

MEETING PROCEDURES AND PROCESSES

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1 Procedures of the NT EPA

- 1.1.1 These Meeting Procedures and Processes (Procedures) are made pursuant to section 16 of the Northern Territory Environment Protection Authority Act 2012 (the Act) and with reference to the Act. They should be read in conjunction with other procedures and policies of the Northern Territory Environment Protection Authority (NT EPA).
- 1.1.2 The Act will prevail in the event there are inconsistencies with these Procedures.
- 1.1.3 These Procedures apply to the members of the NT EPA and staff of the Department of Environment and Natural Resources (DENR) providing services to the NT EPA pursuant to section 37 of the Act.
- 1.1.4 These Procedures may be amended at any meeting of the NT EPA where notice of such amendment is given on the agenda.

2 NT EPA and the DENR

- 2.1.1 The NT EPA is a body corporate consisting of members, including the Chairperson, appointed under section 10 of the Act and the Chairperson of the Planning Commission. All members of the NT EPA are part time appointments.
- 2.1.2 The Chief Executive Officer of DENR must provide the NT EPA with services and support, staff and facilities to enable the NT EPA to properly exercise its powers and perform its functions.
- 2.1.3 DENR will appoint a dedicated Executive Officer to provide a coordination, governance and corporate secretariat service to the NT EPA.
- 2.1.4 Unless otherwise agreed by the NT EPA, DENR will designate an appropriate officer to provide a secretariat service for any committee of the NT EPA.
- 2.1.5 Any staff member provided by DENR to provide services and support to the NT EPA is subject only to the direction of the Chairperson in the performance of his or her duties for the NT EPA.

3 Disclosure of interest

3.1 Disclosure of personal interest by member

- 3.1.1 In accordance with section 22 of the Act, a member who has a personal interest in a matter being considered, or about to be considered, by the NT EPA, must disclose:
 - (a) the nature and extent of the interest
 - (b) how the interest relates to the matter being considered or about to be considered by the NT EPA.
- 3.1.2 If the relevant facts come to the member's knowledge at a time when the NT EPA is not meeting, the member must:
 - (a) make the disclosure mentioned in clause 3.1.1, by written notice to each other member, and
 - (b) table a copy of the notice at the next meeting of the NT EPA.
- 3.1.3 The disclosure must be recorded in the minutes of the meeting at which, or before which, the disclosure is made.

- 3.1.4 A member need not disclose an interest if the interest is an interest shared with the public generally or a section of the public.
- 3.1.5 A member has a 'personal interest' in a matter if the member:
- (a) has a direct or indirect financial interest in the matter, or
 - (b) has a personal, professional, commercial or other relationship with a person and the nature of the relationship is likely to, or may reasonably be regarded as likely to, inhibit or prevent the member from exercising independent judgment about the matter.

3.2 Effect of personal interest of member

- 3.2.1 In accordance with section 23 of the Act, if a member has a personal interest in a matter that is required to be disclosed:
- (a) the member must not take part in any deliberation or decision of the NT EPA about the matter, and
 - (b) the member must be disregarded for the purposes of constituting the quorum of the NT EPA for the deliberation or decision, and
 - (c) the quorum for the deliberation or decision is a majority of members entitled to participate in the deliberation or decision.
- 3.2.2 However, a failure by the member to disclose the interest in the matter does not, on its own, invalidate any decision of the NT EPA about the matter.
- 3.2.3 The member who has disclosed their personal interest in a matter must physically leave the meeting room on that particular matter.
- 3.2.4 If a member who has disclosed their personal interest in a matter is the Chairperson, the remaining members of the NT EPA must appoint another member to preside over that matter (the Presiding Member).

3.3 Disclosure of personal interest by staff of DENR

- 3.3.1 If a member of staff of DENR has a personal interest in a matter being considered, or about to be considered, by the NT EPA, the staff member must disclose:
- (a) the nature and extent of the interest
 - (b) how the interest relates to the matter being considered or about to be considered by the NT EPA.
- 3.3.2 The disclosure must be recorded in the minutes of the meeting at which, or before which, the disclosure is made.
- 3.3.3 Subject to clause 3.4.1, the DENR must implement protocols to ensure the staff member who has disclosed a personal interest is excluded from all deliberations and discussions associated with developing advice or recommendations to the NT EPA on the matter. The proposed protocols must be provided to the NT EPA for its approval and endorsement as soon as practicable after the disclosure is made.
- 3.3.4 A staff member need not disclose an interest if the interest is an interest shared with the public generally or a section of the public.
- 3.3.5 A staff member has a 'personal interest' in a matter if the staff member:
- (a) has a direct or indirect financial interest in the matter, or

- (b) has a personal, professional, commercial or other relationship with a person and the nature of the relationship is likely to, or may reasonably be regarded as likely to, inhibit or prevent the staff member from exercising independent judgment about the matter.

3.3.6 However, a failure by the staff member to disclose the interest in the matter does not, on its own, invalidate any decision of the NT EPA about the matter.

3.3.7 If present at a meeting of the NT EPA, a staff member who has disclosed their personal interest in a matter must physically leave the meeting room on that particular matter.

3.4 Protocols to manage personal interests

3.4.1 The NT EPA may, on a case by case basis, determine the appropriate processes and procedures to manage any personal interest. Any processes and procedures developed in accordance with this clause must be documented and recorded in the minutes.

4 Confidentiality of information

4.1.1 Members of the NT EPA shall not disclose to a person or party any information obtained while exercising a power or performing a function as a member, unless disclosure is required for the exercise of the power or performance of a function; or with the consent of the person to whom the information relates; or for legal proceedings.

5 Decision making of the NT EPA

5.1 Approach to decision making

5.1.1 The NT EPA will aim to achieve consensus.

5.1.2 Where consensus cannot be reached on difficult or contentious issues, more time shall be assigned to reach consensus, recognising that timely decisions need to be made.

5.1.3 Where consensus cannot be achieved, a vote will take place and a simple majority shall carry the issue.

5.1.4 The Chairperson has a casting vote if there is an equality of votes or tie.

5.1.5 Where the Chairperson is conflicted, the Presiding Member (under clause 3.2.4) shall have a casting vote when there is an equality of votes or tie.

5.2 Conduct of NT EPA business

5.2.1 The NT EPA will conduct its business through face to face meetings, teleconferences, videoconferences and circulated papers (refer clause 9 (Circulated papers)).

5.2.2 The business of the NT EPA will be informed by briefing papers. Papers may take the form of:

- (a) Information briefing paper – providing information that does not require a response.
- (b) Noting briefing paper – providing information where it is necessary to record that members have been provided with the information.
- (c) Comment briefing paper – seeking comments and feedback from the NT EPA on documentation prepared on behalf of the NT EPA.
- (d) Decision briefing paper – seeking a decision, including approval of documentation, from the NT EPA.

5.2.3 The NT EPA will not make a statutory decision on any matter outside of a face to face meeting, teleconference or videoconference (collectively 'a meeting').

5.3 Recording of decisions

5.3.1 Minutes are to be prepared for each meeting of the NT EPA.

5.3.2 The Minutes will provide details of the decisions, approvals, recommendations and determinations made.

5.3.3 The Minutes must clearly set out how each matter was decided, i.e. approved / endorsed by all eligible members in attendance, approved / endorsed by a majority of present and eligible members or not approved / endorsed by majority of present and eligible members.

5.3.4 The Minutes will not be a transcript of the discussions and deliberations of the NT EPA.

5.3.5 Minutes of meetings are not intended for public release.

5.3.6 The Executive Officer will maintain a record of all circular resolutions.

6 Meetings of the NT EPA – general matters

6.1 Program of meetings

6.1.1 The NT EPA must hold at least 4 meetings each year.

6.1.2 Meetings will be held in accordance with an agreed schedule of meeting dates. Where changes to the scheduled meetings are necessary, members will be notified in advance as early as practicable.

6.1.3 Face to face meetings will be conducted in Darwin or other place in the Territory, unless otherwise advised by the Chairperson.

6.1.4 The Chairperson may convene a meeting of the NT EPA at any other time as he or she deems necessary, in addition to the scheduled meetings. The Chairperson will endeavour to provide 7 days' notice to the other members.

6.1.5 A member may request the Chairperson convene a meeting of the NT EPA, in addition to the scheduled meetings. Such requests shall be notified in writing to the Chairperson giving at least 7 days' notice of the proposed meeting date.

6.1.6 After a request is made by the member under clause 6.1.5, the Chairperson must convene a meeting as soon as practicable or on the meeting date requested by the member (which, is to be at least 7 days after the request is made).

6.1.7 These Procedures apply to the additional meetings convened under clauses 6.1.3 and 6.1.5.

6.2 Form of meetings

6.2.1 Wherever possible the NT EPA will conduct its business through face to face meetings.

6.2.2 The NT EPA will hold regular teleconferences and videoconferences to enable the timely resolution of its statutory responsibilities.

6.3 Agenda

6.3.1 The Executive Officer will prepare an agenda in consultation with the Chairperson.

- 6.3.2 Members are encouraged to contact the Executive Officer with any suggested items for inclusion in the agenda.
- 6.3.3 Disclosure of personal interests in relation to agenda items by the members of the NT EPA will be a standing item on the agenda.

6.4 Meeting papers and related material

- 6.4.1 Meeting papers may take the form of:
 - (a) Information briefing paper.
 - (b) Noting briefing paper.
 - (c) Comment briefing paper.
 - (d) Decision briefing paper.
- 6.4.2 The distribution of meeting papers and related material will only relate to the items included on the agenda.
- 6.4.3 Electronic copies of meeting papers and related material will be distributed prior to the meeting.

6.5 Members preparation

- 6.5.1 It is the responsibility of members of the NT EPA to thoroughly prepare themselves for the discussions at meetings through perusal of the meeting papers and seeking any clarification or further information from the Executive Officer.

6.6 Conduct of meetings

- 6.6.1 Subject to clauses 6.6.2 and 3.2.4, the Chairperson will preside over the meetings of the NT EPA in accordance with the agenda.
- 6.6.2 If the Chairperson is unavailable to preside over a meeting for reasons other than those contained in clause 3 (Disclosure of interest), another member must be selected to preside over that meeting with the consensus of all the members.
- 6.6.3 The other member selected under clause 6.6.2 must not have a personal interest as defined in clause 3.
- 6.6.4 The meeting shall be confined to the agenda unless introduction of a new matter is approved by a majority of members present.
- 6.6.5 All resolutions of the NT EPA will be recorded in the Minutes of the meeting.
- 6.6.6 Staff of DENR or other agencies or other guests external to Government may be invited to attend meetings of the NT EPA to present an issue or provide information or advice.

6.7 Quorum for meetings

- 6.7.1 A majority of members present at a meeting constitutes the quorum for the meeting. This ensures that the NT EPA can undertake deliberations and make decisions even where one or more members are unavailable for a specific meeting.
- 6.7.2 However, where one or more members at a meeting have disclosed an interest in a matter being considered by the NT EPA, those members are prevented from participating in the NT EPAs deliberations on that matter. In these circumstances, a quorum is the majority of members who are entitled to participate in the deliberations.

6.8 Minutes of meetings

- 6.8.1 The Executive Officer will record the Minutes of each meeting in accordance with clause 5.3.
- 6.8.2 Copies of the Minutes will be distributed to each member within 10 working days of the meeting and members will be invited to comment on the written record prior to the next face to face meeting.
- 6.8.3 Minutes are to be endorsed as an accurate record of the meeting at the next available face to face meeting.
- 6.8.4 The endorsement of Minutes, whether related to a previous face to face meeting, teleconference or videoconference, is to occur at the next available face to face meeting.

6.9 Communique

- 6.9.1 The NT EPA may, at its discretion, issue a communique or other form of public advice following its meetings.

7 Teleconferences and videoconferences

7.1 Purpose of teleconferences and videoconferences

- 7.1.1 To the extent possible, and without limiting the NT EPA in any way, discussions at teleconferences and videoconferences are intended to be limited to those necessary to exercise a statutory decision making power or function.
- 7.1.2 Teleconferences and videoconferences are not intended to provide a general forum for discussion and comment on material.

7.2 Distribution of agenda and meeting papers

- 7.2.1 The agenda will be distributed no later than 5 days before each scheduled teleconference or videoconference meeting.
- 7.2.2 The agenda for a teleconference or videoconference will only include administrative matters by exception (other than disclosure of personal interests).
- 7.2.3 The Executive Officer will endeavour to provide any Comment briefing paper and associated material to the members no later than 15 calendar days before the meeting date.
- 7.2.4 The Executive Officer will endeavour to provide Decision briefing papers and associated material and any other relevant material to the members no later than 5 calendar days before the meeting date.
- 7.2.5 Meeting papers for a teleconference or videoconference will generally take the form of a Decision briefing paper.
- 7.2.6 Other forms of briefing papers will only be accepted by exception.

8 Face to face meetings

8.1 Purpose of face to face meetings

- 8.1.1 To the extent possible, and without limiting the NT EPA in any way, the NT EPA will manage the majority of its business through face to face meetings.

- 8.1.2 Face to face meetings are intended to provide a general forum for strategic discussion and comment, in addition to statutory and policy decision making.
- 8.1.3 The NT EPA may conduct a site visit as part of a face to face meeting.

8.2 Distribution of agenda and meeting papers

- 8.2.1 The agenda will be distributed no later than 7 days before each scheduled face to face meeting.
- 8.2.2 Meeting papers for a face to face meeting may take any form described in clause 6.4.1.
- 8.2.3 The Executive Officer will endeavour to provide any Comment briefing paper and associated material to the members no later than 15 calendar days before the meeting date.
- 8.2.4 The Executive Officer will endeavour to provide the agenda and any Information or Noting briefing papers and any other relevant material to the members no later than 12 calendar days before the meeting date.
- 8.2.5 The Executive Officer will endeavour to provide Decision briefing papers and associated material to the members no later than 5 calendar days before the meeting date.
- 8.2.6 Decision briefing papers referred to in clause 8.2.5 must relate to a Comment briefing paper distributed in accordance with clause 8.2.2. All other Decision papers will be distributed with the agenda in accordance with clause 8.2.4.

9 Circulated papers

- 9.1.1 Matters may be brought to the attention of the NT EPA through a circulated paper.
- 9.1.2 Circulated papers may take the form of:
 - (a) Information briefing paper.
 - (b) Noting briefing paper.
 - (c) Comment briefing paper.

- 9.1.3 Circulated papers must not be in the form of a Decision briefing paper and must not contain requests for decisions. The NT EPA will not exercise a statutory power or function on the basis of a circulated paper.

10 Circular resolutions

- 10.1.1 Members may pass a resolution of a meeting of the NT EPA by circular resolution, if all members entitled and available to participate in the deliberation and decision, sign a document containing a statement that they are in favour of the resolution(s) set out in the document. The document and the signature may be electronic.
- 10.1.2 Circular resolutions are only to be used for matters that are routine or administrative or which have been subject to prior discussion by NT EPA members. Items which do not meet these criteria should be addressed in a meeting of the NT EPA.
- 10.1.3 Clause 3 (Disclosure of interest) and clause 5 (Decision-making of the NT EPA) apply to decisions made by circular resolution.
- 10.1.4 Matters settled via circular resolution must be ratified at a meeting of the NT EPA. Ratification will occur at the earliest face to face meeting opportunity available.

11 NT EPA committees

11.1 Establishment and purpose

- 11.1.1 The NT EPA may, from time to time, establish one or more committees of the NT EPA to consider specific issues and responsibilities and assist the NT EPA to fulfil its statutory obligations.
- 11.1.2 Committees may be ad hoc or standing committees and may deal with a particular proposal, a particular matter or a particular subject.
- 11.1.3 Committees will provide advice to the NT EPA and may make recommendations to the NT EPA about any matter considered by the committee.
- 11.1.4 The recommendations of a committee do not form a decision of the NT EPA and are not binding on future decisions by the NT EPA.
- 11.1.5 The provisions of clause 3 (Disclosure of interest), clause 4 (Confidentiality of information) and clause 5 (Decision making of the NT EPA) of these Procedures apply to Committees.

11.2 Membership and quorum

- 11.2.1 The NT EPA will determine the composition and terms of reference for any committee and designate the committee chairperson.
- 11.2.2 A committee must comprise not less than three members, one of whom may be the Chairperson of the NT EPA or the Chairperson of the Planning Commission.
- 11.2.3 The Chairperson of the NT EPA must not be a committee chairperson.
- 11.2.4 Where a member of the committee has made a declaration in accordance with clause 3 (Disclosure of interest), and as consequence is no longer able to take part in deliberations or decision-making of the committee, then the NT EPA may appoint a member of the NT EPA to the committee as a substitute member.
- 11.2.5 A quorum of the Committee is a majority of its members eligible to discuss the matter before the Committee.

11.3 Conduct of meetings and reporting

- 11.3.1 A committee may conduct its meetings in the same manner as the NT EPA.
- 11.3.2 These Procedures, except clause 7.1 (Purpose of teleconferences and videoconferences) and clause 10 (Circular resolutions), apply to meetings of Committees.
- 11.3.3 The chairperson of the committee is to report to the NT EPA about the activities of the committee at the first available face to face meeting of the NT EPA after which the committee has met. Minutes of committee meetings are to be included in the meeting papers for the NT EPA face to face meeting.

Approved by the NT EPA
4 December 2019