

HIGH COUNTRY LIBRARY CORPORATION

Local Law No. 1

Meeting Procedures

HIGH COUNTRY LIBRARY CORPORATION

**Local Law
Meeting Procedure & Common Seal Local Law**

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PART 1 – PRELIMINARY

Purpose of Local Law

100 The purpose of this local law is to:

- i) Provide for those matters which require a local law under the Local Government Act 1989 and any other Act; and
- ii) Regulate the use of the Common Seal, election of Chairperson and the proceedings of Council and Committees of the Corporation.

Authorising Provision

101 These local laws are made under the provisions of Part 5 of the Local Government Act 1989 and Section 10 of the Local Government (Consequential Provisions) Act 1989.

Operation Date

102 These local laws come into operation on the

Revocation

103 This local law ceases to operate on (10 years from effective date).

Definitions

- 104
1. **Chief Executive Officer** means the Chief Executive Officer of the High Country Library Corporation and includes an acting, temporary or substitute officer.
 2. **Member** means a Member of the Board of High Country Library Corporation.
 3. **General Business** means matters pertaining to the good government of the Regional Library on which a resolution is sought.

It does not include general enquiries or specific requests about operations or works which come within the day to day responsibility of managers.

PART 2 – THE CORPORATION

DIVISION 1 – COMMON SEAL

Purpose

- 200 The purpose of this Division is to regulate the use of the Common Seal and prohibit unauthorized use of the Common Seal or any device resembling the Common Seal as required by Section 5(2)(c) of the Local Government Act 1989.

When is the Common Seal used?

- 201 The Common Seal may be used only on the authority of the Corporation.

Who keeps the Common Seal?

- 202 The Chief Executive Officer must keep the Common Seal in safe custody.

Signature to Accompany Seal

- 203 Every document to which the seal is affixed must be signed by two Members and the Chief Executive Officer.

Unauthorised use of the Common Seal

- 204 No person may use the Common Seal or any device resembling the Common Seal without the authority of the Corporation.

Penalty: 20 penalty points

DIVISION 2 – ELECTION OF CHAIRPERSON

Purpose

210 The purpose of this Division is to regulate the proceedings for the election of the Chairperson.

Who will preside?

211 The Chief Executive Officer is to preside at the election of the Chairperson.

Which voting method is used?

212 Voting for the election of the Chairperson is to be by a show of hands and if there is an equality of votes it shall be decided by lot.

PART 3 – CORPORATION ADMINISTRATION

DIVISION 1 – MEETING PROCEDURES

Purpose

300 The purpose of this Division is to regulate proceedings at meetings of the Corporation and special committees.

Quorum

301 A quorum is a majority of the number of Members or members of a special committee.

Ordinary Meeting

302 No business may be conducted at an ordinary meeting of the Corporation unless it is business notice of which has been given either by inclusion in the agenda or any report accompanying the agenda or in a notice of motion provided that the Corporation may resolve to admit (without such notice) an item considered to be urgent business, not being a matter which requires that notice shall be given.

Agenda

303 The agenda for an ordinary or special meeting must be sent to every Member not less than 48 hours before the meeting.

Declarations of Interest

- 304 (1) A Member or member of the Corporation's staff who has a direct or indirect conflict of interest in respect of a matter which is to be or is likely to be considered or discussed must:
- (i) Make a full disclosure of that interest by advising of the class (ie direct or indirect) and nature of the interest immediately before the matter is considered at the meeting or in writing to the Chief Executive Officer prior to the meeting. Where the disclosure is made to the Chief Executive Officer in writing, the Member must only disclose the class of the interest to the meeting, immediately before the matter is considered.
 - (ii) If the Member will not be present at the meeting, make a full disclosure to the Chief Executive Officer or Chairman of the meeting, in writing, of the class and nature of the interest. If a Chairman is given a written disclosure, he or she must give the written disclosure to the Chief Executive Officer.

Declarations of interest (cont)

- (2) The Chief Executive Officer must keep written disclosures for three years after the date of the Member who made the disclosure ceases to be a Member, and destroy the written disclosure when the three year period expires.
- (3) While the matter is being considered or any vote taken, the Member with the conflict of interest must leave the room and notify the Chairman he or she is doing so. The Chairman must notify the Member he or she may return to the room after consideration of the matter and all votes have been cast.
- (4) The minutes of the meeting must record any declarations of conflict of interest, the class of the interest and if the Member has disclosed the nature of the interest to the meeting, the nature of the interest.
- (5) A failure by a Member to comply with Section 79 of the Act may result in a penalty of up to 100 penalty units and disqualification under section 29(2) of the Act.

Confirmation of Minutes

- 305
- (1) At every ordinary meeting of the Corporation the minutes of the previous meetings must be dealt with as follows:
 - (i) if the minutes have been delivered to each Member at least 48 hours before the meeting a motion must be passed for confirmation of the minutes; or
 - (ii) if the minutes have not been so delivered the minutes must be read and a motion must be passed for confirmation of the minutes.
 - (2) No discussion is permitted on the minutes except as to their accuracy as a record of proceedings.
 - (3) Once the minutes are confirmed they must be signed by the Chairperson.

Procedure for Moving a Motion or Amendments

- 306
- (1) The mover must state the nature of the motion.
 - (2) The Chairperson must call for a seconder unless the motion is a call to enforce a point of order.
 - (3) If there is no seconder then the motion lapses.
 - (4) If there is a seconder then the Chairperson must call the mover to address the meeting.

Procedure for Moving a Motion or Amendments (Cont'd)

- (5) After the mover has addressed the meeting the seconder may address the meeting or may reserve the right to speak later in the debate.
- (6) After the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting) the Chairperson must call upon any Member who wishes to speak against the motion.
- (7) If no Member speaks against the motion then the Chairperson may put the motion or call any other member to speak.
- (8) Any Member may move or second an amendment except the mover and seconder of the original motion.
- (9) A Member may speak once on the motion and once on any amendment except for the mover of an original motion which has not been amended who has a right of reply after which the motion must be put to the meeting for decision. The mover of an amendment has no right of reply.
- (10) A Member may be permitted by the Chairperson or by resolution to speak more than once to explain that the Member has been misrepresented or understood.
- (11) A Member calling the attention of the Chairperson to a point of order is not regarded as speaking to the motion or the amendment.
- (12) No motion or amendment may be withdrawn without the consent of the meeting.
- (13) Amendments must be dealt with one at a time.
- (14) An amendment must not be considered until any previous amendment is decided upon.

Conduct of Debate

307 Member and Officers must designate each other by their official titles.

Voting

- 308
- (1) When called upon by the Chairperson the Members present must vote by a show of hands.
 - (2) If there is an equal division of votes upon any matter other than the election of the Chairperson of any meeting the Chairperson at such meeting shall in addition to a vote as a Member have a second or casting vote.

Divisions

- 309 (1) If a division is called by a Member the vote must be taken by Members voting in the affirmative first holding up their hands and then those voting in the negative holding up their hands. The Chairperson must declare the result.
- (2) The Chief Executive Officer must record in the minutes the names of Members and whether they voted for or against.

Motions

- 310 (1) Motions must be clear and unambiguous and not be defamatory or objectionable in language or nature.
- (2) The Chairperson may require motions to be put in writing.

Debate

- 311 When a Member wishes to move a motion, an amendment or take part in the debate and has been acknowledged by the Chairperson, the Member has the floor and must not be interrupted unless called to order or time has expired.

Points of Order

- 312 (1) The Chairperson is the final arbiter of all points of order.
- (2) The point of order may be taken on the grounds that the matter is:
- i) contrary to this local law;
 - ii) defamatory;
 - iii) irrelevant;
 - iv) outside the Corporation's power; or
 - v) improper

Time limits

- 313 No Member may speak longer than the time set out below unless granted an extension by the meeting:

The mover of a motion	5 minutes
Any other member	3 minutes
The mover of a motion exercising a right of reply	2 minutes

Notices of Motion

- 314 (1) Notices of motion must be given to the Chief Executive Officer in sufficient time to permit the Chief Executive Officer to give notice in the manner and time required for the meeting.
- (2) The Chief Executive Officer must date and number all notices of motion in the order received.

Petitions

- 315 (1) No petition shall be considered until the next ordinary meeting of the Corporation after that at which it was presented unless otherwise resolved by the Corporation.

Revocation or Alteration of Previous Resolution

- 316 (1) A notice of motion to revoke or alter a previous resolution –
- i) must be given to the Chief Executive Officer in sufficient time to enable him to give 7 clear days' notice to all Members;
 - ii) must be deemed withdrawn if not moved at the next meeting at which such business may be transacted;
 - iii) if it is a second or subsequent notice to revoke or alter an earlier resolution, must not be accepted by the Chief Executive officer until a period of one month has elapsed after the date of the meeting at which the first or last motion of revocation or alteration was dealt with.
- (2) A revocation or alteration of a previous resolution must be passed by an absolute majority of the whole of the Members.

Suspensions

- 317 The Corporation may suspend from a meeting and for the balance of the meeting any Member whose actions have disrupted the business of the Corporation and impeded its orderly conduct.

Removal from Chamber

- 318 The Chairperson, or the Corporation in the case of a suspension, may ask any authorized officer or member of the police force to remove from the Meeting Room any person who has committed an offence against this local law.

Offences

- 319 (1) Offences against this local law may be proceeded with by an infringement notice in the form of the notice in Schedule 1 to this Local Law. The fixed penalties of the infringement notice shall be as detailed in this local law. The Chief Executive Officer may issue an Infringement Notice which shall be payable at the Corporation's office within 28 days in order to avoid prosecution.

It is an offence –

- (2) for a Member to not withdraw an expression, considered by the Chairperson to be offensive or disorderly, and satisfactorily apologise when called upon twice by the Chairperson to do so.
- (3) for any person, not being a Member, who is guilty of any improper or disorderly conduct and who does not leave when requested by the Chairperson to do so.
- (4) for any person to fail to obey a direction of the Chairperson in relation to the conduct of the meeting and the maintenance of order.
- (5) for a Member to refuse to leave the Chamber on suspension.
- (6) for a Member who is legally entitled to vote to refuse to vote when requested by the Chairperson to do so.

Penalty: 20 penalty units

Application to Committees

- 320 This Division applies to committees of the Corporation with appropriate modifications.
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Schedule 1 – Infringement Notice

Meeting Procedure & Common Seal Local Law

High Country Library Corporation

INFRINGEMENT NOTICE

Date of Notice.....No. of Notice.....

To: Surname of

Organisation.....

Other names.....

Address.....

State.....

I,being a duly authorized officer

(full name of authorized officer)

of the above Corporation have reason to believe that you have committed an offence against the local laws of the Corporation. The nature of the alleged offence and the amount of the penalty is indicated by the ticked box below:

Local Law Number	Clause Number	Nature of Infringement	Applicable Penalty Units
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Other particulars of the offence:

Date:.....Time:.....Location:.....

If you pay the penalty indicated within 28 days from the date of this notice to the HIGH COUNTRY LIBRARY CORPORATION:

By CHEQUE, MONEY ORDER or CASH to 21 Docker St. Wangaratta, Vic. 3677

the matter will not be brought to Court and no conviction will be recorded.

You are entitled to disregard this infringement notice and defend the prosecution for the offence in Court.

Should you wish to make any submission concerning this infringement notice contact should be made within 28 days.

.....

(Signed by Authorised Officer)

This Local Law was made by Resolution of the High Country Library Corporation at a Board meeting held on _____ and the sealing of the document was authorized.

THE COMMON SEAL OF THE HIGH)
COUNTRY LIBRARY CORPORATION)
was hereunto affixed on
in the presence of)

.....
Member

.....
Member

.....
Chief Executive Officer

Notices of the proposal to make and confirmation for the making of this Local Law were inserted in the _____ week commencing _____ and _____ respectively.

Copies of the Local Law No. 1 were forwarded to the Alpine Shire Council, Benalla Rural City Council, Mansfield Shire Council and the Rural City of Wangaratta for ratification on _____

Notices of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazette dated _____ and _____ respectively.

A copy of this Local Law was sent to the Minister for Local Government on _____