

Roper Gulf Regional Council
Local Authority Meeting Procedures Policy

LA002 – Local Authority Meeting Procedures Policy

1. POLICY CERTIFICATION

Policy title:	Local Authority Meeting Procedures Policy
Policy number:	LA002
Category:	Policy
Classification:	Local Authority
Status:	Approved OCM 28th May 2014

2. PURPOSE

The Local Authority Meeting Procedures Policy has been developed to provide a structure for the orderly and efficient proceedings of meetings for Local Authorities in the Roper Gulf Regional Council local government area.

3. ORGANISATIONAL SCOPE

This policy applies to all Local Authority meetings of Roper Gulf Regional Council.

4. POLICY STATEMENT

Roper Gulf Regional Council Local Authorities are established to perform functions such as, involving local communities in issues relating to local government, provide a forum for local communities to have the opportunity to express their opinion on questions affecting local government, a voice in formulating policies for their locality as well as for the area and region, to advocate and provide local views back to council, contribute to the development of the regional plan, make recommendation to Council on their budget and review expenditure relevant to the local authority area and perform other duties as assigned by the Minister.

5. DEFINITIONS

Agenda	means a list of items for consideration at the meeting together with reports and other attachments relating to those items
CEO	Chief Executive Officer of Roper Gulf Regional Council
Council	means the Council of Roper Gulf Regional Council
Committee	means a Committee established by the Council in accordance with the Local Government Act
Closed session	is a meeting of Council or a meeting of a Committee from which the media and the public has been excluded by a resolution carried in accordance with Regulation 8 of the Local Government (Administration) Regulations 2008.
Local Authority	means a committee established by Council which is subject to control and direction by the Council subject to any guidelines that

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	the Minister may make.
Chair	means the Chair of the Local Authority
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 committee.
Motion	is a proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion an item of business for the Council.
Quorum	means the minimum number of members needing to be present to constitute a valid meeting
Record	means a document including any written or printed material or object (including a sound recording, coded storage device, magnetic tape, compact or floppy disc, microfilm, photograph, film, map, plan or model of a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Committee member or an employee of the Council and, in particular, includes the minutes of meetings of the Council or Committee of Council.
Resolution	is a motion that has been passed by a majority of committee members at the meeting. While in practice it means the 'council decision', the word 'resolution' also indicates the process by which the decision was made.

6. Principles

6.1 Setting time and dates for the meetings

Each Local Authority in consultation with the Local Authority Support Officer will set the day, time and date of the meetings for the year.

6.2 Convening a Meeting

A meeting of a Local Authority cannot be held unless due notice has been given to all members and a quorum is present within 30 minutes after the appointed commencement time. If a quorum is not present the meeting is postponed to a time and place fixed and members notified.

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6.3 Notice of Meetings

A notice convening a meeting must be in writing, state the date, time, place and agenda for the meeting. Members of the Local Authority must be given notice of the meeting within a reasonable time before the appointed meeting takes place and the details published on the Council website within a reasonable time before the appointed meeting and be posted on the notice board of the relevant council's Service Delivery Centre.

The notice to Local Authority members may be given personally, by post, by email, by fax or in any other way pre-arranged by the CEO with the member's of the Local Authority.

Notice of the upcoming Local Authority meeting shall be posted on RGRC website.

Generally a meeting of the local authority must be open to the public; however the public may be excluded while business classified by regulations as confidential business is being considered.

6.4 Notice to be given of agenda items for an local authority meetings

The agenda for each meeting is to be prepared by the Council Service Manager in consultation with the Local Authority Chair and Local Authority Support Officer.

6.5 Order of Business

The order in which the agenda is to be prepared must include but is not limited to:

1. Regional council's response to local authority issues raised;
2. Local authority action items;
3. CEO report on current regional council services in the local authority area – in most cases provided by the Council Service Managers (CSM)
4. Visitor presentations;
5. The latest quarterly financial report; and
6. A report on complaints received concerning regional councils service delivery in the local authority area.

Each financial year a local authority agenda must include a review of:

1. Regional Council's Annual Report for the previous financial year;
2. Relevant community plan of the regional council or local authority;
3. Regional Council's proposed Regional Plan (Business Plan); and

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4. Regional Council's proposed budget priorities for the next financial year (town priorities).

Agenda items should be set out as: -

- a) Present/Elected Member/Local Authority members/Staff/Visitors and Guest
- b) Formal opening of the meeting by the Chairperson
- c) **Apologies and leave of absence** – Local Authority members who have given reasons why they cannot attend the meeting and those reasons are acceptable to the Local Authority and the Regional Council. A motion will be made to either accept or refuse the apology.
- d) **Confirmation of previous minutes** – the Council must consider the minutes of the Local Authority meeting (normally the unconfirmed minutes) at the next available council meeting, councils response to any matters raised by the Local Authority must be recorded in the council's minutes. A motion will be given by the Local Authority that the previous minutes are a true and correct record of that meeting.
- e) **Business arising from previous minutes** - any business arising out of the last minutes/action list, motions to be moved etc. Business arising should not be discussed until the previous minutes have been confirmed.
- f) **Incoming & Outgoing correspondence** - the correspondence with regards to the matter as raised by Local Authority for their area, which is received by Council since the last Local Authority meeting. If action is required as a result of the correspondence, a motion should be taken on each separate item otherwise a motion is recorded as receiving and noting the incoming and outgoing correspondence for the period specified.
- g) **Call for items of General Business** – this item provides meeting participants an opportunity to put forward new items to the Local Authority for consideration.
- h) **Questions from the Public** – with or without notice.
- i) **Disclosure of interest** - a declaration of conflict of interest with any one agenda item at the meeting must as soon as practicable after a member becomes aware of the conflict. A member has a conflict of interest in a question arising for decision by the Local Authority member or an associate of the member has a personal or finance interest in how the question is decided. If a conflict of interest is disclosed the details need to be recorded in minutes of that Local Authority Meeting.
- j) **General business** – to include the elected members report, Council Service Managers report, town priorities, governance updates, Remote Jobs & Community Program (RJCP), Alcohol Management Plan, policy updates and work health and safety and any matter not otherwise dealt with can be raised in general business, subject to any rules requiring notice. Presentations and question time will be maintained by the Chair. A presentation should not exceed 10 minutes, followed by a 5 minute question period.

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- k) **Closed Session** – The reports presented under a closed session will be dealt with under Section 65 of the Local Government Act as in force at 18 December 2013 and Regulation 8 of the Local Government (Administration) Regulations 2008.
- l) **Close of Meeting** - confirmation of date and time of the next meeting; and the Chair will formally declare the meeting closed

Copies of the agenda must be made available to the public on the Council website, Council Headquarters and other determined places, as soon as practicable before each meeting.

The order of business should become the regular way of holding a Local Authority meeting. They may be altered for exceptional cases, but should be a consistent foundation for the Local Authority to follow.

If the order of business is altered the Local Authority members who are present at that meeting will have to pass a motion to that effect.

6.6 Procedures for general business at an ordinary meeting

When the Chair calls for the General Business items, the Local Authority members and public members may make a request for items to be discussed during general business.

Before requesting for general business, the Local Authority member or member from public must have regard to the nature of the matter and whether it requires a decision or is for information only.

Local Authority members must only give notice of matters for decision by the Local Authority in the event of the matter not requiring much deliberation. Where a matter requires reasonable consideration or analysis, the Local Authority shall consider deferring it to the next meeting.

6.7 Petitions

A petition may be presented to the Local Authority meeting by a Local Authority member. Before presenting the petition the members must, as far as practicable, become acquainted with the subject matter of the petition.

The member must state the nature of the petition and then read the petition. The petition must be worded in respectful language. Each page of the petition must restate the whole of the petition.

- a) a person present at the meeting and associated with the petition, may make a statement, explanation, submission, or comment regarding the petition only if first invited to do so by the Chair; and
- b) no debate on, or in relation to the petition is allowed and the only motion that may be moved is that:

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- (i) the petition be received and noted; and
- (ii) be referred to the Regional Council who will refer the matter to a committee or specific Regional Council staff member through the CEO for consideration and a report be given to the Council at the next scheduled Council meeting.

6.8 Deputations

A deputation wishing to attend and be heard at a meeting must notify the Council Service Manager or the Council Governance Unit no less than three (3) working days before the next scheduled meeting.

The application must state why the deputation wishes to attend and be heard.

The Council Service Manager or the Council Governance Unit, upon receiving the application, must inform the Chair of the contents. The Chair or Council Service Manager must determine whether the deputation may be heard. If the Chair or Council Service Manager has determined to hear the deputation, arrange a convenient time for the deputation to be heard at a local authority meeting through the Agenda.

Only two (2) people in the deputation may address the meeting unless the committee members determine otherwise by resolution.

A person in the deputation who is addressing the meeting must be temperate in speech and manner, and must not use insulting or offensive language.

The deputation must be given adequate opportunity and facility to explain the purpose of the matter.

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 committee members; or
- b) the person is severe in speech or manner or uses insulting or offensive language

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

The motions shall be dealt in the order they appear in the agenda. If, for any reason, the sequence of motion is to be altered, the Local Authority committee will pass resolution to move the motion and then will make a separate resolution to resolve the motion.

6.10 Motions to have a mover and a seconder

The Chair will read out the agenda item and will ask the relevant Local Authority member to speak on the agenda item. The member will not take more than five minutes to explain the

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report and after that committee members may have question answered on the agenda item and report.

The Chair will then read the motion and will invite committee members to move a motion. If committee members are happy with the motion, committee members will first show their hand and then move a motion. If a committee member deems to have an amendment to the motion, then the amendment will be discussed and the Chair will invite Local Authority members to move the amended motion. Once Local Authority member moves the motion, the Chair will invite committee members to second the motion. The Local Authority member will first show their hand and second the motion.

The Chair shall only allow debate on a motion if it is seconded, requesting initially for a Local Authority member that may wish to speak against the motion to speak for a maximum of five minutes for, or against the motion.

A motion that is not seconded must be recorded in the minutes as having lapsed.

A Local Authority member speaking about a motion must confine his or her remarks to the matter being considered.

6.11 Motions not to be withdrawn without consent

When a motion has been moved and seconded, it becomes subject to the control of the Local Authority meeting and may not be withdrawn without the consent of all committee members.

6.12 A Local Authority member may move an amendment to a motion so long as it still relates to that motion

When a motion has been moved and seconded, a Local Authority member may move an amendment to it.

A Local Authority member who moves or seconds a motion must not move or second an amendment to a motion.

Any amendment so moved, must not negate the intent of the original motion.

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.

6.13 The Local Authority may only deal with one (1) amendment to a motion at a time

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.

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6.14 The amendment, if voted on and carried, becomes a motion

Once an amendment is put to the vote and carried, the motion, as amended, then becomes the motion before the local authority meeting. Following the carriage of an amended motion to the vote from committee members present at the meeting.

6.15 Dealing with further amendments to motions

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.

6.16 Limitation as to the number and duration of speeches

The mover of an original motion, in his or her opening speech, must not speak for more than five minutes.

Except with the consent of the Chair, a Local Authority member, 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 Local Authority member on time.

A Local Authority member, who is the mover of an original motion, has a right of general reply (and may speak for up to five 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.

A Local Authority member, other than the mover of an original motion, has the right to speak once to the motion and any amendment proposed to it. The Chair has the right to close the debate at anytime he or she deems that there has been ample debate.

6.17 Chair to maintain order, to decide who can speak first and to have priority when speaking

The Chair must maintain order, and may, without the intervention of any other Local Authority members, call any Local Authority member to order whenever, in his or her opinion, it is necessary to do so.

If two or more Local Authority members attempt to speak at the same time, the Chair must decide which of the committee members may speak first.

The Chair may, at any time during the debate on the matter, indicate an intention to speak.

If the Chair indicates an intention to speak, a Local Authority member speaking or proposing to speak to the debate must be silent until the Chair has been heard.

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6.18 Addressing Local Authority members and others

Local Authority members shall refrain from the use of offensive or inappropriate language, especially in reference to other Local Authority members, Councillors or staff.

Local Authority members shall not make imputations of improper motives or personal reflections on Local Authority members, Councillors or staff.

A Local Authority member who considers that another Local Authority member is out of order may call upon the Chair to maintain order.

The call for order must be dealt with immediately, without further discussion, in accordance with Roper Gulf Regional Council's Code of Conduct.

Nothing in this clause affects questions being asked relevant to matters under discussion at the meeting.

6.19 How the Chair shall deal with calls for order from Local Authority members

Where a Local Authority member calls for order, the Chair must rule on the call by determining whether the comments made by a Local Authority member are out of order.

Where the Chair rules that a Local Authority member is out of order on more than three occasions at a meeting he or she may request the committee member to leave the meeting.

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.

6.20 Motions to improve the handling of matters at a meeting

A Local Authority member may move a motion to have a matter put on the vote only after the Chair has:

- a) first queried whether Local Authority members wish to speak for, or against, the particular motion to do with the matter; and
- b) at least two Local Authority members have had the opportunity to do so

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.

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.

A Local Authority member may move a motion to have debate on a matter postponed to the next local authority meeting and have the meeting move to the next agenda item of business:

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- a) if the motion is carried, the Chair and Local Authority Support Officer 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.

A Local Authority member may move a motion to have a meeting adjourned 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.

6.21 Local Authority member absences from, and attendances at, local authority meetings

If a quorum of committee members is not present within 30 minutes at a meeting in accordance with Chapter 6 Part 6.1 Section 61 (2) of the *Local Government Act as in force at 18 December 2013*, the Chair must postpone the meeting to a date, time and place as he or she thinks fit and notify members.

Local Authority members may attend meetings by technological means (teleconference etc) so long as there are no members of the public in attendance when confidential matters are discussed and undue influence is not exercised over Local Authority members by members of the public during the meeting.

6.22 Public attendance and participation at meetings

Members of the public, including journalists, shall be allowed to attend Local Authority meetings unless the local authority committee chooses to close them for confidential reasons.

A member of the public must not take part, or attempt to take part, in the proceedings of a meeting of the local authority unless invited to do so by the Chair.

A member of the public who wishes to ask a question or make a submission or comment must seek approval through the Chair.

A person other than a member, who interrupts the conduct of a meeting shall, on being requested to do so by the Chair immediately leave the place where the meeting is being held.

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6.23 Grounds for closure to public

Public will be asked to leave the meeting when the local authority is dealing on the matters and information following:

- a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;
- b) commercial information of a confidential nature that would if disclosed;
 - (i) prejudice the commercial position of the person who supplied it;
 - (ii) confer a commercial advantage on a competitor of the Council; and;
 - (iii) reveal a trade secret.
- c) information that would, if disclosed, prejudice the maintenance of law;
- d) matters affecting the security of the Council, Committee members, staff members, or Council property; and
- e) advice concerning litigation or advice that would otherwise be privilege from production in legal proceedings on the ground of legal professional privilege.

6.24 Closure of Resolution to Close

The local authority of the Council of which all the members are committee members or a appointee by Council, may exclude the public from the meeting while business of a classified kind is being considered as deemed by regulations as confidential business, a motion to close part of the meeting to the public should be moved and seconded.

6.25 Public rights to make representation

The local authority of the Council may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

6.26 Grounds for closing part of meeting to be specified

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.

6.27 Details to be specified

The grounds must specify the following:

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- a) the subject title of the matter that is to be discussed during the closed part of the meeting; and
- a) the reason why the part of the meeting is being closed, stated in clause 6.24.

6.28 Public access to decisions made in closed sessions

A person who discloses confidential information acquired as a member of the local authority committee is guilty of an offence if

- a) the person makes the disclosure intentionally or recklessly; and
- b) the person knows or ought to know that the information is confidential.

A Local Authority member makes improper use of the information if the member uses it to gain some private benefit, or to inflict harm on another.

Disclosure of confidential information can take place for the purpose of carrying out functions as a member of the local authority in the case of

- a) as authorised by the person to whom the duty of confidence is owed; or
- b) to a court or tribunal; or
- c) a law enforcement agency; or
- d) to an inspector

6.29 The Chair is to maintain order when the public is participating in Local Authority meetings

The Chair may invite questions, submissions or comments from members of the public at a meeting of the Local Authority but is not obliged to do so.

If the Chair considers a question, comment or statement of a member of the public at a meeting of the Local Authority 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.

A question on notice from a member of the public must be included in the agenda for the next local authority meeting.

On receiving a comment or submission from a member of the public, the Local Authority must:

- a) request it be included in the agenda for the next Regional Council meeting

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- b) deal with it under general business at the meeting of the Local Authority; or
- c) note it and take no further action.

6.30 Procedures for Local Authority minutes

Minutes (unconfirmed) of Local Authority meetings shall be included in the agenda of the following Regional Council meeting as part of the Ward Report as a recommendation for the Council to receive and note or take action as required.

7. REFERENCES

Acknowledgements (original author/source documents)	
Related Policies	ADM011 Conflict of Interest Policy CL001 Members Code of Conduct CL002 Member Disciplinary Policy
Related Publications	NT Local Government Act, 2008 NT Local Government (Administration) Regulations
Relevant Forms	<i>Agenda and minutes template</i>

8. DOCUMENT CONTROL

Policy number	LA002
Policy Owner	Governance
Endorsed by	
Date approved	
Revisions	
Amendments	
Next revision due	February 2015

9. CONTACT PERSON

Contact person	Manager Governance, Corporate Planning & Compliance
Contact number	08 8972 9000