

Meetings policy

Policy No. 1053.100.E.R

1 Purpose

The purpose of this policy is to govern the operation and conduct of Council Meetings to ensure transparent, efficient and accountable decision making.

2 Scope

This policy applies to all meetings of Council.

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 2023* and this policy.

Council will 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 Elected Members which includes avoiding any conflict of interest, whether actual or perceived.

3.1 Ordinary Council Meetings

Council will hold meetings in locations and at times to enable public access as determined by resolution.

Council will set the schedule for Ordinary Council Meetings at the start of each term of Council. The schedule may be altered at a subsequent meeting.

3.2 Confidential Briefing Sessions

Confidential Briefing Sessions will be held in the week preceding an Ordinary Council Meeting on a day determined by Council.

Confidential Briefing Sessions allow Elected Members to ask questions and request additional information from the Chief Executive Officer (CEO) about reports being presented at the Ordinary Council Meeting.

The agenda for the Confidential Briefing Session will be provided to Elected Members three business days prior.

The following must be observed:

- o All items are confidential.
- o No decisions can be made.
- o No debate should occur.
- o Elected Members may give feedback on reports but cannot direct Council Officers to change the contents or recommendations.
- o Records will be limited to notes taken by Council Officers. Notes will be retained for administrative purposes and will not be distributed unless directed by the CEO.

3.3 Public forum

Council will hold a 30-minute public forum prior to the last Ordinary Council Meeting in each month, allowing the public to engage with Elected Members outside of a formal meeting.

The Lord Mayor will Chair the public forum to ensure it is conducted in an orderly manner and direct questions to Elected Members and/or the CEO.

The Chair will ensure that all participants are given an opportunity to speak for up to five minutes.

Public Forums are not recorded, and no minutes are kept as they are not part of the Ordinary Council Meeting.

Formal questions from the public must be submitted in accordance with section 3.10 Administration of meeting, Public Question Time.

3.4 Late Reports

Late reports will only be admitted if:

- o the matter is urgent and important.
- o where action is required, in the interest of public relations, to offset, or correct unfavourable publicity or action against Council.

The CEO will decide whether to allow late reports.

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3.5 Lord Mayoral Minute

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

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

A Lord Mayoral Minute recognises the special role of the Lord Mayor, overrides all business on the agenda and does not need to be seconded.

A Lord Mayoral Minute is subject to questions and debate.

3.6 Notice of Motion

Elected Members may bring forward any business by passing a notice of motion.

Elected Members must submit the notice of motion to the CEO by 10:00 am on the Thursday before the Confidential Briefing Session.

Elected Members may make changes to their Notice of Motion following the Confidential Briefing Session. Changes are to be submitted to the CEO by 10:00 am on the Thursday before the Ordinary Council Meeting.

The CEO will include the notice of motion on the agenda.

An Elected Member who moves a motion can speak to the motion, and an amendment, for up to 10 minutes and has the right of reply.

The Elected Member may have their time extended by five minutes as agreed to by resolution at the meeting.

Elected Members who have not moved this motion can speak once to the motion and/or a proposed amendment for up to five 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, put the motion to the vote.

A Notice of Motion is subject to questions and debate.

Absence of mover of notice of motion

Where an Elected Member who has given notice of a motion is absent from the meeting, the motion may be:

- With the consent of the Elected Member who raised the motion, moved by another Elected Member

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deferred to the next meeting.

If the motion is lost at the meeting when the Elected Member is absent, a motion having the same effect must not be proposed to Council within three months of the motion being lost.

3.7 Conduct at meeting

Addressing Elected Members and Council Officers

Elected Members and Council Officers are to address each other during the meeting by their official title. Council Officers are to speak through the Chair.

Chair to Take Precedence

The Chair may at any time indicate an intention to speak, all Elected Members are to cease speaking until the Chair has been heard.

Time limits on speaking

An Elected Member who moves a motion can speak to the motion, and an amendment to this motion, for up to 10 minutes and has up to five minutes in reply.

All Elected Members may speak to each motion once, for up to five minutes.

Opportunity to clarify

If an Elected Member considers that they have been misunderstood or realises a critical concern after speaking, the Chair may permit them to speak for up to three minutes longer once.

Members to stand when speaking

Elected Members, and Council Officers, excluding the Chair, must stand when speaking on a matter being considered in the Open Section of a Council Meeting, unless physically unable to do so.

Voting

Elected Members present has, and must exercise, one vote for each motion at the Council meeting, by show of hands.

Elected Members attending electronically must also vote for each motion by show of hands, if visible, otherwise via voice.

The names of Elected Members voting for or against motions at Council meetings will only be recorded as the result of a division or upon request.

The Chair must not carry the resolution until every vote has been counted and noted.

3.8 Meeting quorum

A quorum at a Council Meeting consists of a majority of the Elected Members holding office at the time of the meeting.

If quorum is not present at the start time for a Council Meeting, the Chair will postpone in accordance with the Act.

If quorum is lost during the Council Meeting, the Chair will suspend the meeting for at least five minutes or until quorum is regained. If quorum is not regained, the Chair may adjourn the meeting.

3.9 Streaming meetings online

In order to improve transparency, customer service and access to the public to observe Council all Council Meetings are to be streamed online, subject to being closed for confidential business.

A sign will be prominently displayed notifying attendees that the meeting will be streamed online. All efforts will be made to avoid filming the public however, City of Darwin cannot provide assurance to this effect.

The CEO will announce online streaming at the start of each Council Meeting and by entering the public gallery, attendees give the City of Darwin a non-exclusive license to copy and broadcast their image worldwide for no reward.

Copying or distributing any part of the stream is not permitted.

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.

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3.10 Administration of meeting

Moving of items

An Elected Member may move a motion without notice to alter the order of business at a Council Meeting.

Petitions

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

The subject of a petition must be a matter on which the Council has the power to act.

Petitions must be provided to an Elected Member who will present the petition.

The Elected Member must be informed on the subject matter, state the nature and read the petition at the council meeting.

The petition can be in electronic or paper format if it meets the following requirements:

- the reason is stated clearly and in plain language, if paper format this must be clearly displayed at the top of each page. Where a page does not comply, the signatures on that page will not be considered by Council.
- a contact name and contact details, including an address and email are provided.
- does not contain any language or subject matter that is disrespectful or considered defamatory to any person.

No debate is permitted on a petition when presented to a Council Meeting.

The only motion that may be moved is that the petition be received and noted and referred to the City of Darwin for consideration and a report return to a future Council Meeting.

Presentations and Deputations

A presentation or deputation to put information to Council, being a collective way to present to Council on a shared concern from a group, organisation or business wishing to be heard at a Council Meeting must apply in writing to the CEO at least seven days prior to the meeting.

The CEO 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:

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

The Chair may allow more time if required to enable Elected Members to be informed on the matter and in doing so state the additional time permitted.

Council Meetings will hear no more than two presentations or deputations per meeting and any material is to be provided to the CEO prior to the Council Meeting.

Public Question Time

Public question time will be held within each Ordinary Council Meeting.

Members of the public can submit written questions to be considered at an Ordinary Council Meeting that is open to the public. A maximum of three questions per person, per meeting are permitted. Questions must relate to the functions of Local Government.

Questions will be accepted if it meets the following requirements:

- o submitted via electronic or letter means to the CEO by 12:00 noon, five business days prior to the meeting.
- o the public may ask their question during the Ordinary Council Meeting and speak for no longer than five minutes or ask the CEO to read it on their behalf.
- o the person must be in attendance during public question time for the answers to be read out otherwise the answer will only be tabled in the minutes. The response will be provided in writing following the Ordinary Council Meeting.
- o responses can be from the CEO, who may defer to a General Manager or the Chair.
- o The CEO may take the question on notice and a response will be provided in writing within five business days.
- o debate or discussion on a response is not permitted.
- o Questions must not take the form of a statement or an opinion.

The CEO may refuse a question if:

- o the question is in the same nature as a matter to be discussed at that Ordinary Council Meeting.
- o the questioner has submitted the same or a substantially similar question, in meaning or content to one that they have asked and received a reply to in the previous three months.
- o the question relates to a matter that is confidential.
- o the question is an administrative query, and the CEO considers it appropriate to respond administratively.
- o for any reason the CEO deems the question to be inappropriate.

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Where the CEO refuses to accept a question, the questioner will be advised of the reasons.

Reports of Representatives

Elected Members can report to Council, activities they have participated in while representing Council for up to five minutes and should reflect the key activity and any outcomes.

Elected Members are requested to provide the report in writing to the CEO by 12:00 noon on the day of the Council Meeting to allow for the report to be displayed.

This does not prevent Elected Members from providing a report at the Council Meeting.

Questions by Members

Elected Members can ask questions of each other and Council Officers. No debate is allowed on questions and Council Officers may take the question on notice.

Questions by Members should be minor in nature and not request a report from Council Officers. Significant business items from Elected Members are required to be presented by a Notice of Motion.

Elected Members are requested to submit questions in writing to the CEO by 12:00 noon on the day of the Council meeting to allow for the question to be displayed.

This does not prevent Elected Members from asking questions at the Council Meeting.

For questions taken on notice, Council Officers will provide a response within five business days following the Council Meeting via email.

General Business

Issues raised for the information of Council, the public or Council Officers may be raised during General Business.

General Business should be minor in nature and not request a report from Council Officers. Significant business items from Elected Members are required to be presented by a Notice of Motion.

The normal rules of debate will apply, Elected Members or Council Officers can speak for up to five minutes per item.

General Business will be moved and seconded en bloc.

Matters of Public Importance

Elected Members may raise a Matter of Public Importance to be admitted to an Ordinary Council Meeting without notice.

These matters are considered if:

- o the motion is carried
- o the Chair calls for a motion to admit the item.

Normal meeting procedure and rules of debate apply.

If the motion to admit is lost, the matter shall not be discussed further at that Ordinary Council Meeting.

Types of Resolution

Council may make the following types of resolutions:

- o Receive and note
- o In-principle agreement or support
- o Adopt
- o Delegate
- o Endorse
- o Approve
- o Note

Rescinding or Amending Resolutions

A resolution of Council is effective from the moment it is passed, and it is the CEO's responsibility to ensure it is enacted.

A resolution may be rescinded or amended if notice of intention to the rescission or amendment is provided to the CEO at least five days before the Ordinary Council Meeting at which the proposal is made, and only if:

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

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A proposal to rescind or amend a resolution must:

- be provided by written notice of motion to rescind or amend a decision and signed by at least three Elected Members
- be included on the agenda at the time it is distributed
- made publicly available, unless confidential provisions apply
- be considered as the first item of business on the agenda prior to the confirmation of minutes.

Elected Members cannot move an amendment on a Receive and Note report as no action is required and is provided as information only.

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 three 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 section 3.11 Procedure for making decisions (resolutions), Amendment of motion to propose an amendment at the time the motion is being debated.

Elected Members present at the Ordinary Council 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 three months.

Suspension of meeting procedures

Elected Members 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.

Elected Members must move a motion to resume standing orders at the completion of the timeframe.

Record of Meetings

Minutes of the Council Meetings will comply with part 6.3 of the Act.

In accordance with 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:

- o draft minutes as approved by the CEO are circulated to Elected Members and placed on City of Darwin's website.
- o the draft minutes will be included in the agenda for the next Ordinary Council Meeting for adoption.
- o once adopted the minutes will be updated on City of Darwin's website.

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If, in the Ordinary Council Meeting when the draft minutes are tabled, Elected Members note that corrections need to be made prior to adoption, the following process will apply:

- o Elected Member to raise the matter to the Chair when they call for a motion to confirm the minutes.
- o Elected Member must outline the correction to be made.
- o motion is moved/seconded and carried.
- o once carried, an annotation is made to the original minutes cross-referencing the resolution containing the correction.

3.11 Procedure for making decisions (resolutions)

Motion on the table

A motion brought before an Ordinary Council Meeting will be received and put to the meeting by the Chair.

An Elected Member is required to ‘move’ a motion and then another Elected 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 questions and debate and cannot be withdrawn without the consent of the Council.

All Elected Members, other than the mover, can speak once to the motion and once to the amendment proposed.

Other Elected 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 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. 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 Elected Members present at the Council 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.

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

Motion to be seconded

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

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.

An Elected 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.

Where an amendment to a motion is before a meeting, 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.

Speaking to motions and amendments

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

The Chair will manage the debate by allowing the Elected Member who moved the motion the option of speaking first on the motion.

The Chair will then call on other Elected Members who wish to speak against the motion and then alternatively for and against the motion as available, until all Elected Members who wish to speak have had the opportunity.

An Elected 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 CEO or another Council Officer to respond.

The mover of a motion or amendment has the right to reply. Each Elected 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 up to five minutes unless the Chair rules otherwise.

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Where two or more Elected Members indicate they wish to speak, the Chair will determine who is entitled to priority.

Point of Order

At any time, an Elected Member can call a Point of Order to the Chair if they believe meeting procedure or code of conduct is not being followed.

The Chair then invites the Elected Member to identify the issue and, after hearing the point, makes a ruling.

Motion of dissent on a Point of Order

Elected Members 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 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 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.

3.12 Procedural Motions

Elected Members 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:

- **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 two members have spoken for, and no less than two 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.

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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 Elected Member who moved the motion may not move a similar motion on this matter.

- **That the debate be adjourned**

This procedural motion may specify a time or date that is less than two 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 Council Meeting.

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

- **That the meeting stand adjourned**

This procedural motion may be moved at the conclusion of debate or at the conclusion of an Elected 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.

- **The motion lay on the table**

This procedural motion can be moved without notice if an Elected Member requires additional information on the matter. 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

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

Approve is where Council approves something.

Elected Members are the Lord Mayor and Councillors who are elected by the community.

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Delegate is where Council decides to delegate its decision-making for an action and, where this decision is reached, the delegate ordinarily the CEO and Council Committees is subject to the strict controls and accountabilities that exist under the Act and associated statutes.

Endorse 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 Council and has additional roles and functions as outlined in the Act.

Council Meetings includes Ordinary and Special Council Meetings in accordance with Part 6.1 Council Meetings of the Act.

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.

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

5 Legislative references

Local Government Act 2019

Local Government (General) Regulations 2021

City of Darwin By-laws 2021

6 Procedures and related documents

Council Committee Terms of Reference

7 Responsibility and accountability

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

The CEO is responsible for ensuring this policy is understood and adhered to.

This policy will be reviewed every four years, or as required.

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