

TOWNSVILLE CITY COUNCIL

LOCAL LAW NO. 2

MEETING AND BUSINESS OF THE COUNCIL, COMMITTEES, RECORDS AND OFFICERS

1. This Chapter is arranged as follows:-

PART I – MEETINGS;
PART II – STANDING ORDERS;
PART III – PRESS AND PUBLIC;
PART IV – COMMITTEES;
PART IVA – ACCOUNTS AND FUNDS;
PART V – RECORDS AND SEAL;
PART VI – OFFICERS.

PART 1

MEETINGS

Statutory Meeting of the Council

2. The meeting of the Council required by Section 14(1) of the Local Government Act to be held after the conclusion of every triennial election, or of a fresh election of all the members (hereinafter referred to as the statutory meeting) shall be held on a day not being less than three days nor more than five days after the date on which the returning officer publicly notifies in accordance with the provisions of Schedule III, Rule 23, of the said Act the general state of the poll, and the actual day and hour of the meeting on that day shall be fixed by the Town Clerk in his discretion.

Agenda for Statutory Meetings

3. The agenda for the statutory meeting shall comprise –
 - (1) The election of a Deputy Mayor.
 - (2) The granting of an allowance to the Mayor and Deputy Mayor.
 - (3) The fixing of the day and hour of the Ordinary Meeting of the council.
 - (4) The appointment of and the assignment of duties to General and Special Committees.
 - (5) The appointment of Representatives to Statutory Bodies.
 - (6) The appointment of Representatives to other organisations.
 - (7) Matters arising from the Triennial Election.

- (8) Such other business (if any) as the Mayor may direct.

Ordinary Meetings

4. Ordinary Meetings of the Council shall be held on such days in each month and at such hour as may be appointed by the Council at its statutory meeting, provided that such times may be altered from time to time at an ordinary meeting of the Council.

Agenda for Ordinary Meetings

5. (i) Except where no matter relating to them is on the agenda for an ordinary meeting of the Council, the following documents shall be attached to every such agenda:-
- (1) Minutes for Confirmation;
 - (2) Mayor's Minutes;
 - (3) Committee Reports;
 - (4) Officers' Reports;
 - (5) Questions of which notice has been given;
 - (6) Motions of which notice has been given.
- (ii) The Mayor may include in the agenda any matter he considers should be brought before the meeting.
- (iii) If an ordinary meeting lapses at any stage because of lack of a quorum, the Clerk shall include the undisposed of business in the agenda for the next ordinary meeting unless that business has been disposed of by a special meeting or can no longer be transacted.
- (iv) The order of business shall be as follows, that is to say:-
- (1) Confirmation of Minutes;
 - (2) Business arising out of the minutes of the previous meeting;
 - (3) Reading of Mayor's minutes;
 - (4) Special correspondence;
 - (5) Presentation of petitions and memorials by Aldermen;
 - (6) Reception and consideration of reports of committers, officers and others;
 - (7) Questions of which notice has been given;
 - (8) Motions of which notice has been given;
 - (9) Miscellaneous business;
 - (10) Reception of notices of motion:

Provided that, after the confirmation of the minutes, the Mayor may, or the Council may by resolution made upon a motion duly moved and seconded without comment and put without debate, accord precedence to any business whether the same be set down on the agenda for consideration or it be such that it may properly be brought forward for consideration as an item of Miscellaneous Business.

Special Meetings

6. Special meetings may be held from time to time at such times as the Council may appoint. The mayor may call a special meeting of the Council in the manner prescribed as often as he thinks proper. If the Mayor refuses to call or delays for more than two days in calling any such meeting, after receiving a requisition for that purpose signed by at least three aldermen, then any three such aldermen may call a special meeting of the Council in the manner prescribed by notice signed by themselves, and stating the business to be transacted.

Commencement of Business

7. The Council shall commence business at the time appointed for holding the meeting, or so soon before the expiration of half an hour thereafter as a sufficient number of members is present to constitute a quorum:

Provided that no business shall be transacted at any meeting unless a quorum is present.

A member shall not be deemed to be present at any meeting of the Council unless he is within the room in which the meeting is being held.

Adjournment of Meetings

8. (i) The members present at a meeting may, from time to time, adjourn the meeting.

If at a meeting a quorum is not present within half an hour after the time appointed for such meeting, the Chairman or in his absence the majority of the members present, or a member, if only one be present, or the Clerk if a member not be present, shall adjourn the meeting to some future day not later than fourteen (14) days from the date of adjournment:

Provided that nothing herein shall be construed so as to prevent the adjournment of a meeting to some hour later in the day on which such meeting was appointed to be held.

- (ii) At all meetings of the Council when there is not a quorum of members present, such circumstances, together with the names of the members then present shall be recorded in the Minute Book.
- (iii) If at any time during a meeting of the Council a quorum is not present, the Chairman shall thereupon suspend the proceedings of such meeting for a period of five (5) minutes, and if a quorum be not present at the expiration of that period, the names of those who are present shall be recorded in the Minute Book and the Chairman shall adjourn such meeting to some hour later in the day or to some future day, and such meeting shall stand adjourned accordingly.

Attendance Book

9. The members present at each meeting of the Council shall sign their names in a book to be kept for that purpose, and after a meeting of the Council has been formally constituted and the business thereof commenced, a member shall not enter, leave, or withdraw from such meeting without first notifying the Mayor.

Call of the Council

10. (i) A call of the Council may by resolution, after due notice of motion, be ordered for the consideration of any motion or matter of business before the Council.
- (ii) There shall, without any resolution to that effect, be a call of the Council for the consideration of every motion which may be made in respect of any charge against an alderman of persisting in disorderly conduct as hereinafter provided and also of every motion for revocation or alteration of any resolution of the Council.
- (iii) The call shall be made immediately before the motion or business for which such call has been ordered or is required to be made is moved or considered.

The call shall be made as follows:- The Town Clerk shall call the names of all the aldermen in their alphabetical order; each alderman present shall answer to his name so called, and if any alderman is absent a record shall be made of such absence, but if leave of absence to any alderman has been previously granted, or if such excuse in writing has been forwarded to the Mayor or town Clerk as a majority of the Council then present considers satisfactory, such absent alderman shall be excused, and a record shall be made of such excuse and of the reason for the same.

Notice of Meetings

11. The Clerk shall issue the notices of all meetings in the manner prescribed by Section 14(6) of the Local Government Act, and failure to receive a notice on the part of any member shall not affect the validity of an ordinary or adjourned or special meeting of the Council.

Business to be confined to Agenda

12. Except as by the By-laws is otherwise provided, no business not on the business paper or fairly arising thereout shall be considered at any meeting of the Council unless permission is given by the Council at such meeting.

Notice of Business to be Given

13. Any alderman desirous of bringing any business before the Council shall give written notice thereof, either at a previous meeting of the Council or by written notice to the Clerk, at least four days before the meeting at which the business is to be brought forward, specifying the nature and substance thereof: Provided that the Mayor may authorise the Clerk to accept shorter notice in any case.

PART II

STANDING ORDERS

14. For the conduct of business and the preservation of order at meetings of the Council, such meetings shall be governed by the standing orders contained in this part.

Mayor's Minutes

15. The Mayor shall have the right of directing the attention of the Council at any meeting of the Council to any matter or subject within the jurisdiction of official cognisance of the Council by a minute signed by himself; and such minute shall, when introduced, take precedence over all business before, or to come before, the Council; and the adoption thereof may be put by him from the chair as a motion, without being seconded. The recommendations made in the Mayor's minutes shall, so far as adopted by the Council, be resolutions of the Council.

Correspondence

17. (i) Correspondence with the Council or with a committee of the council shall be in writing signed by the author and couched in respectful, decorous and temperate language, and except as prescribed in Clause (ii) of this By-law, shall be addressed to the Clerk.
- (ii) A complaint against an officer or servant of the Council shall be in writing addressed to the Mayor, and placed before the Council.
- (iii) An anonymous letter may be destroyed by the Clerk as soon as he receives it.
- (iv) The Clerk shall determine what inward correspondence shall be placed before the Council for its decision and what outward correspondence should be placed before the Council for its information.
- (v) The clerk may refer correspondence directly to the relevant committee without first placing it before the Council or may himself deal with that correspondence.
- (vi) Notwithstanding the provisions of clauses (iv) and (v) of this By-law, the Council or the Mayor may require the Clerk to place all correspondence of a particular class or with a particular person before the Council and a member may require the Clerk to place particular correspondence before the Council.
- (vii) Any member may require to be read any letter appearing on the business paper, but which has not actually been read. Unless any member does so require, such letters shall be "taken as read".
- (viii) Upon the reading of any letter such letter shall be open for discussion by the Council in such manner as the members think fit.
- (ix) Notwithstanding any previous provision of this clause any member may require any inward or outward letter to be read.

Petitions

18. (i) Every petition or memorial must be presented by an alderman, who shall, as far as possible, make himself acquainted with the subject matter thereof; the nature and prayer of every such petition or memorial shall be stated to the Council by the alderman presenting the same.
- (ii) On the presentation of a petition to the Council it shall be read and the only questions which shall be entertained by the Council shall be –
- (a) that the Petition be not received; or
 - (b) that the Petition be received and referred to a committee for consideration with or without power to act; or
 - (c) that the Petition be received and that its consideration stand in order of the day for the meeting at which it is presented or some future meeting.
- (iii) No petition or memorial shall be received unless it is worded in respectful language.

Committee Reports

19. (i) All committee reports shall be dealt with at the meeting at which they are presented.
- (ii) Where a committee report has not been furnished to the members at least two days prior to the meeting, the meeting shall be adjourned for a time to allow the members a reasonable opportunity to read it.
- (iii) If in a report of a committee a recommendation consisting of a number of subclauses is made, the decision of the Council may be taken separately on each subclause.
- (iv) Any report of a committee, or any portion thereof, may be amended by the Council in any manner it may think fit, or may be referred back to the committee for further consideration.
- (v) The recommendations or reported decisions of any committee shall, so far as adopted by the Council, be resolutions of the Council.

Questions

20. Any member desirous of putting a question to the Mayor or to the Chairman of any committee or to any member as to the general work or procedure of the Council or any matter under the jurisdiction or official cognisance of the Council, shall reduce the same to writing and forward it to the Clerk at least one day before the meeting at which it is to be asked; Provided that any such question may, with the consent of the Chairman, be put without notice, but reply on the part of the member questioned

without notice shall be optional. The foregoing provisions of this clause do not restrict the right of a member to ask for information or the production of documents of the Council in the course of debate.

Deputations

21. (i) A person or persons wishing to be received as a deputation by the Council, shall, in the first instance, send to the Clerk a written request, setting out in concise terms the subject matter to be raised by the deputation and specifying the name and address of the person authorised to receive notices on behalf of the deputation.
- (ii) Unless the Council otherwise resolves in the particular case, the written request shall be given to the Clerk at least seven (7) days before the meeting at which the deputation wishes to be heard.
- (iii) the Clerk shall inform the Mayor of the receipt of a request under clause (i) of this By-law.
- (iv) Unless otherwise directed by the Mayor, the Clerk shall list the hearing of the deputation on the next ordinary meeting agenda, and give the person specified in the request written notice of the time and date when the deputation will be heard.
- (v) A deputation shall not exceed six (6) in number and only two (2) members thereof shall be at liberty to address the Council except in reply to questions from members of the Council.
- (vi) The appointed speakers shall restrict their respective addresses to not more than five (5) minutes.
- (vii) If a member of the deputation other than the appointed speakers interjects or attempts to address the Council the Chairman may warn the deputation that a repetition may result in the deputation not being heard further.

If there is a repetition after the Chairman has given the aforesaid warning, the Chairman may call on the next business.

Unless the Council otherwise resolves, the effect of calling on the next business is that the deputation will not be heard at that meeting and a fresh request shall be given to the Clerk if the deputation wishes to be heard at a subsequent meeting.

- (viii) The subject matter raised by the deputation shall not be further considered by the Council until the deputation has withdrawn.

Motions on Notice

22. (i) A member may bring forward at a meeting such business as he considers advisable, in the form of a motion, of which notice has been given in writing to

the Clerk, either at the previous meeting or at a time thereafter, being not less than seven (7) clear days before the meeting at which it is brought forward.

- (ii) A notice of motion shall relate to some question affecting the constitution, administration, or condition of the Area or the Council and within the jurisdiction of the Council.
- (iii) The Chairman shall rule out of order a motion which does not comply with clause (ii) of this By-law.
- (iv) Notices of motion shall be dated and numbered by the Clerk as received.
- (v) The Chairman may call over the notices of motion on the business paper, in the order in which they appear therein; and if objection be not taken to a motion being taken as a formal motion, may, without seconding and without discussion, put the motion to the vote.
- (vi) In the absence of a member who has given notice of a motion, any other member may at such meeting move the same; or such motion may be deferred till the next ordinary meeting. Unless so moved or deferred it shall lapse, and may not again be introduced except upon fresh notice.
- (vii) If any member who has given notice of a motion declines or omits to move the same, any other member may do so.
- (viii) If the Chairman shall be of opinion that any motion or business proposed to be made or transacted is of an objectionable character, or beyond the powers of the Council, it shall be competent for him, either before or after the same is brought forward, and either on his own motion or at the instance of a member, to declare that the same shall not be entertained: Provided always that any member may move dissent from the declaration made from the chair, whereupon the motion to dissent shall be dealt with as hereinafter provided for motions of dissent from the Chairman's ruling on points of order.

Business without Notice

23. Notwithstanding a provision in these By-laws to the contrary, business of which due notice has not been given may be brought forward at any ordinary meeting of the Council if the Council resolves to permit that business.

Motions and Amendments

24. (i) The mover of a motion or amendment shall not speak to it unless or until it has been seconded.
- (ii) A member may request the Chairman for further information before or after the motion or amendment is seconded.
- (iii) After a motion or amendment is seconded the mover may address the Council.

- (iv) If an amendment has been negatived, then a further amendment may be moved to the motion, to which such first-mentioned amendment was moved, and so on, provided that not more than one motion and one proposed amendment thereof shall be before the Council at any one time.
 - (v) A member shall not move more than two (2) motions or amendments in succession without the Chairman's permission.
 - (vi) A motion or amendment when seconded may be withdrawn by the mover thereof with the consent of the council, which shall be signified without debate, and a member shall not speak upon such motion or amendment thereof after the mover has been granted permission by the Council for its withdrawal.
 - (vii) The mover of an original motion shall have the right of general reply to all observations which have been made in reference to such motion, and to any amendment moved thereof, as well as the right to speak upon every such amendment. Every member, other than the mover of an original motion, shall have the right to speak once upon such motion, and once upon every amendment moved thereon. No member shall, without the consent of the Council speak more than once upon any one question, unless when misrepresented or misunderstood, in which case he may be permitted to explain as hereinafter provided.
 - (viii) A member may with the permission of the Chairman make a personal explanation in relation to some material part of his former speech which may have been misunderstood or misrepresented.
 - (ix) A member desirous of making a personal explanation or matters referred to by any member then speaking, shall be entitled to be heard forthwith if the member then speaking consents at the time, but if the member who is speaking declines to give way, the explanation must be offered at the conclusion of the speech.
 - (x) The ruling of the Chairman on the admissibility of a personal explanation shall be final and conclusive, and shall not be open to discussion or dissent.
 - (xi) A member who has moved any motion or amendment, other than a motion for adjournment of the debate, shall be deemed to have spoken thereon; but any member who has seconded any motion or amendment, without any further observation than he seconds the same, shall be at liberty to speak once on every such motion or amendment.
 - (xii) The mover of or speaker to a motion shall restrict his address to not more than ten (10) minutes.
 - (xiii) The Chairman may allow the mover of or speaker to a motion to exceed by not more than five (5) minutes the time set out in clause (xii) of this By-law.
- 24A. (i) A member when moving a motion for the adoption of a report of a committee may include in the motion a direction to the effect that any item or items of

business included in the report of the committee be referred back to the committee for further consideration.

- (ii) Where a motion for the adoption of a report of a committee that includes a direction to the effect as referred to in clause (i) of this by-law has been moved and seconded then the item or items of business referred to in the motion shall be deemed to have been excluded from the report and no debate in relation to that item or those items of business shall be permitted.

Permissible Motions During Debates

25. When a motion is under debate at a meeting of the Council a further motion shall not be received except the following motions:-

- (aa) That the motion be referred to a Committee;
- (a) That the motion be amended;
- (b) That the debate be adjourned;
- (c) That the Council do now adjourn;
- (d) That the question be now put;
- (e) That a member be not further heard;
- (f) That the Council do resolve into Committee of the Whole;
- (g) That the Council do proceed with the next business;
- (h) That the meeting be now closed.

That the Motion be Referred to a Committee

- 25A. (i) A member may either immediately after a motion (“the original motion”) has been duly moved and seconded and before any member has spoken thereon or at the conclusion of the speech of another member to the original motion move without notice that the original motion be referred to a general or special Committee of the Council (specifying the Committee) for consideration.
- (ii) Upon a motion that the original motion be referred to a Committee (“the referral motion”), being duly moved and seconded the mover of the referral motion may speak to the referral motion for not more than five minutes but no other debate shall be allowed before the referral motion is put.
- (iii) Upon the making of a resolution to refer an original motion to a Committee being made the original motion shall be deemed to have lapsed.

That the Debate be Adjourned

26. (i) A member may at the conclusion of the speech of another member move, without notice, that the debate be adjourned to a later hour of the same meeting or to a subsequent meeting of the Council.
- (ii) On a motion that the debate be adjourned, the mover may speak for not more than five (5) minutes, the seconder shall not speak other than formally to second, and no other debate shall be allowed; but if the question then before the Council is a recommendation from a committee the Chairman of the

Committee concerned, or, in his absence, a member thereof may speak for not more than five (5) minutes.

- (iii) A member shall not, at the same sitting of the Council, move or second more than one motion for the adjournment of the same debate.
- (iv) If a debate is adjourned (whether by motion or because of the lack of a quorum), the member speaking to the motion or amendment at the time of the adjournment has the right to resume the debate if he is present when the Chairman again calls on it.

That Council do now Adjourn

- 27. (i) A member may, at the conclusion of the speech of another member or on the conclusion of business, move without notice, that the Council do now adjourn and that motion shall state the time and date to which the adjournment is to be made.
- (ii) On a motion to adjourn, the mover may speak for not more than five (5) minutes; the seconder shall not speak other than formally to second and the mover of the motion (if any) which was then under debate may speak for not more than five (5) minutes; but other debate shall not be allowed.
- (iii) Where a motion for the adjournment of the Council is negatived, a similar motion shall not be moved until after the question then under discussion or next on the agenda or another which may be allowed precedence shall have been disposed of.
- (iv) A member who has spoken on the question then before the Council shall not move the adjournment of the Council.
- (v) A member shall not, at the same sitting of the Council, move nor second more than one motion for the adjournment of the Council.
- (vi) On a motion for the adjournment of the Council being carried, the debate on the question (if any) under debate when that motion was moved shall be continued immediately upon the Council resuming after the adjournment.
- (vii) The Chairman may at any time adjourn the Council to such time and date as the motion specifies, or where no time and date is specified to such time and date as he shall then declare.

That the Question be now Put

- 28. (i) A member may, at the conclusion of the speech of another member move without notice and without comment, that the question under consideration be now put, and upon that motion being formally seconded, the question shall immediately be put, without debate.

- (ii) A motion that the question under consideration be put shall not be moved by a member who has already spoken on the question, and that motion shall not be carried without the consent of two-thirds of the members then present.
- (iii) When it is decided by the Council that the question under consideration be put, the mover of the question under consideration shall, if debate has ensued and if otherwise entitled to do so, be permitted to speak in reply for not more than ten (10) minutes before the question is put, but subject thereto the question shall at once be put.
- (iv) Whenever it is decided by the Council that the question be put, the question to be so put includes the main question as well as an amendment thereto.

That a Member be not Further Heard

29. (i) A member may at any time during the progress of a debate move that a member who is speaking be not further heard.
- (ii) A motion that a member be not further heard, upon that motion being formally seconded, shall forthwith be put from the chair without debate, and in the event of the motion being carried, such member shall cease speaking and resume his seat.
- (iii) A second motion that a member be not further heard shall not be made during the course of the same speech on the same question unless in the opinion of the chairman the character of the speech is materially altered.

That the Council do Resolve into Committee of the Whole

30. (i) The Council may, upon a motion duly made, resolve itself into Committee of the Whole for the purpose of taking into consideration a subject which, in the opinion of the Council, may require more full and free discussion, and may at the close of sitting in committee resume the proceedings in Council.
- (ii) A previous notice of motion to resolve into Committee of the whole or resume in Council shall not be necessary.
- (iii) A motion that the Council do resolve into Committee of the Whole or resume proceedings in Council shall be seconded.
- (iv) The member moving that the Council do resolve into Committee of the Whole, or resume proceedings in Council, may speak in support thereof for not more than five (5) minutes, but the seconder shall not be permitted to speak beyond formally seconding it.
- (v) Upon a motion being made that the Council do resolve into Committee of the Whole, the mover of the question under debate, if any, may (without prejudice to his right of reply, if the motion be not carried) be heard on the question of resolving into Committee of the Whole for five (5) minutes after which the question shall be at once put without debate.

- (vi) If the motion that the Council do resolve into Committee of the Whole be carried, the question to be considered shall thereupon stand referred to such committee, and shall not again be introduced or brought before the Council except on report of the Committee of the Whole.
- (vii) All reports or proceedings in Committee of the Whole shall be made to the Council by the Chairman, such reports shall be recorded in the Minute Book, but shall not be considered to be adopted by the Council until a motion has been made and passed for such adoption. In making such report it shall not be necessary to report such proceedings in extenso, and it shall be sufficient to state the general effect of such proceedings.
- (viii) All the provisions of this chapter relating to meetings of the Council, so far as they are applicable, shall be extended to and govern all proceedings in Committee of the Whole, except the provision limiting the number and duration of speeches.

That the Council do Proceed with the Next Business

- 31. (i) A member may at the conclusion of the speech of another member move, without notice and without comment, that the Council do proceed with the next business and, upon that motion being formally seconded, it shall be immediately put, without debate.
- (ii) Where the Council decides to proceed with the next business, the question which was then under discussion shall be considered as dropped.
- (iii) During the same debate on a question, a motion that the Council do proceed with the next business shall not be moved within fifteen (15) minutes after a similar motion has been negatived.

That the Meeting be now Closed

- 32. (i) A member may, at the conclusion of the speech of another member or on the conclusion of business, move, without notice, that the meeting of the Council be now closed.
- (ii) On a motion that the meeting of the Council be closed, the mover may speak for not more than five (5) minutes, the seconder shall not speak other than formally to second and the mover of the motion (if any) then under debate may speak for not more than five minutes; but other debate shall not be allowed.
- (iii) If a motion that the meeting of the Council be closed is negatived, a similar motion shall not be moved until after the question then under discussion or the next on the agenda or another which may be allowed precedence has been disposed of.
- (iv) A member who has spoken on the question then before the Council shall not move that the meeting be closed.

- (v) A member shall not at the same meeting of the Council, move or second more than one motion that the meeting be closed.
- (vi) On a motion that the meeting be closed being carried, the debate on the question (if any) under debate when the motion was moved shall stand adjourned to its place on the agenda for the next meeting of the Council.

Method of Taking Vote

- 33. (i) Before a matter is put to the vote, the Chairman may direct the motion or amendment to be read again by the Clerk.
- (ii) Members shall remain seated while a vote is being taken, and except when voting on the voices or when demanding a division of members shall remain silent while a vote is being taken.
- (iii) The Chairman shall, in taking the vote on a motion or amendment, put the question first in the affirmative and then in the negative, and he may do so as often as is necessary to enable him to form and declare his opinion as to whether the affirmative or the negative has the majority on the voices or by a show of hands.
- (iv) The council shall vote on the voices or by a show of hands as may, in each case, be directed by the Chairman, but a member may call for a division on a question.
- (v) When a division has been taken, the Clerk shall record the names of the members voting in the affirmative and those voting in the negative.
- (vi) The Chairman shall declare the result of a vote or a division as soon as it has been ascertained.
- (vii) Except upon a motion to revoke or alter it, the resolution shall not be discussed after the vote upon it has been declared.

Negative Motions

- 34. A motion to the same effect as a motion which has been negated by the Council shall not again be entertained within a period of one (1) month, except with the consent of an absolute majority of the Council.

Minutes

- 35. (i) The following matters shall be recorded in the minutes:-
 - (a) The names of the members present at the meeting;

- (b) The names of all members voting upon a question for the decision of which a division is called, and the vote cast by each member upon the division;
 - (c) Arrivals and departures of members during the course of the meeting – showing the stage of the meeting at which they arrived or departed as the case may be;
 - (d) Each motion and amendment moved whether seconded or not;
 - (e) Questions upon notice and their answers;
 - (f) A brief statement of a request made by a deputation;
 - (g) The lack of a quorum.
- (ii) Every Mayor's minute presented to the Council shall be set out in full in the minutes.

Mode of Addressing Council

36. Members shall speak of each other in the Council during the transaction of business by the respective titles of Mayor, chairman, or alderman, as the case may be, and in speaking of or addressing officers, shall designate them by their respective official or departmental titles.

Priority of Speaking

37. Where two (2) or more members rise to speak at the same time, the Chairman shall decide who of them is entitled to priority.

Chairman to be heard

38. Whenever the Chairman speaks during a debate, a member then speaking or offering to speak shall sit down and the members shall be silent so that the Chairman may be heard without interruption.

Conduct and Discipline

39. (i) The Chairman may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or a breach of order or decorum on the part of a member and may direct that such member, if speaking, to discontinue his speech, and thereupon the member shall cease speaking and shall resume his seat.
- (ii) When the Chairman is putting a question, a member shall not walk out of or across the Chamber, and shall not, whilst another member is speaking, pass between the speaker and the chair.

- (iii) The Chairman shall maintain, order, and may call a member to order whenever, in his opinion, there is cause for doing so.
- (iv) When a member is requested by the Chairman to withdraw a remark he shall do so immediately and without qualification or explanation.
- (v) –
 - (a) If at any meeting the Chairman is of the opinion that by reason of disorder or otherwise, the business of the Council cannot effectually be continued, he may adjourn the meeting for a period of fifteen (15) minutes. After the expiration of such period the Council shall re-assemble and decide whether business is to be proceeded with; and such question shall be decided forthwith and without debate.
 - (b) Where after any proceedings under paragraph (a) of this clause, the Chairman is again of the opinion that the business of the Council cannot effectually be continued, he may close the meeting.

No Digression

- 40. A member shall not speak otherwise than upon nor digress from, the question then before the Council except to make a personal explanation.

No Adverse Reflection on Council or Members

- 41. A member shall not reflect adversely upon a resolution of the Council except on a motion that the resolution be rescinded, and a member shall not make personal reflections on or impute improper motives to another member.

Disturbance by Members

- 42. (i) A member shall not make a noise or disturbance except to raise a point of order, nor converse aloud, while another person is addressing the Council.
- (ii) –
 - (a) A member who at a meeting of the Council commits a breach of a By-law of this Chapter, or who moves or attempts to move a motion or amendment embodying a matter beyond the legal jurisdiction of the Council or who in any other way raises or attempts to raise a question, or addresses or attempts to address the Council upon a subject which the Council has no legal right to entertain or to discuss, or who uses language which, according to common usage of gentlemen would be held disorderly, or who says or does anything calculated to bring the Council into contempt, shall be guilty of an act of disorder.
 - (b) In any such case, the Chairman may call upon the offender to withdraw and apologise without reservation. If the offender does not so withdraw and apologise he shall on the order of the Chairman be removed from the Council chambers for the remainder of the sitting

and for the purpose of enforcing such removal, the Chairman may invoke the aid of a member of the Police Force.

Personal Explanation

43. (i) A member may make a brief personal explanation at a Council meeting in respect of a statement affecting him as member, whether such statement was made at a Council meeting or outside the Council.
- (ii) A personal explanation shall not be debated, except upon a motion to censure the member who has made it.
- (iii) An officer has the same right to make a personal explanation as a member has under this By-law.

Point of Order

44. (i) A member who is speaking shall not be interrupted, except by the Chairman or upon a point of order in which event the member shall resume his seat and remain silent until the Chairman has ceased speaking or the point of order has been disposed of, whereupon the member so interrupted may, if permitted, proceed.
- (ii) A member rising to express a difference of opinion with, or to contradict, a speaker shall not be recognised as raising a point of order.
- (iii) A point of order is an objection that the matter objected to is –
- (a) in contravention of the By-laws of this Chapter; or
 - (b) either defamatory, disloyal, irrelevant, or obscene; or
 - (c) beyond the powers of the Council.
- (iv) A point of order is taken by stating the matter complained of and the By-law constituting the point of order.
- (v) A member may take a point of order notwithstanding that the Chairman or another member is speaking, and the Chairman may take a point of order although it has not been taken by a member.
- (vi) The Chairman may adjourn the meeting to consider a point of order but shall otherwise rule on it as soon as it is taken.
- (vii) A member may move that the Chairman's ruling upon a point of order be disagreed with, and such motion which shall be considered in priority to other business, shall specify the ruling to be substituted for the Chairman's ruling, and if carried the motion shall be acted upon by the meeting instead of the ruling previously given by the Chairman.

Mode of Proceeding in Cases not Provided For

45. Where at a meeting of the Council matters arise which are in all cases not provided for in this Chapter, resort shall be had to the rules, forms and usages of the Legislative Assembly of Queensland in force for the time being so far as the same are applicable to the proceedings of the Council.

Suspension of Standing Orders

46. A provision of the By-laws of this part of this Chapter may be suspended by the Council at any time during the course of the meeting by a resolution carried by the affirmative vote of at least two-thirds of the members present.

PART III

PRESS AND PUBLIC

Press and Public at Meetings

47. (i) When the Council proposes to sit in a Committee of the Whole the Chairman may direct all persons other than members of the Council to leave the Council Chambers and every person shall forthwith comply with such direction provided that the Clerk and other officers of the Council and its legal and technical advisers may attend such a meeting if the Council so resolves.
- (ii) A person failing to comply with a direction made pursuant to clause (i) of this By-law may, by order of the Chairman, be removed from the Council Chambers.
- (iii) Reasonable accommodation and facilities for the press, radio and television representatives to report the proceedings shall be provided by the Council.
- (iv) A copy of the agenda shall be furnished to the press, radio and television representatives at the opening of the meeting; and during or at the close of the meeting such representatives shall be allowed reasonable access to the correspondence and reports laid on the table or submitted to the meeting. Such access may be withheld in a case where the Council by resolution so decides on the ground that publication may prejudice the council's interests in threatened or pending litigation, or that it is otherwise inexpedient.
- (v) Any newspaper or any radio or television station or representative thereof which or who has in the opinion of the Council been guilty of a breach of press privilege may be suspended from such privilege for so long as the council shall deem fit.
- (vi) Part of the Council Chambers shall be made available for the accommodation of the public, and such number of the public as can be reasonably accommodated shall be permitted to attend at a meeting, except when the Council is sitting in Committee of the Whole.

Address by Visitor

48. A visitor shall not take part in a Council debate, provided that the Chairman or the Council may invite a visitor to address the Council upon the matter before it.

Removal of Strangers

49. Any person, not being a member, who interrupts the orderly conduct of the business of the Council, and who does not immediately upon being called upon by the Chairman so to do, withdraw from the Council Chambers, may by order of the Chairman, be removed forthwith, and such person shall be deemed guilty of an offence, and shall be liable to a penalty not exceeding forty dollars (\$40.00). For the purpose of enforcing such removal, the Chairman may invoke the aid of a member of the Police Force.

PART IV

COMMITTEES

Reference to Committees

50. (1) The Council may by resolution made from time to time at either:-
- (a) a meeting of the Council held within forth-two (42) days from the date of the publication of this amendment of by-laws in the Gazette; or
 - (b) a statutory meeting of the Council; or
 - (c) the first ordinary meeting of the Council held in the month of April in any year in which a statutory meeting is not held but at no other time appoint from out of its number such committees for general purposes as the Council considers necessary.
- (2) The Council may by resolution made from time to time appoint from out of its number such committees for special purposes as the Council considers necessary.
- (3) The resolution appointing a committee shall specify:-
- (a) whether the committee is for general or special purposes;
 - (b) in general terms, the duties assigned to the committee;
 - (c) the members of the Council exclusive of any ex officio member who will comprise the committee.
- (4) The resolution appointing a committee may specify the number of members of the committee who shall constitute a quorum.

Further Reference to Committee

51. The Council may by resolution made from time to time refer or assign to any general or special committee any matter that has not otherwise been referred or assigned to

any committee and may at any time withdraw, extend or modify any such reference or assignment of a matter made under this by-laws.

Interference between Committees

52. (1) No committee shall interfere with the performance of any duty or matter referred or assigned to another committee.
- (2) In the event of there being a dispute or difference as between two or more committees as to the nature or extent of the duties or matters assigned to the various committees respectively, the matter shall be referred to the Council or to the committee to whom the Council has assigned the duty to determine any such dispute or difference who shall determine the dispute or difference.

Tenure of Committees

53. (1) The appointment of a general committee shall take effect from the conclusion of the meeting of the Council at which the appointment was made and shall remain in force until the conclusion of either:-
- (a) the next following statutory meeting; or
 - (b) the first ordinary meeting of the Council held in the month of April in any year in which a statutory meeting is not held;
- whichever shall first occur.
- (2) The appointment of a special committee shall unless otherwise specified in the resolution appointing the same take effect from the conclusion of the meeting of the Council at which the appointment was made and shall remain in force either until the duties for which the special committee was appointed have been fully performed or until such date as the Council may have determined either in the resolution appointing the special committee or in a subsequent resolution.

Resignation or Absence from Committee

54. (1) (i) A member of a committee may resign by written resignation addressed to the Clerk.
- (ii) Such resignation shall be effective as from the date specified therein and if no date is specified from the time of receipt of the written resignation by the Clerk.
- (iii) Upon such resignation becoming effective, the members' seat on the committee shall thereupon become vacant.

Quorum of Committees

55. (1) If the resolution appointing a committee does not specify the number of members who shall constitute a quorum, then:-
- (a) If the committee is comprised of four or less members, the quorum shall be two members; and
 - (b) If the committee is comprised of more than four members, the quorum shall be three members.
- (2) For the purposes of determining whether the quorum is present the Mayor if present as an ex officio member of the committee shall be counted.

Mayor to be Member of Committee

60. The Mayor shall, by virtue of his office, be a member of every committee of which he is not appointed a member notwithstanding that the number of members be thereby increased beyond the number specified in the resolution appointing the committee.

Effect of Vacancy

63. The existence of a vacancy or vacancies upon a standing or special committee shall not affect the validity of any of the acts or proceedings of the committee.

Reporting Vacancies

64. Every vacancy in a committee shall be reported by the Clerk to the Council at its first meeting after such vacancy has arisen, and the Mayor or Chairman of the Committee may move that the Council do proceed to appoint a member of the Council to fill such vacancy.

Chairman of Committee

66. Every committee shall at its first meeting after appointment select a chairman. If the Chairman is not present at any meeting of a Committee one of the members present shall be appointed chairman of such committee during the absence of the chairman. A committee may at any time revoke the appointment of its chairman and select another member of the Committee to be chairman.

Time of Meeting

67. (i) Subject to clause (ii) of this By-law each committee shall from time to time fix its own day and hour for meeting. Additional meetings shall be called by the Clerk, or other officer authorised in that behalf by the chairman of a committee, whenever required so to do by such chairman or by the Mayor or by a majority of the members of the Committee.
- (ii) the first meeting after appointment of each committee of the Council shall be called by the clerk at the direction of the Mayor.

Notice of Meeting

68. Except in urgent cases of which the chairman of the committee shall be sole judge at least twenty-four hours' notice of every meeting of a committee shall be given to all the members thereof.

Adjournment

69. A committee of the Council may adjourn from time to time.

Quorum and Commencement of Meeting

70. If after the expiration of fifteen minutes after the hour at which any meeting of any committee is appointed to be held a quorum shall not be present at the place appointed for the holding of the meeting, no meeting shall take place, and the meeting shall stand adjourned until the day and time fixed for the next ordinary meeting of the committee, unless the Chairman of the Committee shall convene a special meeting of the committee for the transaction of the business standing adjourned.

Communications by Committee

72. No committee shall communicate with any outside person or authority except through the Clerk, as the officer of the council duly authorised for the purpose, who shall communicate as directed by the Committee.

Acts of Committee to be Submitted to Council

73. The acts of every committee shall be submitted to the Council for approval, and if not confirmed shall have no validity except in so far as these By-laws, or the resolution of reference to the Committee, give the committee power to act.

Reports to be Signed by Chairman

74. All committee reports submitted to the Council shall be signed by the chairman of the committee, or the chairman presiding over the meeting at which the report was authorised or of which it purports to be a report.

PART IVA

ACCOUNTS AND FUNDS

Checking and Payment of Accounts

- 74A. (1) Except as hereinafter provided, no money shall be paid out of the funds of the Council unless duly passed by the Council for payment.
- (2) All accounts, claims, and demands against the Council shall (unless special reasons exist) be certified to by the committee or officer by whom or by whose authority the liability was incurred or under whose direction the work (if any) has been performed, or by the City Treasurer showing that the same had been inquired into, has been duly authorised, and has been found correct.

- (3) All such accounts, claims and demands shall before submission to the Council, be examined and checked by the Committee entrusted with such duty, who shall recommend to the Council their payment or otherwise; and shall, if any claim be not certified to as aforesaid, report specially thereon. Any such special report may be embodied in any general report recommending payment or otherwise of the claim along with others or may be by way of separate report dealing only with the particular claim.
- (4) In cases of wages, salaries, and other accounts of a regular recurring nature, or accounts or claims of a purely formal nature or of an urgent nature, or which for any other reason the committee consider proper to be paid forthwith, the committee, if satisfied of the correctness of the account, claim, or demand, may instead of recommending to the Council the payment thereof, themselves authorise such payment and duly report the fact of such authorisation to the Council, with any special reasons therefore.
- (5) If any meeting of the committee referred to in clause (3) of this by-law at which any account, claim, or demand should have been dealt with shall lapse or omit to deal with the same, the powers conferred by the last preceding subclause shall be exercisable by the Mayor and two members of the said committee (one of whom shall be the Chairman thereof if the Mayor is not such Chairman) without formal meeting.

Operation of Funds

- 74B. There shall be opened and kept at such bank or banks as the Council may decide, such accounts as the Council may, in conformity with the statutes under which the Council exercises jurisdiction, from time to time decide. All moneys received shall be paid by the Clerk into the appropriate account, on the day following its receipt, except when Sundays and bank holidays intervene, when they shall be paid into such account on the first banking day thereafter.

PART V

RECORDS AND SEAL

Records

75. (i) All records of the Council other than the minute book records and other books, and other than voters' rolls and other records relating to elections, shall be numbered and filed in due order, and shall be duly registered by the Town Clerk in a book or books to be kept by him for that purpose, or otherwise recorded as may be directed by the Auditor-General.
- (ii) Upon the face of every document thus registered, to which there is any reference in the minute book, there shall be a note of the page wherein it is so referred to.

Common Seal

76. The Common Seal of the Council shall be in the following form:-

Custody of the Seal

77. (i) The Town Clerk shall have the custody of the common seal, and the same shall be kept in such place as the Council directs.
- (ii) The common seal and the press to which the same is attached shall be secured by a cover or box which, except when such seal and press are in use, shall be kept locked.
- (iii) There shall be duplicate keys therefore, one of which shall be kept by the Town Clerk, and the other lodged with the Council's bankers.

Use of Seal

78. (i) The common seal shall not be attached to any document or plan without an express order of the council, unless for the execution of any contract authorised by the Council to be executed or necessary to be executed to give effect to any resolution of the Council, or to authenticate any document, or to comply with the provisions of any law or Bylaw directing that such seal shall be attached to any document.
- (ii) In every case where the seal has been ordered or is otherwise authorised to be attached to any contract, document, or plan, such contract, document, or plan shall be signed also by the Mayor or Deputy Mayor (or in case of the absence of illness of the Mayor or Deputy Mayor by the Acting Mayor or by two aldermen) and countersigned by the Town Clerk.

Impressions of Seal

79. No person shall be at liberty to take any impression of the common seal or reproduce or use the form or design of the same without the leave of the Council.

PART VI

OFFICERS

80. This part shall be read and construed subject to the provisions of any relevant award or awards of the State of Queensland or of the Commonwealth of Australia relating to the employment of officers or servants of the Council.

Permanent Administrative Officers

81. The following officers shall be appointed as permanent heads of departments of the Council, namely, Town Clerk, City Engineer, Chief Health Surveyor, City Treasurer, City Architects, Director of Parks and Recreation, Town Planner, City Solicitor. The Council may appoint such other heads of departments as it may from time to time decide upon.

Appointment of Permanent Officers

82. No appointment of any permanent officer of the Council shall be made unless applications for the position are first invited from existing permanent officers of the Council nor until (if none of such applications are from a suitable applicant in the opinion of the council), public notice has been given inviting applications for the position from qualified persons.

The preceding subclause shall not apply in the case –

- (i) Of a temporary appointment for a period not exceeding three months or of an acting officer during the absence of the permanent officer;
- (ii) Of the appointment of a person already in the permanent employ of the Council, to an additional position to which no further salary is attached, or the duties of which require only occasional attention, and are to be paid for by allowances proportionate to the extent of such duties:

Provided that public notice as aforesaid need not be given if a Committee of the Council otherwise resolves.

Duties of Clerk

83. (i) The Clerk shall be the chief administrative officer of the Council and shall exercise all functions imposed by law upon the Clerk of a Local Authority and shall exercise control over all other officers of the Council and advise as to their duties and instructions to and reports by them shall pass through his hands.
- (ii) The Clerk shall (without prejudice to the generality of the preceding subclause):-
- (a) Issue all notices for all Council meetings and committee meetings;
 - (b) Supervise all correspondence on behalf of the Council which shall be signed by him or on his behalf and all papers, documents and reports of the Council and passing to or from the Council shall be in his custody and/or control;
 - (c) Be the principal adviser of the Chairman and of the Council on Local Government Law and Administration, and shall give the Council all necessary information concerning the conduct and course of administration.
 - (d) Carry out investigations and enquiries into any matter connected with the administration or method of working and generally into matters connected with the business and working of the Council;

- (e) Ensure that By-laws of the Council and decisions of the Council and standing committees are duly carried into effect according to law;
- (f) Supervise the proper co-operation between officers and advise the Council thereon;
- (g) Give directions to officers with regard to matters of administration;
- (h) Control the issuing of all permits, authorities, approvals, consents, and certificates required or authorised to be granted, given or made, by the Council;
- (i) Perform such other duties as are prescribed or as may be from time to time fixed by the Council.

- 83A. (1) During any period of absence of the Clerk from Townsville for whatever reason and during any period when the Clerk is on leave or through illness or other cause is indisposed, the duties of the Clerk shall be performed by the Deputy Clerk or if there is no Deputy Clerk or if the Deputy Clerk is also similarly absent or indisposed, by the Officer appointed for such purpose by the Mayor in writing, he being thereunto authorised to so appoint.
- (2) The Deputy Clerk or other Officer appointed by the Mayor under clause (1) of this by-law shall, whilst performing the duties of the Clerk, be designated as the "Acting Clerk" or as the "Acting Town Clerk" as the case may require.

Duties of other Officers

84. The duties of other officers and servants of the Council shall be such as may be specified in their appointment or prescribed by the Town Clerk from time to time or determined by the Council from time to time.

Private Employment

85. (i) An officer or servant of the council shall not engage in nor employ himself in any work where his interest or influence as a Council officer could be relevant to the other employment or where the employment has an adverse effect on an officer's efficiency whilst working for the Council.
- (ii) If an officer or servant acts in contravention of this provision, he is liable to be dismissed summarily from the services of the Council.

Retiring Age

86. (i) Subject to the provisions of any Award to the contrary, an employee in the service of the Council shall retire immediately upon attaining the age of sixty-five (65) years: Provided that if the Council is of the opinion that in the interest of the service of the Council an employee who has attained the age of sixty-five (65) years should continue in the performance of the duties of his

position, such employee may be retained in the service of the Council, provided that he is able and willing to do so.

- (ii) An extension of engagement shall not be made for a period in excess of six (6) months at a time providing that an extension shall not enable an employee to be continued in employment beyond the age of sixty-eight (68) years.

Complaints against Officers

- 87. (i) Any complaint against any officer or servant of the council must be in writing, and must in every case be signed by the person complaining, and no notice whatever will be taken of any complaint which is not in writing or is anonymous. All such complaints shall be addressed to the Mayor.
- (ii) Upon receipt of a complaint as aforesaid the Mayor shall cause a copy thereof to be sent to the officer or servant concerned and shall invite him to submit an explanation in writing within a reasonable time in the circumstances. In making this explanation, an officer may seek representation, if he so desires.
- (iii) The Council shall make no final decision in respect of the complaint as aforesaid until after the time allowed for receipt of such explanation has expired, nor until it has considered the explanation, if any, offered by the officer or servant concerned.

False Representation as Officers

- 88. A person shall not falsely represent himself to be an officer or servant of the Council.

Safety Provisions

- 89. It is a condition of employment that every officer and servant of the Council comply with the safety provisions and policies of the Council.