorum and postponement of a meeting

4.6.1. If quorum is not present within 30 minutes after the scheduled start of a council, local authority, local board or council committee meeting, the meeting may be postponed to a time later on the same day by:

- a. The Chairperson;
- b. If the Chairperson is not present but two or more members are present- the majority of members present;
- c. If the Chairperson is not present and fewer than two members are present- the CEO or a person authorised by the CEO.

4.6.2. If a meeting is postponed under item 5.6.1, the CEO must record and publish the fact in writing and post on MRC's website and on a noticeboard at the Council's public office.

4.6.3. 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. The details of this postponed meeting must be:

- a. Published on the Council's website; and
- b. Posted on the notice board at the Council's public office.
- c. Published and posted within one business day of the meeting being postponed.
- d. Published and posted at least four hours prior to the appointed meeting time if the postponed meeting is to take place the following day.

4.6.4. The person who postpones a meeting under 5.6.1 or 5.6.3 must ensure, as far as practicable that each member receives notice of the postponement and of the time and place to which the meeting has been postponed.

4.7. Apologies

4.7.1. If a member is unable to attend a meeting, they need to advise the Council President, CEO or CEO's Executive Assistant and provide a reason for non-attendance 3 days in advance. Where extenuating circumstances exist these will be considered.

4.7.2. Members may also provide a written apology 3 days in advance.

4.7.3. This apology needs to be accepted by a majority vote of council to be valid.

4.7.4. Members are advised to provide supporting documentation to the CEO's Executive Assistant for presentation at the meeting, to increase the chances of their apology being accepted.

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4.7.5. If an apology is not accepted it will be recorded as an absence.

4.7.6. The Act states that members who are absent for two consecutive ordinary council meetings are automatically no longer members.

4.7.7. Documentation may be provided after the meeting if it is part of an appeal process.

4.8. Leave of Absence

4.8.1. Good practice for notifying council of a known leave of absence requires:

- a. 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.
- b. The CEO to ensure that the written request is included in the next available agenda to be tabled for discussion;
- c. 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.

4.9. Absence without permission

In accordance with section 99 of *Local Government (General) Regulations 2021*, the following applies to members absent without the permission of the Council.

4.9.1. At the first meeting that a council member is absent from the meeting without permission, the Council must resolve that the member is absent from the meeting without permission and the resolution must refer to section 47(1)(o) of the Act.

4.9.2. The CEO must notify the member, in writing, of the resolution within 7 days of the resolution passed.

4.9.3. The notification to the member must include a copy of the minutes and a statement that if the member is absent without permission from the next ordinary meeting of the Council, the member may be disqualified.

4.9.4. If the member is absent from the next ordinary meeting of the Council without permission, the Council must resolve that the member is absent from the meeting without permission and the resolution must refer to section 47(1)(o) of the Act.

4.9.5. However, nothing in this regulation prevents a council from revoking a resolution made under it if the member provides a reason to the Council for the member's absence to the satisfaction of the Council.

4.10. Appeals

4.10.1. A member who wishes to appeal a decision of council in relation to attendance should be afforded the opportunity to address the Council.

4.10.2. Applications for appeal should be:

- a. Made in writing and should provide details of any special or extenuating circumstances (including any support letters) that should be taken into account;
- b. Submitted to the CEO; and
- c. Submitted at least 10 business days in advance of the Council meeting to ensure that it is tabled in the agenda for discussion.

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- 4.10.3. The member may wish to request that agenda items be placed in the confidential business section if the circumstances relevant to the absence are of a sensitive nature in line with section 50 of the *Local Government (General) Regulations 2021*.

4.11. Voting

In accordance with section 95 of the Act:

- 4.11.1. A decision carried by a majority of votes of the members present at a meeting of a council is a decision of the Council.
- 4.11.2. Each member present at a meeting has and must exercise one vote on a question arising for decision at the meeting.
- 4.11.3. As resolved in MC02- P4 First Council Meeting Procedure, the Chairperson has a casting vote in the case if there is an equality of votes on a question arising for decision at a council meeting.
- 4.11.4. A casting vote is to be exercised by the Chairperson when there are equal votes on a question arising for decision at a council meeting. During such an occurrence, the casting vote will determine the vote. The Chairperson must exercise the casting vote either in favour or against the motion.
- 4.11.5. If there are unequal votes, the Chairperson cannot exercise a casting vote.

4.12. Confidential information and business

4.12.1. Matters to remain confidential indefinitely

- a. Any information that falls under the prescribed categories in regulation 50 of the *Local Government (General) Regulations 2021* must remain confidential until the reason for confidentiality no longer applies.

4.12.2. Consideration of confidential business

After the conclusion of the consideration of an item of confidential business, council will decide whether confidential information is:

- a. the type of confidential information that should no longer be confidential after a specified period of time; or
- b. the type of confidential information that should be subject to periodic review to determine if it should no longer be confidential.
- c. If council resolves a specified period of time for the information to remain confidential, that information is to be publicly released after the expiry of that period of time (see item 4.12.3).
- d. If council resolves that confidential information should be subject to review to determine if it should no longer be confidential, the council will nominate a timeframe for this review to take place.

4.12.3. Public release of information

- a. When information is no longer confidential, a notation will be put in the relevant document (including the version on the website) that the information is no longer confidential, on what date that decision was made, and where information about the matter that is no longer confidential can be accessed.

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- b. A summary of decision as set out in MC04-P1 Members Breach of Code of Conduct Procedure will be published in the open session of a Council Meeting at the conclusion of an investigation.

4.13. Minutes

- 4.13.1. The CEO must ensure that proper minutes of local authority meetings are kept, and these (with or without amendments) are to be confirmed at the next meeting as a record of the meeting.
- 4.13.2. The minutes must include information as set out in section 58 of the *Local Government (General) Regulations 2021*.
- 4.13.3. Meeting minutes must be published within 10 business days after the date of the meeting.
- 4.13.4. Published minutes are to be made available to the public via the MRC website and at MRC public offices.
- 4.13.5. A member of the public may:
 - a. Inspect a copy of the minutes at MRC offices without a fee.
 - b. Request a copy of the minutes at a fixed fee set by the Council.
 - c. Request a certified copy of confirmed minutes at a fixed fee set by the Council.
- 4.13.6. Audio recordings of meetings are made for the purposes of accurate minutes.
 - a. This policy should be read in conjunction with CP151 Audio Recordings of Meetings.

4.14. Audio and audio-visual attendance at meetings

- 4.14.1. It is preferable that members attend meetings in person and members are encouraged to do so where possible.
- 4.14.2. Except in cases of emergency, the members will give at least 2 days' written notice to the CEO that they intend to attend a meeting via audio or audio-visual conferencing system and the reason(s) for not being physically present at the meeting.
- 4.14.3. The CEO will ensure the provision of an adequate conferencing system and information that enables members to attend.
- 4.14.4. If the Chairperson is attending the meeting via audio or audio-visual conferencing system, the Chairperson may decide to delegate the function of chairing the meeting to the deputy, or if there is no deputy, another member.
- 4.14.5. Where a conflict is declared, the member must disconnect from the conferencing system prior to the discussion of the particular agenda item.
- 4.14.6. If member has disconnected from the conferencing system due to a declared conflict, the Chairperson will contact the member as soon as the agenda item has concluded and invite the member to re-join the meeting.
- 4.14.7. Members attending meetings remotely will:
 - a. ensure that people in their presence who are not members cannot see, overhear or listen to the member or the meeting (unless the Council is aware and accepts the circumstances); and
 - b. not record the meeting.

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4.14.8. If a member is attending via an audio conferencing system without video capability, the Chairperson is to ask for verbal confirmation of the member's vote. If a member is attending via audio-visual conferencing system, the Chairperson is to ask for the member's vote by show of hands or verbal confirmation.

4.14.9. A member who is not physically present at a meeting of a council is taken to be present at the meeting if:

- a. The member's attendance at the meeting by means of an audio or audio-visual conferencing system is authorised in accordance with council's endorsement of MC02-CP Members Meeting Policy.
- b. 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; and
- c. 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.

4.15. Conflict of interest

4.15.1. Conflicts of interest must be declared prior to discussion of a matter.

4.15.2. For a comprehensive understanding of a conflict of interest refer to the relevant MRC conflict of interest policy.

4.16. Allowances for attendance

4.16.1. Allowances will apply for meetings attended. Information regarding relevant allowances can be found in the below listed documents:

- a. MC03-CP Allowances – Elected Members Policy
- b. FA03-CP Accommodation and Travel Members Policy

5. Procedure Details

Replaces Policy No: (if applicable)	CP105- Meetings and Attendance- Elected Members
Responsible Directorate/Department:	Corporate Services - Governance and Engagement
ELT Approval Date:	30 April 2021
ELT Minutes Reference:	OCM Item # 15.1 - OCM2021-045
Review Cycle:	April 2025 - Review every four (4) years or after changes to relevant legislation or Council policy

6. Legislation and References

Related Legislation:	Local Government Act 2019 NT Local Government (General) Regulations 2021
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Related Policies:	<p>GS07-CP Interests and Influence Policy.</p> <p>CP151 Audio Recordings of Meetings</p> <p>MC02-CP Meetings Policy</p> <p>MC03-CP Allowances – Elected Members Policy</p> <p>FA03-CP Accommodation and Travel Members Policy</p>
Associated Documents:	<p>MC02-P2 Local Authority Meeting Procedure</p> <p>MC02-P3 Committee Meeting Procedure</p> <p>MC02-P4 First Council Meeting Procedure</p> <p>MC02-R1 Register of Council Members</p>

7. Version Control

Version No	Approval Date	Procedure No.	Minutes reference (previous version)
1	30 April 2021	MC02-P1	N/A