

# Meeting Procedure Local Law No. 1 2020

## **Our Child Safety Commitment**

West Gippsland Libraries is committed to the safety and wellbeing of all children and young people.



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# Meeting Procedure

## Local Law No. 1 2020

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**PART A – INTRODUCTION****1. Title**

This Local Law is the West Gippsland Regional Library Corporation Meeting Procedure Local Law No 1 and is referred to as this Local Law.

**2. Objectives of this Local Law**

The objectives of this Local Law are to:

- 2.1. provide a mechanism to facilitate the good government of the West Gippsland Regional Library Corporation (Corporation) Board through its formal meeting procedure to ensure effective and efficient Board decisions are made in a manner which acknowledges the role of local government within the Australian system of Government;
- 2.2. to promote and encourage community participation in the system of local government by providing mechanisms for the Board to ascertain the community's views and expectations;
- 2.3. to regulate and control the election of Chairperson, any Deputy Chairperson and the Chairperson of any Special Committees;
- 2.4. to regulate and control the procedures governing the conduct of meetings including:
  - 2.4.1.1. the notice required for meetings;
  - 2.4.1.2. the keeping of minutes.
- 2.5. to regulate and control the use of the Board's seal; and
- 2.6. to provide for the administration of the Board's powers and functions.

**3. The power to make this local law**

The Corporation's power to make this Local Law is contained in section 71 of the *Local Government Act (Vic) 2020* and section 196 of the *Local Government Act (Vic) 1989*.

**4. Commencement and cessation**

- 4.1. This local law comes into operation on the day following publication in the Victorian Government Gazette.
- 4.2. Unless this local law is revoked sooner its operation will cease on the 30th day of June 2030.

**5. Definitions**

In this local law, unless inconsistent with the context:

Board	Refers to the West Gippsland Regional Library Corporation Board
Board Meeting	Includes Ordinary and Special meetings of the Board
Board Member	Means a person who is appointed by a Member Council to the Corporation Board
Chairperson	The person who chairs a meeting of the Corporation or Special Committee of the Board
Chief Executive Officer	Means the person who is appointed to be the Chief Executive Officer of the Corporation or any person acting in that position
Councillor	Means a Councillor of a Member Council
Deputy Chairperson	Means a Board Member authorised to deputise for the Chairperson.
Library Agreement	Means the West Gippsland Regional Library Corporation Agreement
Meeting	Means an Ordinary or a Special Meeting of the Board



Member Council	A Council who is party to the West Gippsland Regional Library Corporation Agreement
Minutes	Means the record of proceedings of a meeting
Officer	Means a member of Corporation staff
Ordinary Meeting	Means any meeting of The Board which is not a Special Meeting
Penalty Units	Means penalty units as prescribed in the <i>Sentencing Act 1992</i>
Senior Officer	Has the meaning ascribed to it in Section 3 of the Act
Standing Orders	Means the rules set out in this Meeting Procedure in order to guide the management of the meeting.



**PART B – ELECTION OF CHAIRPERSON**

The purpose of this Part is to regulate proceedings for the election of the Chairperson, Deputy Chairperson and Committee Chairpersons.

**6. Election of Chairperson**

The Chief Executive Officer must facilitate the election of the Chairperson.

**7. Method of Voting**

The election of the Chairperson must be carried out by a show of hands.

**8. Determining the election of the Chairperson**

8.1. The Chief Executive Officer must open the meeting at which the Chairperson is to be elected, and preside until the meeting elects a Chairperson.

8.2. The procedure for the election of the Chairperson is as follows:

8.2.1. The Chief Executive officer must invite nominations for the Chairperson (each of which must be seconded). If there is only one nomination, the candidate nominated is deemed to be elected.

8.2.2. Only Councillor Board Members are eligible to be nominated as specified in the Library Agreement.

8.2.3. If there is more than one nomination, a vote of Board Members present at the meeting will be held.

8.2.4. In the event of a candidate receiving a majority of the votes, that candidate is declared to have been elected.

8.2.5. In the event that no candidate receives a majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. A further vote of the Board Members present at the meeting will be held.

8.2.6. If one of the remaining candidates receives a majority of the votes, that candidate is duly elected. If none of the remaining candidates receives a majority of the votes, the process of declaring the candidate with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives a majority of the votes. That candidate must be declared to have been duly elected.

8.2.7. In the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate, the declaration will be determined by lot.

8.2.8. If a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply;

8.2.8.1. Each candidate will draw one lot;

8.2.8.2. The order of drawing lots will be determined by the alphabetical order of the surnames of the Board Members who received an equal number of votes except that if two or more such Board Members surnames are identical, the order will be determined by the alphabetical order of the Board Members first names;

8.2.8.3. As many identical pieces of paper as there are Board Members who received an equal number of votes must be placed in a receptacle and the word “**Defeated**” shall be written on one of the pieces of paper;

8.2.8.4. The Board Member who draws the paper with the word “**Defeated**” written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates); and

8.2.9. The process under clause 8.2 will be repeated until one candidate is declared to be elected.

**9. Determining the election of the Deputy Chairperson and Committee Chairpersons**

9.1. The procedure used for the election of the Chairperson will be used to elect:

9.1.1.A Deputy Chairperson;



9.1.2. An Acting Chairperson if the Chairperson and Deputy Chairperson are unable to attend a Board Meeting; and

9.1.3. Committee Chairpersons.

9.2. The Chief Executive Officer or an Officer that she or he appoints for the purpose will conduct the elections set out above.





**PART C – MEETINGS PROCEDURE**

The purpose of this Part is to regulate the proceedings of Board Meetings.

**DIVISION 1 – Notices of Meetings and Delivery of Agendas****10. Dates and Times of Meetings**

The date, time and place of all Board meetings are to be fixed by the Board from time to time.

**11. Board may alter meeting dates**

The Board may cancel or change the date, time and place of any Board meeting which has been fixed and must provide reasonable notice of the changes.

**12. Notice of meeting**

12.1. A notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be served to every Board Member:

12.1.1. For an ordinary meeting at least 72 hours before the meeting; and

12.1.2. For a special meeting, within a reasonable time before the meeting.

12.2. The notice on agenda for any meeting must state the date, time and place of the meeting and the business to be dealt with.

12.3. The Chief Executive Officer must ensure that the agenda is sent to every Board Member.

**13. Special Board meetings**

13.1. A Special Board Meeting may be called by:

13.1.1. The Chairperson; or

13.1.2. At least three Board Members by written notice; or

13.1.3. A resolution of the Board at a Board Meeting; or

13.1.4. A general business motion or notice of motion submitted for the Board Meeting.

13.2. The notice necessary to call a Special Meeting must be delivered to the Chief Executive Officer in sufficient time to enable reasonable notice to be given to Board Members and any need for preparatory investigations to enable the business to be undertaken.

13.3. The Chief Executive Officer must convene the Special Meeting as specified in the notice of Council Resolution.

13.4. Unless all Board Members are present and unanimously agree to deal with any other matter, only the business specified in the notice is to be transacted.

13.5. Subject to any other resolution providing otherwise, the order of business of any Special Meeting must be the order in which such business stands in the agenda for the meeting.

**14. Urgent or Emergency Meetings**

14.1. An urgent or emergency meeting can be initiated under the following circumstances:

14.1.1. A natural disaster occurring within the municipality; or

14.1.2. The death, serious injury or the like of any Board Member or Senior Officer or other significant person, which would affect the normal operation of the Corporation, or the community and cannot wait until the next scheduled meeting of the Board; or

14.1.3. Where a matter cannot be practicably dealt with any other time due to emerging issues, time constraints or unexpected matters.

14.2. In the case of an emergency, the Chief Executive Officer or, in his or her absence, a Senior Officer, may call or postpone a meeting of the Board, without the necessity to comply with clauses 12 and 13 provided reasonable attempts are made to notify every Board Member.

14.3. The Chief Executive Officer or Senior Officer must submit a full written report of the circumstances requiring his or her action to the next ordinary meeting of the Board.

**15. Leave of Absence**

It will not be necessary for a notice of meeting or agenda to be served on any Board Member who has been granted leave of absence, unless the Board Member has requested the Chief Executive Officer in writing to continue to give notice of any meeting to be held during the period of his or her absence.

**DIVISION 2 – Quorums****16. Quorums**

16.1. The quorum for Ordinary Board meetings, Special Board Meetings and Emergency Meetings is a majority of the Members on the Board.

16.2. To achieve a quorum it requires Board Members to be:

16.2.1. Physically present; and or

16.2.2. Participating by electronic means of communication.

**17. Inability to Gain a Quorum**

If after 30 minutes from the scheduled starting time of any Ordinary, Special or Emergency meeting, a quorum cannot be obtained:

17.1. The Board Members present; or

17.2. If there are no Board Members present, the Chief Executive Officer; or

17.3. In the absence of the Chief Executive Officer, an authorised or Senior Officer; may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

**18. Inability to Maintain a Quorum**

If during any Ordinary, Special or Emergency meeting, a quorum cannot be maintained:

18.1. Those Board Members present; or

18.2. If there are no Board Members present, the Chief Executive Officer; or

18.3. In the absence of the Chief Executive Officer, an authorised or Senior Officer; may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

**19. Inability to Achieve or Maintain a Quorum due to Disclosure of Interests or Disclosure of Conflict of Interests of Board Members**

If during any meeting or adjournment a quorum cannot be achieved or maintained due to the number of declarations of pecuniary interests by Board, the Chief Executive Officer, or in his or her absence, a Senior Officer may adjourn the meeting for a length of time sufficient to enable an exemption for the affected Board to be obtained from the Minister or otherwise until a quorum can be maintained in respect of that item.

**20. Notice for Adjourned Meeting**

The Chief Executive Officer must:

20.1. If time permits, provide written notice of a meeting adjourned under clause 17, 18 or 19; or

20.2. If time does not permit, provide notice by way of contact by telephone, email or some other means;

to every Board Member.

**21. Participation by electronic means**

If a Board Member intends to participate at a meeting by electronic means of communication the Member must give the Chief Executive Officer notice of this intention at least 48 hours prior to the scheduled time for the commencement of the Meeting.



**DIVISION 3 – Business of Meetings****22. The Order of Business**

- 22.1. The order of business of Board Meetings will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes and in consultation with the Chairperson.
- 22.2. The order of business and all items to be considered at the Board Meeting will be set out in an Agenda prepared by the Chief Executive Officer.

**23. Change to Order of Business**

Once an agenda has been sent to Board Members, the order of business for that meeting may only be altered by resolution of the Board.

**24. Chief Executive Officer May Include Items on an Agenda**

The Chief Executive Officer may include any matter on an agenda which he or she thinks should be considered by the meeting.

**25. Urgent Business**

The Board may admit business as urgent if it:

- 25.1. Cannot safely or conveniently be deferred until the next ordinary Meeting; or
- 25.2. Involves a matter of urgency, as determined by the Chief Executive Officer.

**26. General Business**

- 26.1. If the Agenda for an Ordinary Meeting makes provision for general business, only business of a minor or routine nature will be admitted as general business.
- 26.2. Any motion dealing with a matter that is not minor or routine must be rejected by the Chairperson and will be subject to the notice of motion provisions.

**DIVISION 4 – Motions and Debate****27. Board Members May Submit Notices of Motion**

Board Members may ensure that an issue is listed on an Agenda by submitting a notice of motion.

**28. Notice of Motion**

- 28.1. A notice of motion must be in writing, signed by the Board Member submitting it and submitted to the Chief Executive Officer at least seven days prior to the Board Agenda being published.
- 28.2. The Chief Executive officer may reject any notice of motion which is:
  - 28.2.1. Vague or unclear;
  - 28.2.2. Defamatory, indecent, abusive, offensive or objectionable in language or substance; or
  - 28.2.3. Outside the duties, functions and powers of the Corporation;
 But must:
  - 28.2.4. Notify the Board Member who lodged it of the rejection and reasons for the rejection; and
  - 28.2.5. Give the Board Member who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so.
- 28.3. The full text of any such motion must be included in the Agenda for the next Ordinary Meeting.
- 28.4. The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- 28.5. Unless authorised by a resolution of the Board, each notice of motion before any Board Meeting must be considered in the order in which it was entered in the notice of motion



register.

- 28.6. If a Board Member who has submitted a notice of motion is absent from the Board Meeting at which the notice of motion is to be considered, or fails to move the motion when called upon by the Chairperson to do so, any other Board Member may herself or himself move the motion.

**29. Chairperson's Duty**

Any motion or amendment which is:

- 29.1. Defamatory; or  
 29.2. Objectionable in language or nature; or  
 29.3. Outside the powers of the Board; or  
 29.4. Not relevant to the item of business on the Agenda and has not been admitted as urgent business; or  
 29.5. Purports to be an amendment but is not  
 must not be accepted by the Chairperson.

**30. Clarifying a Motion**

Before a notice of motion or any other motion is moved, a Board Member may, with the leave of the Chairperson, ask for clarification from the Chairperson or Board Member expected to move the notice of motion or other motion of:

- 30.1. The intent; or  
 30.2. Some other aspect,

Of such notice of motion or other motion.

**31. Moving a Motion or Amendment**

- 31.1. The procedure for any motion or amendment is:
- 31.1.1. The mover must state the motion;
- 31.1.2. The motion or amendment must be seconded by a Board Member other than the mover;
- 31.1.3. Any motion or amendment which is not seconded lapses;
- 31.1.4. If the motion or amendment is seconded, the Chairperson must call the mover to address the meeting;
- 31.1.5. After the mover has addressed the meeting, the seconder may address the meeting;
- 31.1.6. 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 may call upon any Board Member who wishes to speak against the motion or amendment;
- 31.1.7. If no Board Member speaks against the motion or amendment then the Chairperson may put the motion or amendment or call any other Board Member to speak.
- 31.2. A Board Member may speak once on the motion or amendment except for the mover of a motion who has a right of reply in accordance with clause 32 after which the motion must be put to the meeting for decision.
- 31.3. A Board Member may be permitted by the Chairperson or by resolution to speak more than once to explain that the Board Member has been misrepresented or misunderstood.
- 31.4. A Board Member calling the attention of the Chairperson to a Point of Order is not regarded as speaking to the motion or the amendment.

**32. Right of Reply**

- 32.1. The mover of a motion, including an amendment, may, once debate has been exhausted, have a right of reply to matters raised during debate.
- 32.2. After the right of reply has been taken, the motion must be immediately put to the vote without



any further discussion or debate.

### 33. Amendments

- 33.1. With the leave of the Chairperson, both the mover and the seconder of a motion may agree to an alteration proposed by another Board Member without the need to formally amend the motion as provided for in this clause.
- 33.2. A motion having been moved and seconded may be amended by leaving out or adding words, which must be relevant to the original motion and framed as to complement it as an intelligible and consistent whole.
- 33.3. A motion to confirm a previous resolution of the Board cannot be amended.
- 33.4. An amendment may be proposed or seconded by any Board Member except the mover or seconder of the motion.
- 33.5. A Board Member may address the meeting once on any amendment, whether or not they have spoken to the motion but debate must be confined to the terms of the amendment.
- 33.6. Only one amendment can be before the meeting at a time and until it is put to the vote no further amendment can be proposed, but with the leave of the Chairperson another amendment or a new motion can be foreshadowed by any Board Member stating in brief terms the nature of it.

### 34. Withdrawal of Motions

- 34.1. Before any motion is put to the vote, it may be withdrawn with leave of the Board.
- 34.2. If the majority of Board Members object to the withdrawal of the motion, it may not be withdrawn.

### 35. Separation of Motions

Where a motion contains more than one part, a Board Member may request the Chairperson to put the motion to the vote in separate parts.

### 36. Chairperson May Separate Motions

The Chairperson may decide to put any motion to the vote in separate parts even if no request is made under clause 35.

### 37. Priority of Address

In the case of competition for the right to speak, the Chairperson must decide the order in which the Board Members concerned will be heard.

### 38. Motions in Writing

- 38.1. All motions, except procedural motions, should be in writing.
- 38.2. The Chairperson may suspend the meeting while the motion is being written or may request the Board to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

### 39. Debate Must Be Relevant to the Motion

- 39.1. Debate must always be relevant to the motion before the Chairperson, and if not, the Chairperson may request the speaker to confine debate to the subject motion.
- 39.2. If after being requested to confine debate to the motion before the Chairperson, the speaker continues to debate irrelevant matters, the Chairperson may require the speaker to not speak further in respect of the matter then before the Chairperson.

### 40. Speaking Times

Unless a motion for an extension of time has been carried, the maximum speaking times will be:

- 40.1. the mover of a motion - three minutes;
- 40.2. the mover of a motion when exercising his or her right of reply - three minutes;
- 40.3. any other Board Member - three minutes;



**41. Extension of speaking time**

An extension of speaking time may be granted by resolution of the Board but only one extension is permitted for each speaker on any motion.

**42. When an Extension Can Be Proposed**

A motion for an extension of speaking time must be proposed:

- 42.1. Immediately before the speaker commences debate;
- 42.2. During the speaker's debate; or
- 42.3. Immediately after the speaker's time has concluded.

**43. No Extension After Next Speaker Commenced**

A motion for an extension of speaking time cannot be accepted by the Chairperson if another speaker has commenced his or her debate.

**44. Length of Extension**

Any extension of speaking time must not exceed three minutes.

**45. Addressing the Meeting**

- 45.1. Except for the Chairperson, any Board Member or person who addresses the meeting must direct all remarks through the Chairperson.
- 45.2. The Chairperson may direct a person who addresses the meeting to stand.
- 45.3. Any person addressing the Chairperson should refer to the Chairperson as:
  - 45.3.1. Chairperson; or
  - 45.3.2. Councillor [*and the Councillors surname*];
 as the case may be.

**46. Foreshadowing Motions**

- 46.1. At any time during debate, a Board Member may foreshadow a motion to inform the Board of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 46.2. A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the Chairperson is resolved in a certain way, a Board Member intends to move an alternative or additional motion.
- 46.3. A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- 46.4. The Chief Executive Officer is not required to have foreshadowed motions recorded in the Minutes until the foreshadowed motion is formally moved, but may do if it is thought appropriate.

**DIVISION 5 – Rescission Motions****47. Notice of Rescission**

- 47.1. A Board Member may propose that a previous resolution of the Board is rescinded or amended by submitting a notice of motion in accordance with clause 28, provided that the:
  - 47.1.1. The resolution has not been acted on; and
  - 47.1.2. Notice of motion sets out –
    - 47.1.2.1. The resolution to be rescinded or amended; and
    - 47.1.2.2. The Board Meeting and date when the resolution was carried.
- 47.2. A resolution is deemed to have been acted on for the purposes of clause 47.1.1 if:



47.2.1. Its contents have, or substance has, been formally communicated to a person whose interests are materially affected by it; or

47.2.2. Action has been taken to give effect to the resolution which cannot be reversed.

**48. If Lost**

If a motion to rescind or amend a previous resolution of the Board is lost, a similar motion may not be put before the Board for at least three months from the date that it was lost, unless the Board resolved that the notice of motion be re-listed for a future Ordinary Board Meeting.

**49. If Not Moved**

If a motion to rescind or amend a previous resolution of the Board is not moved at the Board Meeting for which it is listed, it lapses and is deemed to have been lost.

**50. May be Moved by any Board Member**

A notice to rescind or amend a previous resolution of the Board listed on a Meeting Agenda may be moved by any Board Member present but may not be amended.

**51. When Not Required**

A notice to rescind or amend a previous resolution of the Board is not required where the Board wishes to change policy unless:

- 51.1. The policy has been in force in its original or amended form for less than 12 months; or
- 51.2. The Chief Executive Officer determines that the proposed change will result in a significant impact on any person and should be communicated to those affected.

**DIVISION 6 – Points of Order**

**52. Chairperson to Decide**

The Chairperson must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

**53. Chairperson May Adjourn to Consider**

- 53.1. The Chairperson may adjourn the meeting to consider a point of order otherwise she or he must rule on it as soon as it is raised.
- 53.2. All other matters before the Board are to be suspended until the point of order is decided.

**54. Dissent from Chairperson's Ruling**

54.1. A Board Member may move that the Board disagrees with the Chairperson's ruling on a point of order, by moving:

“That the Chairperson's ruling be dissented from”

54.2. When a motion in accordance with this clause is moved and seconded, the Chairperson must leave the Chair and:

- 54.2.1. The Deputy Chairperson must Chair the Board Meeting; or
- 54.2.2. If there is no Deputy Chair, an Acting Chairperson elected by the Board Meeting under clause 8.2, must chair the Board Meeting.

54.3. The Deputy Chairperson or Acting Chairperson must invite the mover to state the reasons for his or her dissent and the Chairperson may then reply.

54.4. The Deputy Chairperson or Acting Chairperson must put the motion in the following form:

“That the Chairperson's ruling be dissented from”

54.5. If the vote is in the negative, the Chairperson resumes the Chair and the Board Meeting proceeds.



- 54.6. If the vote is in the affirmative, the Chairperson resumes the Chair and must reverse his or her previous ruling and proceed.
- 54.7. The defeat of the Chairperson's ruling is in no way a motion of censure or vote of no-confidence, and should not be so regarded by the Board meeting.

**55. Procedure for Point of Order**

A Board Member raising a point of order must:

- 55.1. State the point of order, state the incident objected to and the reasons for the objection; and
- 55.2. State any section, clause, paragraph or provision relevant to the point of order of this Meeting Procedure.

**56. Valid Points of Order**

A point of order may be raised in relation to:

- 56.1. A motion which, under clause 29, or a question which, under clause 59.6 should not be accepted by the Chairperson;
- 56.2. A question of procedure;
- 56.3. A Board Member who is or appears to be out of order; or
- 56.4. Any act of disorder.

**57. Contradiction of Opinion**

Expressing a mere difference of opinion or contradicting a speaker is not a point of order.

**DIVISION 7 – Public Participation**

**58. Meetings**

- 58.1. The Board may open meetings to the public by giving notice on the Corporation website.
- 58.2. The Board is not required to open meetings to the public pursuant to section 196 (Regional libraries) subsection 7(b) of the *Local Government Act (Vic) 1989*.
- 58.3. Should the Board open the meeting to the public, the following procedure applies:
  - 58.3.1. The Board may allocate time to enable any visitor to address the Board at an Ordinary Meeting of the Board or other alternative time in accordance with any Board Community Participation Time Meeting Policy.
  - 58.3.2. Any member of the public addressing the Board must extend due courtesy and respect to The Board and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.
  - 58.3.3. Silence must be preserved by visitors in the gallery (other than by a person in the gallery who is invited to address the meeting) at all times during a meeting.
  - 58.3.4. Visitors at a meeting must not interject, jeer, call a point of order, vote or take part in the debate and must behave in a respectful and appropriate manner that allows the meeting to proceed without disruption.
  - 58.3.5. Visitors must not bring in any placards, posters or materials other than personal effects unless prior permission has been sought and granted from the Chairperson.
  - 58.3.6. The Chairperson has the discretion to cause the removal of any visitor that disrupts any meeting or fails to comply with a direction.
  - 58.3.7. Any authorised officer or member of the Victoria Police may remove from the meeting any person who acts in breach of this Local Law.
  - 58.3.8. The Chairperson may adjourn a disorderly meeting.

**59. Question Time**





- 59.1. Questions submitted to the Board must be in writing, state the name and address of the person submitting the question and generally be in the form approved or permitted by the Board.
- 59.2. Subject to clause 59.7, any question submitted to the Board will be answered at the relevant Board Meeting if the question has been submitted no less than 24 hours before the commencement of the Ordinary Meeting.
- 59.3. Any question submitted less than 24 hours before the Ordinary Meeting will be answered at that ordinary Meeting if possible and, if no answer can be given, then a written answer will be given to the person asking the question as soon as practicable after the Ordinary Meeting.
- 59.4. No person may submit more than two questions at any Ordinary Meeting unless permitted by the Chairperson, in his or her absolute discretion.
- 59.5. The Chairperson or Officer nominated by the Chairperson may read a question to those present.
- 59.6. A question may be disallowed by the Chairperson if it:
- 59.6.1. Relates to a matter outside the duties, functions and powers of the Corporation;
  - 59.6.2. Is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
  - 59.6.3. Deals with a subject matter already answered within the last 6 months;
  - 59.6.4. Is aimed at embarrassing a Board Member or an Officer;
  - 59.6.5. Relates to a personal matter; or
  - 59.6.6. Relates to a matter that the Board may consider in a meeting closed to the public.
- 59.7. All questions and answers must be as brief as possible, and no discussion is allowed other than for the purposes of clarification.
- 59.8. The Chairperson may nominate a Board Member or Chief Executive Officer to respond to a question.
- 59.9. A Board Member or Chief Executive Officer nominated by the Chairperson under clause 59.8 may require a question to be put on notice until the next Ordinary Meeting, at which time the question must be answered, or elect to submit a written answer to the person asking the question.
- 59.10. A Board Member or Chief Executive Officer may advise the Board that it is his or her opinion that the reply to a question should be given in a meeting closed to the public. The Board Member or Chief Executive Officer must state briefly the reason why the reply should be so given and the Board must then resolve that the reply to such question must:
- 59.10.1. Be so given, in which case the question will be deferred until the Board resolves to close the Council meeting to the public; or
  - 59.10.2. Not be so given in which case the answer will be given immediately.
- 60. Petitions and Joint Letters**
- 60.1. The Board will recognise a written petition, online (electronic) petition or joint letter when it has been signed by at least five signatures or more, and must:
- 60.1.1. Be in a legible and permanent writing or typed;
  - 60.1.2. Not be defamatory, indecent, abusive or objectionable in language or content; and
  - 60.1.3. Not relate to matters beyond the powers of the Corporation.
- 60.2. Any petition or joint letter that does not comply with clause 60.1 will not be tabled at a Board Meeting and will be forwarded directly to the Chief Executive Officer for action.
- 60.3. Every page of a petition or joint letter must bear the whole of the petition or request.
- 60.4. Any signature appearing upon a page, which does not bear the whole of the petition or request, may not be considered by the Corporation.



- 60.5. A petition or joint letter presented to the Board must clearly indicate the lead petitioner.
- 60.6. All petitions or joint letters must be received by a Board Member and forwarded to the Chief Executive Officer for tabling no later than 5.00 pm the day prior to the Ordinary Meeting.
- 60.7. All petitions or joint letters received after the deadline stated in clause 60.6 will be held over for tabling at the next Ordinary Meeting.
- 60.8. Any Board Member presenting a petition or joint letter will be responsible for ensuring that he or she is familiar with the contents and purpose of the petition or joint letter.
- 60.9. A petition or joint letter presented to the Board must lay on the table until the next Ordinary Meeting of the Board and no motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Board resolves to deal with it earlier.
- 60.10. Every written petition or joint letter must be signed by the persons whose names are appended to it by their names or marks and, except in cases of incapacity or sickness, by no one else, and the address of every petitioner or signatory must be clearly stated.
- 60.11. Any fraudulent signatures on a petition or joint letter which is then presented to the Board will be deemed invalid.
- Penalty: 5 penalty units*
- 60.12. For the sake of clarity, a petition and a joint letter have the same meaning and shall be treated as being the same by the Board.

#### **DIVISION 8 – Voting**

##### **61. How Motion Determined**

To determine a motion before a Board meeting, the Chairperson must first call for those in favour of the motion, then those opposed to the motion, and then those abstaining from voting on the motion, and must then declare the result to the Board Meeting.

##### **62. Casting Vote**

In the event of a tied vote, the Chairperson has the casting vote.

##### **63. By Show of Hands**

Voting on any matter will be by show of hands.

##### **64. Procedure for a Division**

- 64.1. Immediately after any matter is put to a Board Meeting and before the next item of business has commenced, a Board Member may call for a division.
- 64.2. When a division is called for, the vote already taken must be treated as a nullity and the division shall decide the question, motion or amendment.
- 64.3. When a division is called for, the Chairperson must:
- 64.3.1. First ask each Board Member wishing to vote in the affirmative to raise a hand and, upon such request being made, each Board Member wishing to vote in the affirmative must raise their hand. The Chairperson must then state, and the Chief Executive Officer or other Officer nominated for the purpose must record, the names of those Board Members voting affirmative;
- 64.3.2. Then ask each Board Member wishing to vote in the negative to raise a hand and, upon such request being made, each Board Member wishing to vote in the negative must raise their hand. The Chairperson must then state, and the Chief Executive Officer or other Officer nominated for the purpose must record, the names of those Board Members voting in the negative;
- 64.3.3. Then ask each board Member wishing to abstain from the vote to raise a hand and, upon such request being made, each Board Member wishing to abstain must raise their hand. The Chairperson must then state, and the Chief Executive Officer or



other Officer nominated for the purpose must record, the names of those Board Members abstaining from voting; and

64.3.4. Next declare the result of the division.

**65. No Discussion Once Declared**

Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion involves a Board Member:

- 65.1. Requesting, before the Board meeting moves to the next item of business, that his or her opposition to a resolution be recorded in the minutes of the Board Meeting;
- 65.2. Calling for a division under clause 64; or
- 65.3. Foreshadowing a notice of motion to rescind or amend a resolution where it has just been made, or a positive motion where a resolution has just been rescinded.

**DIVISION 9 – Minutes**

**66. Keeping of Minutes**

The Chief Executive Officer is responsible for arranging the keeping of minutes on behalf of the Board.

**67. Contents of Minutes**

- 67.1. In keeping the minutes of any meeting, the Chief Executive Officer must arrange the recording of minutes so as to show:
  - 67.1.1. The date, place, time and nature of the meeting;
  - 67.1.2. The names of Board Members who are present and indicate if their attendance is physical or by electronic means of communication;
  - 67.1.3. The names of the Board Members who are an apology;
  - 67.1.4. The names of the Board Members who are on a Leave of Absence;
  - 67.1.5. Any disclosure of a pecuniary or conflict of interest made by a Board Member;
  - 67.1.6. The names of Officers in attendance with their Position Title;
  - 67.1.7. The arrival and departure times of Board Members, Officers and other attendants during the course of the meeting (including any temporary departures or arrivals);
  - 67.1.8. Every motion and amendment moved, including the mover and seconder of any motion or amendment;
  - 67.1.9. The outcome of every motion, that is, whether it was put to the vote and the result of either:
    - 67.1.9.1. Carried unanimously;
    - 67.1.9.2. Carried;
    - 67.1.9.3. Lost;
    - 67.1.9.4. Withdrawn;
    - 67.1.9.5. Lapsed; or
    - 67.1.9.6. Amended.
  - 67.1.10. The vote cast by each Board Member upon a division;
  - 67.1.11. When requested by a Board Member, a record of that Board Member's support or opposition for any motion;
  - 67.1.12. The failure of a quorum;
  - 67.1.13. Details of any question directed or taken upon notice;
  - 67.1.14. The time and reason for any adjournment of the meeting or suspension of standing



orders;

67.1.15. Any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the Minutes.

67.2. In addition, the Minutes should:

67.2.1. Bear the date and time the meeting was commenced, adjourned, resumed and concluded;

67.2.2. Be consecutively page numbered; and

67.2.3. Contain consecutive item numbers which are clearly headed with a subject titles and where appropriate sub-titles and file references.

#### 68. Confirmation of Minutes

At every Board Meeting the minutes of the preceding Ordinary or Special meeting(s) must be dealt with as follows:

68.1. A copy of the minutes must be delivered to each Board Member no later than 72 hours before the next Ordinary Meeting. This clause shall not apply in respect of a Board Member who has been granted leave of absence and who has not requested the Chief Executive officer, in writing, to continue to give notice of meetings to be held during the period of leave of absence;

68.2. If no Board Member indicated opposition, the minutes must be declared to be confirmed;

68.3. If a Board Member indicates opposition to the minutes:

68.3.1. He or she must specify the item(s) to which he or she objects and propose the amended wording;

68.3.2. The objected item(s) must be considered separately and in the order in which they appear in the minutes;

68.3.3. The Board Member objecting must move accordingly without speaking to the motion;

68.3.4. The mover of the motion of objection may then speak to it;

68.3.5. When all objections to the minutes have been determined, the Chairperson must ask:

“The question is that the minutes be confirmed” or

“The question is that the minutes, as amended, be confirmed”,

And he or she must put the question to the vote accordingly; and

68.4. A resolution of the Board must confirm the minutes and the minutes must, if practicable, be signed by the Chairperson of the Board Meeting at which they have been confirmed.

#### 69. No Debate on Confirmation of Minutes

No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

#### 70. Deferral of Confirmation of Minutes

The Board may defer the confirmation of minutes until later in the meeting or until the next meeting as appropriate.

#### 71. Recording of Proceedings

71.1. A person must not operate film, photograph, or tape, or operate equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the Chairperson.

*Penalty: 5 penalty units*

71.2. In deciding whether or not to give such consent, the Chairperson may ask whether any person present at the meeting objects.

71.3. Such consent may at any time during the course of such meeting be revoked by the Chairperson.



*Penalty: 5 penalty units*

- 71.4. If a Board Member disagrees with the Chairperson's decision under clause 71, he or she may move a motion of dissent, in which case, clause 54 will apply as if the determination of that motion of dissent was the determination of a point of order.

#### **DIVISION 10 – Behaviour**

##### **72. Chairperson May Remove**

The Chairperson may order and cause the removal of any person, including a Board Member, who disrupts any meetings or fails to comply with a direction.

##### **73. Chairperson May Adjourn Disorderly Meeting**

If the Chairperson is of the opinion that disorder at the Board Meeting or in the gallery makes it desirable to adjourn the Board Meeting, he or she may adjourn the Board Meeting to a later time on the same day or some later day as he or she thinks proper.

##### **74. Suspensions**

The Board may, by resolution, suspend from a Board Meeting, and for the balance of the meeting, any Board Member whose actions have disrupted the business of the Board, and have impeded its orderly conduct.

##### **75. Removal from the Board Meeting**

The Chairperson, or the Board in the case of a suspension, may ask the Chief Executive Officer or a member of the Victoria Police to remove from the Board Meeting any person who acts in breach of this Local Law or whom the Chairperson has ordered to be removed from the gallery under clause 58.3.6 or 72, or whom the Board has ordered by suspended from the Board Meeting under clause 74.

##### **76. Offences**

It is an offence:

- 76.1. For a Board Member to not withdraw a remark which is considered by the Chairperson to be defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature, and to not satisfactorily apologise when called upon by the Chairperson to do so.

*Penalty: 5 penalty units.*

- 76.2. For any visitor or person, not being a Board Member, who has been called to order for any improper or disorderly conduct, to not leave the meeting when requested by the Chairperson to do so.

*Penalty: 5 penalty units.*

- 76.3. For a Board Member to refuse to leave the meeting on suspension.

*Penalty: 5 penalty units.*

- 76.4. For any person who fails to comply with a direction of the Chairperson in relation to the conduct of the meeting or the maintenance of order.

*Penalty: 5 penalty units.*

#### **DIVISION 11 – Additional Duties of Chairperson**

##### **77. The Chairpersons Duties and Discretions**

In addition to the duties and discretions provided in this Local Law, the Chairperson:

- 77.1. Must reject any motion, question or statement which is derogatory or defamatory of any Board Member, Officer or member of the community; and
- 77.2. Must call to order any person who is disruptive or unruly during any Board Meeting.



**78. Suspension of Standing Orders**

- 78.1. To expedite the business of a Board Meeting, the Chairperson may indicate an intention to suspend standing orders and may proceed on that basis if the Board resolves to do so.
- 78.2. The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- 78.3. Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.
- 78.4. It should not be used purely to dispense with the processes and protocol of the government of the Board or Corporation. An appropriate motion would be:  
"That standing orders be suspended to enable discussion on ..."
- 78.5. Once the discussion has taken place and before any motions can be put, the resumption of standing order will be necessary. An appropriate motion would be:  
"That standing orders be resumed"



**PART D – COMMON SEAL**

The purpose of this Part is to regulate the use of the Common Seal and prohibit unauthorised use of the Common Seal or any device resembling the Common Seal as required by section 14(1)(b) of the *Local Government Act (Vic) 2020*.

**79. Security**

- 79.1. The Chief Executive Officer must ensure the security of the Board's Common Seal at all times.
- 79.2. The Chief Executive Officer will keep a register detailing how the Common Seal is affixed.

**80. Use of the Common Seal**

- 80.1. The Common Seal may only be used on the authority of the Board given either generally or specifically.
- 80.2. The affixing of the Common Seal to any document must be attested to by the signatures of both:
  - 80.2.1. The Chairperson and the Chief Executive Officer; or
  - 80.2.2. In the absence of the Chairperson, by another Board Member; or
  - 80.2.3. In the absence of the Chief Executive Officer, by the Deputy Chief Executive Officer.
- 80.3. The Common Seal words to be used accompanying it on any document to which is it affixed are as follows –

**THE COMMON SEAL of the** )

**OF WEST GIPPSLAND** )

**REGIONAL LIBRARY CORPORATION** )

*was affixed in the presence of:*

.....  
Chairperson/Board Member

.....  
Chief Executive Officer/Deputy Chief Executive Officer

- 80.4. Any person who uses the Common Seal or any device resembling the Common Seal without authority is guilty of an offence.  
*Penalty: 20 Penalty units*



**PART E – CERTIFICATION**

**Key Information**

The following information is set down in order to facilitate the management of this Local Law.

Date Resolved by the Board:

Date Resolved by Baw Baw Shire Council:

Date Resolved by Bass Coast Shire Council:

Date resolved by South Gippsland Shire Council:

Responsible Officer: Chief Executive Officer

**Affixing of the Common Seal**

Resolution for making this Local Law agreed to by the Board of the West Gippsland

Regional Library Corporation on the                      day of                      , 2020

**THE COMMON SEAL** of the                      )

**OF WEST GIPPSLAND**                      )

**REGIONAL LIBRARY CORPORATION**                      )

*was affixed in the presence of:*

.....  
Chairperson/Board Member

.....  
Chief Executive Officer/Deputy Chief Executive Officer

Notice of the confirmation of the Local Law was inserted in the Victorian Government Gazette dated the

                    day of                      2020 at page no.

A copy of this Local Law was sent to the Minister responsible for Local Government on the                      day of                      2020.

