

# **CASEY-CARDINIA LIBRARY CORPORATION**

## **LOCAL LAW NO.1**

### **MEETING PROCEDURES AND USE OF COMMON SEAL LOCAL LAW**

## **TABLE OF CONTENTS**

PART 1 - PRELIMINARY.....	4
1.1    TITLE.....	4
1.2    OBJECTIVES OF THIS LOCAL LAW .....	4
1.3    AUTHORISING PROVISION.....	4
1.4    DATE OF COMMENCEMENT .....	4
1.5    CESSATION DATE .....	4
1.6    WORDS USED IN THIS LOCAL LAW .....	4
PART 2 - ELECTION OF THE CHAIRPERSON .....	7
2.1    PURPOSE .....	7
2.2    CHAIRPERSON .....	7
2.3    PROCEDURE.....	7
PART 3 - MEETING PROCEDURES .....	8
3.1    PURPOSE .....	8
3.2    QUORUM .....	8
3.3    ABSENCE OF QUORUM .....	8
3.4    AGENDA.....	8
3.5    ORDER OF BUSINESS .....	8
3.6    PREPARATION OF MINUTES.....	9
3.7    CONFIRMATION OF MINUTES.....	9
3.8    MOTIONS .....	9
3.9    PROCEDURE FOR MOVING MOTIONS AND AMENDMENTS .....	10
3.10    PERSONAL EXPLANATIONS .....	11
3.11    FORMAL MOTIONS.....	11
3.12    GENERAL BUSINESS .....	11
3.13    URGENT BUSINESS .....	11
3.14    CLOSED MEETING (In-Camera).....	12
3.15    NOTICES OF MOTION .....	12
3.16    REVOCATION OR ALTERATION OF PREVIOUS RESOLUTIONS .....	12
3.17    DEBATE .....	13
3.18    TIME LIMITS.....	13
3.19    VOTING .....	13
3.20    DIVISIONS.....	14
3.21    POINTS OF ORDER .....	14
3.22    DISAGREEMENT WITH CHAIRPERSON'S RULING .....	14
3.23    SUSPENSION FROM A MEETING.....	15
3.24    REMOVAL FROM MEETING ROOM.....	15
PART 4 - COMMITTEES .....	16
4.1    APPLICATION TO COMMITTEES.....	16
PART 5 - THE COMMON SEAL.....	17

5.1	USE OF THE COMMON SEAL .....	17
5.2	SECURITY OF THE COMMON SEAL .....	17
5.3	SIGNATURE TO ACCOMPANY THE SEAL .....	17
PART 6 -	OFFENCES .....	18
6.1	OFFENCES .....	18

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**LOCAL LAW NO.1**

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LOCAL LAW**

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**PART 1- PRELIMINARY**

**1.1 TITLE**

This Local Law is the Casey-Cardinia Library Corporation Meeting Procedure and Local Law No.1, and referred to below as “this Local Law”.

**1.2 OBJECTIVES OF THIS LOCAL LAW**

The objectives of this Local Law are to:-

- (a) provide for the administration of the Corporation’s powers and functions;
- (b) regulate and control the use of the Common Seal of the Corporation;
- (c) regulate and control the election of Chairperson;
- (d) regulate and control the procedures of meetings of the Corporation; and
- (e) regulate and provide for the efficient conduct of meetings of the Board.

**1.3 AUTHORISING PROVISION**

This Local Law is made under the provisions of Part 5 of the Local Government Act 1989 and amended under Part 3, Division 3 of the Local Government Act 2020.

**1.4 DATE OF COMMENCEMENT**

This Local Law comes into operation on the day following the day on which it is made.

**1.5 CESSATION DATE**

Unless this Local Law is revoked, its operation will cease on the tenth anniversary of its making.

**1.6 WORDS USED IN THIS LOCAL LAW**

In this Local Law, unless inconsistent with the context:

**Act:** Means the Local Government Act 1989.

<b>Advisory Committee:</b>	Means any Advisory Committee established as such under the Act.
<b>Agenda:</b>	Means the notice of a Meeting setting out the business to be transacted at a Meeting.
<b>Agreement:</b>	Means the Agreement to form and continue the Casey-Cardinia Library Corporation or any amended, restated and substituted agreement.
<b>Authorised Officer:</b>	Means a person authorised in accordance with the Act.
<b>Board:</b>	Means the Board of the Corporation.
<b>Board Meeting:</b>	Means an Ordinary Meeting or a Special Meeting of the Board.
<b>Chairperson:</b>	Refers to the Chairperson of the Board, Special or Advisory Committee meeting and includes where appropriate an acting, temporary or substitute Chairperson.
<b>Chief Executive Officer:</b>	Means the Chief Executive Officer of the Corporation appointed in accordance with Section 94(3) of the Act, or other person appointed to act in that position during his or her absence.
<b>Clause:</b>	Means a clause of this Local Law.
<b>Committee Meeting:</b>	Means a meeting of a Special Committee or Advisory Committee.
<b>Common Seal:</b>	Means the Common Seal of the Corporation.
<b>Corporation:</b>	Means the Casey-Cardinia Library Corporation ABN 38 577 892 449
<b>Council:</b>	Means the Casey City Council ABN 43 320 295 742.
<b>Council Member</b>	means a member of the Board who is a representative, an officer, a councillor or member of Council staff.
<b>Deliver:</b>	Includes transmission by Electronic Mail or any other agreed mode of transmission.
<b>Formal Motion:</b>	Means a motion related to a formal procedure and includes the following motions: <ul style="list-style-type: none"><li>a) That the motion be put;</li><li>b) That the question lay on the table;</li><li>c) That the meeting proceed to the next business;</li><li>d) That the question be not now put; and</li><li>e) That the motion and amendment now before the meeting be adjourned.</li></ul>

<b>Independent Member</b>	Means a Member of the Board who is not a representative, an officer, a councillor or member of Council staff.
<b>Meeting:</b>	Means an Ordinary Meeting or a Special Meeting of the Board.
<b>Member:</b>	Means an Independent Member or Council Member appointed to the Board in accordance with the Agreement.
<b>Minister</b>	Means the Minister for Local Government or such other Minister to whom administration of the Act is dedicated.
<b>Minutes Secretary:</b>	Means, in the case of a Board Meeting or a Committee Meeting, the person nominated by the Chief Executive Officer for the purpose of recording the minutes of the meeting.
<b>Offence:</b>	Means an offence against this Local Law.
<b>Ordinary Meeting:</b>	Means an Ordinary Meeting of the Board.
<b>Part:</b>	Means a part of this Local Law.
<b>Penalty Unit:</b>	Means penalty units as prescribed in Section 5 of the Sentencing Act 1991.
<b>Present:</b>	Means attendance at a Meeting either in person or by electronic means of communication.
<b>Quorum:</b>	has the meaning given to that terms in Clause 3.2.
<b>Special Committee:</b>	Means any Special Committee appointed by the Board.
<b>Special Meeting:</b>	Means a Special Meeting of the Board.

## **PART 2 - ELECTION OF THE CHAIRPERSON**

### **2.1 PURPOSE**

1. The purpose of this part is to regulate the proceedings of the election of the Chairperson.
2. Only an Independent Member will be eligible to be elected as Chairperson.
3. The election for the Chairperson of the Board shall be held by the Board:
  - (a) at its first meeting following the establishment of the Regional Library; and
  - (b) at its first meeting after a general election of Members of a Council; and
  - (c) where the position of Chairperson otherwise becomes vacant, as soon as practicable after the vacancy has occurred.

### **2.2 CHAIRPERSON**

1. To deal with:
  - (a) the receipt of nominations for the election of Chairperson; and
  - (b) the election of Chairperson,any Independent Member may be elected as temporary Chairperson.
2. The Chief Executive Officer will be responsible for counting the votes.

### **2.3 PROCEDURE**

1. The election of the Chairperson must be by a show of hands.
2. The Independent Member who receives the majority of votes cast must be declared elected.
3. For the purpose of sub-clause 2, the following will apply:
  - (a) nominations must be moved and seconded;
  - (b) where only one nomination is received, that Independent Member must be declared elected; or
  - (c) where two nominations are received, the Independent Member with the majority of the votes cast must be declared elected.
4. If the Chairperson is unable to attend a Board Meeting for any reason the remaining Independent Board Member the Board will preside at that meeting as the acting Chairperson.

## **PART 3 - MEETING PROCEDURES**

### **3.1 PURPOSE**

The purpose of this part is to regulate proceedings at all meetings of the Corporation.

### **3.2 QUORUM**

1. A Quorum of Members at a Board Meeting:
  - (a) is a majority of the number of Members; and
  - (b) must have at least one Independent Member present.
2. In accordance with Part 3, Division 2 of the *Local Government Act 2020* (Vic), a Member may attend and be present at a Meeting by electronic means of communication.
3. A Quorum at a Meeting of the Board consists of the majority of the Members physically present or participating by electronic means of communication.

### **3.3 ABSENCE OF QUORUM**

1. If at any Meeting there is not present, within 30 minutes after the appointed commencement of the Meeting, the number of Members required to form a Quorum, the Chief Executive Officer may adjourn such Meeting to any time not later than seven days from the date of the adjournment.
2. If at any time during any Meeting there is not present the number of Members required to form a Quorum, the Chief Executive Officer may adjourn such Meeting to any time not later than seven days from the date of the adjournment.
3. If during any Meeting or adjournment a Quorum cannot be achieved or maintained due to the declaration of conflict of interest by the majority of Members, the Chief Executive Officer may adjourn the meeting for a length of time sufficient to enable special dispensation for the affected Members to be obtained from the Minister.

### **3.4 AGENDA**

The Chief Executive Officer must Deliver to each Member a copy of the Agenda for a Meeting, not less than 48 hours before the Meeting is to be held.

### **3.5 ORDER OF BUSINESS**

The Order of Business at any Meeting shall be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes.



### **3.6 PREPARATION OF MINUTES**

The Chief Executive Officer or Minutes Secretary must record in the minutes of each Meeting:

1. the place, date and time of each Meeting;
2. the names of all Members present at each Meeting;
3. the names of all Members to whom leave of absence was granted;
4. arrivals and departures (including temporary departures) of Members during the course of the Meeting, including those physically present and participating by electronic means of communication;
5. all disclosures of a conflict of interest by Members;
6. each motion and amendment moved, including motions and amendments withdrawn by consent of the Board or which lapse for want of a seconder;
7. each motion put to the vote;
8. the vote cast by each Member (and, if a Member abstained from voting, the abstention) on each division called; and
9. the failure of a Quorum.

### **3.7 CONFIRMATION OF MINUTES**

1. The Board at each Ordinary Meeting, must:
  - (a) pass a resolution to confirm the minutes of the previous Ordinary Meeting and all other Meetings held since the previous Ordinary Meeting, if a copy has been Delivered to each Member not less than 48 hours before the Meeting; or
  - (b) require the minutes to be read prior to the passing of a resolution to confirm them, if a copy has not been Delivered to each Member not less than 48 hours before the meeting.
2. The Board must not discuss the contents of the minutes except as to their accuracy as a record of proceedings.
3. The Chairperson must sign the minutes when they have been confirmed.

### **3.8 MOTIONS**

1. Motions and amendments must be:
  - (a) within the powers and functions of the Corporation;
  - (b) related to an item of business on the Agenda or otherwise admitted to the Meeting as urgent business under clause 3.13; and

- (c) clear and unambiguous and not defamatory or objectionable in content or nature.
- 2. The Chairperson must refuse to accept a motion or amendment which conflicts with sub-clause 1.
- 3. The Chairperson may require any motion to be put in writing.

### **3.9 PROCEDURE FOR MOVING MOTIONS AND AMENDMENTS**

- 1. The mover of a motion or amendment must state the subject and nature of the motion or amendment before or at the time of moving it.
- 2. Except where the motion is a call to enforce a point of order, the Chairperson must call for a seconder, being a Member other than the mover.
- 3. If there is no seconder to a motion or amendment, the Chairperson must declare the motion or amendment to have lapsed.
- 4. If there is a seconder, the Chairperson must call on the mover of a motion to speak to the motion.
- 5. After the mover has spoken, or declined to speak, to the motion, the Chairperson must call on the seconder of the motion to speak to it.
- 6. After the seconder has spoken, or declined to speak, to the motion, the Chairperson must call on any other Member who may wish to speak against the motion.
- 7. If a Member wishes to speak against the motion, the Chairperson must, having called upon them, invite debate, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for it.
- 8. If no Member wishes to speak against the motion, the Chairperson may put the motion to the vote.
- 9. Any Member except the mover or seconder may move or second an amendment to the motion.
- 10. An amendment must not be directly opposite to the motion.
- 11. A Member may speak only once on a motion and once on any amendment and the mover of the original motion (but not of an amendment) has a right of reply before the motion (or amendment) being put to the vote.
- 12. Any Member may call for a point of order during a debate whether or not he or she has spoken to the motion. A Member who calls a point of order retains the right to speak to the motion.
- 13. A motion or amendment can only be withdrawn with the approval of the Board.
- 14. The Board must not consider a second or subsequent amendment until it has dealt with any previous amendment.
- 15. The Chairperson must put the motion or amendment to the vote immediately after the mover of the motion has spoken in reply or declined to speak in reply.

16. A Member must not move a motion to initiate a subject for discussion except by giving notice of motion or unless the Board consents to the introduction and consideration of the subject matter as urgent business.
17. The Chairperson may decide to put any motion to the vote in several parts.
18. The Board may consider and determine Agenda items 'en bloc', as long as it has first resolved to do so.

### **3.10 PERSONAL EXPLANATIONS**

The Chairperson or the Board by resolution may permit a Member to make a personal explanation or to claim that he or she has been misrepresented or misunderstood.

### **3.11 FORMAL MOTIONS**

1. Unless otherwise prohibited a Formal Motion may be moved at any time and, upon being seconded, must be dealt with immediately by the Chairperson.
2. The mover of a Formal Motion must not have moved or seconded the motion or amendment before the Board at the time of moving.
3. Unless otherwise provided, debate on a Formal Motion is not permitted and the mover does not have a right of reply.
4. Other than in relation to the time, date and place of a proposed adjournment a Formal Motion cannot be amended.

### **3.12 GENERAL BUSINESS**

Members may raise items of general business without notice, but a resolution to act on that general business cannot be made unless it is a resolution to:

1. receive the information; or
2. seek further information or a report from Corporation staff.

### **3.13 URGENT BUSINESS**

1. Business must not be admitted as urgent business unless it:
  - (a) relates to or arises out of a matter which has arisen since distribution of the Agenda; and
  - (b) cannot safely or conveniently be deferred until the next Ordinary Meeting.
2. The Board may resolve by a majority of those present to admit (without the required notice) an item considered to be urgent business.
3. The Chief Executive Officer may prepare a written supplementary report on any item of business that has arisen since the preparation of the Agenda and such a report will be considered by the Board as a late Agenda item.

### **3.14 CLOSED MEETING (In-Camera)**

The Board or a Special Committee (as the case may be) may resolve that a Meeting be closed to members of the public if the Meeting is discussing any of the following:

- personnel matters;
- the personal hardship of any person;
- industrial matters;
- contractual matters;
- legal advice;
- matters affecting the security of Corporation property;
- any other matter which the Board or the Special Committee considers would prejudice the Corporation or any person; or
- a resolution to close the meeting to members of the public.

### **3.15 NOTICES OF MOTION**

1. A notice of motion must be given in writing to the Chief Executive Officer no less than 7 days before the Meeting at which the notice of motion is to be considered by the Board to allow it to be included on the Agenda for the Meeting.
2. The full text of a notice of motion accepted by the Chief Executive Officer must be included in the Agenda.
3. The Chief Executive Officer must cause all notices of motion to be numbered, dated and recorded in the order in which they are received.
4. Except by leave of the Board, each notice of motion before any Meeting must be considered in the order in which it was received.
5. If a Member who has given a notice of motion is absent from the Meeting or fails to move the motion when called upon by the Chairperson, any other Member may move the motion.
6. If a notice of motion is not moved at the Meeting at which it is listed, it lapses.

### **3.16 REVOCATION OR ALTERATION OF PREVIOUS RESOLUTIONS**

1. A previous resolution of the Board can only be revoked or altered if a notice of motion has been given to the Chief Executive Officer in accordance with clause 3.15.
2. A notice of motion to revoke or alter a previous resolution of the Board will not be accepted by the Chief Executive Officer if the resolution the subject of the notice of motion has already been acted on.
3. A resolution will be deemed to have been acted on if:

- (a) its contents or substance have been formally communicated to a person whose interests are materially affected by it; or
  - (b) action has been taken by the Corporation to give effect to the resolution which cannot be reversed.
- 4. A second or subsequent notice to revoke or alter a previous resolution of the Board will not be accepted by the Chief Executive Officer until a period of three months has elapsed after the date of the meeting at which the first or last notice of motion to revoke or alter that resolution was dealt with.
- 5. For the purpose of this clause, receipt of a notice of motion to revoke or alter a resolution of the Board that has been signed by a majority of Members will, to the extent practicable, place a stay on the implementation of the subject resolution by the Chief Executive Officer.

### **3.17 DEBATE**

- 1. The Member acknowledged by the Chairperson is to speak and must not be interrupted unless:
  - (a) he or she is called to order; or
  - (b) his or her speaking time has expired; or
  - (c) a point of order is raised; or
  - (d) a Formal Motion is moved.
- 2. Members must designate each other by their official titles during debate and throughout the Meeting.

### **3.18 TIME LIMITS**

A Member may speak for no longer than the time specified below, unless the Board resolves to extend that time:

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

### **3.19 VOTING**

- 1. When called upon by the Chairperson, the Members physically present must, if they are to vote, vote by show of hands. Those attending by means of electronic communication will vote by stating 'affirmative', 'negative' or 'abstain' when called upon by the Chairperson. The Chairperson must declare the result of the vote.
- 2. All Members present at the Meeting when a vote is taken can vote once only.

3. Subject to the Act, the Chairperson must use a casting (second) vote where the number of votes in favour of the motion is half the number of Members present at the time the vote was taken.
4. The Chief Executive Officer must record in the minutes of the Meeting the name of any Member who requests that his or her vote or abstention from voting be recorded against the motion or amendment.

### **3.20 DIVISIONS**

1. A Member may call for a division on any motion after the Chairperson has declared the result.
2. If a division is called by a Member of the Board, the vote must be taken by Members of the Board:
  - (a) who are physically present at the meeting holding up their hands in the following order:
    - (i) voting in the affirmative;
    - (ii) voting in the negative;
    - (iii) abstaining from voting; and
3. who are attending the meeting by means of electronic communication, when called upon by the Chair, stating 'affirmative', 'negative', or 'abstain'.
4. The Chief Executive Officer or the Minutes Secretary must record in the minutes of the Meeting the names of the Members who voted in favour of the motion, the names of the Members who voted against the motion, the names of the Members who abstained from voting and the result of the division.

### **3.21 POINTS OF ORDER**

1. A Member may take a point of order on the grounds that a matter is:
  - (a) contrary to this Local Law;
  - (b) defamatory;
  - (c) irrelevant;
  - (d) outside the Corporation's power;
  - (e) improper;
  - (f) contrary to Human Rights.
2. The Chairperson must decide on all points of order.

### **3.22 DISAGREEMENT WITH CHAIRPERSON'S RULING**

1. A Member may move that the Chairperson's ruling be disagreed with.

2. A motion under this clause:
  - (a) must specify the ruling to be substituted for the Chairperson's ruling;
  - (b) must be considered in priority to any other business; and
  - (c) if carried, must be acted upon instead of the ruling given by the Chairperson.

### **3.23 SUSPENSION FROM A MEETING**

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

### **3.24 REMOVAL FROM MEETING ROOM**

1. The Chairperson or the Board by resolution may ask any Authorised Officer or member of the police force to remove any person (not being a Member) from the place at which the Board is meeting because the person has:
  - (a) engaged in disorderly conduct; or
  - (b) otherwise committed an offence against this Local Law.
2. The Board may by resolution, in the case of a Member who has been suspended under clause 3.23 of the Local Law, ask any Authorised Officer or member of the police force to remove from the place at which the Board is meeting any Member who has committed an offence against clause 6.14) of this Local Law

## **PART 4 - COMMITTEES**

### **4.1 APPLICATION TO COMMITTEES**

1. Subject to sub-clause 2, the Board may determine the role, membership, quorum and voting rights applicable to Committees.
2. All Committees will be subject to the following provisions of this Local Law:
  - (a) 3.9 11. – limiting the number of times speaking to a motion;
  - (b) 3.13 – urgent business;
  - (c) 3.16 – revocation and alteration of previous decisions; and
  - (d) 3.18 – time limits.



## **PART 5- THE COMMON SEAL**

The Purpose of this Part is to regulate the use of the Common Seal and to prohibit the use of the Common Seal or any device resembling the Common Seal, as required by Section 5(3)(b) of the Act.

### **5.1 USE OF THE COMMON SEAL**

The Common Seal must only be used to give effect to a resolution of the Board.

### **5.2 SECURITY OF THE COMMON SEAL**

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

### **5.3 SIGNATURE TO ACCOMPANY THE SEAL**

The Chairperson (or, in the absence of the Chairperson, any other Member) and the Chief Executive Officer (or, in the absence of the Chief Executive Officer, a member of Corporation staff authorised by the Chief Executive Officer for that purpose) must sign every document to which the Common Seal is affixed.

## **PART 6 - OFFENCES**

### **6.1 OFFENCES**

Pursuant to section 79 of the *Local Government Act 2020* (Vic), it is an Offence for:

1. A Member to refuse to withdraw an expression, considered by the Chairperson to be offensive, and to refuse to apologise after having been requested by the Chairperson to do so.

Penalty: Five (5) Penalty Units

2. Any person, not being a Member, who is or has been engaged in disorderly conduct during a Meeting, to refuse to leave the place where the Meeting is being held when required to do so.

Penalty: Five (5) Penalty Units

3. Any person, not being a Member, to fail to obey a direction of the Chairperson in relation to the conduct of the meeting and the maintenance of order.

Penalty: Five (5) Penalty Units

4. Any Member to refuse to leave the place where the Meeting is being held on suspension.

Penalty: Five (5) Penalty Units

5. Any person to use the Common Seal use or any device resembling the Common Seal without authority given by resolution of the Board.

Penalty: Ten (10) Penalty Units

Resolution for the amending this Local Law was agreed to by the Casey-Cardinia Library Corporation on the

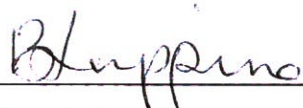
07 February 2023.

THE COMMON SEAL OF THE CASEY-CARDINIA LIBRARY CORPORATION was affixed hereto in the presence of:



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Angela Peresso  
Chairperson



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Elspeth Luppino  
Chief Executive Officer

Public Notice of the proposal to amend this Local Law was inserted in the Berwick News, Cranbourne News and Pakenham/Officer News on 01 December 2022.

Notices of the proposal to amend and confirmation of the amendment of this Local Law were included in the Victorian Government Gazette dated xxx.

Public Notice of confirmation of the amendment of this Local Law was inserted in the Berwick News, Cranbourne News and Pakenham/Officer News on 16 March 2023.

A copy of this amended Local Law was sent to the Minister for Local Government on 01 March 2023.

A handwritten signature in black ink, reading 'Elspeth Luppino'. The signature is written in a cursive, flowing style.

Elspeth Luppino  
Chief Executive Officer