



VICTORIA GOVERNMENT GAZETTE

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[1959

BUNINYONG WATERWORKS TRUST.

BY-LAW No. 1.

Standing Orders for Regulating and Appointing the Place and Hour of Meetings of the Buninyong Waterworks Trust, and Providing for the Management and Conduct of Business Thereat.

THE Buninyong Waterworks Trust, in pursuance and exercise of the powers and authorities conferred by the Water Act, doth hereby make the By-law following for its Waterworks District:—

1. In all cases not provided for by the Acts of Parliament of Victoria relating to authorities, or by this By-law, resort shall be had to the rules, forms, and usages of the Parliament of Victoria, which shall be followed so far as the same are applicable to the proceedings of the Trust.

2. *Place and Hour of Meetings.*—Meetings of the Trust shall be held periodically on the third Monday in the month, at 8 o'clock p.m., at the Shire Hall, Buninyong. Upon notice of motion the time, day, and hour of the meeting may be altered by a majority of the Commissioners. A notice of every regular meeting of the Commissioners shall be, by the Trust Secretary, delivered or sent by post, addressed to the usual address of the Commissioner, three clear days at least prior to the day on which such intended meeting is to be held.

3. *Meeting, Resolutions at, Not to be Revoked.*—No resolution at any meeting of the Commissioners shall be revoked or altered at any subsequent meeting, unless notice of intention to propose such revocation or alteration be given by the Trust Secretary to each of the Commissioners seven days at least before holding the meeting, nor unless such revocation or alteration be determined upon by a majority consisting of at least two-thirds of the Commissioners present at such subsequent meeting (if the number of the Commissioners present at such subsequent meeting be not greater than the number present when such resolution was come to), or by majority if the number of Commissioners present at such subsequent meeting be greater than the number present at such former meeting.

4. *Business, &c., Order of Minutes.*—At every meeting of the Commissioners the first business thereof shall be reading and putting a question for the confirmation of the minutes of the proceedings at the preceding meeting, and no discussion shall be permitted thereon, except as to their accuracy as a record of the proceedings, and the rough minutes of the proceedings of the Commissioners at any meeting shall be read at the close of such meeting, if required by any Commissioner present at such meeting.

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5. After the signing of the minutes by the Chairman, the order of the business of any ordinary meeting shall be as follows, or as near thereto as may be practicable; but for the greater convenience of the Commissioners at any particular meeting thereof it may be altered by resolution to that effect:—

- (1) Reading of copies of letters sent by the authority of the Commissioners, if called for.
- (2) Reading letters received, and considering and ordering thereon.
- (3) Reception and reading of petitions and memorials.
- (4) Receiving deputations from the ratepayers.
- (5) Presentation of reports of committees and officers.
- (6) Payments.
- (7) Orders of the day, including subjects continued from proceedings of former meetings, and any business the Chairman may think desirable.
- (8) Other motions of which previous notice has been given.
- (9) 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.

6. *Titles, Official.*—The Commissioners, in meeting, shall designate each other by their official titles, namely, that of Chairman or Commissioner, as the case may require.

7. *Who to Speak.*—If two or more Commissioners rise to speak at the same time, the Chairman shall decide which is entitled to priority.

8. *Chairman to Rise Whilst Addressing Meeting.*—The Chairman shall rise in addressing the Commissioners to discuss any question, and shall not leave the Chair on such occasions.

9. *Commissioners Not to Speak Twice on the Same Question.*—No Commissioner shall speak twice on the same question, unless entitled to reply, or in the explanation when he has been misrepresented or misunderstood.

10. *Points of Order.*—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.

11. *Commissioners Not to Digress or Impute Improper Motives.*—No Commissioner shall digress from the subject-matter of the question under discussion, nor impute improper motives, and all personal reflections on Commissioners shall be deemed disorderly, and every Commissioner so doing shall, upon being called to order by the Chairman, apologize for such conduct, and withdraw such imputations or reflections, as the case may be.

12. A Commissioner called to order shall sit down unless permitted to explain.

13. *Persons Not Commissioners to Leave when Requested.*—No person not being a Commissioner who, having been admitted to any meeting of the Commissioners, shall be guilty thereof of any improper or disorderly conduct, and every such person shall leave such meeting when requested by the Chairman to do so.

14. *Call of the Commissioners.*—No Commissioner shall absent himself from any meeting held in compliance with an order for a call of the whole Commissioners without reasonable excuse to the satisfaction of the majority thereof.

15. *Documents to be Produced.*—Any Commissioner may of right demand the production of any of the documents of the Trust applying to the question under discussion.

16. *Motions, Amendments, and Notice Thereof.*—All notices of motion shall be in writing, dated, and numbered, and given by the intending mover to the Trust Secretary at the close of meeting of the Commissioners, or if not given at the meeting then seven days, prior to the day which the next meeting of the Commissioners is to take place, and the Secretary shall enter the same in the notice of motion book, in the order in which they may be received.

17. *No Motion Without Notice.*—No Commissioner shall make any motion initiating a subject for discussion, except in pursuance of notice given as prescribed in the last preceding clause.

18. *Motions on Petitions.*—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 the Commissioners after that at which it has been presented.

19. *Motions to be Moved in Order.*—Except by leave of the Commissioners, motions shall be moved in the order in which they have been received and recorded by the Trust Secretary in the notice of motion book, and if not so moved or postponed shall be struck out.

20. *Motions Not to be Proceeded with in the Absence of the Mover.*—No motion entered in the notice of motion book shall be proceeded with in the absence of the Commissioner who gave notice of the same, unless by some other Commissioner producing written authority from him to that effect.

21. 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.

22. *Mover of Motion or Amendment Not to be Interrupted.*—Any Commissioner 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 Commissioner calling to order shall have been heard thereon, and the question of order disposed of, when the Commissioner in possession of the chair may proceed with the subject.

23. *Nature of Motion to be Stated.*—Any Commissioner desirous of proposing an original motion or amendment must state the nature of the same before he addresses the Commissioners thereon.

24. *Leave to be Obtained Before Motion Withdrawn.*—No motion or amendment shall be withdrawn without the leave of the Commissioners.

25. *Motions to be Seconded Prior to Discussion.*—No motion or amendment shall be discussed or put to the vote of the Commissioners unless it be seconded; but a Commissioner may, however, require the enforcement of any standing order of the Commissioners by directing the Chairman's attention to the infraction thereof.

26. *Mover and Not the Seconder Held to Have Spoken.*—A Commissioner moving a motion shall be held to have spoken thereon, but a Commissioner merely seconding shall not be held to have spoken upon it.

27. *Motion to be in Writing.*—At every meeting of the Commissioners, all motions, whether original motions or amendments, shall be reduced to writing, signed by the mover, and be delivered to the Chairman immediately on their being moved and seconded.

28. *Amendments.*—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.

29. *Amendment to Become the Question.*—If an amendment be carried, the amendment shall become itself the question, whereupon any further amendment upon any portion of the question may be moved.

30. *Second Amendment May be Moved.*—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 Commissioners for discussion at a time.

31. *Right of Mover to Reply.*—The mover of every original proposition, but not of any amendment, shall have a right to reply, immediately after which question shall be put from the Chair, but no Commissioner 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.

32. *Adjournment Motion for.*—No discussion shall be allowed on any motion for adjournment of the Commissioners, 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.

33. *Protest, Commissioners May.*—Any Commissioner may protest against any resolution of the Commissioners, 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 Commissioners by the protesting Commissioner in a book to be kept for that purpose in the Trust Secretary's office, and signed by such Commissioner, and shall also be 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 Commissioners to be not in accordance with truth or in its terms disrespectful to the Commissioners.

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

35. *Order of the Day to be Restored.*—If a debate on any order of the day be interrupted by such insufficiency of numbers 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.

36. *Voting.*—Whenever a division shall be demanded by any Commissioner, the Commissioners voting in the affirmative shall first hold up their hands, and all those voting in the negative shall then hold up their hands, and result be declared by the Chairman. The Chairman shall have a deliberate vote, and in case of an equal division he shall have a casting vote, and every Commissioner present shall vote except he be disabled by law from doing so.

37. *Questions to be Put.*—The Chairman shall, in taking the sense of the Commissioners, put the question first in the affirmative, then in the negative, and the result thereof shall be recorded in the minutes.

38. *Contents of Petitions.*—It shall be incumbent on every Commissioner presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Commissioners, and that the contents do not violate any By-law or any provision thereof.

39. *Name at Beginning of Petition.*—Every Commissioner presenting a petition to the Commissioners shall write his name at the beginning thereof.

40. *Petition to be in Writing.*—Every petition shall be in writing and not printed or lithographed, and shall contain the prayer of the petitioner at the end thereof, and be signed by at least one person on every sheet on which it is written.

41. *How Signed.*—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.

42. *No Letters, &c., to be Attached.*—No letters, affidavits, or other documents shall be attached to any petition.

43. *Presentation of Petitions.*—Every Commissioner presenting a petition to the Commissioners 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.

44. *Deputations.*—Deputations from the ratepayers wishing to be heard before the Commissioners in support of any petition, or otherwise, must send in an application in writing, to the Trust Secretary, at least three clear days before the meeting of the Commissioners at which such petition is intended to be presented.

45. *Cheques to be Signed.*—All cheques shall be signed by two Commissioners, and countersigned by the Secretary.

46. *Appointment to Permanent Office.*—No appointment to any permanent office at the disposal of the Commissioners shall take place until seven clear days' public notice shall have been given by advertisement in one or more newspapers circulating in the district of the Trust inviting applications from qualified candidates for same.

47. *Salaries to be Fixed.*—The salary or allowance attached to all offices and places at the disposal of the Commissioners shall, in all cases, be fixed before they proceed to appoint any person to fill the same.

48. *Commissioners, &c., Not to be Surety.*—No Commissioner or officer of the Commissioners, and no assessor or auditor shall be received as a surety, for any officer appointed by the Commissioners, or for any work to be done for the Commissioners.

49. *Contracts.*—In all cases of security being given for the faithful performance of any contract, the expenses of preparing such security shall be borne by the person providing the same.

50. *Plans, &c.*—All the plans and specifications for any public work shall be laid before the Commissioners at least six days prior to the same being considered and ordered upon, and be open for inspection by any Commissioner during that time, except in cases of emergency.

51. *Secretary to Expend Moneys.*—It shall be lawful for the Secretary from time to time, on the written order of the Chairman, to disburse such moneys as shall have been appropriated by the Commissioners for the purposes of this clause, and as shall be required for any necessary occasion, not exceeding in the whole in an interval between two ordinary meetings of the Commissioners the sum of Ten pounds.

52. *Addresses to the Governor, &c.*—All addresses to the Governor shall be presented by the Chairman and Trust Secretary, unless otherwise ordered by the Commissioners.

53. *Suspension of Regulations.*—Any one or more of the rules and provisions herein contained may be suspended for a special purpose on motion upon notice being given, and shall not otherwise be suspended except by an unanimous vote of the Commissioners.

54. *Penalty.*—Every person who shall so offend against this By-law shall be liable to a penalty not exceeding Five pounds for each such offence.

55. *Common Seal.*—The common seal of the Trust shall be kept in a locked box, of which the key shall be kept by the Trust Secretary, and the corporate seal shall not be affixed to any document unless the Chairman of the Trust and the Secretary, or in the absence of the Chairman, unless two Commissioners and the Secretary be present.

Passed this 21st day of April, 1958.

(SEAL) A. A. DAVIS, Chairman.
W. J. NEAGLE, Commissioner.
A. C. LORD, Secretary.

Approved by the Governor in Council,
12th May, 1959.

A. MAHLSTEDT,
Clerk of the Executive Council.

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