

NORTHERN TERRITORY OF AUSTRALIA

TENNANT CREEK (MEETINGS AND PROCEDURES) BY-LAWS 1989

As in force at 20 November 2020

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NORTHERN TERRITORY OF AUSTRALIA

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By-laws under the *Local Government Act 2008*

Part I Preliminary

1 Short title

These By-laws may be cited as the *Tennant Creek (Meetings and Procedures) By-laws 1989*.

Part II Meetings of council

Division 1 Business

3 Ordinary meetings

An ordinary meeting shall be held on the day and at the time in each month as the council from time to time determines by resolution.

4 Order of business

- (1) Subject to these By-laws, the order of business at an ordinary meeting shall be as the council from time to time determines by resolution.
- (2) Notwithstanding a determination under clause (1), the order of business at an ordinary meeting may be altered for a particular meeting where a majority of members at that meeting pass a motion to that effect.
- (3) A motion under clause (2) may be moved without notice.

5 Business paper

- (1) The clerk shall, as soon as practicable before each meeting of the council, or within such time as the council determines by resolution, prepare or have prepared a business paper.

- (2) Copies of the business paper prepared under clause (1) shall be made available to the public at the council office and at such other places as the council by resolution determines, as soon as practicable before the meeting or at such times as the council determines by resolution.
- (3) A business paper prepared under clause (1) shall specify the business:
 - (a) arising out of a previous meeting of the council;
 - (b) which the mayor may wish to have considered at the meeting without notice; and
 - (c) of which notice, in accordance with by-law 7, is given.

6 Notice of business to be given

- (1) Subject to these by-laws, a matter shall not be considered at a meeting of the council unless notice in accordance with this by-law is given to the members within such time before the meeting as the council from time to time by resolution determines.
- (2) A notice under this by-law shall be in writing and signed by the member who wishes the matter to be considered.
- (3) A notice under this by-law may be given to a member by serving it on the member personally or by posting it to the member at the address for service which that member has provided to the clerk under section 65(2) of the Act.

7 Consideration of matter without notice

Notwithstanding by-law 7, a matter for which notice under that by-law has not been given may be considered at an ordinary meeting where a motion is passed by the majority of members at the meeting permitting it to be considered.

8 Official minute

The mayor may introduce a matter for consideration at an ordinary meeting by a personally signed minute, and that matter takes precedence over all other matters for consideration at the meeting and may be adopted by motion put by the mayor.

9 Petitions

- (1) A petition may be presented to a meeting of the council by a member who, before presenting the petition, shall, as far as practicable, be acquainted with the subject matter of the petition.

- (2) A member on presenting a petition to a meeting of the council shall:
 - (a) state the nature and prayer of the petition; and
 - (b) read the petition.
- (3) A petition shall not be presented to a meeting of the council unless it is worded in respectful language.
- (4) Where, under this by-law, a member presents a petition to a meeting of the council, no debate on or in relation to it shall be allowed and the only motion which may be moved is that the petition be received and
 - (a) consideration stand as an order of the day for the meeting or for a future meeting; or
 - (b) be referred to a committee or officer for consideration and a report to the council.

10 Deputation

- (1) For the purpose of this by-law, a deputation means a group of persons consisting of not less than 2 persons.
- (2) A deputation wishing to attend and be heard at a meeting of the council shall, not less than 7 clear days before the meeting, apply in writing to the clerk.
- (3) The clerk, on receiving an application under clause (2), shall notify the mayor of the application and the mayor shall determine whether the deputation may be heard and shall notify the clerk accordingly.
- (4) Where the clerk is notified by the mayor under clause (3), the clerk shall:
 - (a) inform the deputation of the determination of the mayor; and
 - (b) where the mayor has determined that the council is to hear the deputation, arrange a convenient time for the deputation to be heard at a meeting of the council.
- (5) Unless a majority of the members at the meeting of the council by resolution otherwise determine, only one person in the deputation may be heard at the meeting.
- (6) A person in a deputation at a meeting of the council shall be temperate in speech and manner, and shall not use insulting or offensive language.

- (7) Subject to clauses (8) and (9), a deputation attending at a meeting of the council in accordance with this by-law shall be given adequate opportunity and facility to explain the purpose of the deputation.
- (8) Notwithstanding clause (7), a council may, by resolution either in advance of or during its hearing of a deputation, determine the period of time for which the deputation shall be heard.
- (9) Notwithstanding clause (7), the mayor may terminate an address by a person in a deputation at any time where the mayor is satisfied that the purpose of the deputation has been sufficiently explained to the members at the meeting.

Division 2 Motions

11 Motions

A motion brought before a meeting of the council in accordance with the Act or these By-laws shall be received and put to the meeting by the mayor.

12 Unopposed notices of motion

At a meeting of the council the mayor may call over the notices of motion in the order in which they appear on the business paper, and where no objection is taken to a motion being taken as a formal motion the mayor may, without discussion, put the motion to the vote.

13 Motions not to be withdrawn

Except with the consent of a majority of the members at a meeting of the council, a motion may not be withdrawn after being placed on the business paper prepared for that meeting.

14 Absence of mover of motion

Where a member who has given notice of a motion under by-law 7 is absent from the meeting of the council at which the motion is to be considered, the motion may be:

- (a) moved by another member at the meeting; or
- (b) deferred to the next ordinary meeting.

15 Motion to be seconded

- (1) Subject to clause (2) and to by-law 20, 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, as the case may be, is seconded.
- (2) Notwithstanding clause (1), a member who moves a motion or an amendment to a motion may speak in support of that motion or that amendment, as the case may be, before it is seconded.

16 Amendment to motion

Not more than one question and one proposed amendment to the question may be put to a meeting of the council at any one time.

17 Motion of dissent

- (1) A member at a meeting of the council may, without notice, move a motion of dissent in relation to a ruling by the mayor on a point or order.
- (2) Where, under clause (1), a motion is moved further consideration of the matter in relation to which the ruling of the mayor was made shall be suspended until after that motion is put.
- (3) Where a motion moved under clause (1) is carried, the matter in relation to which the ruling of the mayor was made shall:
 - (a) proceed as though that ruling had not been made; or
 - (b) where as a result of that ruling the matter was discharged as out of order, be restored to the business paper and dealt with in the normal course of business.

18 Rescinding or altering resolutions

- (1) A resolution of the council passed at a meeting may not be altered or rescinded unless a notice of motion to alter or rescind the resolution is given in accordance with this by-law.
- (2) A notice of motion referred to in clause (1) shall:
 - (a) not be valid if the resolution to which it refers has already been implemented;
 - (b) be in writing and signed by the member proposing the motion;
 - (c) have the name of the seconder of the motion endorsed on it; and

- (d) be given to the clerk not less than 7 days before the meeting of the council at which the motion is to be put.
- (3) Where at a meeting of the council a notice of motion to rescind a resolution of the council is given in respect of a resolution passed at that meeting, the resolution shall not be carried into effect until after the motion is put and lost.
- (4) Where a motion, of which notice under clause (1) is given, is lost, a motion to the same or like effect may not be moved until after the expiration of 3 months after the date on which the first-mentioned motion was lost.
- (5) This by-law does not apply to a motion referred to in by-laws 18 or 20.

19 Procedural motions

- (1) Subject to this by-law, a member at a meeting of the council may, during the debate of a matter at the meeting, move, as a procedural motion that:
 - (a) the question be put;
 - (b) the debate be adjourned;
 - (c) the meeting proceed to the next item of business;
 - (d) the meeting stands adjourned;
 - (e) the meeting be closed; or
 - (f) the question lie on the table.
- (2) A procedural motion may be moved under clause (1) at the conclusion of a speaker's time, and the mayor shall, on the motion being moved, immediately put the motion without permitting debate on, or the need for a seconder of, the motion.
- (3) Where a procedural motion moved under clause (1) is lost, the member who moved the motion may not, until after the expiration of a period of 30 minutes after that motion was put, move another motion under clause (1).
- (4) Where a procedural motion moved under clause (1), that the meeting stands adjourned, is lost, the business of the meeting shall continue and the same procedural motion may not be moved by any member until after the expiration of 30 minutes after that motion was put.

- (5) The procedural motion, that the question be put, may be moved under clause (1), where:
- (a) no other member at the meeting wishes to speak to the motion before the meeting or any amendment to it; or
 - (b) not less than 2 members at the meeting have spoken for and not less than 2 members have spoken against the motion before the meeting or any amendment to it and the procedural motion is moved by a member who has not spoken in the debate of the motion before the meeting or any amendment to it.
- (6) Where a motion put under clause (5) is:
- (a) carried, the mayor shall immediately put the question to the motion or the amendment to it, as the case may be; or
 - (b) lost, the debate on the motion or the amendment to it, as the case may be, shall continue.

Division 3 Questions and discussions

20 Questions

- (1) Subject to this by-law, a member may at a meeting of the council ask a question for reply by another member or an officer.
- (2) Such notice of a question under clause (1), as the mayor determines, shall be given to the member or officer to whom it is directed to permit consideration of a reply and, if necessary, reference to other persons or documents.
- (3) A question under clause (1) shall be asked categorically and without argument and no discussion shall be permitted at the meeting of the council in relation to a reply or a refusal to reply to the question.

21 Mayor to take precedence

The mayor may, at any time during the debate of a matter at a meeting of the council, indicate an intention to speak and, on so doing, a member speaking or proposing to speak to the debate shall cease speaking and remain silent, or refrain from speaking, as the case may be, until the mayor has been heard.

22 Mode of addressing members and officers

A member shall, at all times during a meeting of the council, address and refer to another member or an officer by his official title or designation.

23 Limitation in relation to number of speeches

- (1) Subject to this by-law, a member who moves a motion shall have a right:
 - (a) to speak on any amendment proposed to the motion; and
 - (b) of general reply to the motion and any amendment proposed to it.
- (2) Subject to this by-law, a member at a meeting of the council, not being a member who moves a motion, has a right to speak once only to the motion, including any amendment proposed to it.
- (3) Subject to clause (2), a member at a meeting of the council may not speak:
 - (a) more than once; or
 - (b) for more than 5 minutes,on a question before the meeting.
- (4) Notwithstanding clause (3), where:
 - (a) a majority of the members present at a meeting of the council consent, a member's time to speak on a question before the meeting may be extended for such further period, of not more than 5 minutes, as is determined by that majority of the members; or
 - (b) a member considers that he or she has been misrepresented or misunderstood, the member may be permitted by a majority of the members present at the meeting of the council, to answer, without further observation than is necessary, the misrepresentation or misunderstanding.

24 Priority of speaking

Where 2 or more members at a meeting of the council rise to speak at the same time, the mayor shall decide which member shall be heard first.

25 Imputation

A member speaking at a meeting of the council shall not make a personal reflection on, or impute an improper motive to, another member.

Division 4 Order and disorder

26 Question of order

- (1) For the purposes of this by-law, a member is guilty of an act of disorder if, at a meeting of the council, the member:
 - (a) is in breach of the Act or of these By-laws;
 - (b) uses language which, according to common usage, would be considered disorderly;
 - (c) uses an expression inconsistent with good order or decorum;
or
 - (d) says or does anything calculated to bring the council into contempt.
- (2) The mayor at a meeting of the council may, with or without the intervention of another member at the meeting, call a member at the meeting to order where the mayor considers the member is out of order.
- (3) A member at a meeting of the council may raise a question of order with the mayor where the member considers that another member at the meeting is:
 - (a) guilty of an act of disorder; or
 - (b) out of order.
- (4) Where, under clause (3), a question of order is raised, the mayor shall rule on the question but may, before ruling, seek the opinions of the other members at the meeting of the question.
- (5) A ruling of the mayor made under clause (4) shall be obeyed forthwith and without discussion except where a motion of dissent under by-law 18 is subsequently passed in respect of the ruling.
- (6) A member who, under clause (4), is ruled:
 - (a) to be guilty of an act of disorder; or
 - (b) to be out of order more than once at a meeting of the council,

is guilty of an offence.

Penalty: \$500

- (7) Where, under clause (4), the mayor rules a member is guilty of an act of disorder, he may require the member to leave the place where the meeting of the council is taking place for a specified period of time or for the remainder of the meeting and to apologize, without reservation, to the members at the meeting.

27 Disorder

- (1) The mayor may, where disorder arises at a meeting of the council, adjourn the meeting for a period not exceeding 15 minutes and vacate the chair.
- (2) Where, under clause (1), a meeting is adjourned, the mayor shall, on the resumption of the meeting, move a motion which shall be put without debate to determine whether the meeting shall proceed.
- (3) Where a motion under clause (2) is lost, the mayor shall declare the meeting closed.

28 Motion, &c., to be rejected if out of order

A motion or an amendment to a motion, on a matter before a meeting of the council which is determined by a majority of the members at the meeting to be out of order, shall be rejected.

Division 5 Attendance and non-attendance

29 Quorum not present

- (1) Where, at the expiration of the time referred to in section 66(2) of the Act, a meeting of the council is postponed, that fact, together with the names of the members present at that time, shall be recorded in the minutes kept by the council.
- (2) Where, at the meeting of the council, a quorum of members, as required by section 66(1) of the Act, is lost, the mayor shall suspend the meeting for a period of 5 minutes and, if at the expiration of that period, a quorum of members is not present, the names of the members present at that time shall be recorded in the minutes kept by the council, and the mayor shall adjourn the meeting to a later hour or to another day, as the mayor thinks fit.
- (3) For the purposes of this By-law, a member is present at a meeting of the council if he or she is in the room in which the meeting is taking, or is to take, place and is seated at the place allocated to the member for the meeting.

Division 6 Public and media**30 Attendance of public and media at meetings**

- (1) At a meeting of the council, an area at the place where the meeting is to be held shall be made available for members of the public to attend the meeting and as many members of the public as reasonably can be accommodated in that area shall be permitted to attend the meeting, except when a matter prescribed under section 69 of the Act is being considered.
- (2) At a meeting of the council, reasonable facilities shall be made available to media personnel for the purpose of reporting on the meeting, except when a matter prescribed under section 69 of the Act is being considered.

31 Removal of persons

- (1) A person, other than a member, who interrupts the orderly conduct of a meeting of the council shall, on being requested to do so by the mayor, immediately leave the place where the meeting is being held.
- (2) A person who fails to comply with a request of the mayor under clause (1) may be removed, on the order of the mayor, from the place where the meeting is taking place with such force as is necessary.

32 Public participation at meeting

Except when invited to do so by the members at a meeting of the council, or in accordance with by-law 11, a member of the public shall not take, or attempt to take, part in the proceedings of the meeting.

Part III Committees of council**33 Conduct of meetings**

For the purposes of section 68 of the Act, the procedures for the conduct of a meeting of a committee shall, except as otherwise provided by these By-laws, be as determined from time to time by a majority of the members of the committee.

34 Disorder in committee

By-laws 27 and 28 apply to and in relation to a meeting of a committee as if the meeting was a meeting of the council and the chairman of the committee was the mayor.

35 Reports by committees

- (1) A report to the council by a committee shall be presented by the chairman of the committee or, in the absence of the chairman, by such other member of the committee as determined by the mayor.
- (2) Where distinct recommendations are made by a committee in a report to the council, the decision of the council in relation to each recommendation may be taken separately.

Part IV Miscellaneous**36 Mode of proceeding in cases not provided for**

Where, at a meeting of the council or a committee, a matter arises which is not provided for, in part or in whole, by the Act, the Regulations these By-laws or an existing decision of the council or committee as the case may be, the matter shall be dealt with in the manner determined by a resolution of the council or committee.

37 Offences

A person who contravenes, or fails to comply with, these By-laws is guilty of a regulatory offence.

Penalty: \$500.

38 By-laws, resolutions and motions to be construed subject to power

- (1) These By-laws shall be read and construed subject to the *Local Government Act 1993* and so as not to exceed the powers of the council, to the intent that where a by-law would, but for this by-law, have been construed as being in excess of that power it shall nevertheless be a valid by-law to the extent to which it is not in excess of that power.
- (2) Where a resolution or motion is passed purportedly in pursuance of these By-laws, the resolution or motion shall be read and construed subject to the *Local Government Act 1993* to the intent that where it would, but for this by-law, have been construed as being in excess of authority, it shall nevertheless be a valid resolution or motion to the extent to which it is not in excess of authority.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Tennant Creek (Meetings and Procedures) By-laws (SL No. 16, 1989)

Notified	9 August 1989
Commenced	9 August 1989

Statute Law Revision Act 2020 (Act No. 26, 2020)

Assent date	19 November 2020
Commenced	20 November 2020 (s 2)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: bl 1 and 38.

4 LIST OF AMENDMENTS

bl 2 rep Act No. 26, 2020, s 3