

NORTHERN TERRITORY OF AUSTRALIA

KATHERINE (COUNCIL MEETINGS AND  
PROCEDURES) BY-LAWS

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NORTHERN TERRITORY OF AUSTRALIA

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Regulations 1990, No. 47\*

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By-laws under the *Local Government Act*

The Katherine Town Council, in pursuance of the powers conferred on it by the *Local Government Act* and in accordance with section 204(2) and (3) of the Act, at a meeting held on 30 July 1990, made the following By-laws, and for the purposes of section 63(2)(a) of the *Interpretation Act*, authorized Allan R. McGill, the Clerk, to sign them.

Dated 31 August 1990.

A.R. McGill  
Clerk

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KATHERINE (COUNCIL MEETINGS AND  
PROCEDURES) BY-LAWS

PART I - PRELIMINARY

1. SHORT TITLE

These By-laws may be cited as the Katherine (Council Meetings and Procedures) By-laws.

PART II - MEETINGS OF COUNCIL

*Division 1 - Business*

2. PROCEDURE FOR MEETINGS AS PRESCRIBED

For the purpose of section 68 of the *Local Government Act*, the procedures for the conduct of meetings of the council are as prescribed in this Part.

3. ORDINARY MEETINGS

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

4. ORDER OF BUSINESS

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.

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\* Notified in the *Northern Territory Government Gazette* on 17 October 1990.

*Katherine (Council Meetings and Procedures) By-laws*

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 members and 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.

(3) A business paper prepared under clause (1) shall contain -

- (a) business arising out of previous meetings of the council;
- (b) business which the mayor may wish to have considered at the meeting without notice;
- (c) matters of which notice, in accordance with by-law 6, is given;
- (d) matters referred to the council by a standing committee;
- (e) officers' reports to the council referred to the meeting by the clerk; and
- (f) such other business as the council from time to time determines by resolution be contained in the business paper.

6. NOTICE OF BUSINESS TO BE GIVEN BY MEMBER

(1) Subject to these By-laws, where a member wishes the council to consider a matter at a meeting he shall give notice of the matter to the clerk within such time before the meeting as the council from time to time determines by resolution.

(2) The clerk shall, on receipt of a notice under clause (1), include in the business paper prepared under by-law 5, details of the matter to which the notice relates.

7. CONSIDERATION OF MATTER DURING GENERAL BUSINESS

(1) Notwithstanding by-law 6, a matter for which notice under that by-law has not been given may be considered at an ordinary meeting during that part of the meeting set aside for general business.

(2) A member at a meeting of the council shall not speak to a matter raised for consideration in general business under this by-law for longer than 5 minutes.

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8. OFFICIAL MINUTE

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

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, acquaint himself 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 -

- (a) be received and consideration stand as an order of the day for the meeting or for a future meeting; or
- (b) be received and referred to a committee or officer for consideration and a report to the council.

10. DEPUTATION

(1) For the purposes 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), he shall -

- (a) inform the deputation of the determination of the mayor; and

*Katherine (Council Meetings and Procedures) By-laws*

(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) Unless 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 clause (8), 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) The mayor may terminate an address by a person in a deputation at any time where -

(a) the mayor is satisfied that the purpose of the deputation has been sufficiently explained to the members at the meeting; or

(b) the person uses insulting or offensive language.

*Division 2 - Motions*

11. MOTIONS

A motion brought before a meeting of the council in accordance with the *Local Government 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, he 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 6 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

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(b) deferred to the next ordinary meeting.

15. MOTION TO BE SECONDED

(1) Subject to clause (2), 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 of order.

(2) Where a motion is moved under clause (1) -

(a) further consideration of the matter in relation to which the ruling of the mayor was made is suspended until after that motion is put; and

(b) the mayor shall vacate the chair and the council shall appoint another member to act as chairman until that motion is determined.

(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 be 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 -

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- (a) be in writing and signed by the member proposing the motion; and
- (b) subject to clause (3), 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 the 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) or for the purposes of clause (3) 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 or in relation to a motion referred to in by-law 19.

(6) Where a resolution of the council relates to a matter the subject of a previous resolution passed by the council more than 3 months before that later resolution, that previous resolution is, to the extent that it is inconsistent with the later resolution, altered or rescinded.

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 30 minutes after that motion was put, move a similar motion.

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(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 until after the expiration of 30 minutes after that motion was put.

(5) A procedural motion, that a 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 at the meeting 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 or any amendment to it.

(6) Where a procedural motion that a question be put is -

(a) carried, the mayor shall immediately put the question to the motion or any amendment to it; or

(b) lost, debate on the motion or any amendment to it shall continue.

20. DIVISION

(1) Where a question before a meeting of the council has been put, a member of the council may call for a division.

(2) The mayor shall state the question referred to in clause (1) and direct the members who voted in the affirmative to proceed to the right of the chair and the members who voted in the negative to the left of the chair, where they shall remain until the vote is recorded.

(3) Every member present shall record his vote for or against the question in the minutes.

*Division 3 - Questions and Discussions*

21. 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.

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(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.

(4) Notwithstanding clause (2), a member or officer of whom a question is asked may, at the meeting of the council at which the question is asked, request that the question be taken on notice for the next ordinary meeting.

(5) A member who asks a question at a meeting of the council shall be deemed not to have spoken to the debate of the motion to which the question relates.

22. MAYOR TO TAKE PRECEDENCE

The mayor may, at any time during the debate of a matter at a meeting of the council, indicate his 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.

23. 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.

24. LIMITATION OF NUMBER OF SPEECHES

(1) Subject to this by-law, a member who moves a motion shall have a right to speak to the motion and to any amendment proposed to it and has a right of reply.

(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 to the motion and to any amendment proposed to it.

(3) Subject to clauses (4) and (5), a member at a meeting of the council may not speak for more than 5 minutes on a question before the meeting.

- (4) A member who moves a motion may not speak -
  - (a) to the motion for longer than 10 minutes; and
  - (b) in the member's right of reply, for longer than 5 minutes.

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(5) Notwithstanding clause (3), where -

- (a) 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 a further period, of not longer than 5 minutes, as is determined by those members; or
- (b) a member considers that he has been misrepresented or misunderstood, the member may be permitted by the mayor to answer, without further observation than is necessary, the misrepresentation or misunderstanding.

(6) A ruling of the mayor under clause (5) shall be final and conclusive and shall not be discussed or be the subject of a motion of dissent.

25. 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.

26. MEMBERS TO STAND WHEN SPEAKING

A member at a meeting of the council shall 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 has by resolution determined otherwise.

27. 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*

28. 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 *Local Government Act* or 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

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(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 he 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 on the question.

(5) A ruling of the mayor made under clause (4) shall be obeyed except where a motion of dissent is subsequently passed in respect of the ruling.

(6) A member who, under clause (4), is ruled to be out of order more than once at a meeting of the council is guilty of an offence.

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

(8) A member who refuses to leave the place where a meeting of the council is taking place on being requested to do so under clause (7) is guilty of an offence.

29. DISORDER

(1) The mayor may, where disorder arises at a meeting of the council, adjourn the meeting for 15 minutes and quit the chair.

(2) Where, under clause (1), a meeting is adjourned, the mayor shall, on 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.

*Katherine (Council Meetings and Procedures) By-laws*

30. BUSINESS OF OBJECTIONABLE NATURE

If at a meeting of the council the mayor or a member considers that a matter before the meeting is objectionable, the mayor may, on the mayor's own motion or on that of another member, declare, on a point of order, that the matter not be considered further.

*Division 5 - Attendance and Non-attendance*

31. QUORUM NOT PRESENT

(1) Where, at the expiration of the time referred to in section 66(2) of the *Local Government 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 a meeting of the council, a quorum of members, as required by section 66(1) of the *Local Government Act*, is not present, the mayor shall suspend the meeting for a period of 30 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 time or to another date, as he thinks fit.

(3) For the purposes of this by-law, a member is present at a meeting of the council if that member is in the room in which the meeting is taking, or is to take, place and seated at the place allocated to him for the meeting.

*Division 6 - Media and Public*

32. 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.

(2) Subject to the *Local Government Act* and these By-laws, journalists may be present at a meeting of the council for the purpose of reporting on the meeting.

33. REMOVAL OF PERSONS FROM MEETINGS

(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.

*Katherine (Council Meetings and Procedures) By-laws*

(2) A person who fails to comply with a request of the mayor under clause (1) may, on the order of the mayor, be removed, with such force as is necessary, from the place where the meeting is taking place.

34. 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 10, a member of the public shall not take part, or attempt to take part, in the proceeding of a meeting.

PART III - COMMITTEES OF COUNCIL

35. PROCEDURES FOR MEETINGS OF COMMITTEES

For the purpose of section 68 of the *Local Government 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 the members of the committee.

36. MEETINGS OF COMMITTEES

A meeting of a committee shall be held -

- (a) in the case of a standing committee, in pursuance of section 61(4) and (5) of the *Local Government Act*, at the dates and times as the committee from time to time determines by resolution or the chairman of the committee from time to time directs; or
- (b) in the case of a committee other than a standing committee, subject to any directions given or restrictions imposed by the council pursuant to section 62(3) or 63(3) of the *Local Government Act*, at the dates and times described in paragraph (a).

37. DISORDER IN COMMITTEE

By-laws 28 and 29 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.

38. REPORTS BY COMMITTEES

(1) A report to the council by a committee shall be presented by the chairman of the committee or, in his absence, 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

39. DISPENSING WITH REQUIREMENT OF BY-LAWS

The members at a meeting of the council may, by resolution passed at that meeting, dispense with a requirement of these By-laws in or in relation to the conduct of that meeting.

40. MODE OF PROCEEDING IN CASES NOT PROVIDED FOR

(1) Where, at a meeting of the council or a committee, a matter arises which is not provided for, in part or in whole, by these By-laws, the matter shall be dealt with in accordance with a resolution of the council or the committee carried by not less than two thirds of the members present at the meeting.

(2) Where, at a meeting of the council or a committee, a question arises relating to the interpretation of these By-laws, the question shall be determined by reference to the latest edition of "*Joske's Law and Procedure at Meetings in Australia*" by W.J Chappenden.

41. OFFENCES

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

Penalty: \$500.

42. REPEAL

Chapter 2 of The By-laws of the Katherine Town Council is repealed.

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The common seal of the Katherine Town Council was affixed hereto in pursuance of a resolution of the council passed on 30 July 1990, authorizing the seal to be so affixed.

J.B. Forscutt  
Mayor

A.R. McGill  
Clerk

MEMORANDUM FOR THE DIRECTOR

DATE: 10/15/54

TO: SAC, NEW YORK (100-100000)

FROM: SAC, NEW YORK (100-100000)

SUBJECT: [Illegible]

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