

1 PURPOSE

The purpose of this policy is to guide the operation and conduct of all meetings and to ensure that meetings of Council operate in a transparent manner to ensure efficient, effective and accountable decision making.

2 SCOPE

Council has determined that the following procedures of meetings will apply to all meetings of the Council, subject to the *Local Government Act 2019* (NT), *Local Government (General) Regulations 2021* (NT) and *City of Darwin By-laws 2021* for regulating procedure at meetings.

Any provision of this policy may be suspended by resolution during a meeting.

3 POLICY STATEMENT

Council will conduct its meetings in accordance with the *Local Government Act 2019* (the Act), *Local Government (General) Regulations 2021*, *City of Darwin By-laws 2021* and this policy.

This policy complements legislation governing the City of Darwin to provide procedures and standards for the proper conduct of business by Council at its meetings.

Council has an obligation to act in accordance with the role, functions and objectives of local government as outlined in legislation and must adhere to the Code of Conduct for Council Members provided at Schedule 1 to the Act.

Council commits to holding meetings in locations at times to enable public access and will from time to time hold meetings in locations across the municipality.

Council will adopt its annual meeting cycle in November the year preceding the year to which the meeting cycle is for.

3.1 CONFIDENTIAL BRIEFING SESSIONS 1

Confidential briefing sessions will be held in the week preceding an ordinary meeting on a day determined by Council.

These briefing sessions will provide the opportunity for council members to ask questions and clarify any issues prior to reports being presented at the ordinary meeting.

The agenda for a briefing session will be provided to council members 3 business days prior to the session.

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The only outcome from a briefing session can be to request the Chief Executive Officer for additional information.

The following must be observed in relation to briefing sessions:

- i. All items are to be considered in confidence.
- ii. The briefing session is not a decision-making forum – council members have no authority to make decisions.
- iii. No debate should occur at these meetings. Council members may give feedback, but cannot direct staff to change their opinions, recommendations or the content of reports.
- iv. The record of the briefing session will be limited to notes taken by governance support staff. As the briefing session is not a decision-making forum, notes from briefing sessions will be retained for administrative purposes only and will not be distributed unless directed by the Chief Executive Officer.

3.2 PUBLIC FORUM

Council will hold a 30-minute public forum, open to all members of the public, prior to each 2nd Ordinary Council Meeting in each month. The purpose of public forum is to provide a mechanism for members of the public to engage with council members outside of a formal meeting of Council.

The Lord Mayor will Chair the public forum in order to ensure it is conducted in an orderly manner and direct questions to Council members and/or the Chief Executive Officer for response. The Chair will ensure that no member of the public dominates the time, and that all participants are given an opportunity to speak. No single question or questioner should have more than 5 minutes.

Public forums do not form part of the formal meeting process, are not recorded and no minutes are kept.

Formal questions from members of the public are able to be submitted in accordance with clause 3.10.3 of this policy.

3.3 ORDINARY MEETINGS

A council member may move a motion without notice to alter the business at an ordinary meeting.

3.4 LATE REPORTS

Late reports will only be admitted in the following circumstances:

- i. The matter is of importance and could not reasonably wait until the next meeting.
- ii. Where some prompt action is required in the interests of public relations to offset, counter or correct some unfavourable publicity or action against Council.

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The Chief Executive Officer will make the determination as to the submission of late reports.

3.5 LORD MAYORAL MINUTE

A Lord Mayoral Minute does not need to be seconded.

The Lord Mayor may put to a meeting (without notice) any matter which the council is allowed to deal with or which the council knows about.

This would cover any council function under the Act or other legislation, or any matter that has been brought to the Council's attention, for example, by letter to the Lord Mayor or the Chief Executive Officer.

This power to make Lord Mayoral Minutes recognises the special role of the Lord Mayor. A Lord Mayoral Minute overrides all business on the agenda for the meeting.

3.6 NOTICE OF MOTIONS

A council member may bring forward any business by passing a notice of motion. Council members should give written notice to the Chief Executive Officer by 10.00 am the Thursday preceding the council meeting of a motion proposed to be moved at the meeting. The Chief Executive Officer will then include the notice of motion on the agenda.

A council member who moves a motion can speak to this motion, an amendment to this motion and has the right of reply. They can speak to this motion for no longer than 10 minutes.

The council member may have their time extended by another 5 minutes as agreed to by resolution at the meeting.

The council member who has not moved this motion can speak once to the motion and to an amendment proposed to it for up to 5 minutes.

The Chair may address the notice of motion in any order, and if there is no objection to a motion passing, the Chair may, without debate or discussion, put the motion to the vote.

3.6.1 Absence of mover of notice of motion

Where a council member who has given notice of a motion is absent from the meeting at which the notice of motion is to be considered, the motion may be:

- i. With the consent of the original council member who raised the motion, moved by another council member at the meeting, or
- ii. deferred to the next meeting.

If the motion is lost at the meeting to which the council member is absent, the council member is not able to submit the notice of motion again.

3.7 CONDUCT AT MEETING

3.7.1 Addressing Council Members and Officers

Council members and officers are to address each other during the meeting by their official title or designation. All officers are to speak through the Chair.

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3.7.2 Chair to Take Precedence

The Chair may, at any time during the debate of a matter at a meeting, indicate an intention to speak and, on so doing, all council members are to cease speaking until the Chair has been heard.

3.7.3 Time limits on speaking

A council member who moves a motion has the right to speak to the motion, an amendment if proposed, and has right of reply.

The member who moves the motion may not speak longer than 10 minutes to the motion, and no longer than 5 minutes in reply.

All council members may speak to each motion once, for no longer than 5 minutes.

3.7.4 Opportunity to clarify

If a council member considers that they have been misunderstood or realises a critical concern after speaking (and further listening to other council members), they may request the Chair to permit them to speak for up to 3 minutes longer on one occasion only for clarification.

3.7.5 Members to stand when speaking

A council member and council staff, excluding the Chair, at a meeting shall stand when speaking to a matter being considered at the meeting unless prevented doing so by a physical disability.

3.7.6 Voting – attendance via conferencing system

Any council member attending electronically must clearly state for or against or vote with a show on hand (if visible), or otherwise via voice.

The names of members voting for or against motions at meetings will only be recorded as the result of a division or upon request from a council member.

The Chair must not carry the resolution until it is confirmed that every present council member's vote has been counted and noted.

3.8 MEETING QUORUM

3.8.1 Quorum

If quorum is lost during the meeting, the Chair should suspend the meeting for at least 5 minutes or until the quorum is regained. If the quorum not regained after the suspended period, the Chair may adjourn the meeting.

3.9 STREAMING MEETINGS ONLINE

In order to improve transparency, customer service and access to the members for the public to observe Council decision making, all ordinary and special council meetings are to be streamed online via audiovisual system, subject to being closed for confidential business.

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A sign will be prominently displayed at each meeting notifying attendees that the meeting will be streamed online. All efforts will be made to avoid filming members of the public. However, Council cannot provide assurance to this effect.

The Chief Executive Officer is to make an announcement at the start of every meeting, drawing attention that the meeting will be streamed online, and by entering the public gallery, the public give the Council a non-exclusive license to copy and broadcast their image worldwide for no reward.

Copying or distribution of any part of the audiovisual stream is not permitted. Members of the public and media are not permitted to video or voice record any part of the meeting.

Council reserves all rights in relation to its copyright for streaming meetings online.

3.10 ADMINISTRATION OF MEETING

3.10.1 Petitions

A petition may be received from only residents, ratepayers and electors of the City of Darwin local government area.

Petitions must be provided to a council member who will present the petition to a meeting.

The council member who presents the petition must be informed on the subject matter, state the nature of the petition and read the petition at the council meeting.

The petition can be in electronic or paper format, provided that it meets the following requirements:

- i. the reason for the petition is stated clearly and in plain language (if paper format this must be clearly displayed at the top of each page)
- ii. a main contact name and contact details (address and email) are provided (to enable follow up from Council), and
- iii. the petition does not contain any language or subject matter that is disrespectful or likely to be considered defamatory to any person.

No debate is permitted on a petition when presented to a meeting.

The only motion that may be moved is that the petition be received and referred to a council officer for consideration and a report to the council.

3.10.2 Presentations and deputations

A presentation to put information to Council, or deputation, being a collective way to lobby Council on a shared concern from a group, organisation or business wishing to be heard at a council meeting may apply in writing to the Chief Executive Officer at least 7 days prior to the meeting.

The Chief Executive Officer will determine whether the presentation or deputation is appropriate to be heard at the council meeting.

Presentations are limited to 15 minutes.

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The Chair may end the presentation if:

- i. The Chair is satisfied that the purpose of the presenter or deputation has been sufficiently explained to the Council members
- ii. The person uses insulting or offensive language.

The Chair may allow the presenter or deputation more time if the Chair is satisfied that more time is required to enable Council to be properly informed on the matter and in doing so state the additional time frame permitted.

Council meetings will hear no more than two presentations or deputations per meeting and any material to be provided to council members is to be provided to the Chief Executive Officer at the time the application is made.

3.10.3 Public question time

A public question time will be held within each ordinary council meeting.

Members of the public are entitled to ask questions and have these responded to during public question time. Questions must relate to the functions of local government.

All questions proposed to be asked during public question time must follow the following process in order to be accepted at the meeting:

- i. A member of the public may submit questions via electronic or letter means to the Chief Executive Officer by 12.00 pm, 5 business days prior to the meeting, to allow time for a response to be provided.
- ii. A member of the public may ask their question during the Ordinary Council meeting and speak for no longer than 5 minutes or ask that the Chief Executive Officer read it on their behalf.
- iii. The person asking the question must be in attendance at Public Question Time for the answers to be read out at the Ordinary Meeting otherwise the answer will only be tabled in the minutes. The response will be forwarded to the person asking the question in writing following the meeting.
- iv. Responses can be given from the Chief Executive Officer, who may defer to a General Manager or the Chair. The Chief Executive Officer may also take the question on notice. A response should be given to the questioner in writing within five business days in this case.
- v. Debate or discussion on a response is not permitted.

The Chief Executive Officer may refuse to accept a question for the purpose of Public Question Time if:

- i. the question is in the same nature as a matter to be discussed at that Ordinary Meeting

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- ii. the questioner has submitted the same or a substantially similar question (in meaning or content) to one that he/she has asked and received a reply to in the previous 3 months
- iii. the question pertains to a matter prescribed as confidential
- iv. the question is in the nature of an administrative query, and the Chief Executive Officer considers it appropriate to respond administratively, or
- v. for any reason, the Chief Executive Officer deems the question to be inappropriate for answering.

In instances where the Chief Executive Officer refuses to accept a question for the purpose of Public Question Time, the questioner will be advised of the reasons for such action.

3.10.4 Representative's Reports

Council members can report to Council activities they have participated in while representing Council. These reports should be confined to 5 minutes and should reflect the key activity and any outcomes from this event.

Council members are requested to provide the report in writing to the Chief Executive Officer by 12.00pm on the day of the meeting to allow for the report to be displayed at the meeting. This does not preclude Council members from providing a report at the meeting.

3.10.5 Questions by Members

During the Ordinary Meeting, council members can ask questions of each other and council officers. No debate is to be allowed on questions and council officers may take the question on notice.

Council members are requested to submit questions in writing to the Chief Executive Officer by 12.00pm on the day of the meeting to allow for the question to be displayed at the meeting. This does not preclude Council members from asking questions at the meeting.

Council officers will then ensure that the council member receives an answer to their question within five business days following the Ordinary Meeting of Council via email or advise that a report will be presented at the next appropriate Ordinary Meeting of Council.

3.10.6 General Business

The Chair will invite council members to introduce any General Business.

General business must be introduced by the moving of a motion. A council member should not speak to this matter for longer than 5 minutes. The normal rules of debate will then apply with the motion only being discussed if seconded.

Matters to be raised in the General Business section at an Ordinary Council Meeting are to be limited to issues of a minor nature. Significant business items from council members are required to be presented by a Notice of Motion, refer clause 3.6.

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Issues raised purely for the information of Council, the public or council officers may be raised under the General Business section of the meeting.

3.10.7 Matters of Public Importance

A council member may raise a Matter of Public Importance to be admitted to a meeting without notice. These matters are considered at Ordinary Council Meetings if:

- i. the motion is carried, or
- ii. the Chair calls for a motion to admit the item.

Normal meeting procedure and rules of debate will apply.

If the motion to admit is lost the matter shall not be discussed further at that meeting.

3.10.8 Types of Resolution

Council may make the following types of resolutions:

- i. Receive and note
- ii. In-principle agreement or support
- iii. Adopt
- iv. Delegate
- v. Endorse
- vi. Approve

3.10.9 Rescinding or amending resolutions

A resolution of Council is effective from the moment it is passed, and it is the Chief Executive Officer's responsibility to ensure it is enacted. A resolution of Council may be rescinded or amended only if notice of intention to propose the rescission or amendment is given to each council member at least 5 days before the meeting at which the proposal is made, and only if:

- i. there is a risk of significant loss to Council (e.g. financial loss) or it is as a result of an emergency situation; or
- ii. the circumstances of the matter or implementation of the decision have substantively changed.

A proposal to rescind or amend a motion must:

- i. be provided by written notice of motion to rescind or amend a decision and signed by at least 3 council members; and
- ii. be included on the agenda at the time the agenda is distributed to council members and made publicly available (unless confidentiality provisions apply); and
- iii. be considered as the first item of business on the agenda prior to the confirmation of minutes.

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If a notice of motion to rescind or amend a decision is lost by Council, a motion having the same effect must not be proposed to Council within 3 months of the motion being lost.

If a notice of motion to rescind or amend a resolution is given at the meeting at which the resolution has been carried, the resolution must not be carried into effect, until the motion of rescission or amendment has been resolved. This does not apply to clause 3.11.3 to propose an amendment at the time the motion is being debated.

Council members present at the meeting at which a motion to rescind or amend a resolution is put, may defer consideration of that motion. The deferral will not be longer than 3 months.suspension of Meeting Procedures.

A council member may move a motion to suspend meeting procedures. This suspension must be limited to a specific purpose and timeframe which must be stated in the motion.

A council member must move a motion to resume standing orders at the completion of the timeframe.

3.10.10 Record of Meetings

Minutes of the Ordinary Meetings will comply with part 6.3 of the *Local Government Act 2019*.

As per the Act, a copy of the minutes must be made publicly available within 10 business days after the meeting.

The procedure for drafting the minutes is as follows:

- i. draft minutes as approved by the CEO are circulated to council members and placed on Council's website by 5.00pm, Friday the week of the meeting
- ii. the draft minutes will be included in the agenda for the next Ordinary Meeting for adoption
- iii. the adopted minutes will be updated on Council's website by 5.00pm the following day.

If, in the meeting when the draft minutes are tabled for adoption, council members note that corrections need to be made to minutes prior to adoption, the following process will apply:

- i. council member to raise the matter to the attention of the Chair when they call for a motion to confirm the minutes
- ii. council member must outline the correction to be made
- iii. motion is moved / seconded and carried
- iv. once carried, an annotation is to be made to the original minutes cross-referencing the resolution containing the correction.

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3.11 PROCEDURE FOR MAKING DECISIONS (RESOLUTIONS)

3.11.1 Motion on the table

A motion brought before a meeting of the Council will be received and put to the meeting by the Chair.

A council member is required to 'move' a motion and then another council member is required to 'second' the motion.

If the motion is not seconded, the minutes will note the mover of the motion and that the motion 'lapsed for want of a seconder'.

When a motion has been moved and seconded, it will become subject to debate by Council and cannot be withdrawn without the consent of the council meeting.

All council members, other than the mover, can speak only once to the motion and once only to the amendment proposed to it.

Other council members can propose amendments to the motion, which must be seconded and voted on before voting on the final motion.

The Chair may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.

The Chair may refuse to accept a motion if it is not within the meeting's jurisdiction and rule a motion out of order if necessary. Any motion that is vague, proposes an unlawful action, is outside the scope of the meeting or the role of local government, is defamatory, vexatious or is unnecessary, may be ruled out of order.

A motion is resolved by a vote and carried by the majority of council members present at the meeting.

The Chair may call the notices of motion in the order in which they appear on the agenda.

Where no objection is taken to a motion being taken as a formal motion, and the motion is then seconded, the Chair may put the motion to the vote without discussion and the vote occur.

Not more than one motion or one proposed amendment to a motion may be put before a meeting of a Council at any one time.

3.11.2 Motion to be seconded

A motion or an amendment to a motion shall not be debated at a meeting of the Council unless or until the motion or the amendment is seconded, with the exception of procedural motions.

3.11.3 Amendment of motion

An amendment to a motion will be in terms which maintain or further clarify the intent of the original motion and do not contradict the motion.

A council member who proposes or seconds a motion shall not propose or second an amendment to the motion. However, the original mover and seconder can agree to alter their proposed motion.

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Where an amendment to a motion is before a meeting of the Council, no other amendment to the motion will be considered until after the first amendment has been voted on.

Where a motion is amended, the original motion will be redundant.

The original motion cannot be used as a subsequent motion for further amendment.

3.11.4 Speaking to motions and amendments

The mover of a motion or amendment will read it and state that it is so moved but will not speak to it until it is seconded.

The Chair will manage the debate by allowing the council member who moved the motion the option of speaking first on the motion. The Chair will then call on any other council members who wish to speak against the motion and then alternatively for and against the motion as available, until all council members who wish to speak have had the opportunity.

A council member may make a request to the Chair for further information on the motion or the amendment before or after the motion or amendment is seconded. The Chair may request the Chief Executive Officer or another Council Officer to respond.

The mover of a motion or amendment has the right to reply. Each council member will speak no more than once to the same motion or same amendment except as a right of reply. Once the right of reply has been delivered the debate ends.

Each speaker will be restricted to not more than 5 minutes unless the Chair rules otherwise.

Where 2 or more council members indicate they may wish to speak at the same time, the Chair will determine who is entitled to priority.

3.11.5 Point of Order

At any time, if a council member can call a "Point of Order" to the Chair if they believe meeting procedure is not being followed. The Chair then invites the council member to identify the problem and, after hearing the point, makes a ruling.

3.11.6 Motion of dissent on a Point of Order

A council member can without notice, move to dissent from a ruling of the Chair on a point of order.

If this happens, the Chair must suspend the business before the meeting until a decision is made on the motion on dissent.

If a motion of dissent is passed, the Chair must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the Chair must restore the motion or business to the agenda and proceed with it in due course.

Only the Chair and the mover of the motion of dissent can speak to the motion before it is put to vote, the mover of the motion does not have right of reply. Rules of debate do not apply.

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3.12 PROCEDURAL MOTIONS

A council member may move a procedural motion at any time during a meeting. Procedural motions must be seconded and dealt with immediately by the Chair. Procedural motions are:

3.12.1 That the motion be put

That the motion be put requires an immediate vote on the motion presented.

This procedural motion can only be raised when at least 2 members have spoken for, and no less than 2 members have spoken against the motion.

The procedural motion is moved by a member who has not spoken in debate of the motion or an amendment to the motion.

If the vote is carried, the Chair shall immediately put the motion to the vote, or the amendment to the vote.

If the vote on the procedural motion is lost, debate on the motion or the amendment to the motion shall continue.

If the vote on the procedural motion is lost, the council member who moved the motion may not move a similar motion on this matter.

3.12.2 That the debate be adjourned

This procedural motion may specify a time or date that is less than 2 months away, for debate to be adjourned to.

If no date is specified, the matter shall be included in the business papers for the next ordinary meeting.

If the vote on the procedural motion is lost, the council member who moved the motion may not, may not move a similar motion within 10 minutes.

3.12.3 That the meeting stand adjourned

This procedural motion may be moved by a council member at the conclusion of debate on a matter on the business paper or at the conclusion of a council member's time for speaking to a matter, and shall, on being seconded, be put without debate.

The procedural motion must specify a time for the resumption of the meeting unless a time has previously been resolved, and on resumption of the meeting the Council shall continue with the business before the meeting at the point where it was discontinued on the adjournment of the meeting.

If this procedural motion is lost, the Chair is not bound to accept a similar motion for 30 minutes after the time that the motion was lost.

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3.12.4 The motion lay on the table

This procedural motion can be moved without notice if a council member requires additional information on the matter before the meeting. The mover must specify what additional information is required.

If this procedural motion is seconded, the Chair will immediately put the motion to the vote.

If the vote on the procedural motion is lost, the debate will continue.

If the vote on the procedural motion is passed, the matter will be put on the business papers as soon as the additional information requested is available.

4 DEFINITIONS

Adoption is where Council adopts a position, for example a strategy or policy.

Approval is where Council approves something.

Council members are the members elected or appointed to the Council in accordance with the *Local Government Act 2019*.

Delegate is where Council makes a decision to delegate its decision-making for an action and, where this decision is reached, the delegate (ordinarily the Chief Executive Officer and Council Committees) is subject to the strict controls and accountabilities that exist under the Local Government Act 2019 and associated statutes.

Endorsement is where Council essentially approves of a notion or proposal, but it is not the ultimate authority for this purpose.

In-principle Agreement or Support is where Council agrees with or supports a notion or concept, but that agreement or support is conditional and requires further investigation, due diligence or consideration by Council in the future. "In-principle" provides Council with a non-binding position for a notion or approval of an outcome.

Lord Mayor is the principal member of the City of Darwin and has additional roles and functions as outlined in accordance with S59 of the *Local Government Act 2019*.

Meetings includes council meetings (ordinary and special), audit committees, council committees and local authorities in accordance with Chapter 6 of the *Local Government Act 2019*.

Receive and Note is where Council has a report and has read and understood its contents, but that no action beyond that is required of Council.

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5 LEGISLATIVE REFERENCES

Local Government Act 2019

- S95(6) – Casting Vote
- S95(8) – Council adoption of Meeting Procedures
- S98(3) – Audio and Audio-Visual Policy

*Local Government (General) Regulations 2021**

*City of Darwin By-laws 2021**

*Subject to commencement

6 PROCEDURES AND RELATED DOCUMENTS

Committee (Executive or Advisory) Terms of Reference

7 RESPONSIBILITY AND ACCOUNTABILITY

The meeting Chair is responsible for ensuring meeting procedures are followed.

The Chief Executive Officer is responsible for ensuring this policy is understood and adhered to.

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