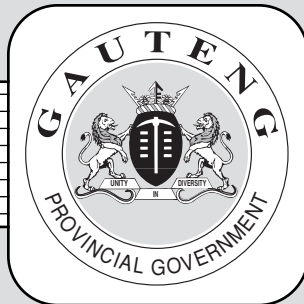


**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

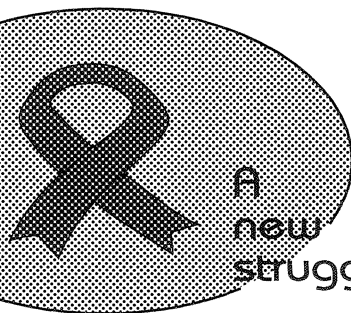
Vol. 19

PRETORIA, 14 JANUARY 2013  
JANUARIE 2013

No. 6

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

**Prevention is the cure**

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## LOCAL AUTHORITY NOTICE

### LOCAL AUTHORITY NOTICE 17

#### CITY OF TSHWANE

#### RULES AND ORDERS BY-LAWS

The City Manager of the City of Tshwane hereby publishes in terms of Section 7 of the Rationalisation of Local Government Affairs Act, 1998 (Act 10 of 1998), read with Section 13 of the Local Government: Municipal System Act, 2000 (Act 32 of 2000), and Section 162 of The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), the CITY OF TSHWANE: RULES AND ORDERS BY-LAWS, 2012 as contemplated hereunder and approved by the said Council on 29 November 2012.

The purpose of the said By-laws is to provide the City of Tshwane with legislative measures to conduct orderly meetings of the City Council and Section 79 Committees.

These By-laws takes effect on **1 February 2013**.

**JASON NGOBENI**  
CITY MANAGER

(Notice No 153 of 2013)  
14 January 2013

#### CITY OF TSHWANE: RULES AND ORDERS BY-LAWS

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## RULES AND ORDERS OF THE CITY OF TSHWANE

### 1. *Definitions*

In these Rules and Orders, unless the context otherwise indicates -

"Acting" means a councillor appointed to act on behalf of the Speaker, the Executive Mayor or the Chief Whip;

"Caucus" means a short adjournment of the meeting to allow for a political party discussion as requested by a party whip during the Council or committee meeting;

"Chair of Chairs" means the chairperson of a committee of chairpersons appointed by the council for the purposes as described in the new governance model for the City of Tshwane approved by the Council on 9 June 2011;

"Chairperson" means a chairperson of a committee as appointed by the Council for the purposes as described in the New Governance Model for the City of Tshwane approved by the Council on 9 June 2011;

"Chief Whip of the Council" means a full-time councillor appointed in terms of the Remuneration of Public Office Bearer's Act (Act 20 Of 1998), read with the Municipal Structures Act;

"City of Tshwane" means the City of Tshwane Metropolitan Municipality established in terms of the relevant legislation;

"City Manager" means the Municipal Manager of the City of Tshwane appointed in terms of the Municipal Structures Act or the Acting Municipal Manager;

"Committees" means committees established in terms of Sections 79 and 80 of the Municipal Structures Act or any other statutory committee;

"Council" means the full complement represented/reflective of all political parties within it;

"Council Chamber" means a venue (room/chamber) where the Council is meeting at any particular point in time;

"Council meeting" means an official meeting of the Council as convened by the Speaker;

"Council orderly" means an official designated to assist the Speaker in maintaining order during Council meetings;

"Designated official" means the security officers and those officials assigned to assist the Speaker during the Council meetings;

"Executive Mayor" means the Executive Mayor or Acting Executive Mayor of the City of Tshwane;

"General municipal elections" means municipal elections conducted in terms of the provisions of Section 24 of the Municipal Structures Act and includes by-elections and conations elected through proportional representation;

"Leader of Executive Business" means the Leader of Executive Business appointed by the Executive Mayor for the purposes as described in the new governance model for the City of Tshwane approved by the Council on 9 June 2011;

"Mayoral Committee" means the Executive Mayor and members appointed by the Executive Mayor to serve in the Mayoral Committee;

"meeting" means a meeting of the Council and Committees of the Council unless otherwise indicated in these By-laws;

"member" means a councillor;

"member of the Mayoral Committee" means a member appointed by the Executive Mayor in terms of the Municipal Structures Act to serve in the Mayoral Committee;

"motion" means a motion introduced in writing in terms of these Rules and Orders, and includes a motion under section 40 or 58 of the Municipal Structures Act;

"Municipal Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"Municipal Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

"point of order" means a pointing out of a deviation from or a pointing out of anything contrary to these Rules and Orders or by-laws of the City of Tshwane or any law;

"point of information" means the explanation of some material part of the issue at hand;

"proposal" means a proposal that is moved and seconded at a meeting, but does not include a motion;

"quorum" means a majority (50 per cent plus one) of the members. In the absence of the appointed chairperson of a Section 79 Committee, the Chair of Chairs is chairing the said meeting, and the Chair of Chairs shall then be counted for purposes of a quorum;

"report of the Executive Mayor" means the report of the Executive Mayor to the Council as contemplated in Sections 56(1) and 56(5) of the Municipal Structures Act;

"Rules and Ethics Committee" means a committee of the Council, established in terms of section 79 of the Municipal Structures Act;

"Secretariat of Council" means the Strategic Executive Head: Secretariat of Council in the Office of the Speaker;



"Section 79 Oversight committee" means a committee of the Council established in terms of Section 79 of the Municipal Structures Act for the purposes described in the new governance model as approved by Council on 9 June 2011;

"Section 79 Standing committee" means a committee of the Council established in terms of Section 79 of the Municipal Structures Act for the purposes described in the new governance model as approved by Council on 9 June 2011;

"Snap debates" means short debating of matters of public importance allowed by the Speaker;

"Speaker" means the Speaker or Acting Speaker of the Council appointed in terms of the Municipal Structures Act; and

"Traditional Leader" means a traditional authority that traditionally observes a system of customary law in the area of the municipality.

"Whips" means the whips of the different political parties represented in the Council;

Any other word or expression shall have the ordinary meaning assigned thereto.

### **1.A Authority and application of rules and orders**

- (1) These Rules and Orders are made in terms of section 160 (6) of the Constitution of the Republic of South Africa.
- (2) These rules apply to:-
  - (a) each member of Council
  - (b) each party represented in Council
  - (c) each employee of the municipality in the course and scope of his or her employment by the municipality
  - (d) the public.

### **1.B Term of office and prescribed oath**

- (1) The term of office of members will be the term for which such member was elected in the preceding general municipal election unless such member resigns or becomes unsuitable by law to occupy his or her position as such.
- (2) Before taking a seat at the first Council meeting following a general municipal election, each member may, if he or she so wishes, take the prescribed oath or affirmation as determined by Council.

## **2. Notice and agenda of ordinary meetings to members**

- (1) Notice of the time and place of every ordinary meeting and agenda of meetings must be served on every member at least seven (7) working days before Council and Committee meetings, subject to the provisions of Section 12 and except for –
  - (a) reports referred by Council to Oversight or Standing Committees in which case notice and agenda must be served on every member at least 24 hours before the committee meeting; and
  - (b) reports from Oversight and Standing Committees reporting back to Council on oversight outcome, in which case notice and agenda must be served on every member at least 24 hours before the Council meeting.
- (2) The notice must be served electronically or be left at the member's usual place of residence or place of business.
- (3) The validity of a meeting is not affected if the notice of the meeting is accidentally not served on a member.
- (4) Should agendas not be delivered timeously to Members in terms of this Section the meeting may be postponed in the discretion of the Speaker in the case of Council and in the case of the committees, in the discretion of the Chair of Chairs.

### **2.A Notice of Ordinary and Special meetings to Public and Media**

- (1) The City Manager must, in consultation with the Speaker, give notice to the public at least (7) seven calendar days in advance in terms of Section 19 of the Municipal Systems Act.

- (2) The notice of Council meetings must be placed in at least two newspapers circulating within the Council's area of jurisdiction and broadcasted by two local radio stations.
- (3) The notice referred to above must be posted on the public notice boards attached to Council premises or buildings occupied by elected or appointed officials of the City of Tshwane and request members of the public and media to adhere to an appropriate dress code when attending Council meetings.
- (4) In respect of a special or an urgent meeting of Council a notice in terms of subsection 2.C will be sufficient.

#### **2.B Access to meetings**

- (1) Public access to meetings will be regulated by Council policy and procedures and is in the case of -
  - (a) council meetings, subject to available space; and
  - (b) Committees of the Council subject to available space: Provided that such committee has the power to exclude members of the public if the report under consideration is one in respect of which a decision by a judicial or quasi-judicial body is pending.
- (2) Councillors who are not members of a specific committee of Council may upon them giving prior written notice to the Chairperson and with the written approval of the Chairperson, attend such meeting subject to the aforesaid conditions but only for purposes of observing: Provided that Ward Councillors may participate in a debate, without voting rights, where the matter under discussion relates only to his or her specific ward.

#### **2.C Special/Extra-ordinary meetings of the Council/Committees of the Council**

- (1) Save for the First Council Meeting after a general election, where the election of municipal office bearers will be conducted in terms of Schedule 3 of the Municipal Structures Act the Speaker may call a special or Extra-ordinary meeting of the Council.
- (2) A Chairperson of a Committee of the Council may, in consultation with the Chair of Chairs, call a special or Extra-ordinary meeting of that Committee.
- (3) This subsection has been deleted.

#### **2.D State of the City Address**

- (1) The Speaker must call a special meeting of the Council, to be held in each calendar year, for the Executive Mayor to deliver an address on the State of the City: Provided that such meeting only be called after the State of the Nation and State of the Province Addresses.
- (2) After the Executive Mayor's address on the State of the City has been delivered, the Speaker must place it on the agenda of the next ordinary Council meeting for debate.

#### **3. Attendance register and order of protocol**

- (1) Every member attending a meeting must sign his or her name in the attendance register kept for this purpose.
- (2) The movement of, including the entry into and exit from the Council Chamber shall be in accordance with Council Policy and Procedure.

#### **4. Postponement in the event of no quorum**

- (1) If a quorum is not present at the expiry of 20 minutes after the time appointed for a meeting, the meeting be deemed postponed.
- (2) in the event of the absence of the Chairperson at any meeting of the Committee, the Chair of Chairs may chair the meeting or the Committee may select an Acting Chairperson for purposes of that meeting from among its ranks: Provided that, in the event of the Chair of Chairs chairing a meeting in the absence of the appointed chairperson, the Chair of Chairs shall be counted for purposes of a quorum.
- (3) This subsection has been deleted.
- (4) Notice of a postponed meeting must be given in accordance with section 2 and, for the purposes of section 6; such a meeting must be deemed to be a continuation of the original meeting.

**5. Count of members**

- (1) If, at a meeting, the attention of the Speaker or Chairperson of the Committee, as the case may be, is called to the number of members present, the members present must be counted.
- (2) If it is found, after a count contemplated in subsection (1), that a quorum is not present, the Speaker or Chairperson of the Committee, as the case may be, must –
  - (a) have this fact recorded in the minutes; and
  - (b) have the call bell rung for at least one minute.
- (3) If there is still no quorum present within five minutes or such time period in the discretion of the Speaker or Chairperson after the call bell has been rung in accordance with subsection (2), the Speaker or Chairperson of the Committee, as the case may be, must postpone the meeting immediately.
- (4) Business not disposed of at a meeting postponed in terms of subsection (3) must be dealt with at a continuation meeting convened by the Speaker or Chairperson of the Committee in consultation with the Chair of Chairs, as the case may be, for this purpose.
- (5) If the business not dealt with originated from a special meeting convened at the request of members in terms of section 29(1) of the Municipal Structures Act, the business may be held over until the next ordinary meeting.

**6. Postponed meeting to be continued**

- (1) When a meeting is postponed, notice of the continuation meeting must be served in accordance with section 2.
- (2) Subject to the provisions of section 7, no business may be transacted at a continuation meeting, unless the business is specified in the notice of the initial meeting that gave rise to the continuation meeting.

**6A Adjournment to caucus**

The Speaker or Chairperson of the Committee, as the case may be, should if requested by Party Whips, adjourn a meeting in order to afford members the opportunity to caucus provided that the whip who requested the caucus should first address Council or committee before any further discussion take place.

**7. Business limited by notice of meeting and exceptions based on urgency**

- (1) Subject to the provisions of subsection (2) and section 8(1)(k), no business not specified in the notice of a meeting may be transacted at that meeting, with the exception of an urgent report of the Executive Mayor or chairperson of a committee reporting directly to the Council.
- (2) A member may at a meeting propose that the provisions of subsection (1) be suspended to enable him or her to submit a motion on a matter of urgency, which must be in writing.
- (3) The written proposal to suspend subsection (1), and the motion on a matter of urgency, must be –
  - (a) signed by the proposer and a seconder;
  - (b) handed to the Speaker at least two hours before the commencement of the meeting where moving the proposal and motion is to be proposed, unless the Speaker allows a shorter period of time; and
  - (c) dealt with in terms of the provisions of these Rules and Orders.
- (4) Before the new motions in terms of Section 8(1)(i) are dealt with, the Speaker shall make known that a proposal and motion in terms of subsection 2 hereof, if any, have been handed to him or her.
- (5) The Speaker shall consider the proposal and motion and shall disallow both if he or she could have disallowed such motion in terms of section 19.

- (6) If the Speaker allows the proposal and motion in terms of subsection (5), the member concerned shall, when called upon to do so by the Speaker, read out the motion and after he has spoken for not more than five minutes on only the reasons for the urgency of the consideration of that motion, which includes the reading of the motion, he or she shall propose that the provisions of subsection (1) be suspended.
- (7) The seconder of the proposal and motion contemplated in subsection (3)(a) hereof shall not speak on the proposal and motion at this stage, except to formally second them.
- (8) The proposal to suspend shall be deemed to be carried if the members voting in favour thereof constitute a majority of the whole Council.
- (9) If the proposal to suspend is carried, the proposer may speak on the motion and thereafter the debate thereon shall proceed in accordance with the provisions of these Rules and Orders.
- (10) The proposer of the motion has, subject to Section 29, the right to reply.

**8. Order of business at ordinary meetings of the Council**

- (1) The order of business at an ordinary meeting of the Council convened in terms of section 2 of these Rules and Orders must be as follows:
  - (a) Opening: Prayer or meditation
  - (b) Submission of approved leave of absence by the Chief Whip of the Council
  - (c) Official notices
  - (d) Unopposed proposals by the Speaker and other proposals allowed by the Speaker
  - (e) Consideration of the minutes of the previous meeting or meetings
  - (f) Reports to the Council
    - (a) Reports of the Executive Mayor
      - (i) Recommendations to the Council
      - (ii) Resolutions by the Mayoral Committee
      - (iii) Resolutions by committees reporting to the Executive Mayor
    - (b) Reports of oversight and standing committees reporting directly to the Council
      - (i) Recommendations to the Council
      - (ii) Resolutions by oversight and standing committees reporting to the Council
  - (g) Questions of which notice has been given
  - (h) Motions or proposals deferred from previous meetings
  - (i) New motions
  - (j) Petitions
  - (k) Any other matter not contained in the notice of the meeting, at the discretion of the Speaker. In the case of snap debates –
    - (i) notice must be given in writing at least three (3) hours before the commencement of the meeting;
    - (ii) the Chief Whip of Council, in consultation with whips, must determine the speaking order and time allocation, subject to Section 33(1); and
    - (iii) such debates must not exceed thirty (30) minutes per snap debate, subject to Section 33(1).
- (2) After the matters referred to in paragraphs (a) to (e) of subsection (1) have been considered, the Speaker may allow at his or her discretion the bringing forward of any business which is on the agenda.

- (3) The order of business at a Special / Extra-ordinary meeting of the Council, as well as the applicability of all provisions of the Rules and Orders during that meeting, is determined by the Speaker.

**9. Consideration of the minutes of a previous meeting or meetings and official recording of Council and Committee proceedings**

- (1) If a copy of the minutes of a meeting has been served on members in the manner provided for in section 2(2), the minutes are taken as read with a view to confirmation
- (2) No proposal on or discussion of the minutes is allowed, except for a proposal on or discussion of the accuracy of the minutes.
- (3) The minutes in relation to an item considered by the Council in committee as contemplated in section 42 must be –
  - (a) kept separately from other minutes of the Council, unless the resolution of that item was passed in open Council; and
  - (b) approved by the Council in committee not later than the second ordinary meeting after the meeting to which the minutes relate.
- (4) Only authorised recordings of Council and Committee meetings shall be recognised as official records / transcriptions of Council and Committee meetings.

**10. Questions**

- (1) A member may at a Council meeting put a question -
  - (a) on a matter arising out of or connected with any item of the report of the Executive Mayor or reports of chairpersons of committees reporting directly to the Council, when the item has been called or during the discussion of the item, and such a question is not considered to be a speech in terms of section 34 of these Rules and Orders; or
  - (b) on a matter that concerns the general work of the Council and that does not arise out of or is not connected with an item contained in the agenda or any matter already dealt with during the Council meeting, provided that -
    - (i) the question is submitted in writing and is signed by the member submitting it;
    - (ii) the question is submitted to the Executive Mayor at least 15 working days prior to the meeting
    - (iii) the Executive Mayor must acknowledge receipt of all the questions in writing and furnish the Speaker and the Chief Whip of the Council with a copy of the questions before inclusion of the questions in the agenda of the meeting; and
    - (iv) no member may have more than one set of questions placed on the agenda, with the exception of deferred questions.
- (2) A question on a matter which, in the opinion of the Speaker, is of urgent public importance may be put at a meeting after written notice of the question has been submitted in triplicate to the Executive Mayor at least 120 minutes before the commencement of the meeting, and the Executive Mayor must immediately furnish the Speaker and the Chief Whip of the Council with a copy of the question.
- (3) Any questions put in terms of subsection (1)(a) must be answered by or on behalf the Executive Mayor during the discussion of the item or when reasonably possible.
- (4) The Executive Mayor may, unless circumstances dictate otherwise, and with due motivation, reply in writing to questions put in terms of subsection(1)(b) to the Councillor who posed the question.
- (5) If, after a question has been replied to in writing, the member who posed the question is of the opinion that the reply to that question is not clear, he or she may, with the consent of the Speaker, in writing request clarity.

**11. Reports of the Executive Mayor and Chairpersons of oversight and standing Committees reporting directly to the Council**

- (1) Reports submitted by the Executive Mayor and the Chair of Chairs for purposes of oversight and standing committees reporting directly to the Council, must first contain the matters on which recommendations are made in respect of which no powers have been delegated and thereafter the matters which have been delegated to the Executive Mayor, oversight and standing committees of the Council.
- (2) Every item on matters in respect of which the Executive Mayor, oversight or standing committee of the Council has no delegated powers must, except where otherwise dictated by legislation, contain a recommendation, which may be considered by the Council.
- (3) This subsection has been deleted.

**12. Exception of delivery of reports of the Executive Mayor and Chairpersons of Oversight and Standing Committees reporting directly to the Council, in the case of urgency**

A report which is legislated or otherwise accepted by the Speaker as a matter of urgency, from the Executive Mayor or Chair of Chairs for purposes of oversight and standing committees need for the purposes of a meeting not be served in the manner provided for in section 2: Provided that Party Whips be alerted in a manner in accordance with the Speaker's discretion.

**13. Moving of reports of the Executive Mayor or Chair of Chairs for purposes of Oversight and Standing Committees reporting directly to the Council**

- (1) The Executive Mayor or Chair of Chairs for purposes of oversight and standing committees, must submit his or her report to a meeting of the Council by requesting that the report be considered.
- (2) When a report of the Executive Mayor or Chair of Chairs for purposes of oversight and standing committees, is being considered, the Speaker must put the recommendations in the part of the report in respect of which the Executive Mayor or Chair of Chairs for purposes of oversight committees, has no delegated powers one after the other, unless he or she has good cause to vary the order of the recommendations.
- (3) The recommendations contemplated in subsection (2) are deemed to have been proposed and seconded.
- (4) When a recommendation contemplated in subsection (2) has been adopted, the recommendation becomes a resolution of the Council.
- (5) The Executive Mayor or Chair of Chairs for purposes of oversight and standing committees, may withdraw, hold in abeyance, defer, refer or amend any item contained in his or her report.
- (6) If the Executive Mayor, Member of the Mayoral Committee or Chair of Chairs for purposes of oversight and standing committees, take part in the debate concerning an item in a report of the Executive Mayor or Chair of Chairs, he or she must close the debate on that item only after all members who have indicated their intention to speak have done so: Provided that the Executive Mayor, the said member, or Chair of Chairs may nominate another member of the Mayoral Committee or relevant chairperson of a committee who, in his or her opinion, is more conversant with the item to close the debate on his or her behalf, irrespective of whether any of the above members had previously taken part in the debate on that item.
- (7) After the matters in respect of which the Executive Mayor or Chair of Chairs for purposes of oversight and standing committees has no delegated powers have been dealt with, the Speaker must permit a debate of the matters delegated to the Executive Mayor, oversight and standing committees provided that –
  - (a) the debate is limited to –
    - (i) a period not exceeding one hour in the case of matters delegated to the Executive Mayor, and 30 minutes in the case of matters delegated to the oversight and standing committees; or
    - (ii) an extended period that the Speaker may determine.
  - (b) a member, except the Executive Mayor, members of Mayoral Committee, Chair of Chairs, and chairpersons of oversight and standing committees and the Chief Whip of Council may not speak on matters for longer than three minutes;

- (c) no other proposal is submitted during the debate, except a proposal that the Executive Mayor or an oversight or standing committee, be requested to reconsider its resolution; and
  - (d) during the debate a member may request that his or her opposition to a resolution in respect of which the Executive Mayor or committee of the Council has delegated powers be minuted after which the opposition and the reason (if the reason is supplied by the member) must be minuted.
- (8) The Council may at any time, following a recommendation by the Executive Mayor, oversight or standing committee, rescind or amend any resolution passed by the Council.

**14. Review of Council's resolution**

- (1) A request by a member for the review of a resolution in terms of section 59(3) of the Municipal Systems Act may be submitted during the course of a meeting, and the request must state the reasons for the review.
- (2) A request contemplated in subsection (1), except for a request submitted in writing by at least one quarter of the members, must be put to the vote without debate.
- (3) If a request in terms of subsection (2) has been carried, or if a request has been submitted in writing by at least one quarter of the members, the Council must –
  - (a) refer the matter to the Executive Mayor, [ or] oversight or standing committee; or
  - (b) summarily confirm or revoke the resolution.

**15. Consideration of the budget**

The procedure and the applicability of all the provisions of the Rules and Orders during the consideration of the budget by the Council will be dealt with in the discretion of the Speaker.

**16. Petitions**

- (1) A petition may be submitted by a member in the course of a Council meeting, and he or she may not mention or divulge the content of the petition, except to state the subject of the petition.
- (2) A petition contemplated in subsection (1) must be referred to a committee established by the Council to deal with petitions and such petition must be responded to within 90 days of receipt thereof by the Council: Provided that where the outcome of the petition has the effect of increasing or decreasing the approved budget of the City of Tshwane, the outcome be considered during the annual and mid-term budget.

**17. Deputations**

This section has been deleted.

**18. Motions for consideration by Council**

- (1) Subject to the provisions of these Rules and Orders -
  - (a) every motion must be in writing and the notice of the motion must be signed by the member submitting it;
  - (b) a motion must be given to the Speaker who must enter it in a book which is kept for that purpose and which is open to inspection by any member;
  - (c) a motion must not be specified in the notice for a meeting unless the motion is received at least 15 working days prior to the meeting; and
  - (d) a motion lapses if the member who submitted it is not present at the meeting at which the motion is being debated.
- (2) This subsection has been deleted.
- (3) Every motion must be relevant to the general work of the Council, or conditions in, the Council or must deal with a matter in respect of which the City of Tshwane has jurisdiction.

- (4) A motion may only be regarded as having been submitted to the Council for consideration and resolution if the motion was duly seconded.
- (5) A member submitting a motion must move the motion and must have the right to reply, subject to Section 29.
- (6) Every motion must, on receipt by the Speaker, be dated and numbered and must be placed on the agenda by the Speaker in the order in which it is received, provided that a motion amending another motion is placed on the agenda immediately after the motion it is amending, irrespective of the time when notice of the motion to amend was given.
- (7) No member may have more than one motion placed on the agenda, with the exception of a deferred motion, and no member may move more than six motions during any financial year.
- (8) When dealing with motions, the Speaker must -
  - (a) read out the number of every motion and the name of the mover;
  - (b) ascertain which motions are unopposed, and these unopposed motions must be passed without debate; and
  - (c) call the opposed motions one after the other.

**18.A Calling of reports by councillors**

This section has been deleted.

**19. Disallowed motions and proposals during Council meetings**

The Speaker must disallow a motion or proposal if -

- (1) in his or her opinion, the motion or proposal -
  - (a) may lead to the discussion of a matter on the agenda that has already been dealt with or a matter that has no bearing on the administration of, or conditions in the City of Tshwane;
  - (b) advances arguments, expresses opinion, or contains unnecessary factual, incriminating, disparaging or improper suggestions;
- (2) the motion or proposal -
  - (a) is one in respect of which the City of Tshwane has no jurisdiction;
  - (b) is one in respect of which a decision by a judicial or quasi-judicial body is pending;
  - (c) is one which has not been duly seconded;
- (3) the motion or proposal would, if passed, be contrary to the provisions of these Rules and Orders or of any other law, or would be impractical; and
- (4) the motion or proposal is one which the Council has already dealt with within the three (3) previous Council meetings:

Provided that, if the motion or proposal in the opinion of the Council justifies further investigation, it is referred to the Executive Mayor.

**20. Withdrawal of a motion or a proposal during Council meetings**

- (1) A motion or proposal may be withdrawn or amended by the mover with the consent of the Council, which may be given or refused without debate.
- (2) After consent for the withdrawal of a motion or proposal has been given, no member may speak on the motion or proposal.
- (3) After consent for the withdrawal of a motion or proposal has been refused, a member may speak on the motion or proposal.



**21. Motion or proposal affecting the budget**

A motion or proposal that is designed to increase or decrease the approved budget of the City of Tshwane may only be considered by the Council during the consideration of the annual and mid-term budget.

**22. Motion or proposal affecting a by-law, law or any new by-law to be referred to the Executive Mayor**

Before the Council passes a resolution on a motion or proposal, other than a recommendation of the Executive Mayor, oversight or standing committee, affecting the making or amendment of a law or by-law, the motion or proposal must be submitted to the Executive Mayor subject to the provisions of section 46(2).

**23. Further proposals which may be received during Council meetings**

(1) Subject to the provisions of section 42, when a motion or proposal is under debate at a Council meeting, no further proposal may be received, except for a proposal that –

- (a) the motion or proposal be amended;
- (b) the motion or proposal be referred back to the Executive Mayor or referred to oversight or standing committees for oversight purposes: Provided that the reasons for referral, the specific committee and required turnaround times be clearly indicated.
- (c) consideration of the motion or proposal be deferred;
- (d) the meeting be adjourned until a later date;
- (e) the debate be adjourned until later during the same meeting;
- (f) the motion or proposal be put to the vote;
- (g) the Council proceed to the next business;
- (h) This subsection has been deleted

Provided that the proposal is deemed to have been submitted to the Council for a resolution only if it was duly seconded.

- (2) If a proposal is made in terms of subsection (1)(a) or (b), no further proposal may be made in terms of subsection (1) until the mover and seconder of the motion or proposal under debate have spoken on the motion or proposal.
- (3) This subsection has been deleted.
- (4) A second proposal in terms of subsection (1)(c) to (g) may not be made on the same matter unless, in the opinion of the Speaker, new information that is materially different is submitted.
- (5) A member who has made a proposal in terms of subsection (1)(c) to (g) may speak on the motion or proposal for not more than five minutes, and the seconder is not allowed to speak on the motion or proposal, and there is no right of reply.
- (6) This subsection has been deleted.
- (7) A proposal in terms of subsection (1) must be dealt with in accordance with the provisions of sections 24 to 30.

**24. Amendment of a motion or proposal during Council meetings**

- (1) An amendment that is moved in terms of section 23(1)(a) -
  - (a) must be relevant to the motion or proposal on which it is moved;
  - (b) must be reduced to writing, be signed by the mover and seconder and be handed to the Speaker; and
  - (c) must be clearly stated to the meeting by the Speaker before it is put to the vote.

- (2) Whenever an amendment has been moved and seconded on a motion or proposal, no further amendment may be moved until a resolution on the first amendment has been passed.
- (3) No member may move more than one amendment of the same motion or proposal.
- (4) If an amendment is carried, the amended motion or proposal must take the place of the original motion or proposal and must then become the motion or proposal in respect of which any further proposed amendments are made: Provided that if there are no further amendments, the amended recommendation becomes the resolution of Council without any further debate.

**25. *The motion or proposal be referred back for further consideration, or for oversight***

A proposal in terms of section 23(1)(b) may not be put to the vote until the Executive Mayor or chairperson of a committee of the Council concerned has been afforded the opportunity to respond, and if the proposal is carried, the debate on the recommendation must end and the Council must proceed to the next business.

**26. *Deferring of consideration of motion during Council meetings***

If a proposal, in terms of Section 23(1)(c) that consideration of a motion be deferred to a particular date is carried, the motion must, subject to the provisions of Section 28(1), be placed first among the motions to be considered on the particular date.

**27. *Postponement of Council meetings to a later date***

No member may at any meeting move or second more than one proposal in terms of Section 23(1)(d) for the postponement of the meeting.

**28. *Deferment of the debate during Council meetings***

- (1) If a proposal is carried that the debate be deferred as contemplated in section 23(1)(e), the Council must proceed with the agenda, and the motion or proposal in respect of which the debate has been deferred, must be resumed at that meeting at a time to be determined by the Speaker.
- (2) On the resumption of an adjourned debate, the member who moved its adjournment is entitled to speak first.
- (3) No member may move or second more than one proposal for adjournment of the same debate.

**29. *Putting a motion or proposal to the vote during Council meetings***

The mover of the original motion or proposal under debate has the right, notwithstanding the provisions of section 34, to reply before closing remarks by the Executive Mayor, member of the Mayoral Committee or chairperson of an oversight or standing committee and before the motion or proposal is put to the vote.

**30. *Proposal that Council proceed to next business***

- (1) A proposal in terms of section 23(1)(g) may be carried, only after the Council has passed a resolution on a particular matter.
- (2) This subsection has been deleted.

**31. *Precedence of Speaker during Council meetings***

Whenever the Speaker speaks, a member then speaking or offering to speak must sit down and the members must be silent so that the Speaker may be heard without interruption.

**32. *Member to stand while speaking during Council meetings***

- (1) A member must stand when speaking, unless otherwise directed by the Speaker, and must address the Speaker.
- (2) If a member who is not speaking rises on a point of order or a point of information, and the member is seen and addressed by the Speaker, the member then speaking must sit down until the Speaker has made a ruling.

**33. Limits on speeches during Council meetings**

- (1) A member may speak for no more than five minutes per item, provided that the Speaker may permit a speech to be continued for a further period or periods of five minutes: Provided that speaking on resolutions of the Mayoral Committee or other committees of the Council, and snap debates shall be limited to three minutes.
- (2) The provisions of section 33(1) do not apply to the Executive Mayor, the Speaker, the Chief Whip of the Council, Members of the Mayoral Committee, Chair of Chairs or chairpersons of oversight and standing committees, or in the presentation of the estimates of income and expenditure.
- (3) The list of members of different parties to speak on an item during Council meetings (inclusive of the debate on the State of the City Address), as well as the speaking order and time allocation must be determined by the Chief Whip of the Council, after consultation with the whips, and the Speaker must be informed accordingly 24 hours prior to the meeting.

**34. Member to speak only once on any item during Council meetings**

- (1) Subject to provisions contained in these Rules and Orders, no member may speak more than once on any item.
- (2) The Speaker may permit the Executive Mayor, member of the Mayoral Committee, Chair of Chairs or chairperson of an oversight or standing committee to make an explanatory statement prior to the consideration of any particular item contained in the report of the Executive Mayor, oversight or standing committee or during the discussion of that report, in reply to a specific question.

**35. Relevance**

A member who speaks must direct his or her speech strictly to the matter under discussion or to an explanation or a point of order, and no discussion is permitted -

- (a) which will anticipate any matter on the agenda; or
- (b) on any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of inquiry, whether instituted in terms of legislation or not, is pending, provided that the matter may be discussed in the discretion of the Speaker.

**36. Irrelevance, tedious repetition, unbecoming language and breach of order**

- (1) The Speaker or Chairperson of a committee may call the attention of a member to irrelevance, tedious repetition, unbecoming language or any breach of order on the part of that member and may direct the member, if the member is speaking, to discontinue his or her speech or, in the event of persistent disregard of the authority of the Speaker or relevant Chairperson, to retire from the meeting.
- (2) The Speaker or Chairperson of a committee may direct a member to apologise or withdraw an allegation if the allegation injures or impairs the dignity or honour of a member or an official of the City of Tshwane, or any other person.

**37. Removal or exclusion of member**

- (1) If a member refuses to comply with a direction in terms of section 36, the Speaker or Chairperson of a committee may instruct a person to remove the member or to have the member removed and to take steps to prevent the member's return to the meeting.
- (2) The Council may exclude from meetings of the Council or its committees for a period that it may determine, but not exceeding 60 days, a member who wilfully disregards the authority of the Speaker or chairperson of a committee of the Council or who wilfully obstructs the business at any meeting of the Council or its committees.
- (3) A proposal to exclude a person from a Council or committee meeting of the Council may be moved at any stage of the Council or committee meeting.

**38. Points of order and points of information**

- (1) For the purpose of this section, a point of order or point of information does not constitute a speech and therefore does not affect the right of a member to speak on a particular item.

- (2) Any member, whether or not he or she has addressed the Council or a Committee of the Council on the matter under debate, may -
  - (a) raise a point of order; and
  - (b) raise a point of information.
- (3) A member contemplated in subsection (2) is entitled to be heard immediately, and the member speaking at the time must cease speaking and sit down until a ruling has been made by the Speaker or Chairperson of a committee.
- (4) Subject to the provisions of section 40, the ruling of the Speaker or Chairperson of a committee on a point of order or on the admissibility of a point of information is final and is not open to discussion.

**39. *Method of voting during meetings of the Council or committees of the Council***

- (1) Every motion or proposal must be submitted to the Speaker or Chairperson of a committee, who is required to call on the members to indicate by an appropriate manner to be determined by the Speaker or Chairperson of a Committee whether they are for or against the motion or proposal, and the Speaker or said Chairperson must declare the result of the voting.
- (2) After the Speaker or Chairperson of a committee has declared the result of the voting in terms of subsection (1), a member or a party, as the case may be, may request that his or her, or its, dissenting vote or abstention be recorded against the decision.
- (3) Should there be an equality of votes in respect of a proposal during meetings of the Council or its committees, the Speaker or Chairperson of a committee must record his or her casting vote as contemplated in section 30(4) of the Municipal Structures Act.

**40. *Rulings of the Speaker during Council meetings***

- (1) A member may request that the ruling of the Speaker on the interpretation of these Rules and Orders be recorded in the minutes of a Council meeting, and a register of such rulings must be kept by the Secretariat of Council.
- (2) The Speaker must sign at each entry in the register referred to in subsection (1) in respect of each ruling given by him or her.
- (3) A member who has made a request in terms of subsection (1) may, orally during the meeting or in writing within five working days of the meeting, require the Speaker to submit the matter to the Rules and Ethics Committee, in which event the Rules and Ethics Committee must consider the ruling and report on the ruling to the Council.
- (4) The Council may, at the recommendation of the Rules and Ethics Committee, direct that the ruling of the Speaker be amended, revoked or substituted.

**41. *Maintenance of order during Council meetings***

- (1) The Speaker or chairperson of a committee of the council may at any time during a meeting of the Council or a committee of the Council, and if he or she deems it necessary for the maintenance of order –
  - (a) instruct a council orderly to remove a person, including a member, from the Council Chamber or committee room or to have such a person removed; or
  - (b) order that the galleries be vacated.
- (2) Councillors and other persons attending a meeting of the Council or committee of the Council must be dressed in traditional or formal dress to the dignity of the Council or committee: Provided that, if in the opinion of the Speaker or chairperson of a committee, a Councillor or any other person is not dressed properly, the Speaker or chairperson of a committee, may exclude that person from the meeting.
- (3) The dignity of Council and its committees should be observed at all times and all actions such as, inter alia, eating, drinking (excluding water), using cell phones, foul language, crossing the "floor/open space" directly in front of and just below the podium, in case of a Council meeting, or the space between the Speaker and the councillor who is speaking, etc, which, in the opinion of the Speaker/ chairperson, compromises the dignity of Council or committee of Council, are prohibited.

- (4) The Speaker or chairperson of a committee of the Council may request or order the removal of a person or persons who refuse to carry out an instruction or order given in terms of subsection (1) or who wilfully obstruct the carrying out of such an instruction or order or otherwise contravene the provisions of subsection (1), (2) or (3).

#### **42. Council in committee**

- (1) A member may -
- (a) at any time after an item on the agenda has been called or during consideration of the item and subject to the provisions of section 20 of the Municipal Systems Act, propose that the Council or a committee of the council resolve itself into committee, for the further consideration of that item; or
- (b) if the Council or a committee of the Council is in committee as contemplated in paragraph (a), propose that, for the further consideration of the item under debate, the Council resolve to consider the matter in open Council, or committee of the Council, provided that the Executive Mayor, member of the Mayoral Committee or chairperson of a committee of the Council, may at any time propose that the Council or committee of the Council resolve itself into committee for consideration of one or more items on the agenda.
- (2) No seconder is required for a proposal in terms of subsection (1).
- (3) Only the proposer of a proposal in terms of subsection (1) may speak on that proposal for a period not exceeding five minutes, and such a member must restrict his or her speech to the reasons the Council or committee of the Council should resolve itself into committee or discuss the matter in open Council or committee of the Council, as the case may be.
- (4) If the Council or committee of the Council is in committee, the provisions of these Rules and Orders, except in so far as they are in conflict with this section, apply.
- (5) If a proposal in terms of subsection (1) is carried, the Speaker or chairperson of a committee must determine when the item in question is to be considered by the Council or committee of the Council in committee.
- (6) Once the Council or committee of the Council in committee has considered an item contemplated in subsection (5), the Council or committee of the Council must revert to the consideration of further items in open Council or committee of the Council.
- (7) When the Council or committee of the Council resolves itself into committee, all members of the public and officials of the City of Tshwane, except the City Manager and other officials and persons that the Speaker or chairperson of a committee of the Council may require to remain, must leave the Council Chamber or committee room and must not return to the Council Chamber or committee room for the duration for the proceedings in committee.
- (8) The Speaker or chairperson of a committee of the Council may instruct a person to remove or to have removed a person who remains in the Council Chamber or committee room in contravention of subsection (7), or to take steps to prevent the entry of a person into the Council Chamber or committee room in contravention of subsection (7).
- (9) The Speaker or chairperson of a committee of the Council must appoint a person to be responsible for keeping the minutes of the Council or committee of the Council while the Council or committee is in committee. The Speaker or chairperson of a committee must announce the resolution as soon as the Council or committee comes out of committee, unless the matter at hand is a staffing matter.

#### **43. Application for leave of absence**

An application for leave of absence from any meeting of the Council or any committee of the Council must be filed by a member in accordance with the Council's approved policy in this regard.

#### **44. Penalty clause**

- (1) Any contravention of these Rules and Orders or the Code of Conduct for Councillors contained in the Municipal Systems Act must be investigated in accordance with item 14 of Schedule 1 of the Municipal Systems Act, and the sanctions referred to in item 14(2) of Schedule 1 of the Municipal Systems Act apply if a member is found guilty of contravening these Rules and Orders or the Code of Conduct for Councillors.

- (2) A member who is, in a financial year of the City of Tshwane, absent from a meeting of the Council or Mayoral Committee or a meeting of a committee of the Council or Mayoral Committee without the necessary permission or leave forfeits 10 per cent of his or her monthly remuneration for the first non-attendance of a meeting, 15 per cent for the second non-attendance of a meeting and 20 per cent for each subsequent non-attendance of a meeting and must be removed as a Councillor for non-attendance of three or more consecutive meetings of Council or Committee of Council subject to the Council's policy in this regard.

**45. *Privilege and Immunity of Councillors during meetings:***

- (1) Subject to the provisions contained in the rules and orders, there must be freedom of speech and debate in the Council and its committees.
- (2) Councillors enjoy those additional privileges and immunities in terms of Privileges and Immunities of Councillors Act, 2002 (Act No 1 of 2002).

**46. *Amendment of the rules and orders***

- (1) Any provision of the rules and orders may be amended, revoked or added by a resolution of Council.
- (2) A proposal which must be substantiated by a member of Council to change the Rules and Orders must be submitted to the Rules and Ethics Committee.
- (3) A report in respect of any proposed changes to the Rules and Orders must be submitted by the Rules and Ethics Committee to Council for consideration.

**47. *Short Title of By-laws and Repeal of Previous By-laws***

- (1) These By-laws are called the City of Tshwane: Rules and Orders By-laws, 2012.
- (2) The Rules and Orders By-laws of the City of Tshwane Metropolitan Municipality as promulgated under Local Authority Notice 52 published in Provincial Gazette (Gauteng), of 27 January 2010 is hereby repealed and substituted by these By-laws.
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