

NORTHERN TERRITORY OF AUSTRALIA
PALMERSTON (PROCEDURES FOR MEETINGS) BY-LAWS

Regulations 2003, No. 59

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 2003, No. 59*

By-laws under the *Local Government Act*

The Palmerston City Council, in pursuance of the powers conferred on it by the *Local Government Act* and in accordance with section 184(3) and (4) of the Act, at a meeting held on 21 October 2003, made the following By-laws and, for the purposes of section 63(2)(a) of the *Interpretation Act*, authorised Rodney Donne, the clerk, to sign them.

Dated 21 October 2003.

R. W. S. DONNE
Clerk

The common seal of the Palmerston City Council is affixed in pursuance of a resolution of the council authorising the seal to be affixed passed on 21 October 2003.

ANNETTE BURKE
Mayor

R. W. S. DONNE
Clerk

* Notified in the *Northern Territory Government Gazette* on 7 January 2004.

PALMERSTON (PROCEDURES FOR MEETINGS) BY-LAWS

PART 1 – PRELIMINARY

1. Citation

These By-laws may be cited as the Palmerston (Procedures for Meetings) By-laws.

2. Application

These By-laws apply in relation to –

- (a) meetings of the council;
- (b) meetings of a standing committee of the council; and
- (c) meetings of any other committee of the council if the council has determined by resolution that these By-laws apply to that committee.

3. Interpretation

(1) In these By-laws, unless the contrary intention appears –

"clear days" has the meaning in clause (2);

"chairman" means –

- (a) the mayor or other presiding member of the council; or
- (b) the chairman of a committee and includes another member of a committee when that member is presiding at a meeting of the committee,

(as the case may be);

"committee" means –

- (a) a standing committee of the council; or
- (b) a committee of the council referred to in by-law 2(c);

"deputation" means a person or group of persons who wish to appear personally before the council in order to address the council on a particular matter;

"formal motion" means a motion –

- (a) that the meeting proceed to the next business;

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- (b) that the question be put;
- (c) that the question lie on the table;
- (d) that the question be adjourned; or
- (e) that the meeting be adjourned;

"meeting" means a meeting of the council or a committee (as the case may be);

"member" means a member of the council or a committee (as the case may be);

"ordinary meeting" means an ordinary meeting of the council or a committee (as the case may be);

"point of order" means a point made to draw attention to an alleged breach of the Act or these By-laws in relation to the proceedings of a meeting;

"written notice" includes notice in a manner or form determined by the council.

(2) In calculating the number of clear days before the date of a meeting referred to in by-law 11(2), 13(1) or 14(2) –

- (a) the day on which a notice is given or an application is made, and the day on which the meeting occurs, are not to be taken into account; and
- (b) Saturdays, Sundays and public holidays are to be taken into account.

PART 2 – MEETINGS OF COUNCIL AND COMMITTEES

4. Ordinary meetings of the council

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

5. Commencement of meetings and quorums

(1) A meeting must commence as soon after the time specified in the notice of meeting as a quorum is present.

(2) If the number of apologies received by the clerk indicates that a quorum will not be present at a meeting, the clerk may adjourn the meeting to a specified day and time.

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(3) If 30 minutes after the time specified in the notice of meeting as the time of commencement a quorum is not present, the chairman or, in the chairman's absence, the clerk must adjourn the meeting to a specified day and time.

(4) If a meeting is adjourned for the want of a quorum, the clerk must record in the minute book –

- (a) the reason for the adjournment;
- (b) the names of the members present (if any); and
- (c) the date and time to which the meeting is adjourned.

(5) If a meeting is adjourned to another day, the clerk must –

- (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
- (b) give notice of the adjourned meeting to the public by displaying a notice setting out the date, time and place of the meeting at the council office.

6. Minutes

(1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next ordinary meeting.

(2) No discussion on the minutes may occur before the confirmation except as to the accuracy of the minutes as a record of proceedings.

(3) On the confirmation of the minutes, the chairman must –

- (a) initial each page of the minutes, which pages are to be consecutively numbered; and
- (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.

7. Order of business

(1) Subject to these By-laws, the order of business at an ordinary meeting must be as the council or the committee (as the case may be) determines by resolution.

(2) Despite a determination under clause (1), the order of business at an ordinary meeting may be altered for a particular meeting if the members at that meeting pass a motion to that effect.

(3) A motion under clause (2) may be moved without notice.

8. Business paper

(1) The clerk must, as soon as practicable before an ordinary meeting or within such other time as the council or the committee (as the case may be) determines by resolution, prepare a business paper for the meeting.

(2) Copies of the business paper must be made available to the public, at the council office and at the other places the council or the committee (as the case may be) determines by resolution, as soon as practicable before the meeting.

(3) The business paper prepared under clause (1) may contain any of the following:

- (a) matters of which notice has been given in accordance with these By-laws;
- (b) questions of which notice has been given in accordance with these By-laws;
- (c) matters referred to the council by a committee or matters referred to the committee by a subcommittee (as the case may be);
- (d) officers' reports referred to the meeting by the clerk;
- (e) any other business the council or the committee (as the case may be) determines by resolution is to be contained in the business paper.

(4) Subject to these By-laws, the council or the committee (as the case may be) may set by resolution a time prior to which items for inclusion in the business paper must be received by the clerk.

9. Chairman's report

After the confirmation of the minutes under by-law 6, the chairman may make any report to the meeting that he or she believes is necessary or expedient to make at the meeting.

10. Reports of delegates

At a meeting of the council, following the report (if any) of the chairman under by-law 9, any member who is a delegate or representative of the council in any other organisation may make a report to the council on any matter affecting that organisation that he or she considers should be brought to the attention of the meeting.

11. Questions

(1) Subject to this by-law, a member at a meeting may ask a question for reply by another member or the clerk.

(2) A member may ask a question on notice by giving the clerk written notice of the question at least 5 clear days before the date of the meeting at which the question is to be asked.

(3) If notice of a question is given under clause (2) –

(a) the clerk must ensure that the question is placed on the business paper for the meeting at which the question is to be asked; and

(b) the question and the reply must be entered in the minutes of the meeting at which the reply is given.

(4) A member may ask a question without notice at a meeting.

(5) The chairman may allow the reply to a question without notice to be given at the next meeting.

(6) A question without notice and the reply may be entered in the minutes of the meeting at which the reply is given but only if the members present at that meeting resolve that the question and the reply should be entered in those minutes.

(7) The chairman may rule that a question with or without notice is not required to be answered if the chairman considers that the question is vague, irrelevant, insulting or improper.

(8) A question must be asked categorically and without argument and no discussion may occur at the meeting in relation to a reply by the member or clerk or a refusal of a member to reply to the question.

(9) A member who asks a question is taken as not having spoken to the debate on the motion to which the question relates.

12. Petitions

(1) A petition to the council must –

(a) be legibly written or typed or printed;

(b) be addressed to the council;

(c) clearly set out the request or submission of the petitioners; and

(d) restate the whole of the petition on each page of the petition.

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(2) If a page of a petition does not comply with clause (1)(d), the signatures on the page are not to be taken into account by the council when considering the petition.

(3) When a petition is presented to a meeting of the council, a member of the public who is associated with the petition and is present at the meeting may stand and, if recognised by the chairman, may make a brief statement regarding the petition.

(4) A person must not append to a petition –

(a) a signature purporting to be that of another person; or

(b) the name of another person.

Penalty: 5 penalty units.

(5) An offence against clause (4) is a regulatory offence.

13. Deputations

(1) A deputation wishing to attend and be heard at a meeting of the council or a standing committee must, not less than 7 clear days before the date of the meeting, apply in writing to the clerk.

(2) The application must state why the deputation wishes to attend and be heard.

(3) On receiving an application under clause (1), the clerk must notify the mayor of the application and the mayor must determine whether the deputation may be heard and notify the clerk accordingly.

(4) If the clerk is notified by the mayor under clause (3), the clerk must –

(a) inform the deputation of the mayor's determination; and

(b) where the mayor has determined to hear the deputation, arrange a convenient time for the deputation to be heard at a meeting of the council.

(5) Only 2 persons in a deputation may address a meeting of the council or a standing committee unless the members at the meeting determine otherwise by resolution.

(6) A person in a deputation who is addressing a meeting of the council or a standing committee must be temperate in speech and manner and must not use insulting or offensive language.

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(7) The chairman may terminate an address by a person in a deputation if –

- (a) the chairman is satisfied that the purpose of the deputation has been sufficiently explained to the members at the meeting; or
- (b) the person is intemperate in speech or manner or uses insulting or offensive language.

14. Motions

(1) A member may bring forward any business in the form of a written notice of motion.

(2) The notice of motion must be given to the clerk at least 5 clear days before the date of the meeting at which the motion is to be moved.

(3) A motion the effect of which would, if carried, be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.

(4) If a motion under clause (3) is lost, a motion to the same effect cannot be brought –

- (a) until after the expiry of 3 months; or
- (b) until after the next general election,

whichever is the sooner.

(5) If a member who has given notice of a motion under clause (1) is absent from the meeting 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.

(6) Subject to the Act and these By-laws, a member may also bring forward any business by way of a motion without notice.

(7) A member proposing a motion without notice must put it in writing if required to do so by the chairman.

(8) The chairman must not accept a motion without notice if the effect of the motion would, if carried, be to incur expenditure in excess of \$1 000 unless –

- (a) the motion relates to the subject matter of a committee's or subcommittee's recommendation (as the case may be), or an

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officer's report, that is listed for consideration on the business paper; or

(b) the matter is urgent.

(9) The chairman may refuse to accept a motion or amendment if, in his or her opinion, the subject matter is beyond the power of the council or the committee (as the case may be).

(10) A motion lapses if it is not seconded at the appropriate time.

(11) A member may only speak once to a motion and once to an amendment except –

(a) to provide an explanation in regard to a material part of his or her speech but not so as to introduce any new matter;

(b) with leave of the meeting; or

(c) as the mover in reply.

(12) A member who has not spoken in the debate on a motion or an amendment may move a formal motion.

(13) A formal motion must be in the form, and has the effect, set out in clause (15).

(14) A formal motion in any other form, or having any other effect, must not be recognised.

(15) The effect of a formal motion is (if successful) that –

(a) if the motion is that the meeting proceed to the next business –

(i) if the debate is on an amendment – the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment; or

(ii) if the debate is on a motion – the motion lapses and the meeting proceeds to the next item of business;

(b) if the motion is that the question be put – debate is terminated and the question put to the vote by the chairman without further debate;

(c) if the motion is that the question lie on the table – the meeting immediately moves to the next item of business and the question can only be retrieved at a later time by resolution and, if retrieved, debate is resumed at the point of interruption;

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- (d) if the motion is that the question be adjourned – the question is disposed of for the time being but debate can be resumed at the later time at the point of interruption; or
- (e) if the motion is that the meeting be adjourned – the meeting is brought to an end immediately without the consideration of further business.

(16) If seconded, a formal motion takes precedence and must be put by the chairman without discussion unless the motion is for an adjournment, in which case discussion may occur but only on the details for resumption.

(17) A formal motion does not constitute an amendment to a substantive motion.

(18) If a formal motion is lost –

- (a) the meeting must be resumed at the point of interruption; and
- (b) if the formal motion was put during (not at the end of) debate on a question, a motion to the same effect cannot be put until at least one member has spoken on the question.

(19) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.

15. Amendments to motions

(1) A member (other than the mover or seconder of a motion under consideration) may move or second an amendment to the motion.

(2) An amendment lapses if it is not seconded at the appropriate time.

(3) If an amendment is lost, only one further amendment may be moved to the original motion.

(4) If an amendment is carried, only one further amendment may be moved to the original motion.

(5) An amendment to a motion must be in terms that retain the identity of the original motion and do not negate the motion.

(6) If a motion is amended by another motion, the original motion must not be put as a subsequent motion to amend the other motion.

16. Withdrawal of motion or amendment

(1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to withdraw the motion or amendment.

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(2) The chairman must immediately put the question for leave to be granted and must not allow debate on that question.

17. Address by members

(1) Subject to by-law 20(2), a member must not speak for longer than 5 minutes at any one time without leave of the meeting.

(2) A member may, with leave of the meeting, raise a matter of urgency.

(3) A member may, with leave of the meeting, make a personal explanation.

(4) The subject matter of a personal explanation may not be debated unless it is a personal explanation made under by-law 26(3).

(5) The contribution of a member must be relevant to the subject matter of the debate.

18. Voting

(1) The chairman or another member may ask the clerk to read out a motion before a vote is taken.

(2) In taking a vote, the chairman –

(a) must ask –

(i) first for the votes of the members in favour of the question;
and

(ii) then for the votes of the members against the question,

and may do so as often as is necessary to enable him or her to determine the result of the voting; and

(b) must then declare the outcome.

(3) A division must be taken at the request of a member made immediately following the declaration by the chairman under clause (2) of the outcome of a vote.

(4) If a division is called for, it must be taken immediately and the previous decision of the chairman as to whether the motion was carried or lost is set aside.

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- (5) The division must be taken as follows:
 - (a) the members voting in the affirmative must stand in their places until the vote is recorded;
 - (b) the members voting in the negative must sit in their seats until the vote is recorded;
 - (c) the chairman must count the number of votes and then declare the outcome.
- (6) After a division is taken, the clerk must record in the minutes –
 - (a) the result of the vote on the division;
 - (b) the names of the members who voted in the affirmative; and
 - (c) the names of the members who voted in the negative.

19. Adjourned business

(1) If a formal motion for a substantive motion to be adjourned is carried –

- (a) the adjournment may either be to a later hour of the same day, to another day or to another place; and
- (b) on resumption, the debate must continue from the point at which it was adjourned.

(2) If debate is interrupted for the want of a quorum and the meeting is then adjourned, on resumption, the debate must continue from the point at which it was interrupted.

(3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.

20. Chairman to take precedence

(1) If at any time during the debate of a matter at a meeting the chairman indicates he or she intends to speak, a member speaking or proposing to speak to the debate must cease speaking and remain silent, or refrain from speaking, until the chairman has been heard.

(2) When a member who ceased speaking in accordance with clause (1) resumes speaking, the member's remaining speaking time under by-law 17(1) is increased by one minute.

21. Mode of addressing members and officers

A member at a meeting must address and refer to another member or an officer by that member's or officer's official title or designation.

22. Priority of speaking

If 2 or more members at a meeting rise to speak at the same time, the chairman must decide which member will be heard first.

23. Members to stand when speaking

A member at a meeting must stand when speaking to a matter being considered at the meeting unless –

- (a) prevented from doing so by a physical disability; or
- (b) the council or the committee (as the case may be) has determined otherwise by resolution.

24. Imputation

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

25. Points of order

(1) The chairman may call to order a member at a meeting who is in breach of the Act or these By-laws in relation to the proceedings of the meeting.

(2) A member may raise a point of order and must state briefly the nature of the alleged breach.

(3) A point of order takes precedence over all other business until determined.

(4) The chairman must rule on a point of order immediately.

(5) If an objection is taken to the ruling of the chairman, a motion that the ruling not be agreed with must be moved immediately.

(6) The chairman is entitled to make a statement in support of the ruling before a motion under clause (5) is put.

(7) A motion carried under clause (5) binds the meeting and, if the ruling of the chairman is not agreed with –

- (a) the ruling has no effect; and
- (b) the point of order is annulled.

26. Interruption of meeting by members

- (1) A member at a meeting –
 - (a) must not behave in an improper or disorderly manner; or
 - (b) must not cause an interruption or interrupt another member who is speaking.
- (2) Clause (1)(b) does not apply to a member who is –
 - (a) objecting to words used by a member who is speaking;
 - (b) raising a point of order; or
 - (c) calling attention to the want of a quorum.

(3) If the chairman considers that a member may have acted in contravention of clause (1), the member must be allowed to make a personal explanation.

(4) Subject to clause (3), the member alleged to have contravened clause (1) must leave the meeting while the contravention is being considered by the meeting.

(5) If the remaining members resolve that a contravention of clause (1) has occurred, those members may, by resolution –

- (a) censure the member; or
 - (b) suspend the member for a part, or for the remainder, of the meeting.
- (6) A member commits an offence if the member –
- (a) refuses to leave a meeting in contravention of clause (4); or
 - (b) enters a meeting in contravention of a suspension under clause (5).

Penalty: 10 penalty units.

(7) An offence against clause (6) is a regulatory offence.

27. Interruption of meetings by others

- (1) A person (other than a member) at a meeting must not –
 - (a) behave in a disorderly manner; or
 - (b) cause an interruption.

Penalty: 5 penalty units

- (2) An offence against clause (1) is a regulatory offence.

28. Removal of persons from meetings

(1) A person (other than a member) who interrupts the orderly conduct of a meeting must, on being requested to do so by the chairman, immediately leave the place where the meeting is being held.

Penalty: 10 penalty units

- (2) An offence against clause (1) is a regulatory offence.

29. Public participation at meetings

Subject to this by-law and by-laws 12 and 13, a member of the public must not take part, or attempt to take part, in the proceeding of a meeting of the council except at the invitation of the chairman.

PART 3 – OTHER PROCEDURES FOR COMMITTEE MEETINGS

30. Calling committee meetings

(1) The first ordinary meeting of a committee must be held at a time and place appointed by the clerk.

(2) Other ordinary meetings of a committee must be held at the dates and at the times the council or the committee determines by resolution.

(3) The clerk must, as soon as practicable before a meeting of the committee or within such other time as the committee determines by resolution, give notice of the meeting.

(4) Meetings of a committee cannot be held on a Sunday or a public holiday.

(5) If requested by the chairman or 3 other members of a committee, the clerk must call a special meeting of the committee.

(6) Notice of a special meeting of a committee must –

(a) be given to all members of the committee at least 4 hours before the scheduled commencement of the meeting; and

(b) set out the business to be transacted at the meeting.

31. Chairman of standing committee

(1) At the first meeting of a standing committee after the conclusion of a general election, the members of the committee must appoint a chairman from their number.

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(2) If the office of chairman of a standing committee becomes vacant, the committee must appoint a new chairman.

32. Chairing meetings

(1) The chairman of a committee must preside at all meetings of the committee at which he or she is present.

(2) If the chairman is absent from a meeting, a member of the committee appointed by a majority of the members present at the meeting must preside.

33. Committee meetings open except as prescribed

Committee meetings must be open to the public except where a matter prescribed under section 56 of the Act as confidential for the purposes of meetings of the council is being considered or voted on.

34. Standing committees may appoint subcommittees

(1) A standing committee may establish subcommittees of its members.

(2) A resolution establishing a subcommittee must –

(a) specify the purpose for which the subcommittee is established and, if appropriate, specify a time by which a final report or recommendation must be made to the standing committee by the subcommittee; and

(b) give any direction that the standing committee considers necessary in relation to the convening and conduct of a meeting of the subcommittee.

35. Reports to council by committees

(1) A report to the council by a committee must be presented at a meeting of the council by –

(a) the chairman of the committee; or

(b) in the chairman's absence – another member of the committee as determined by the chairman of the meeting.

(2) If more than one recommendation is made by a committee in a report to the council, the decision of the council on each recommendation may be taken separately.

36. Power to determine procedures

Except as provided by these By-laws or as the council determines by resolution, the procedures for meetings of a committee may be determined by the committee by resolution.

PART 4 – REPEAL

37. Repeal

The Palmerston (Council Meetings and Procedures) By-laws (Regulations 1991, No. 37) are repealed.
