

NORTHERN TERRITORY OF AUSTRALIA

ALICE SPRINGS (COUNCIL MEETINGS AND PROCEDURES) BY-LAWS

As in force at 1 July 2008

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# NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the By-laws as in force at 1 July 2008. Any amendments that commence after that date are not included.

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## ALICE SPRINGS (COUNCIL MEETINGS AND PROCEDURES) BY-LAWS

### By-laws under the *Local Government Act*

#### **Part I Preliminary**

##### **1 Short title**

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

#### **Part II Meetings of council**

##### **Division 1 Business**

##### **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**

- (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 the 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 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 without notice**

Notwithstanding by-law 6, 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 members at the meeting permitting it to be considered.

## **8 Mayoral minute**

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

## **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:
  - (a) that the petition be received and consideration stand as an order of the day for the meeting or for a future meeting; or
  - (b) that the petition 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
  - (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 one person representing the deputation will ordinarily be heard at a meeting of the council unless:
  - (a) the mayor permits other persons in the group comprising the deputation to be heard; and

- (b) there is no objection by a member present at the meeting to other persons in the group being heard.
- (6) A person in a deputation at a meeting of the council shall be temperate in his 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) Notwithstanding clause (7), the mayor may terminate an address by a person in a deputation at any time where he 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 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
- (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 or may reserve the right to speak to it immediately after it has been seconded.
- (3) A member who seconds a motion or an amendment to a motion may, if the mover has reserved the right to speak to the motion or amendment immediately after it has been seconded, reserve the right to speak in support of his or her seconding immediately after the mover has finished speaking for the first time.

**16 Motion and amendment to motion**

At a meeting of the council, a member shall not put more than one motion or one amendment to the motion at any one time.

**17 Method of taking vote – divisions**

- (1) A motion or amendment to a motion shall be moved and seconded by members present at the meeting at which the motion or amendment is considered before the motion or amendment is put to the vote.
- (2) The mayor shall call:
  - (a) firstly, for votes for the motion or amendment to the motion; and
  - (b) secondly, for votes against the motion or amendment to the motion,

and may do so as often as the mayor considers it necessary to enable him or her to form and declare an opinion as to whether there is a majority of affirmative or negative votes.

- (3) A member present and voting may request that his or her name be recorded in the minutes as having voted for or against a motion or amendment to the motion, and the clerk shall comply with the request.
- (4) A member may, immediately after a vote on a motion or an amendment to a motion has been taken, call for a division in respect of the voting.

- (5) Where a division is called under clause (4), the members who voted in the affirmative when the vote was taken shall stand in their places and the clerk shall record their names in the minutes of the meeting.
- (6) Where a division is called under clause (4), it shall not operate to vary the result of a vote taken by a show of hands.

## **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 or the alteration or rescission is on the recommendation of a standing committee of the council.
- (2) A notice of motion referred to in clause (1) shall:
  - (a) be in writing and signed by the member proposing the motion;
  - (b) have the name of the seconder of the motion endorsed on it; and
  - (c) 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) 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-law 19.

## **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.
- (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) 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 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 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, 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 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.

**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 these By-laws, a member who moves a motion may:
  - (a) speak to the motion;
  - (b) speak to a proposed amendment to the motion;
  - (c) speak in reply to an amendment to the motion;
  - (d) reply to a question asked, or provide an explanation, relative to the motion; and
  - (e) speak in reply to the substantive motion, as amended.
- (1A) After the member has replied to a substantive motion, as amended, except to ask questions seeking clarification of the content or wording of the substantive motion, a member may not speak to the motion or amendment.
- (1B) Subject to these By-laws, a member who moves an amendment to a motion may:
  - (a) speak to the amendment;
  - (b) speak to an amendment subsequently proposed; and

- (c) reply to a question asked, or provide an explanation, relative to the amendment.
- (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 clause (4), a member at a meeting of the council may not speak:
  - (a) more than once; or
  - (b) for more than 5 minutes,on a motion or amendment to a motion before the meeting.
- (4) 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 more than 5 minutes, as is determined by those members; or
  - (b) a member considers that he has been misrepresented or misunderstood, the member may 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 signify their intention to speak at the same time the mayor shall decide which member shall be heard first.

#### **25 Personal reflections on members or officers**

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

### **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, he:
  - (a) is in breach of the Act or these By-laws;

- (b) uses language which, according to common usage, would be considered disorderly;
  - (c) uses an expression or mode of behaviour that is 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 he 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.

## **27 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.

**28 Motion, etc., to be rejected if out of order**

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

**28A 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, 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 the 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 if the ruling had not been made; or
  - (b) where, as a result of the 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.

**Division 5 Attendance and non-attendance**

**29 Quorum not present**

- (1) Where 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 is not present, the mayor shall suspend the meeting for a period of 3 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 he thinks fit.
- (3) For the purposes of this by-law, a member is present at a meeting of the council if he 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****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.
- (2) At a meeting of the council reasonable facilities shall be made available to media personnel for the purpose of reporting on the meeting.

**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) is guilty of an offence and 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 council, or in accordance with by-law 10, a member of the public shall not take, or attempt to take part, in the proceeding of a meeting of the council.

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

Subject to 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 the members of the committee.

**34            Disorder in committee**

By-laws 26 and 27 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 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.

**35A Public participation at meeting of committee**

A meeting of a committee is not open, and minutes of a meeting of a committee are not available, to a member of the public except where the committee, or the council, by resolution, so orders.

**Part IV Miscellaneous****36 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.

**37 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 these By-laws, the matter shall be dealt with in accordance with the procedures in the Standing Orders of the Legislative Assembly, so far as those orders are applicable.

**38 Offences**

A person shall not contravene or fail to comply with these By-laws.

Penalty: \$500.

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**ENDNOTES**
**1****KEY**

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

**2****LIST OF LEGISLATION*****Alice Springs (Council Meetings and Procedures) By-laws (SL No. 42, 1987)***

Notified	4 November 1987
Commenced	4 November 1987

***Amendments of Alice Springs (Council Meetings and Procedures) By-laws (SL No. 26, 1992)***

Notified	1 July 1992
Commenced	1 July 1992

***Amendment of Alice Springs (Council Meetings and Procedures) By-laws (SL No. 1, 1993)***

Notified	3 February 1993
Commenced	3 February 1993

***Statute Law Revision Act (No. 2) 2004 (Act No. 54, 2004)***

Assent date	15 September 2004
Commenced	27 Oct 2004 ( <i>Gaz</i> G43, 27 October 2004, p 3)

***Local Government (Consequential Amendments) Act 2008 (Act No. 28, 2008)***

Assent date	14 November 2008
Commenced	1 July 2008 (s 2)

**3****LIST OF AMENDMENTS**

bl 2	amd Act No. 54, 2004, s 8 rep Act No. 28, 2008, s 4
bl 8	amd No. 26, 1992, bl 2
bl 10	amd No. 26, 1992, bl 3
bl 15	amd No. 26, 1992, bl 4
bl 16 – 17	sub No. 26, 1992, bl 5
bl 18	amd No. 1, 1993
bl 23	amd No. 26, 1992, bl 6

## ENDNOTES

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bl 24	amd No. 26, 1992, bl 7
bl 25	amd No. 26, 1992, bl 8
bl 26	amd No. 26, 1992, bl 9
bl 28	amd No. 26, 1992, bl 10
bl 28A	ins No. 26, 1992, bl 11
bl 29	amd Act No. 28, 2008, s 4
bl 31	amd No. 26, 1992, bl 12
bl 33	amd Act No. 28, 2008, s 4
bl 35A	ins No. 26, 1992, bl 13
bl 38	sub No. 26, 1992, bl 14