

# Guide to Meeting Procedures

Local Government in the Northern Territory



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<b>Acronyms</b>	<b>Full form</b>
Act	<i>Local Government Act 2019</i>
CEO	Chief Executive Officer
LGCD	Local Government Community Development Unit
NT	Northern Territory
Regulations	<i>Local Government (General) Regulations 2021</i>

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## 1. Introduction

Local government councils are accountable to the community for the decisions they make.

Effective meetings are an important element of good governance. This is demonstrated when elected members use their combined knowledge and experience, informed by advice from the administration, to make decisions for the advancement of the community they serve.

Established meeting procedures provide a transparent framework for the conduct of council business. These meeting procedures contribute to good public decision-making, help avoid code of conduct issues, and support the business of council being as open and transparent as possible.

Subject to the *Local Government Act 2019* (the Act), and any by-laws regulating meeting procedures, a council may determine its own rules and policies for meetings.

The purpose of this guide is to support councils in the development or review of meeting procedures to ensure that council meetings operate in a transparent manner to ensure efficient, effective, and accountable decision making.

### Role of Elected Members

Section 44 of the Act states the role of members. The role of a member of a council is to:

- represent the interests of all residents and ratepayers of the council area
- provide leadership and guidance
- facilitate communication between the members of the council's constituency and the council
- be properly informed to enable participation in the deliberations of the council and its community activities
- ensure, as far as practicable, that the council acts honestly, efficiently, and appropriately in carrying out its statutory responsibilities
- ensure that council resources are used prudently and solely in the public interest
- actively monitor the financial affairs of the council.

A member of the council has no power to direct or control the staff of the council, or to interfere with the management of council staff.

Elected members are bound by the local government Code of Conduct, and they have a duty to act, at all times, in what they genuinely believe to be the best interests of the council's constituency. In particular, a member must seek to ensure that their decisions and actions are based on an honest, reasonable, and properly informed judgement about what best advances the interests of the municipality, region or shire.

### Functions of Council

Section 22 of the Act states the functions of a council. These functions include:

- planning for the future requirements of its area for local government services
- providing services and facilities for the benefit of its area, its residents and visitors
- making prudent financial decisions
- managing the employment of the Chief Executive Officer

- providing for the interests and wellbeing of individuals and groups within its area
- carrying out measures to protect its area from natural and other hazards and to mitigate the effects of such hazards
- planning and develop council facilities and services in its area in a sustainable way
- planning the use of council resources for the benefit of its area
- performing other functions assigned to the council under the Act or another Act.

The functions of a council may (if the council decides to perform the functions) include:

- promoting its area as a location for appropriate industries or commerce or as an attractive tourist destination.
- establishing or supporting programs that benefit its area.

## 2. Scheduling of ordinary council meetings

Section 90 (1) of the Act requires a council to hold a meeting of its members at least once in each successive period of two months.

If a council does not schedule an ordinary meeting at least once in each month, Regulation 19 of the *Local Government (General) Regulations 2021* (Regulations) requires a council to appoint a committee and delegate to the committee the necessary powers to carry out, on behalf of council, the financial functions in the months when the council does not hold an ordinary meeting (Finance Committee).

The schedule for the holding of ordinary meetings for the term of the council is set during the first ordinary meeting of a council held after a general election. The schedule may be altered at a subsequent meeting.

## 3. Giving notice of a council meeting

Under section 91 of the Act, the council's CEO is responsible for convening council meetings and informing elected members of the meeting's time and date.

The notice for a council meeting must:

- be in writing
- state the date, time, place and agenda (including any confidential business)
- include any business papers to be considered at the meeting
- in the case of an ordinary meeting - be given to the members and published at least 3 business days before the date of the meeting
- in the case of a special meeting – be given to the members and published at least 4 hours before the time appointed for the meeting.

The notice may be given to a member personally, by post, by email, or by any other electronic means or any other way arranged by the CEO and the member.

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 the fact and the provision of the Act under which the information is confidential. Refer to Regulation 103 (3). Also refer section 293 of Act and Regulation 51.

## Ordinary meetings vs special meetings

Ordinary meetings may deal with business of any kind, or business as usual, but a special meeting can only deal with the specific business the meeting was called for, unless all members are present and unanimously decide, by resolution, to consider other business.

The council may hold a special meeting to deal with a particular item of business whenever circumstances require. A special meeting is convened by the CEO if:

- the principal member, or three or more members of the council, request the CEO in writing to convene the meeting
- the council resolves that a special meeting be convened.

## Public access to council meetings

It is important that meetings are accessible and open to the community so the public can see democracy in action. A meeting of a council must be held in a place where the public may access the place for the purpose of attending the meeting.

If the elected members are attending the meeting by an audio or audiovisual conferencing system, the meeting must be accessible to the public by means of the audio or audiovisual system.

A meeting venue should be:

- generally accessible to the public, including people with disabilities
- of an adequate size to host the full council plus visitors
- equipped with appropriate facilities for the convenience of members and visitors.

## 4. Preparing the agenda

The agenda provides a roadmap for the meeting and notifies the community about the business of council. A well-structured agenda is the key to an effective council meeting that produces good decisions, made following the analysis of sound advice and constructive debate.

Matters for decision should receive priority and be allocated an appropriate amount of time for discussion and consideration. Council's focus should be on strategic issues and not on operational matters.

The agenda is prepared by the CEO but shaped by the chairperson and council.

It is good practice to:

- provide a timely set of papers in a way that is consistent and easy to navigate
- ensure information is presented in a way that is clear and accessible, and as far as possible, tailored to the needs of the members
- provide background to the matter – why and how it came to be on the agenda
- indicate whether a matter is for noting, discussion or decision
- provide concise, evidence-based recommendations
- explore options and identify associated risks
- indicate whether the matter is a strategic priority and if the costs are within the approved budget. If not, explain why it is being proposed and what will be displaced if council proceeds.

- understand the community and any potential impacts.

## Late reports

Late reports and urgent business are not ideal as they do not provide members and the public sufficient opportunity to view the report on the matter prior to the meeting. Consider how late agenda items or matters that come up in general business will be dealt with as these are unlikely to be supported by a detailed briefing and analysis. Should such matters be deferred to ensure that decision-making is supported by adequate information?

Any papers or documents considered at a meeting that were not published with the notice of meeting must be published on the council's website at the same time as the minutes of the meeting (unless the material is confidential).

## Confidential reports

The default position of councils should be for transparency and accountability. However, there are times when the council will consider confidential information.

Regulation 51 states the types of information that are prescribed as confidential. Any information that falls under the prescribed categories must remain confidential until the reason for confidentiality no longer applies.

Regulation 53 states that a council must, by resolution, adopt a policy in relation to confidential information and business. The policy must deal with:

- the type of confidential information that should no longer be confidential after a specified period of time
- the type of confidential information that should be subject to periodic review to determine if it should no longer be confidential.

## Sample Agenda Structure

- Welcome and Apologies
- Declarations of Conflicts of Interest
- Previous Minutes and actions
- Matters for Decision
- Matters for Noting
- Reports from Local Authorities (*Regional Councils*)
- CEO Report
- Finance Report
- Questions from the Public
- Visitor Presentations/ Deputations
- General Business
- Confidential Business

## Briefing Sessions

Some councils choose to hold briefing sessions prior to an ordinary council meeting to allow members to ask questions and request additional information from the CEO about reports being presented at the meeting.

Closed council briefing sessions should not be used to make decisions away from the public view. During a briefing session, debate should not occur, and no decisions can be made. For transparency and accountability, the public should be able to observe the decision-making process. Discussion about the merits of an agenda item should occur as part of the open meeting process. Refer to Section 95 (4) of the Act and Regulation 50 – Public access to meetings.

## 5. Procedure at meeting

The meeting chairperson is responsible for ensuring that meeting procedures are followed and for maintaining order.

The chairperson will go through the agenda items. Any member who has a conflict of interest should declare it at the start of the meeting or as soon as they first become aware of it.

The chairperson should ensure that:

- there is enough time for decisions to be made
- there is a quorum
- decisions are recorded in the minutes
- the meeting does not go off track
- everyone has an opportunity to be heard
- meetings are respectful.

Section 95 of the Act states that the chairperson of a meeting of a council is:

- if the principal member is present – the principal member
- if the principal member is not present - the deputy principal member
- if neither the principal member or deputy is present - the acting principal member
- if neither the principal member or deputy, and there is no acting principal member, the chairperson is a member chosen, by resolution, by the members present at the meeting.

## Code of Conduct

Schedule 1 of the Act contains the Code of Conduct (the Code), which governs the behaviour of council members.

Section 119 of the Act requires councils to publish the Code on their website.

The council may also consider passing a resolution requiring members to sign an agreement affirming their commitment to uphold the values, culture and standards outlined in the Code, as well as those of the council and its community. This agreement would also emphasise their responsibility to represent all residents of the council area, maintain professionalism and integrity throughout their term, and commit to participating in mediation or training should they breach the Code.

## Conflicts of Interest

Section 115 of the Act states that as soon as practicable after a member becomes aware of a conflict of interest in a matter that has arisen or is about to arise before council, the member must disclose the interest that gives rise to the conflict. A council member cannot, without prior approval from the Minister, be present at a council meeting while the matter in which the member has a conflict of interest is under consideration and nor can that member participate in any discussion on the matter or engage in behaviour that may influence the council's decision.

Council members should be encouraged to think about and declare any possible conflicts of interest that may arise, including their positions or positions of their associates and family members in private companies who may contract to councils, or on Aboriginal corporations and other non-government organisations and boards that may have a relationship with council.

Section 116 of the Act states that the CEO must keep a register (Register of Declared Conflicts) setting out conflicts of interest disclosed by council members under section 115.

Section 179 of the Act requires the CEO to disclose to council any personal or financial interest in a matter they are required or authorised to act or give advice on.

An [information sheet](#) is available on the Department's website which goes into more detail of what constitutes a conflict of interest, the steps to take if a member has a conflict of interest, and some examples of potential conflicts. This information sheet should be made accessible to members.

## Attendance at meetings

### 5.1.1. Quorum

When there are enough members at the meeting to make decisions, this is called a 'quorum'. A quorum for a council meeting is the majority of all members holding office at the time of the meeting.

### 5.1.2. Audio or audio-visual conferencing system

Council may authorise attendance at meetings via audio or audio-visual conferencing systems in accordance with a council resolution establishing such a policy. Members attending by an audio or audio-visual conferencing system must have the same or substantially the same opportunity to participate in debate and register an opinion as if the member were physically present at the meeting.

### 5.1.3. Apologies

If a member is unable to attend a meeting, they need to advise the principal or CEO in accordance with council policy. The apology needs to be accepted by a majority of councillors. If not accepted the apology will be recorded as an absence. A Councillor is disqualified from office if absent from two consecutive meetings of council without permission.

A factsheet 'Council Member Disqualification – Absence from Council Meetings' is available in the Resource Hub.

## Postponement of meeting

Section 100 of the Act addresses postponement of a meeting. If a quorum is not present within 30 minutes of the start time for the meeting, the meeting may be postponed to a later time on the same day by:

- the chairperson
- if the chairperson is not present but two or more members are present – the majority of members present
- if the chairperson is not present and fewer than two members are present – the CEO or a person authorised by the CEO.

If a meeting is postponed, the CEO must, in writing, record the fact that the meeting was postponed, and this record must be published on the council's website. If it is impractical for a meeting to be postponed to later the same day, the CEO may postpone the meeting for up to 21 days.

The person who postpones a meeting must ensure, as far as practicable, that each member receives notice of the postponement and of the time and place to which the meeting was postponed.

## Motions

A motion is a formal proposal for the council to take action or make a decision. Motions are required to have a mover and seconder. If a motion is not seconded it should be recorded in the minutes as having lapsed.

Motions are proposed in the agenda in the form of a recommendation. Where a matter requires the council to make a decision, the council might decide to vote on the recommendation provided in the agenda paper or put up its own for voting.

The chairperson may close the debate when they deem there has been ample debate. Council will then vote and if a majority vote is in favour of the motion, it is 'carried'. A carried motion becomes a resolution of the council.

The council may also decide to defer a decision on a matter so that more information or other options can be provided.

## Voting

Each member present has, and must exercise, one vote on a question arising for decision. It is not an option to abstain or refrain from voting.

If the council has a policy allowing the chairperson to exercise a casting vote, the chairperson must exercise, in the event of an equality of votes, a second or casting vote.

Casting votes will be made in accordance with council's 'Casting Vote Policy'. A casting vote policy may only be established by resolution at the first meeting of the council after a general election. It cannot be altered or revoked during the term of council and lapses at the conclusion of the next general election.

Unless the council unanimously resolves to take a vote by secret ballot, voting is to be conducted by a show of hands.

## Questions from the Public

Council's meeting rules or policy may contain processes for members of the public to raise questions. These processes may include items such as: (examples only)

- a member of the public needs to provide their name and suburb/locality before asking a question
- a person may submit the question in writing in advance of a meeting or ask the question verbally at the meeting
- questions may be taken on notice by the person who is answering the question
- when a question is taken on notice, a response is to be given to the member of the public in writing and a copy of the answer included in the agenda of the next ordinary meeting
- summaries of public questions and responses are to be included in the minutes.

## Visitor Presentations / Deputations

A visitor presentation (also known as a deputation) may be made by a person or group who wish to appear in person before a council or council committee meeting in order to speak on a particular matter.

Councils may set a policy for whether visitor presentations are heard at council meetings, committee meetings or other meetings and to provide parameters for presentations, such as requiring a formal, written request in advance or imposing a time limit.

## General business

General business should be minor in nature and not requiring a decision of council as the council staff will not have had an opportunity to provide a report outlining any options, risks or costs.

If an item is raised in general business that requires consideration or analysis, the council should consider deferring the matter to the next meeting.

## Confidential Business

The public may be excluded while business of a kind prescribed by regulation as confidential business is being considered by council.

At the conclusion of consideration of confidential business at a meeting, the council must decide, in accordance with its policy, whether the confidential information should no longer be confidential after a specified period of time or subject to periodic review.

## 6. Preparing the meeting minutes

The minutes of council meetings are the official record of the decisions made by the governing body. As such, they need to be:

- clear and easy to follow so that members of the public can see the reasons for council decisions
- an accurate record of what occurred at the meeting
- able to provide evidence that both accountability and statutory compliance requirements of the decision-making process have been met.

The CEO must ensure that proper minutes of meetings are kept. Section 101 of the Act states that minutes must be in writing and must set out:

- the names of the members present at the meeting
- the business transacted at the meeting
- any confidential business that was considered at the meeting
- any other information required by regulation

The minutes must include references to any written reports or recommendations considered in the course of the meeting together with information about how to obtain access to the reports or recommendations.

Regulation 59 specifies the information that must be included in meeting minutes.

## Confirmation of minutes

The minutes must be confirmed at the next ordinary meeting. Council may confirm the minutes, with or without amendment, as a correct record of the meeting.

The minutes of an audit committee, a council committee or a local authority must be tabled at the next meeting of the council. For regional councils, the council's response to local authority minutes must be recorded in the minutes of the meeting of council. The council must report back to the local authority on its response to the local authority's minutes. Refer section 101 of the Act.

## Public access to minutes

A copy of the minutes must be available to the public on the council's website and at its public office within 10 business days after the meeting.

If business that deals with confidential information was considered at the meeting, the copy of the minutes available to the public must contain a statement of that fact and the provision under which the information is confidential. Refer to section 293 of Act and Regulation 51.

A member of the public may inspect the copy of the minutes and may obtain an identical copy of the minutes or a certified copy of, or extract from, the minutes of a meeting. Council may charge a fee for the copies.

## 7. Glossary

**Act:** means the *Local Government Act 2019*

**Agenda:** means a list of items for consideration at the meeting together with reports and attachments relating to those items.

**Casting vote:** means a vote that may be exercised by the principal member/chairperson in the event of a tied vote, in accordance with Council's Casting Vote Policy.

**CEO:** Chief Executive Officer and includes an acting CEO.

**Chairperson:** means the person who is presiding over an official meeting of council.

**Confidential Matters:** means any confidential information as defined by regulation 51 of the *Local Government (General) Regulations 2021*.

**Meeting:** any meeting of council or council committee and includes an ordinary council meeting or special council meeting.

**Minutes:** mean the official record of the business transacted at council meetings and the decisions made. They are a legal record and a public document.

**Motion:** means a formal proposal for the council to take action or make a decision.

**Mover:** means the person at a meeting who initiates (moves) a motion.

**Secunder** means the person at a meeting who seconds a motion that has been moved.

**Quorum:** means the minimum number of members needing to be present to constitute a valid meeting (i.e. 50% plus one).

**Regulations:** *Local Government (General) Regulations 2021*

**Resolution:** means a formal decision by council that has been passed by a majority of its members in attendance at the meeting where the resolution was made.