



SUPPLEMENT
TO THE
VICTORIA
GOVERNMENT GAZETTE

OF FRIDAY, OCTOBER 9, 1891.

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SATURDAY, OCTOBER 10.

[1891.

SHIRE OF YEA.

By-LAW No. 3.

A By-law of the Shire of Yea, made under section 191 of the *Local Government Act 1890*, and numbered 3, for regulating the proceedings of the Council and its officers, and for adopting for that purpose the whole of the provisions of Part XI. of the 13th Schedule to the said *Local Government Act 1890*.

IN pursuance of the powers conferred by the *Local Government Act 1890*, the President, Councillors, and Ratepayers of the Shire of Yea, order as follows:—

1. In all cases not herein provided for resort shall be had to the rules, forms, and usages of Parliament, which shall be followed so far as the same are applicable to the proceedings of the council.
2. At every meeting of the council the first business thereof shall be the reading and putting a question for the confirmation of the minutes of the proceedings at the preceding meeting, and the reading of the minutes of the proceedings of any committee presented at any such preceding meeting, and no discussion shall be permitted thereon except as to their accuracy as a record of the proceedings, and the said minutes of the proceedings at the preceding meeting shall then be signed as by this Act required; and the rough minutes of the proceedings of the council at any meeting shall be read at the close of such meeting.
3. After the signing of the minutes as aforesaid, the order of business of an ordinary meeting shall be as follows, or as near thereto as may be practicable, but for the greater convenience of the council at any particular meeting thereof it may be altered by resolution to that effect:—

- (i.) Reading of copies of letters sent by the authority of the council.
- (ii.) Reading letters received, and considering and ordering thereon.
- (iii.) Payments.
- (iv.) Reception and reading of petitions.
- (v.) Presentation of reports of committee.
- (vi.) Ordinary business.
- (vii.) Orders of the day, including subjects continued from proceedings of former meetings.
- (viii.) Extraordinary business and new rules and regulations.
- (ix.) Other motions of which previous notice has been given.
- (x.) Notices of motion.

And the order of business at a special meeting shall be the order in which such business stands in the notice thereof.

4. Whenever a division shall be demanded by any councillor, the councillors voting on the affirmative shall first hold up their hands, and then those voting in the negative shall hold up their hands, and the result be declared by the chairman.

5. All addresses to the Governor shall be presented by the chairman and the clerk of the municipality, unless otherwise ordered by the council.

6. All notices of motion shall be dated and numbered, and given by the intending mover to the municipal clerk at the close of the meeting of council, or if not required by law to be given

at a meeting, then three clear days prior to the next meeting of council; and such clerk shall enter the same in the notice of motion book in the order in which they may be received.

7. No member shall make any motion initiating a subject for discussion but in pursuance of notice given as prescribed in the last preceding clause.

8. No motion except that for receiving the same shall, unless under most urgent circumstances, be made on any petition, memorial, or other like application, until the next ordinary meeting of council after that at which it has been presented.

9. Except by leave of the council, motion shall be moved in the order in which they have been received and recorded by the municipal clerk in the notice of motion book; and if not so moved or postponed, shall be struck out.

10. No motion entered in the notice of motion book shall be proceeded with in the absence of the councillor who gave notice of the same, unless by some other councillor producing written authority from him to that effect.

11. No motion for an address or petition shall be entertained unless the mover shall at some previous meeting have submitted a draft of the same.

12. Any councillor desirous of making a motion or amendment, or taking part in discussion thereon, shall rise and address the chairman, and shall not be interrupted unless called to order, when he shall sit down until the councillor (if any) calling to order shall have been heard thereon and the question of order disposed of, when the councillor in possession of the chair may proceed with the subject.

13. Any councillor desirous of proposing an original motion or amendment must state the nature of the same before he addresses the council thereon.

14. No motion or amendment shall be withdrawn without the leave of the council.

15. No motion or amendment shall be discussed or put to the vote of the council unless it be seconded, but a councillor may, however, require the enforcement of any standing order of the council by directing the mayor's or chairman's attention to the infraction thereof.

16. A councillor moving a motion shall be held to have spoken thereon, but a councillor merely seconding a motion shall not be held to have spoken upon it.

17. The councillors in meeting of council shall designate each other by their official titles, namely, that of mayor, president, chairman, or councillor, as the case may require.

18. If two or more councillors rise to speak at the same time, the chairman shall decide which is entitled to priority.

19. The chairman shall rise in addressing the council to discuss any question, and shall not leave the chair on such occasions.

20. No councillor shall speak a second time on the same question, unless entitled to reply, or in explanation, when he has been misrepresented or misunderstood.

21. The chairman, when called upon to decide on points of order or practice, shall state the provision, rule, or practice which he deems applicable to the case, without discussing or commenting on the same, and his decision, as to order or explanation in each case, shall be final.

22. No councillor shall digress from the subject-matter of the question under discussion, or comment upon the words used by any other councillor in a previous debate; and all imputations of improper motives, and all personal reflections on councillors, shall be deemed highly disorderly.

23. Whenever any councillor shall make use of any expression disorderly, or capable of being applied offensively to any other councillor, the councillor so offending shall be required by the chairman to withdraw the expression and to make a satisfactory apology to the council.

24. A councillor called to order shall sit down unless permitted to explain.

25. Any councillor using offensive or disorderly language, and having been twice called to order or to withdraw and to apologize for such conduct, and refusing so to do, shall be guilty of an offence.

26. Any person not being a councillor who shall, having been admitted to any meeting of the council, be guilty thereof of any improper or disorderly conduct, or who shall not leave when lawfully requested by the chairman so to do, may be forthwith removed by him, and shall be deemed guilty of an offence.

27. Any councillor not attending in compliance with an order for a call of the whole council, without reasonable excuse to the satisfaction of the majority thereof, shall be guilty of an offence.

28. Any councillor may of right demand the production of any of the documents of the council applying to the question under discussion.

29. The council shall vote by show of hands, and any councillor present and not voting, not being disabled by law from so doing, shall be guilty of an offence.

30. The chairman shall in taking the sense of the council put the question first in the affirmative, then in the negative, and the result thereof shall be recorded in the minutes.

31. At every meeting of the council all motions, whether original motions or amendments, shall be reduced into writing, signed by the mover, and delivered to the chairman immediately on their being moved and seconded.

32. No second or subsequent amendment, whether upon an original proposition or on an amendment, shall be taken into consideration until the previous amendment is disposed of.

33. If any words of an original question be rejected, the insertion of other proposed words shall form the next question, whereupon any further amendment to insert other words may be moved.

34. If an amendment be negatived, then a second may be moved to the question to which the first-mentioned amendment was moved, but only one amendment shall be submitted to the council for discussion at a time.

35. The mover of every original proposition, but not of any amendment, shall have a right to reply, immediately after which the question shall be put from the chair; but no councillor shall be allowed to speak more than once on the same question unless permission be given to explain, or the attention of the chair be called to a point of order.

36. No discussion shall be allowed on any motion for adjournment of the council; but if on the question being put the motion be negatived, the subject then under consideration or the next on the notice-paper shall be discussed, or any other that may be allowed precedence, before any subsequent motion for adjournment be made.

37. Any councillor may protest against any resolution of the council, and notice of intention to protest shall in every case be given forthwith on the adoption of the resolution protested against; and the protest shall specify the reasons for protesting, and shall be entered three days at least before the next ordinary meeting of the council, by the protesting councillor in a book to be kept for that purpose in the office of the municipal clerk, and signed by such councillor, and shall be also entered in the minutes of the meeting, at which notice of the intention to protest shall have been given previously to the confirmation thereof; but such protest may be expunged from the minutes if declared by a majority of the council to be not in accordance with truth, or in its terms disrespectful to the council.

38. If a debate on any motion moved and seconded be interrupted by the number of the councillors present becoming insufficient for the transaction of business, such debate may be resumed at a point where it was so interrupted, on motion upon notice.

39. If a debate on any order of the day be interrupted by such insufficiently of number as aforesaid happening, such order may be restored to the notice book for a future day on motion upon notice, and then such debate shall be resumed at the point where it was so interrupted.

40. Minutes of all proceedings of committees as well as of their reports numbered in consecutive order shall be entered in the committees minute book, and being signed by the chairman of the committee shall be presented to the council; and the municipal clerk when practicable shall attend all meetings of committees.

41. The municipal clerk shall convene every committee within ten days of its first appointment, or at any other time thereafter by order of the council, or on the written order of the chairman of the committee or any two members of the committee.

42. No petition shall be presented after the council shall have proceeded to the orders of the day.

43. It shall be incumbent on every councillor presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the council, and that the contents do not violate any by-law or any provision hereof.

44. Every councillor presenting a petition to the council shall write his name at the beginning thereof.

45. Every petition shall be in writing, and not printed or lithographed, and shall contain the prayer of the petitioners at the end thereof, and be signed by at least one person on every skin or sheet on which it is written.

46. Every petition shall be signed by the persons whose names are appended thereto by their names or marks, and by no one else, except in cases of incapacity by sickness.

47. No letters, affidavits, or other documents shall be attached to any petition.

48. Every councillor presenting a petition to the council shall confine himself to a statement of the persons from whom it comes, of the number of signatures attached to it, of the material allegations contained in it, and to the reading of the prayer thereof.

49. No appointment to any permanent office at the disposal of the council shall take place until seven clear days' public notice shall have been given, by advertisement in one or more newspapers circulating in the borough, inviting applications from qualified candidates for the same.

50. The salary or allowance attached to all offices and places at the disposal of the council shall in all cases be fixed before they proceed to appoint any person to fill the same before the advertisement inviting applications as aforesaid, and shall be specified in such advertisement.

51. No councillor or officer of the council, and no assessor or auditor of the municipality, shall be received as a surety for any officer appointed by the council or for any work to be done for the council.

52. In all cases of security being given for the faithful performance of any duty or contract, the expense of preparing such security shall be borne by the person providing the same.

53. All the plans and specifications for any public work shall be laid before the council at least six days prior to the same being considered and ordered upon, and be open for inspection by any ratepayer during that time.

54. It shall be lawful for the treasurer of the municipality from time to time, on the written order of the municipal clerk, to disburse such moneys as shall have been appropriated by the council for the purposes of this clause, and as shall be required for any necessary occasion, not exceeding in the whole in any interval between two ordinary meetings of the council the sum of five pounds.

55. The common seal of the municipality shall be kept in a box having two locks, of one of which locks each councillor shall have a key, and of the other of which locks the key shall be kept by the municipal clerk; and the corporate seal shall not be affixed to any document unless the chairman of the municipality and one other member of the council, or in the absence of such chairman, unless two councillors be present.

56. Any one or more of the rules or regulations contained in this subdivision may be suspended for a special purpose on motion upon notice duly given, and shall not otherwise be suspended except by a unanimous vote of the council.

57. If any person shall be guilty of any wilful offence or misfeasance, or wilful or negligent act of commission or omission, contrary to any provision contained in this subdivision, he shall forfeit a sum not exceeding five pounds.

Made and passed by the Council of the Shire of Yea, on the 5th day of September, 1891, and confirmed by the said council, on the 3rd October, 1891.

(SEAL) T. S. SCALE, President.
W. B. STEUART, Shire Secretary.

Witness to affixing of seal, 3rd October, 1891.

D. FERGUSON, Councillor.
EDWARD K. CARVER, Councillor.

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