West Gippsland Regional Library Corporation
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MEETINGS, OPERATION AND USE OF LIBRARIES LOCAL LAW NO. 2 2008

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WEST GIPPSLAND REGIONAL LIBRARY CORPORATION

Meetings, Operation and Use of Libraries Local Law No 2 2008

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WEST GIPPSLAND REGIONAL LIBRARY CORPORATION

Meetings, Operation and Use of Libraries Local Law No 2 2008

Preliminary

1. Title

This Local Law is the West Gippsland Regional Library Corporation Meetings and Common Seal No. 2 and referred to below as this Local Law.

2. Objectives of this Local Law

The objectives of this Local Law are to:

(a) provide a mechanism to facilitate the good government of the W.G.R.L.C. 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;

(b) 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;

(c) to regulate and control the election of Chairperson, any Deputy Chairperson and the chairperson of any Special Committees;

(d) to regulate and control the procedures governing the conduct of meetings including:

(i) the notice required for meetings;
(ii) the keeping of minutes.

(e) to regulate and control the use of the Board's seal;

(f) to provide for the administration of the Board's powers and functions;

(g) regulate the use of branch and mobile libraries including the application of fees, charges and penalties that may apply.

LGA5
LGA91

3. The power to make this local law

The Corporation's power to make this Local Law is contained in sections 91 and 111 and 196 of the Local Government Act 1989.

4. Commencement and Revocations

(1) This local law comes into operation on the commencement date.

5. Definitions

In this local law, unless inconsistent with the context:

Act	Means the Local Government Act 1989.
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 elected member of the Library Board.
Borrow	Means to take a book or other item from a library in accordance with the conditions of borrowing in clause 111.
Chair	Refers to the Chairperson.
Chairperson	The person who chairs a meeting of the Corporation or Special Committee of the Board.
Deputy Chairperson	Means a Board Member authorised to deputise for the Chairperson.
Division	Means a formal count of those for and those against a motion generally to remove any doubt as to whether the motion is supported or opposed
Institution	Includes any institute, association, corporation, society, business, collective or agency.

Formal Motion	Means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure.
Library	Means any area set aside for library purposes including vehicles belonging to or under the control of the Corporation.
Library Material	Includes any and every book, magazine, newspaper, pamphlet, video recording, audio tape recording, picture, print, photograph, map, plan, film, slide, manuscript, computer disc, compact disc and any other digital or analogue storage medium, CD-Rom, DVD, toy, reading and listening equipment, or any other article forming part of the contents of the library, whether or not the property of the Corporation.
Library Member	Means a person or institution holding a membership card issued in accordance with the Local Law.
Librarian	Means the person for the time being in charge of the provision of the library generally or any section or portion therof.
Member	Refers to a person who is entitled to vote at a meeting of the Board or a Special Committee of the Board.
Membership Card	Means a current and valid card issued to a member in accordance with this Local Law as authority to borrow books.
Minister	Means the Minister responsible for administering the Local Government Act 1989.
Quorum	Means the minimum number of members of a Board or of a Special Committee of the Board required by this local law to be present in order to constitute a valid meeting of the Board or the Special Committee respectively.
Regulations	Means the Local Government Regulations 2004.

Replica	In relation to the common seal of the Corporation means any representation which purports to be, looks like or is capable of being mistaken for the common seal whether fixed to or printed on a document or advertisement or sign and includes any use of a symbol resembling the common seal which is capable of misleading a person into believing it is used with the authority of the Corporation.
Statutory year	Means the period commencing 1 July and finishing 30 June in any year (unless otherwise stated).
Suspension of Standing Orders	Means the suspension of the provisions of this Local Law to facilitate full discussion on an issue without formal constraints.

PART 2.1
ELECTION OF CHAIRPERSON, ANY DEPUTY CHAIRPERSON AND OTHER CHAIRPERSONS

6. When Required

The meeting to fill the vacancy of Chairperson will be held:

(a) if the member Corporation conducts annual elections, as soon as possible after the declaration of the result of the election; or

(b) where the member Corporation conduct general elections, as soon as possible after the declaration of the result of the general election; or

(c) where the position of Chairperson otherwise becomes vacant, as soon as practicable after the vacancy has occurred.

7. Election of Chairs

(1) The meeting to fill the vacancy of Chairperson will be held:

(a) as soon as practicable after the declaration of the result of the election; or

(b) where the position of Chairperson otherwise becomes vacant, as soon as practicable after the vacancy has occurred.

(2) At any meeting to elect the Chairperson,, any member may be appointed as a temporary chair to deal with:

(a) the receipt of nominations for the election of Chairperson
(b) the election of the Chairperson.

(3) The election of the Chairperson will be carried out by show of hands unless the Board resolves that it be carried out by secret ballot.

(4) In determining the election of the Chairperson, the following will apply:

(a) where only one nomination is received, that member must be declared elected;

(b) where two nominations are received, the member with the majority of votes cast will be declared elected;

(c) where there are two or more nominations and all votes cast are equally divided between two or more nominees, the election must be determined by lot;

d) where there are more than two nominations received and the result has not been determined under paragraphs (b) or (c) the nominee with the fewest number of votes cast must be eliminated (and if more than one of them, the nominee determined by lot) and the names of the remaining nominees must be put to the vote again;

(e) the procedure in paragraph (d) must be repeated until the circumstances in paragraph (c) apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with a majority will be declared elected or, if there is an equal division of votes, the election must be determined by lot.

(5) If the Chairperson is unable to attend a Corporation meeting for any reason:

(a) any Deputy Chairperson will be acting Chair;
(b) if no Deputy Chairperson has been elected, an acting Chair may be elected.

(6) Any election by Corporation of a Deputy Chairperson or acting Chair of a Board meeting or a chair of a special committee will follow the same procedure as that for an election of the Chairperson.

8. Application of Clauses to any Voting by Secret Ballot

The provisions of clauses 35 and 39 also apply to any voting by secret ballot under this Part.

PART 2.2
BOARD MEETINGS

Division 1 - Notices and Agendas

9. 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 and reasonable notice must be provided to the public.

10. Board may alter meeting dates

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

11. Special Board meetings

(1) The notice necessary to call a meeting in accordance with section 84 of the Act must be delivered to the chief executive officer in sufficient time to enable reasonable notice to be given to Members.

(2) In giving such notice, members should have regard to any need for preparatory investigations to enable the business to be undertaken.

12. Notice of meeting

(1) A notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be served on every Member:

(a) For an ordinary meeting at least 48 hours before the meeting; and

(b) For a special meeting, within a reasonable time before the meeting; and

(c) For a special committee meeting at least 48 hours before the meeting.

(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 and must be sent by electronic means, post, facsimile or otherwise delivered to each Members' place of residence or usual place of business (if applicable) or as otherwise specified by the Members.

(3) A notice may be handed personally to a Member in any location within the time required, or may be delivered to another destination, provided a written authorisation of the relevant Member is held by the chief executive officer.

13. Leave of Absence

It will not be necessary for a notice of meeting or agenda to be served on any Member who has been granted leave of absence, unless the 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.

14. Special (Emergency) Meetings

(1) 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 9 to 12 provided reasonable attempts are made to notify every Member.

(2) 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.

Division 2 - Quorums

15. Ordinary Corporation Meetings

The quorum required for ordinary Board meetings will be a majority of the members
on the Board (as currently constituted).

16. Special Board Meetings

Subject to clause 18, the quorum required for special Board meetings will be the same as for an ordinary meeting.

17. Special Committee Meetings

The quorum for a special committee meeting will be determined by the Board for each committee, but in the absence of the Board's determination, the quorum required will be not less than a majority of the members of the Board.

18. A Special (Emergency) Meeting

In the case of an emergency where the chief executive officer, or in his or her absence a senior officer, has acted under clause 24, the quorum for a special (emergency) meeting will be a majority of the Board**.**

19. Inability to Gain a Quorum

If a quorum cannot be obtained within thirty (30) minutes of the scheduled starting time of any meeting or adjournment those Members present, or if there are no Members present, the chief executive officer, or in his or her absence, a senior officer may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

20. Inability to Maintain a Quorum

If during any meeting or any adjournment of the meeting, a quorum cannot be achieved and maintained, those Members present, or if there are no Members present, the chief executive officer, or in his or her absence, a senior officer may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

21. Inability to Achieve or Maintain a Quorum due to Pecuniary Interests of 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.

22. Notice for Adjourned Meeting

The chief executive officer may provide written notice of an adjourned meeting but where that is not practicable because time does not permit that to occur then, provided a reasonable attempt is made to contact each member, notice by telephone, facsimile, in person or by some other means will be sufficient.

PART 2.3
MINUTES

23. Keeping of Minutes

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

24. 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.

25 Objection to Confirmation of Minutes.

If a Member is dissatisfied with the accuracy of the minutes, then he or she must:

(a) state the item or items with which he or she is dissatisfied; and

(b) propose a motion clearly outlining the alternative wording to amend the minutes.

26. 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.

27. Contents of Minutes

(1) In keeping the minutes of any meeting, the chief executive officer must arrange the recording of minutes so as to show:

(a) the names of Members and whether they are PRESENT, an APOLOGY, on LEAVE OF ABSENCE, etc;

(b) the names of Officers IN ATTENDANCE with their organisational title;

(c) the name of any other person IN ATTENDANCE at the meeting and the organisation they represent or the capacity of their attendance;

(e) the arrival and departure times of Members, Officers and other attendants during the course of the meeting (including any temporary departures or arrivals);

(f) every motion and amendment moved, including the mover (and seconder*) of any motion or amendment;

(g) the outcome of every motion, that is, whether it was put to the vote and the result of either CARRIED, LOST, WITHDRAWN,

LAPSED, AMENDED etc. and identification of those motions voted on by secret ballot;

(h) procedural motions (which might be highlighted);

(i) where a valid division is called, a table of the names of every Member and the way their vote was cast; either FOR or AGAINST;

(j) when requested by a Member, a record of that Member's support or opposition for any motion;

(k) details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;

(l) details of any question directed or taken upon notice;

(m) details of any deputations made to the Board;

(n) the time and reason for any adjournment of the meeting or suspension of standing orders;

(o) disclosure of the declaration and the nature of any pecuniary interest of a Member declared at or identified to a meeting; and

(p) 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.

* If relevant

(2) In addition, the Minutes should:

(a) bear the date and time the meeting was commenced, adjourned, resumed and concluded;

(b) be consecutively page numbered; and

(c) contain consecutive item numbers which are clearly headed with a subject titles and where appropriate sub-titles and file references.

PART 2.4
BUSINESS OF MEETINGS

28. The Order of Business

(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 of government.

(2) Although preparation should aim at consistent agendas from meeting to meeting, this should not preclude altering the order of business to enhance the fluent and open process of government of the Board, to meet identified needs of the Board or to take advantage of opportunities which may arise from time to time.

(3) In determining the agenda, the chief executive officer should consider

(a) the general attitude of the Board and Member ;

(b) convenience to the community and interested community groups particularly in relation to the administration of the municipal district;

(c) the sensitivity of issues;

(d) the interest of the community and community groups; and

(e) any other relevant factor which may impact on the fluent and open processes of the government of the Board and member s.

29. Change to Order of Business

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

30. 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.

31. Meetings of Special Committees

The provisions of clauses 28 to 30 apply to meetings of special committees of Corporation except that the agenda will be relevant to the issues which are to be raised at the special committee and any reference to Board Members extends to non Board members of a special committee under section 88 of the Act and any reference to the Corporation is to be read as referring to the special committee under section 87 or 88 of the Act.

PART 2.5
VOTING AT MEETINGS

32. How Determined

Subject to clause 49 in determining a question before a meeting of the Board, the Chairperson will first call for those in favour of the motion and then those opposed to the motion and will declare the result to the meeting.

33. By Show of Hands

Unless the Board resolves otherwise, voting on any matter will be by show of hands.

34. By Secret Ballot

The Board may resolve to deal with any matter by secret ballot.

35. System of Voting by Secret Ballot

If the board resolves to deal with any matter by secret ballot, the chief executive officer must establish and cause to be administered a system for voting by secret ballot to ensure that the privacy of the vote is maintained.

36. When a Division is Permitted

(1) Subject to clause 39, a division may be requested by any Board Member on any matter.

(2) The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

37. Procedure for a Division

Once a division has been requested in circumstances other than those dealt with in clause 39, the Chairperson will call for a show of hands by those Members voting for the motion and then those Members opposed to the motion.

38. Change Between the Original Vote and the Division

No Member is prevented from changing his or her original vote at the voting on the division, and the voting by division will determine the board's resolution on the issue.

39. Division Not Allowable if Voting by Secret Ballot

If the question on any matter is determined by secret ballot, a request to the Chairperson for a Division must not be accepted.

40. 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 is-

(a) for a Member to request that his or her opposition to the motion be recorded in the minutes or a register maintained for that purpose; or

(b) where a subsequent notice of motion follows a rescission motion.

41. Application To All Meetings

The provisions of clauses 32 to 40 apply to meetings of special committees of the Board to the extent that they are relevant to the proceedings of any special committee and any reference to Board member in those clauses extends to any member of a special committee.

PART 2.6
ADDRESSING THE MEETING

42. Addressing the Meeting

(1) Except for the Chairperson, any Board Member or person who addresses the meeting must stand and direct all remarks through the Chair.

(2) Despite sub-clause (1), the Chairperson may permit any Board Member or person to remain seated whilst addressing the Chair, for reasons of sickness, infirmity, disability or otherwise at his or her discretion.

(3) Any person addressing the Chair should refer to the Chairperson as:

(a) Madam Chairperson; or
(b) Mr. Chairperson;

as the case may be.

43. Suspension of Standing Orders

(1) Subject to clause 44, the provisions of this Local Law may be suspended for a particular purpose by resolution of the Board.

(2) The suspension of such provisions (standing orders) should be used to enable full discussion of any issue without the constraints of formal meeting procedure.

(3) The purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.

(4) It should not be used purely to dispense with the processes and protocol of the government of the Board or Member Corporations.

(5) Once the discussion has taken place and before any motions can be put, the resumption of standing order will be necessary.

44. No Motions May Be Accepted During Suspension of Standing Orders

No motion may be accepted by the Chair or be lawfully dealt with during any suspension of standing orders.

45. Interruption for Point of Order

A Member who is addressing the meeting must not be interrupted unless called to order when he or she must sit down and remain silent until the Corporation or raising the point of order has been heard and the question disposed of.

PART 2.7
OTHER MEETING PROCEDURES

Division 1 - Matters Not Provided For

46. Matters Not Provided For

Where a situation has not been provided for under this Local Law, the Board may determine the matter by resolution.

Division 2 - Motions

47. Chairperson's Duty

Any motion or amendment which-

(a) is defamatory; or

(b) is objectionable in language or nature; or

(c) is outside the powers of the Board; or

(d) is not relevant to the item of business on the Agenda and has not been admitted as urgent business; or

(e) purports to be an amendment but is not- must not be accepted by the Chairperson.

48. Moving a Motion

The procedure for any motion is-

(a) The mover must state the motion without speaking to it;

(b) Unless the motion is a formal motion, it must be seconded by a Board Member other than the mover;

(c) If a motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;

(d) If the motion is seconded, the Chairperson must ask: "Is the motion opposed";

(e) If no Member indicates opposition, the motion must be declared to be carried without being voted on and will be treated as being passed unanimously;

(f) If a Member indicates opposition, then the Chairperson must request-

(i) the mover to address the Board on the motion; and

(ii) the seconder to address the Board on the motion (who may, without speaking on the motion, reserve his or her address until later in debate); and

(iii) any Member opposed to debate the motion; and

(iv) any other Members for and against the motion to debate in turn.

49. Right of Reply

(1) The mover of an original motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during debate.

(2) After the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

50. No Right of Reply for Amendments

No right of reply is available where an amendment is before the Board.

51. Moving an Amendment

A motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the original motion and framed so as to complement it as an intelligible and consistent whole.

52. Who May Propose an Amendment

An amendment may be proposed or seconded by any Member, other than the mover or seconder of the original motion.

53. Who May Debate an Amendment

A Member may address the meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.

54. How Many Amendments May Be Proposed

Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it,

can be taken into consideration until the previous amendment has been dealt with.

55. An Amendment Once Carried

If the amended motion is carried, it then becomes the question before the Chair.

56. Foreshadowing Motions

(1) At any time during debate, a 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.

(2) A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the Chair is resolved in a certain way, a Member intends to move an alternative or additional motion.

(3) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.

(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.

57. Withdrawal of Motions

Before any motion is put to the vote, it may be withdrawn with leave of the Board.

58. Separation of Motions

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

59. Chairperson May Separate Motions

The Chairperson may decide to put any motion to the vote in separate parts.

60. Motions in Writing

(1) The Chairperson may require any motion to be submitted in writing where it is lengthy unclear or for any other reason.

(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.

61. Debate Must Be Relevant to the Motion

(1) Debate must always be relevant to the question before the Chair, and if not, the Chairperson may request the speaker to confine debate to the subject motion.

(2) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair.

62. Speaking Times

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

(a) the mover of a motion - three minutes;

(b) the mover of a motion when exercising his or her right of reply - three minutes;

(c) any other Member - three minutes;

Division 3 - Extension of Speaking Time

63. By Resolution of the Corporation

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

64. When an Extension Can Be Proposed

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

(a) immediately before the speaker commences debate;

(b) during the speaker's debate; or

(c) immediately after the speaker has concluded debate.

65. No Extension After Next Speaker Commenced

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

66. Length of Extension

Any extension of speaking time must not exceed three minutes.

Division 4 - Points of Order

67. Chairperson to Decide

The Chairperson will 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.

68. Chairperson May Adjourn to Consider

(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.

(2) All other matters before the Board are to be suspended until the point of order is decided.

69. Final Ruling on a Point of Order

(1) The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive unless the majority of Members present move a motion of dissent.

(2) A motion of dissent on a point of order must contain the provision, rule, practice or precedent in substitution for the Chairperson's ruling.

(3) A motion of dissent in relation to a point of order is not a motion of dissent in the Chair and the Chairperson must at all times remain in the Chair and he or she will maintain his or her right to a second vote.

(4) A motion of dissent on a point of order will take precedence over all other business and if carried must be acted on instead of the ruling given by the Chairperson.

70. Procedure for Point of Order

A Board member raising a point of order must :

(a) state the point of order; and
(b) the clause, paragraph or provision constituting the point of order.

71. Valid Points of Order

A point of order may be raised in relation to:

(a) a procedural matter;

(b) a Member who is or appears to be out of order; or

(c) any act of disorder.

72. Contradiction of Opinion

Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

73. Adjournment and Resumption of Meeting

(1) The Chairperson or the Board may adjourn any meeting until a time and place to be determined at the time of the adjournment.

(2) For the purpose of stating the time to which the meeting is adjourned, that time may be indicated as at the adjournment or conclusion of another meeting or event.

74. Formal Motions

(1) Unless otherwise prohibited, a formal motion may be moved at any time and must be dealt with immediately by the Chairperson.

(2) Formal motions are not required to be seconded.

(3) The mover of a formal motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it.

(4) A formal motion cannot be moved by the Chairperson.

(5) Unless otherwise provided, debate on a formal motion is not permitted and the mover does not have a right of reply.

(6) Unless otherwise provided, a formal motion cannot be amended.

75. Laying the Question on the Table

(1) A motion may be moved "That the (question, letter, document, report etc.) lay on the table"-

(2) The motion in sub-clause (1):
   (a) is a formal motion which may be debated and, if carried, has the effect of adjourning any further debate on the matter currently before the Board until such time (if any) as the Board resolves to take the question from the table; and
   (b) if carried in respect to an amendment, has the effect that both the

original motion and the amendment will be adjourned; and

(c) prevents debate on the matter currently before the Board proceeding until a motion to take the question from the table is passed.

76. Proceeding to the Next Business

(1) A motion may be moved "That the meeting proceed to the next business"-

(2) The motion in sub-clause (1):

(a) is a formal motion which cannot be moved during the election of Chairperson; and

(b) if carried in respect to an original motion, requires the Chairperson to direct the meeting to the next item of business; and

(c) if carried in respect to a formal motion, disposes of the formal motion immediately and permits debate upon the original motion to proceed; and

(d) if carried in respect to an amendment, disposes of the amendment immediately and permits debate upon the original motion to proceed but no similar amendment may be moved at that meeting or any adjournment of it.

77. The Previous Question

(1) A motion may be moved "That the question be NOT now put"-

(2) The motion in sub-clause (1):

(a) is a formal motion which cannot be moved while there is an amendment before the Chair or during the election of a Chairperson; and

(b) if carried, prevents the original motion to which it relates being dealt with at that meeting or any adjournment of it; and

(c) if lost, requires that the original or substantive motion to which it relates be put to the vote immediately without any further debate or amendment.

(3) The Chairperson has the discretion to reject a motion for the previous question if the matter is contentious by nature or has not been adequately debated.

(4) Adequate debate arises when every Member who wishes to put a view has had an opportunity to do so.

78. The Closure

(1) A motion "That the motion be now put"-

(2) The motion in sub-clause (1):

(a) is a formal motion which if carried in respect to an original motion, requires that the original motion must be put to the vote immediately without any further debate, discussion or amendment; and

(b) if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue; and

(c) if lost, allows debate to continue unaffected; and

(3) The Chairperson has the discretion to reject such a motion for closure if the motion upon which it is proposed has not been sufficiently debated.

(4) Sufficient debate arises when those possessing different views have been given an opportunity to state them.

79. Adjourning the Debate

(1) A motion may be moved "That the motion and amendments now before the meeting be adjourned until....."-.

(2) The motion in sub-clause (1):

(a) is a formal motion which cannot be moved while any person is speaking or during the election of a Chairperson; and

(b) may be debated but may only be amended in relation to the time, date and place of the proposed adjournment.

(c) should provide a date or time to which the adjournment is sought but if no date or time is included, it may be relisted at the discretion of the chief executive officer or upon a subsequent resolution of the Board.

Division 5 - Notice of Motion

80. Must be Listed on Agenda

A notice of motion cannot be accepted by the Chairperson unless it has been listed on the agenda for the meeting at which it is proposed to be moved.

81. Procedure

A Member may give notice of motion on any matter he or she wants discussed at a meeting by delivering a notice of motion outlining the subject and the motion proposed for discussion to the chief executive officer.

82. Rejection of a Vague Notice

The chief executive officer-

(a) may reject any notice of motion that is too vague, but before rejecting it must give the Member delivering the notice an opportunity to amend it; and

(b) must notify the relevant Member of any notice of motion which has been rejected and give the reasons for its rejection.

83. Listing Notice on Agenda

Unless the notice specifies a particular meeting date, the chief executive officer must list the notice of motion and if more than one, in the order they were received, on the next appropriate meeting agenda.

84. Register of Notices

The chief executive officer must cause every notice of motion received to be sequentially numbered and maintained in a register.

85. May be Moved by any Member and Amended

A notice of motion listed on a meeting agenda, may be moved by any Member present and, except where the notice of motion is to confirm a previous resolution of the Board, may be amended

86. Except for Confirmation of Previous Resolution

If a notice of motion to confirm a previous resolution of the Board cannot be carried in its original form, it is lost.

87. If Lost

Unless the Board resolves to re-list at a future meeting a notice of motion which has been lost, a similar motion must not be put before the Board for at least three months from the date it was last lost.

Division 6 - Notice of Amendment or Rescission

88. Procedure

(1) A Member may propose a motion to amend or rescind a decision of the Board provided :

(a) the previous motion has not been acted upon; and

(b) a notice is delivered to the chief executive officer outlining;

(i) the decision proposed to be amended or rescinded; and

(ii) the meeting and date when the decision was made.

(2) A decision will be acted upon once its details have been formally communicated to persons affected by or reliant on the resolution or where a statutory procedure has been carried out as a result of that decision.

89. Listing Notice on Agenda

Unless the notice specifies a particular meeting date, the chief executive officer must list the notice of amendment or rescission, and if more than one, in the order they were received, on the next appropriate meeting agenda, together with a brief report outlining the criteria required for the motion to be amended or rescinded.

90. Criteria to Amend or Rescind a Motion

For a decision of the Board to be amended or rescinded, the motion for amendment or rescission must be carried by a majority of the votes cast.

91. If Lost

Unless the Board resolves to re-list at a future meeting a notice to amend or rescind which has been lost, a similar motion must not be put before the Board for at least three months from the date it was last considered.

92. If Not Moved

If a notice of amendment or rescission is not moved at the meeting for which it is listed, it will lapse.

93. May be Moved by any Board Member

A notice of amendment or rescission listed on a meeting agenda may be moved by any Member present but cannot be amended.

94. When Not Required

A notice of amendment or rescission is not required where the Board wishes to change a previous decision relating to policy of the Board.

95. Register of Notices

The chief executive officer must cause every notice of amendment or rescission received to be sequentially numbered and to be maintained in a register.

96. Urgent and Other Business

Business which has not been listed on the Agenda may only be raised as urgent or other business by resolution agreed by the Board.

Division 7 - Public Participation

97. During Meetings:

Deputations to the Board will be by prior arrangement.

98. Meetings

Any member of the public or community 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 upon to do so.

99. Chairperson May Remove

(1) Any person who has been called to order including any Board Member who fails to comply with the Chairperson's direction will be guilty of an offence.

Penalty: $500

(2) The Chairperson has a discretion to cause the removal of any person including a Member who disrupts any meeting or fails to comply with a direction.

100. Petitions and Joint Letters

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 agrees to deal with it earlier.

101. Signing Petitions

Any person who fraudulently signs a petition or joint letter which is presented to the Corporation is guilty of an offence.

Penalty: $ 1,000

102. Board Member Presenting Petition - Obligations

Any Member presenting a petition or joint letter will be responsible for ensuring that-

(a) he or she is familiar with the contents and purpose of the petition or joint letter; and

(b) the petition or joint letter is not derogatory or defamatory.

Division 8 - Additional Duties of Chairperson

103. The Chairperson's Duties and Discretions

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

(a) must not accept any motion, question or statement which appears to the Chairperson to be derogatory, defamatory or embarrassing to any Board Member, member of staff, or member of the public;

(b) must call to order any person who is disruptive or unruly during any meeting.

MANAGEMENT OF LIBRARIES

3.1 Access and Use

104. The CEO is responsible for the management and administration of the Library service in accordance with the policies and directions of the Board, as shall be determined from time to time.

Any person using the Library service shall obey the lawful directions of the Librarian.

The Library will be open to the public during such hours as the Board may determine.

Any person may have access to the Library for the purpose of using the services and facilities within the library during the hours it is open to the public subject to compliance with this Local Law.

No person other than Library staff or persons duly authorised by the librarian or Chief Executive Officer may enter or remain in the Library except during the hours of opening.

A person may have access to all items in the collection of Library material in the Library for consultation on the premises except that some items may be on restricted access because of rarity, physical conditions, embargo on use determined by donors, or by legislation.

No person may remove from the Library any Library Material which they have not borrowed.

A Library Member has access on equal terms to all Library Material available to be borrowed except where restricted by legislation.

The Regional Library takes no responsibility for loss or damage to any bag or other article left in Library.

Use of the Internet facilities and Personal computers within the Library is conditional upon compliance with any Internet Policy which the Board may adopt from time to time and which shall be published and made available to all Library Users.

The Corporation is not liable or responsible for any cost incurred, loss, injury or damage to or caused by any person under the age of eighteen (18) years as a result of the retrieval of data or material accessed through the internet while using the Internet facilities at the Library.

105. Any person on Library premises is subject to the authority of the Librarian or Authorised Officer.

Any person on Library premises must abide by the provisions of this Local Law.

The Librarian or an Authorised Officer may request any person who activates or apparently activates the Library's security alarm to produce the contents of their bags, pockets, containers or other things adapted to the carrying of goods to ascertain, or attempt to ascertain, the cause of the activation of the security alarm.

The Corporation shall not be liable for any injury or damage to, or caused by any act or omission of any child under the age of five (5) years who is in the Library.

Any child who is in the library without a parent or guardian present after the time designated for closing the Library to members of the Public may be placed in the custody of a member of the Victoria Police.

Temporary Cessation or Admission

106. The CEO, Librarian or an Authorised Officer may at such times as are deemed fit

i) close the Library premises or any part thereof for any purposes or temporarily suspend admission or service or clear the premises of any person for any purpose; or

ii) refuse admission or service to any person who in the opinion of the CEO, Librarian or Authorised Officer is causing or likely to cause offence, risk or intrusion upon any other person or property on the Library premises.

Membership Conditions

107. Membership is free to any person who is able to meet the membership requirements as determined by the Board, by providing proof of identity and of current residential address and who has not previously infringed this Local Law.

Membership is current for the period of time determined by the Board, unless suspended or cancelled.

Membership is granted to applicants who-

i) complete and submit application form or such other application format determined by the Board from time to time, which shall include an undertaking to comply with this Local Law.

ii) satisfy the Librarian that he or she is eligible for membership.

Successful applicants are provided with a Membership Card as proof of membership.

Only Library Members may borrow Library Material or gain access to library databases.

Library Members under the age of 18 are required to have a legal guarantor who satisfies membership requirements. As part of the guarantee, the guarantor agrees
to be responsible for that Library Member's choice of Library Material to be borrowed or consulted in the Library.

Any refusal or suspension of membership by the Librarian may be appealed in writing and referred to the Board for resolution.

Institutional Membership

108. At the discretion of the Librarian, institutional membership may be granted to any association, society, institution, corporation, partnership, unincorporated body, business or agency whose predominant area of service or normal place of meeting is within the library service area.

A nominated person is to be responsible for the Library Material Borrowed by that institution.

Responsibilities of Members

109. Every Library Member on being issued with a Membership Card must-

i) be responsible for the custody of the Membership Card;

ii) produce the Membership Card when any Library Material is Borrowed and/or as requested by the Librarian;

iii) report loss of the Membership Card to the Librarian immediately such loss is discovered;

iv) be responsible for any Library Material Borrowed on their Membership Card prior to their reporting it lost;

v) promptly notify any change of address to the Librarian.

Library Members wishing to obtain a replacement Membership Card for one that has been lost, stolen or damaged must provide proof of identity, and pay charges as indicated under Clause 113.

A Library Member or User is responsible for the safe care of all Library

Material borrowed on their Membership Card and/or used by them in the Library and for the reporting of any damage.

If Library Material is lost or damaged beyond repair, or if it is stolen from a Library Member or user he or she must pay to the Board the full replacement cost as determined by the Board, plus any administrative charges.

The legal guarantor for a Library Member under the age of 18 years is responsible for payment of Fees and Charges, to make good the loss or damage to any Library Material whilst Borrowed on their Membership Card, and for the return of that Library Material.

Cancellation/Suspension of Membership

110. The CEO or Librarian may permanently or temporarily suspend or cancel the Membership of any Library Member who retains Library Material beyond the Due Date or who loses or damages Library Material. A Membership Card is cancelled if not used within a time determined by the Board.

Borrowing of Library Materials

111. The Board may determine the maximum number of Library Material which may be Borrowed at any one time.

The time period for which Library Material may be borrowed is determined by the Board. The period for which different Library Material may be borrowed may vary. A method established by the Board will be used to indicate to the Member the Date Due for the return of borrowed Library Material.

All Borrowed Library Material must be returned to the Library by the Due Date or when recalled.

A Member may be required to pay a Charge as determined by the Board for retaining borrowed Library Material beyond the Due Date. The Librarian shall be under no obligation to send any notice regarding borrowed Library Material not returned to the Library by the Due Date or any other outstanding charges incurred. Failure to send or receive such notices shall not be an excuse for non payment of such charges. Any liability incurred under this clause or for any other Charges and Fees may be required to be discharged before any other Library material may be borrowed by a Library Member with any outstanding Charges or Fees.

No Library Material shall be deemed to have been returned to the Library unless it has been handed to the Librarian or left in a place or receptacle designated for the return of Library Material, or despatched to the Library by post or other means approved by the Librarian. Library Material returned by post shall not be deemed

to be returned until received by the Librarian.

A Member may apply for an extension of the time for the Due Date for borrowed Library Material. Extensions will not be granted if the Library Material has been reserved by another Library Member, or has been kept more than 28 days beyond the Due Date; or if there are infringements on that Library Member's card; or if the number of extensions has exceeded the allowed maximum.

At all times such extension of Due Date will be granted at the discretion of the Librarian.

Where any Library Material is designated 'reference' or 'not for loan' or 'non circulating', it may not be Borrowed except by approval of the Librarian.

Fees and Charges

112. Any Library Member borrowing any Library Material or Library Member or User using any Library Services may be subject to any Fees and Charges determined by the Board from time to time for-

i) Library Material obtained on inter-Library Loan from another source;

ii) photocopies, or other printout copies which will remain the property of the member;

iii) the return of Library Material after the Due Date or extended Due Date;

iv) the replacement of lost, stolen or damaged Membership Cards;

v) the cost of the replacement of items lost, stolen or damaged while borrowed plus administrative costs related to the replacement of Library Material;

vi) the replacement of Library Material damaged in the Library;

vii) Library Services and such other purposes as the Board determines;

ix) Library Material not returned, or proper restitution made when requested.

Conduct in the Library

113. No person shall, while in the Library:

i) commit a nuisance;

ii) destroy, damage or interfere with any Library property;

iii) bring any animal into the library, other than a guide dog for the blind or hearing impaired;

vi) act contrary to any sign; or

v) assault any staff member or other person in the library

vi) act contrary to any lawful direction of the Librarian or Authorised Officer, including a direction to leave for breach of the Local Law or any other law.

Offences

114. Any person who commits an offence against this Local Law must-

i) give his or her name and address to the Librarian or an Authorised Officer if requested to do so; and

ii) leave the Library property immediately upon being requested by the Librarian or an Authorised Officer if told to do so.

Hire of Library

115. The CEO, Librarian or an Authorised Officer may rent out or make available for hire the Library or any designated part or parts thereof to such organisations or groups and for such purposes as are consistent with Board or Corporation policy.

Circumstances Not Provided For

116. If any circumstances arise which are not provided for in this Section the CEO or Librarian is empowered to make a decision regarding the appropriate course of action in order to resolve the issue in dispute.

PART 4
COMMON SEAL

117. The Board's Common Seal

(1) The chief executive officer must ensure the security of the Board's common seal at all times.

(2) The Board's common seal may only be used on the authority of the Board given either generally or specifically and every document to which the seal is affixed must be signed by two Board Members and the Chief Executive Officer.

(3) Any person who uses the Board's common seal without authority is guilty of an offence.

Penalty: $ 1,000

(4) Any person who uses any replica of the Board's seal without authority is guilty of an offence.

Penalty: $ 1,000

PART 5
ENFORCEMENT AND PENALTIES

118. The Board may by resolution institute proceedings in the corporate name of the Corporation for the enforcement of any provision of this Local Law and the recovery of any penalty as determined by the Board.

SCHEDULE 1
INFRINGEMENT NOTICE

Date:

To: [name and address)

I, [name of authorised officer] have reason to believe that you have committed an offence against the Meetings, Operation and Use of Libraries Local Law No 2 2008of the West Gippsland Regional Library Corporation, as indicated below:

Date	Time	Clause of Local Law	Penalty

Description of the offence:

Location of the offence:

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

SCHEDULE 2
PENALTIES FIXED FOR INFRINGEMENTS

Provision	Offence	Penalty $
99	Failing to comply with a direction of the chair	500
101	Fraudulently signing a petition or joint letter	1000
117(3)	Using the Common Seal without authority	1000
117(4)	Using a replica of the Common Seal without authority	1000

Regional Library Corporation on the day of , 2008

THE COMMON SEAL *of the* ***BOARD*** ***}***

OF THE WEST GIPPSLAND ***}***

REGIONAL LIBRARY CORPORATION ***}***

was hereunto affixed in the presence of: *}*

…… Member of the Board

…… Member of the Board

……. Chief Executive Officer

Notice of the confirmation of the Local Law was inserted in the Victorian Government Gazette dated the day of 2008 at page no.

A copy of this Local Law was sent to the Minister responsible for Local Government on the day of 2008.